



CHAPTER 20

An Act to amend the Quebec Election Act

[Assented to, the 4th of April, 1931]

HIS MAJESTY, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

1. The Quebec Election Act (Revised Statutes, 1925, R. S., c. 4, chapter 4) is amended by replacing subdivision C of subdivision 2 of Division II, comprising sections 31 to 56, by the following subdivision and sections: replaced.

“C.—Special provisions for the City of Montreal

“31. The electoral lists for the city of Montreal shall be prepared in accordance with the provisions of subdivision A above, *mutatis mutandis*, subject to the following special provisions. Preparation of list for Montreal.

“32. The Lieutenant-Governor in Council may:

1. Order the establishing of a permanent office called “City Electoral Lists Office”; “City Electoral Lists Office”;

2. Appoint a special officer who shall have charge of such office and of the preparing of the electoral lists; Appointment of special officer;

3. Appoint such persons as he may deem necessary to assist such special officer; Id., of other persons;

4. Provide for the remuneration of the special officer and of the persons whom he has so appointed and of those appointed under section 42. Such remuneration shall be paid out of the consolidated revenue fund. Remuneration.

Oaths to be taken. **“33.** 1. Before entering upon their duties, the special officer and his assistants shall take the following oaths of allegiance and of office and secrecy:

“OATH OF ALLEGIANCE

Oath of allegiance. “I, A. B., do swear that I will be faithful and bear true allegiance to His Majesty (*name of the reigning Sovereign*), his heirs and successors, according to law. So help me God.”

“OATH OF OFFICE AND SECRECY

Oath of office and secrecy. “I swear that I am of the age of majority, a British subject, domiciled at and that I will fulfill the duties of my office of faithfully and without partiality, fear, favour or affection, and in all respects in accordance with the law, and that I will not reveal nor make known, without being thereunto duly authorized, any matter whatsoever of which I may have cognizance in the performance of such duties. So help me God.”

Administration and certificate of oath. 2. Such oaths shall be administered and the certificate of their having been taken shall be given by any judge, magistrate or commissioner authorized to that effect, having jurisdiction in the judicial district of Montreal.

Keeping of certificate. 3. The certificate of the taking of such oaths shall be kept in the office of the Clerk of the Peace of the district of Montreal.

Premises for permanent office. **“34.** The Attorney-General shall place the necessary premises for the establishment of the permanent office, mentioned in paragraph 1 of section 32, at the disposal of the special officer and his assistants.

Payment of expenses. The expense incurred for establishing and maintaining the permanent office above mentioned shall be paid by the Provincial Treasurer, out of the consolidated revenue fund, on the certificate of the Attorney-General.

Office hours. **“35.** The permanent office shall be kept open during the hours fixed by the Lieutenant-Governor in Council.

Administering of oaths. **“36.** The special officer and his assistants may administer the oaths required in connection with the making and revising of the electoral lists for the city.

If any person objects to taking the oath required, for the reasons mentioned in section 15 of the Canada Evidence Act, such person shall testify to the truth of the declaration in the manner provided in the said section 15 of the said act.

“37. During the first fifteen days of May in each even-numbered year, the special officer shall publish, in two French newspapers and in two English newspapers of Montreal, a notice calling upon those who possess the qualifications required to be electors in the city to come to his permanent office to ascertain whether their names are or will be entered on the list of their electoral domicile, and, if need be, personally file an application to be entered.

“38. Every person possessing the required qualifications to be an elector in the city may, at any time during the prescribed hours, appear in the permanent office of the special officer in order to ascertain whether his name is or will be entered on the electoral list where he is domiciled, and, if need be, present an application to be entered.

“39. In the month of November of each even-numbered year, the special officer shall, after having been authorized by the Lieutenant-Governor in Council, and after having given public notice in the manner hereinafter set forth, open temporary offices at different places in the city for the registration of persons qualified to be electors in the said city.

Such notice shall:

1. Be published in two French newspapers and two English newspapers of Montreal, three times at least during the ten days previous to the opening of the offices;
2. Indicate the place where each office will be established, and the days and hours when it will be open;
3. Call upon every person possessing the qualifications required to be an elector in the city to come, and, if need be, file an application for entry, at the temporary office nearest to his domicile.

