

*Laws of Her Majesty's Province of United Canada*, passed in the year 1854. Quebec: Stewart Derbyshire and George Desbarts, 1854.

18 Victoria – Chapter 7

***An Act to amend an Act intituled, An Act to extend the Elective Franchise and better to define the qualifications of Voters in certain Electoral Divisions by providing a system for the registration of Voters. Assented to 18th December, 1854.***

Whereas there is reason to apprehend that in many parts of this Province, the Lists of Voters required by the Act of the now last Session hereinafter cited, may not be completed by the first day of January, one thousand eight hundred and fifty-five, so that if the said Act were brought fully into force on that day, great injustice might be done in many cases: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, as follows:

I. That those provisions of the Act passed in the sixteenth year of Her Majesty's Reign, and intituled, *An Act to extend the Elective Franchise and better to define the qualifications of Voters in certain Electoral Divisions by providing a system for the Registration of Voters*, which relate to the use and effect of the Lists of Voters mentioned in the said Act, shall not apply to any Election for which the first polling day shall be before the first day of January, one thousand eight hundred and fifty-six, nor shall any of the provisions of the said Act qualifying or disqualifying Voters, or requiring them to take or exempting them from taking any oath, apply to Voters at any such Election; but the said Act shall nevertheless be and remain in full force and effect as regards the duties imposed by it on Assessors and other Municipal Officers, and the making, revising and correcting of the Lists of Voters, and their use at Elections for which the first polling day shall be on or after the day last aforesaid.

II. And inasmuch as it is expedient forthwith to extend the Elective Franchise to persons qualified in the manner mentioned in the said Act, subject to the provisions hereinafter made: Be it therefore enacted, That in addition to the persons qualified as Voters under the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to repeal certain Acts therein mentioned and to amend, consolidate and reduce into one Act the several statutory provisions now in force for the regulation of Elections of Members to represent the People of this Province in the Legislative Assembly thereof*, hereinafter called "The Elections Act of 1849," the following persons, being of the full age of twenty-one years, and subjects of Her Majesty by birth or naturalization, and not being disqualified as holding any office, or otherwise by law prevented from voting, shall be entitled to vote at Elections of Members to serve in the Legislative Assembly of this Province, for which the first polling day shall be before the said first day of January, one thousand eight hundred and fifty-six, that is to say:

Every male person being at the time of his tendering his vote at such Election, the legal and *bonâ fide* owner or freeholder, or the legal and *bonâ fide* tenant or occupant of real property within any City or Town entitled to send a Member or Members to the Legislative Assembly of this Province, (or in Upper Canada within any City, and the liberties thereof) as bounded for Municipal purposes, of the actual value of seventy-five pounds or upwards, or of the yearly value of seven pounds and ten shillings or upwards, or being at the said time such owner, tenant or occupant of any real property which is within the limits of such City or Town for the purposes of Representation, but not for Municipal purposes, of the actual value of fifty pounds or upwards, or of the yearly value of five pounds or upwards, shall be entitled to vote at any such Election of a Member or Members to represent such City or Town as aforesaid; subject always to the provisions hereinafter made:

Every male person being at the time of his tendering his vote at such Election, the legal and *bonâ fide* owner or freeholder, or the legal and *bonâ fide* tenant or occupant of real property of the actual value of fifty pounds or upwards, or of the yearly value of five pounds or upwards in any Parish, Township, Town, Village or Place, not being within any City or Town entitled to send a Member or Members to the said Legislative Assembly, shall be entitled to vote at any Election of a Member to represent the Electoral Division in which such Parish, Township, Town, Village or Place, is included; subject always to the provisions hereinafter made:

Provided that no person shall be entitled by virtue of this Act to vote as the tenant or occupant of any real property, unless his then lease thereof was originally for a term of not less than one year, or his right of occupation be such as hereinafter required; and that persons voting by virtue of this Act, as tenants or occupants of real property shall vote in the ward or place in which such property shall lie; and no person shall be deemed the occupant of real property within the meaning of this Act, unless he shall occupy the same with the consent of the Crown or of the owner of such property, and with the intent that he shall on the performance of certain conditions, obtain the title to and become the owner of such property.