“40. Such temporary offices shall be opened at central points and as far as possible in the immoveables (fire stations, police stations, etc.) and other public buildings of the city. The city of Montreal may place at the disposal of the special officer and his assistants a part or parts of its buildings referred to in this section.

Supplying
of every-
thing ne-
cessary.

The city may also supply the special officer and his assistants with everything necessary for their work in such temporary offices. In the event of its refusing or neglecting so to do the Attorney-General shall provide therefor. In the latter case the expenses incurred shall be paid by the Provincial Treasurer out of the consolidated revenue fund, on the certificate of the Attorney-General.

Office hours.

“**41.** Each temporary office shall remain open for three consecutive juridical days, from nine o’clock in the forenoon to ten o’clock in the evening.

Persons in
charge of
registration.

“**42.** The persons in charge of the registration of electors at the temporary offices shall be chosen, as far as possible, from the persons mentioned in paragraph 3 of section 32.

Other
persons.

The special officer, after having been authorized therefor by the Lieutenant-Governor in Council, may appoint, if need be, other persons, but they shall, before entering upon their duties, subscribe and take the oaths required by subsection 1 of section 33, before the special officer.

Oaths re-
quired.

Record of
oaths.

Such oaths shall be kept in the office of the Clerk of the Peace of the district of Montreal.

Application
for entry.

“**43.** Persons qualified to be electors in the city may file an application to be entered, at one of the said temporary offices, at any time during the hours it is open.

How made.

“**44.** Every application for entry made under section 38 or 43 shall be drawn up in writing and show the nature of the qualification of the person making the same, and be attested under oath and fyled by the applicant in person. It shall, moreover, as the occasion requires, mention the previous electoral domicile of the person making application.

Receipt.

A receipt shall be given for each application for entry fyled.

Persons ad-
mitted dur-
ing prepara-
tion of lists.

“**44a.** During the preparation of the lists, the special officer, his assistants, the persons referred to in sections 38 and 43, and all other persons who obtain authorization from the special officer or his assistants, shall be the only ones admitted to the permanent office and to the temporary offices.

“45. Until after the first revision of the lists, the special officer shall keep all applications for entry fyled, and shall enter, in alphabetical order, in special registers, the names which are the subject of such applications. Applications fyled and recorded.

“46. The special officer shall, in the same way, enter in special registers the name of every elector, who, to his knowledge or according to proof obtained by him, has died, left the city or in any other way lost the qualifications required to be entered on the electoral lists for the city or on the list of his former electoral domicile in the city. Special record of loss of qualifications.

“46a. Until the date fixed by section 52, all writings, documents or registers connected with or used in the preparation of the lists for the city and the lists themselves may be consulted and examined only by the special officer and his assistants; and no copy or extract therefrom shall be delivered or furnished to anyone before that date. When documents, etc., open only to officers.

From and after the above-mentioned date, such writings, documents or registers shall become public and any person interested may consult them during the office hours determined in accordance with section 35. Such person interested may obtain copy of the lists on paying fees of one cent per elector entered, and such sum shall be remitted to the acquirer of any lists who shall thereafter be proclaimed candidate. When documents, etc., public.

“47. In the month of December of each even-numbered year, the special officer shall draw up an electoral list for each polling-subdivision in the city. When list drawn up.

If a polling-subdivision be situated partly in one electoral district and partly in another, the special officer shall draw up an electoral list for each of such parts. Separate lists in certain cases.

Such list shall be made alphabetically, in duplicate, and according to the form 1A. How made.

“48. The special officer shall, if there be occasion so to do, alter the limits of the polling-subdivisions, complying, however, with the provisions of this act. Limits of polling-subdivisions.

“49. In drawing up an electoral list, the special officer shall enter therein the names of every person who, by the valuation and collection rolls in force in the city or by the How list drawn up.

applications for entry filed in accordance with the provisions of this subdivision C, appears under any title to be an elector.

Omission of names.

He shall omit from the list for a polling-subdivision the name of every person who, under the terms of this act, does not possess the qualifications to be an elector in such polling-subdivision, as well as the name of every person entered in the registers mentioned in section 46.