III. Whenever two or more persons shall, whether as being partners in business, joint tenants or tenants in common or *par indivis*, be the owners of any real property or the tenants or occupants thereof, each of such persons shall be entitled to vote in respect of such property, if the actual or yearly value of his part or share would be sufficient to entitle him under this Act, to vote at an Election of a Member to represent in the Provincial Parliament the Electoral Division in which such property is situate, if such share were held by him separately; except, that if the property be held by a Body Corporate, no one of the Members thereof shall be thereby entitled to vote in respect thereof or of any share therein.

IV. No person shall, either under the provisions of this Act, or those of The Elections Act of 1849, cited in the second Section of this Act, be held qualified to vote at any such Election as aforesaid, as the owner or as the tenant or occupant of any real property on which any instalment of purchase money or any rent or other sum of money which he may have undertaken to pay to the Crown therefor (except seigniorial rents and dues) shall be overdue and unpaid, or as the owner, tenant or occupant of any real property belonging to the Crown and which he shall hold or occupy without authority from the Crown, whatever be the value of such property: and that any person

claiming the right of voting as a proprietor or freeholder under the Elections Act of 1849, shall, if required by any Candidate, or the Agent of any Candidate, or by the Deputy Returning Officer, take the oath or affirmation No. 5 in the Schedule to this Act, in addition to any other oath which he may be legally required to take: and the Deputy Returning Officer is hereby empowered and required to administer the said oath or affirmation.

V. Provided always, that the Deputy Returning Officer at any such Election of a Member or Members of the Legislative Assembly shall not receive the vote of any person claiming the right to vote as being qualified and entitled so to do under this Act, unless such person shall, if required by any Candidate, or the Agent of any Candidate, or by the Deputy Returning Officer, take the Oath or Affirmation No. 1, in the Schedule to this Act, if such Voter claims to be entitled to vote as the owner of property situate within the Municipal limits of any City or Town entitled to send a Member or Members to the Legislative Assembly of this Province, the Oath or Affirmation No. 2 if he claims to be entitled to vote as the tenant or occupant of property situate as last aforesaid, the Oath or Affirmation No. 3, if he claims to be entitled to vote as the owner of property situate elsewhere than within the Municipal limits of any such City or Town, and the Oath or Affirmation No. 4 if he claims to be entitled to vote as the tenant or occupant of property situate as last aforesaid; any of which Oaths or Affirmations the Deputy Returning Officer is hereby empowered and required to administer; but no Voter taking any one of the said oaths or affirmations shall be required to take any of the oaths in the Schedule to the Elections Act of 1849, or any other oath or affirmation whatever, in order to have his vote received by the Deputy Returning Officer.

VI. So much of The Elections Act of 1849, as would disqualify as a Voter any person qualified by this Act, or would require that the property in respect of which he claims the right of voting should be of the required actual or yearly value over and above all rents and charges payable out of or affecting the same, or should have been held by such Voter during a certain time previous to the Election, or that he be resident in any place at the time of the Election, or should have resided in any place during a certain time previous to the Election, or that any rent should have been paid by such voter, or as would require any other oath than such as is hereby prescribed to be taken by such Voter, or as may be in any way inconsistent with this Act, shall be and is hereby repealed in so far as regards persons claiming to vote at any Election for which the first polling day shall be after the first day of January one thousand eight hundred and fifty-five, and before the first day of January, one thousand eight hundred and fifty-six, as being qualified to vote thereat by virtue of this Act, but shall remain in force as regards persons claiming to vote at such Election as being qualified to vote thereat under the said Elections Act of 1849, all the provisions whereof obliging the Voter (if required) to describe the property in respect of which he claims the right of voting, the legal consequences and penalties of and for granting fraudulent or collusive titles to persons for the purpose of qualifying or enabling them to vote, or of and for voting without being legally qualified, or of and for voting more than once at the same Election, or of and for bribery or corruption, or of and for disobeying or not complying with any of the requirements of the said Act, and generally all the provisions of the said Act not inconsistent with this Act, shall apply to persons voting or claiming the right of voting under this Act, and to the property in respect of which they claim the right of voting, as fully as to those voting or claiming the right of voting under The Elections Act of 1849, and the property in respect of which they claim the right of voting, and in so

far as may not be inconsistent with the provisions of this Act, its provisions shall be construed and have effect as if they formed part of the said Act, and the form of the Poll Book or any other form prescribed by the said Act or any requirement thereof, shall be varied (if requisite) so as to be consistent with this Act.

VII. All persons claiming to vote at any Election to be held at any time whatever for any City or Town in Lower Canada divided into Wards, upon property which is not within such City or Town as bounded for Municipal purposes, but is within the same as bounded for purposes of representation, shall respectively vote in that Ward, and that Ward only, which shall be assigned by the Returning Officer for that purpose by a Proclamation to be issued by him before the first polling day, and assigning the Ward or Wards in which property situated as aforesaid shall be deemed to be included for the purposes of such Election.

VIII. In construing this Act and the Act hereby amended, in so far as they relate to Lower Canada, the word "Municipality" whenever it is intended to apply to any other Municipalities than those of Counties and Unions or Sub-divisions of Counties for Municipal purposes, shall be construed as applying to and including any Parish, Township or other Municipality which may hereafter be established in Lower Canada; and until such Municipalities shall be established, the said word shall apply to and include any Parish, Township or other place, now returning a Councillor or Councillors to the Municipal Council of the County, as well as to Municipalities of Towns or Villages incorporated at the time of the passing of the Act hereby amended; And whenever there shall be in Lower Canada such Municipalities of Parishes or Townships, the duties assigned by this Act and the Act hereby amended, to the Clerk of a Municipality, shall be performed by the Clerk, Secretary, Treasurer or other officer performing like duties by whatever name he may be known; and until such Parish or Township Municipalities shall be established in Lower Canada, the said duties shall be performed by the senior or first elected of the Councillors representing any such Parish, Township or place as aforesaid in the County Council.

IX. Nothing in this Act contained shall be held to affect or apply to any Election or Elections which may be had or held before the first day of January, one thousand eight, hundred and fifty-five.

X. This Act shall be known as *The Elective Franchise Temporary Extension Act*, and the said Act passed in the twelfth year of Her Majesty's Reign and cited in the second Section of this Act, should be known as The Elections Act of 1849, and that either Act may be validly referred to by the name hereby assigned to it in all Acts and legal proceedings and all other documents and writings whatsoever.

#### Schedules.

##### No. 1.

*Oath or Affirmation of a person claiming the right of voting as the owner of real property lying within some City or Town entitled to send a Member or Members to the Legislative Assembly, as bounded for Municipal purposes.*

You swear (or, if he be one of the persons permitted by Law to affirm in civil cases, you solemnly affirm) that you are actually and *bonâ fide* possessed to your own use and benefit of the Estate which you have just described as giving you a right to vote at this Election, as your own property (or freehold), — that the said Estate has not been colorably or collusiveiy conveyed to you for the purpose of enabling you to vote, and that it is of the actual value of seventy-five pounds currency or more, (or of the yearly value of seven pounds ten shillings currency or more, as the case may be), — and that no instalment of purchase money, rent or sum of money which you have undertaken to pay to the Crown therefor (except Seigniorial dues) is now overdue and unpaid, — that you are a Subject of Her Majesty by birth, (or naturalization, as the case may be), — that you believe yourself to be of the full age of twenty-one years, — that you have not already voted at this Election, and that you have not received any thing nor has any thing been promised you, either directly or indirectly, to induce you to give your vote at this Election. So help you God.

No. 2.