Inquiry to ascertain electoral qualification.

“**49a.** The special officer, and any person authorized by him for the purpose, shall be entitled to hold an inquiry to ascertain the electoral qualification of any person already entered on the lists and of anyone applying to be entered thereon.

Powers of person making inquiry

For the purpose of such inquiry, the special officer and the person so authorized shall have, *mutatis mutandis*, all the powers conferred upon an inquiry commission by the Public Inquiry Commission Act (Chap. 8) and shall be bound by the provisions of the said act insofar as they are applicable.

Deciding of elector's domicile.

He shall decide, according to the best evidence obtainable, whether a place, for the purposes of this act, is the elector's domicile or not.

Access to valuation and collection rolls.

The municipal authorities of the city of Montreal and particularly the chairman of the municipal board of assessors shall, under penalty of a violation of this act, be bound to permit and to facilitate access by the special officer or his assistants, at any time, to the valuation and collection rolls in force in the city.

Certificate.

“**50.** The correctness of each list shall be certified by the special officer.

Errors, etc.

Moreover, if in preparing the lists for the city, errors or mistakes in writing, or inaccuracies or erasures have been made, the special officer shall mark the initials of his full name after each erasure or correction made by him.

Deposit and consultation of lists.

“**52.** From and after the 1st of February in each odd-numbered year, the special officer must place at the disposal of the public, in the permanent office, a duplicate of the lists drawn up in the previous months of December and January, and those interested may consult such duplicate of the lists during office hours.

Notice of same.

“**53.** In the first five days of February in each odd-numbered year, the special officer shall publish a notice, in two French and two English newspapers of Montreal, to the effect that the electoral lists for use in the city at the

elections of members for the Legislative Assembly have been prepared, and that a duplicate thereof has been deposited in the permanent office, where those interested may consult same during office hours.

“55. Upon the death of the special officer or in the event of his refusal, neglect or inability to act, his place shall be taken by the person appointed by the Lieutenant-Governor in Council for such purpose. Appointment of substitute.

So long as the vacancy or hindrance lasts, the substitute for the special officer, after having taken oath in accordance with section 33, shall, for the purposes of this act, have the same powers and duties as the special officer, for the completion of the operations of the latter. Powers and duties of same.

“56. If no electoral lists have been prepared at the times mentioned in the foregoing provisions, or if, due to any cause, the lists are lost, destroyed or are non-existent, they shall be prepared in the following year, as if such year had been designated by an even number.” Preparation of lists in certain cases.

2. Section 92 of the said act is amended by adding thereto, after the word: “secretary-treasurer,” in the fifth line thereof, the words: “or to the special officer appointed under section 32, if the lists for the city of Montreal be concerned,”. R. S., c. 4, s. 92, am.

3. Section 94 of the said act is amended: Id., s. 94, am.
a. By adding thereto, after the word: “municipality”, in the second line of the first paragraph thereof, the words: “or in the permanent office provided for by section 34 if the lists for the city of Montreal be concerned”;

b. By adding thereto, after the word: “mayor”, in the second line of the second paragraph thereof, the words: “, or the secretary of the board of revisors if the lists for the city of Montreal be concerned,”.

4. Section 101 of the said act is replaced by the following: Id., s. 101, replaced.
“101. In the event of the death or resignation of one of the revisors, he shall be replaced within thirty days thereafter by the authority which had appointed him. Such new appointment shall be made upon the same conditions, and if the city council does not appoint within such time the revisor whom it should appoint, the Lieutenant-Governor in Council shall appoint him in its place and stead.” Replacing of revisors.

R. S., c. 4,
s. 111, am.

5. Section 111 of the said act is amended by adding thereto, after the second paragraph thereof, the following paragraph:

Secretary of
board.

“The secretary of the board of revisors of the city of Montreal shall, however, be appointed by the Lieutenant-Governor in Council, and the permanent office provided for in section 34 shall be the office of such board of revisors.”

R. S., c. 4,
s. 112, re-
placed.

6. Section 112 of the said act is replaced by the following:

Place for
holding sit-
tings, etc.,

“**112.** 1. The municipal council of the city may place at the disposal of the board of revisors proper premises for holding the sittings of such board, and may supply it with everything needed for its labours.

In case of
failure by
municipal
authorities
to provide
same.

2. In the event of the refusal or neglect of the municipal authorities to comply with the provisions of subsection 1 of this section, the Attorney-General shall place at the disposal of the board of revisors the required premises and supply it with everything needed for its labours; and, in such case, the expense incurred for that purpose shall be paid by the Provincial Treasurer, out of the consolidated revenue fund, on the certificate of the Attorney-General.

Sittings of
board of
revisors.

3. However, in the case of the board of revisors of the city of Montreal, the sittings of the said board shall be held in the above-mentioned permanent office or in any other place which the Lieutenant-Governor in Council may determine. The Attorney-General shall supply such board with everything needed for its labours and the expense incurred for the purposes of this subsection 3 of this section shall be paid by the Provincial Treasurer, out of the consolidated revenue fund, on the certificate of the Attorney-General.”

R. S., c. 4,
s. 116, re-
placed.

7. Section 116 of the said act is replaced by the following:

Applications
for entering
or striking
names.

“**116.** Any person who finds that his name is not on the electoral list although he has the qualifications of an elector or has been entered on any electoral list when he has not the qualifications of an elector may, either by himself or through his agent, file with respect thereof, in the office of the board, an application, in writing and under oath, to have his name entered or struck off, as the case may be.

Any person who finds that the name of any person is not entered on a list although such person has the qualifications of an elector or has been entered on any list when such person has not the qualifications of an elector may file, in respect thereof, in the office of the board, a like application, in writing and under oath, whereby he declares that, to his personal knowledge, the name, for the entering or striking off of which application is made, is that of a person who has or has not, as the case may be, the right to vote.”

Application
for another
person.

8. Section 117 of the said act is amended:

R. S., c. 4,
s. 117, am.

a. By striking out the words: “with section 53 in the case of the city of Montreal”, in the seventh line thereof;

b. By adding thereto, after the word: “Quebec”, in the eighth line thereof, the words: ”, or within twenty-one days after the publication of the notice given in conformity with section 53 in the case of the city of Montreal”.

9. Section 125 of the said act, as amended by the act 17 George V, chapter 14, section 6, is again amended replacing the third paragraph thereof by the following paragraph:

Id., s. 125,
am.

“In case of appeal, the list or the portion thereof in respect of which the appeal is taken shall remain in force until the final decision of the judge, or until that of the Court of King’s Bench if the lists or portion of the lists for the city of Montreal be concerned, and such appeal shall be heard by privilege.”

Effect of
appeal.

Privileged
hearing.

10. The said act is amended by adding thereto, after section 128 thereof, the following section:

R. S., c. 4,
s. 128a,
added.

“**128a.** Subject to section 92, the board of revisors of the city of Montreal shall alone be competent to decide all questions concerning the striking out or entering of the name of a person on the lists of the city of Montreal, and the decision of such board on such questions shall be final and without appeal.”

Decision of
board to be
final.

11. The said act is amended by adding thereto, after section 138 thereof, the following section:

R. S., c. 4,
s. 138a,
added.

“**138a.** The appeal provided for by the preceding sections, where same concerns the electoral lists for the city of Montreal, may be based only upon the failure to observe the formalities prescribed by law in the preparation of such lists and shall lie only when the alleged informalities have caused prejudice.”

Formalities
of appeal,
for lists of
Montreal.

R. S., c. 4,
§4a, added.

12. The said act is amended by adding thereto, after section 138a thereof, as enacted by section 11 of this act, the following subdivision and sections:

“§4a.—*Special provisions respecting the appeal and other recourses respecting the lists for the city of Montreal*

Appeal to
Court of
King’s
Bench.

“**138b.** An appeal shall lie to the Court of King’s Bench (Appeal Side), from any final decision of a judge or magistrate given under sections 129 to 138a, if such decision wholly or partly concerns the lists for the city of Montreal.

Delay for
appeal.

“**138c.** Any party to the case in the first court may bring such appeal within fifteen days of the decision rendered by the judge or magistrate, by means of a petition served upon the special officer and the interested parties.