*Oath or affirmation of a person claiming the right of voting as the tenant or occupant of real property lying within some City or Town entitled to send a Member or Members to the Legislative Assembly, as bounded for Municipal purposes.*

You swear (or, if he be one of the persons permitted by Lose to affirm in civil cases, you solemnly affirm) that you are actually and *bonâ fide* in possession for your own use and benefit as tenant {or occupant,) of the Estate which you have just described, as giving you a right to vote at this Election, — (if he vote as a tenant, say: that your present lease of the said Estate was made for a term not less than one year,) and that the said property has not been colorably or collusively leased or let to you or allowed to be occupied by you for the purpose of enabling you to vote, and that it is of the actual value of seventy-five pounds currency, or more (or of the yearly value of seven pounds ten shillings, or more, as the case may be), — and that no instalment of purchase money, rent or sum of money which you have undertaken to pay to the Crown therefor (except seigniorial dues) is now overdue and unpaid, — that you are a Subject of Her Majesty by birth, (or naturalization, as the case may be), — that you believe yourself to be of the full age of twenty-one years, — that you have not already voted at this Election, and that you have not received any thing nor has any thing been promised you, either directly or indirectly, to induce you to give your vote at this Election. So help you God.

No. 3.

*Oath or affirmation of a person claiming the right of voting as the owner of real property lying elsewhere than within some City or Town entitled to send a Member or Members to the Legislative Assembly, as bounded for Municipal purposes.*

You swear (or, if he be one of the persons permitted by Law to affirm in civil cases, you solemnly affirm) that you are actually and *bonâ fide* possessed to your own use and benefit of the Estate which you have just described, as giving you a right to vote at this Election, as your own property

(or freehold), — that the said Estate has not been colorably or collusively conveyed to you for the purpose of enabling you to vote, and that it is of the actual value of fifty pounds currency or more, (or of the yearly value of five pounds currency or more, as the case may be), and that no instalment of purchase money, rent or sum of money which you have undertaken to pay to the Crown therefor (except Seigniorial dues) is now overdue and unpaid, — that you are a Subject of Her Majesty by birth, (or naturalization, as the case may be), — that you believe yourself to be of the full age of twenty-one years, — that you have not already voted at this Election, and that you have not received any thing nor has any thing been promised you, either directly or indirectly, to induce you to give your vote at this Election. So help you God.

No. 4.

*Oath or Affirmation of a person claiming the right of voting as the tenant or occupant of real property lying elsewhere than within some City or Town entitled to send a Member or Members to the Legislative Assembly, as bounded for Municipal purposes.*

You swear (or, if he be one of the persons permitted by Law to affirm in civil cases, you solemnly affirm) that you are actually and *bonâ fide* in possession for your own use and benefit as tenant (or occupant) of the Estate which you have just described, as giving you a right to vote at this Election, — (if he vote as a tenant, say: that your present lease of the said Estate was made for a term not less than one year,) and that the said property has not been colorably or collusively leased or let to you or allowed to be occupied by you for the purpose of enabling you to vote, and that it is of the actual value of fifty pounds currency, or more, (or of the yearly value of five pounds currency, or more, as the case may be), — that no instalment of purchase money, rent or sum of money which you have undertaken to pay to the Crown therefor (except seigniorial dues) is now overdue and unpaid, — that you are a Subject of Her Majesty by birth, (or naturalization, as the case may be), — that you believe yourself to be of the full age of twenty-one years, — that you have not already voted at this Election, and that you have not received any thing nor has any thing been promised you, either directly or indirectly, to induce you to give your vote at this Election. So help you God.

No. 5.

*Oath or affirmation of a person claiming the right of voting as being qualified as a proprietor or freeholder under the Elections Act of 1849.*

You swear (or, if he be one of the persons permitted by law to affirm in civil cases, you solemnly affirm) that no instalment of purchase money, or any rent or other sum of money which you have undertaken to pay to the Crown for the property in respect of which you claim to be entitled to vote at this Election (adding in Lower Canada the words “except seigniorial rents”) is now overdue and unpaid. So help you God.