Provisions
applicable.

“**138d.** The provisions of the above sections 132, 133, 134, 135 and 138a shall apply, *mutatis mutandis*, to such appeal.

Correction
of duplicate
of lists.

“**138e.** As soon as a certified copy of the judgment has been served upon them, the special officer and the registrar shall, accordingly, correct the duplicates of the electoral lists for the city of Montreal deposited with them respectively.

No *certi-*
orari, etc.

“**138f.** No proceedings by *certiorari*, prohibition, injunction or *mandamus* shall be taken against the special officer, his assistants, the board of revisors and its employees, or against any other person, with respect to the preparing, the revising and the putting into force of the lists for the city of Montreal, but the special officer or the substitute for the special officer who refuses to furnish a list, as provided by section 46a, may be compelled so to do by *mandamus*.”

Proceeding
by *manda-*
mus.

R. S., c. 4,
s. 252, am.

13. Section 252 of the said act is amended by replacing the words: “*or clerk*”, at the end of the form of certificate, by the words: “, clerk *or* special officer”.

Id., Form
1A, added.

14. The said act is amended by adding thereto, after Form 1, which immediately follows section 413 thereof, the following form:

PROVINCE OF QUEBEC,
Electoral district of
City of Montreal

1A—(Section 47)
Electoral List for the Legislative Assembly
Polling-subdivision No. *

1930-31

No.	NAME	Occupation	Residence and address	Nature of Qualification	Name and surname of father or mother, if the person is entered as proprietor's son, &c.	Remarks
1	Aubin, Jean-Baptiste...	Farmer.....	St. James.....	Owner.....		
2	Aubin, Jean Baptiste, jr.	Farmer.....	St. James.....	Owner's son...	Jean-Baptiste Aubin..	Adopted son.
3	Barrette, Joseph.....	Farmer.....	St. James.....	Idem.....	Jean-Baptiste Aubin..	
4	Bédard, Joseph.....	Butcher.....	St. James.....	Tenant.....		
5	Bédard, Joseph, jr.....	Apprentice....	St. Liguori....	Tenant's son...	Joseph Bédard.....	
6	Brousseau, Louis.....	Annuitant....	St. James.....	Annuitant.....		
7	Jacques, Stanislas.....	Wheelwright..	St. James.....	Revenue.....		\$35 per month.
8	Lorimier, Charles.....	Farmer.....	St. James.....	Widow's son...	Widow of C. Lorimier.	
9	Lorimier, David.....	Farmer.....	St. James.....	Widow's son...	Idem.....	Grandson.
10	Lorimier, Jean-Baptiste	Priest.....	St. James.....	Curé.....		
11	Marchand, Gabriel.....	School-teacher	St. James.....	School-teacher		Village school.
12	Sylvestre, Louis.....	Farmer.....	St. James.....	Occupant.....		
13	Sylvestre, Pierre.....	Student.....	Quebec, 15 St. Louis St.	Occupant's son	Louis Sylvestre.....	
14	Tourville, Jean.....	Fisherman....	St. James.....	Fisherman.....		Fishing tackle \$50.00
15	Tourville, Paul.....	Navigator.....	St. James.....	Navigator.....		Owner of registered ship.
16	Viger, Arthur.....	Professor.....	St. James.....	Member of teaching cong.		

Election Act

Made in duplicate this _____ day of the month of _____, nineteen hundred and _____
I, the undersigned, swear that, to the best of my knowledge and belief, the foregoing electoral list is correct, and that nothing has been entered therein or omitted therefrom, unduly or by fraud. So help me God.
Sworn before me at _____, this _____ day _____ 19 _____ }
(Justice of the peace, (or as the case may be,)) (Signature) (Signature)
Special Officer

* In the case of a list of a polling-subdivision, the number and description of the subdivision must be given.

Chap. 20

11

R. S., c. 4,
Form 2, am.

15. Form 2 of Schedule One to the said act is amended by replacing the words: "being the thirtieth day after the (*date of the publication of the notice required by section 24*)", in the third, fourth and fifth lines of paragraph 4 thereof, by the words: "which is the thirty-first day after the (*date of expiration of the time prescribed for making the said list, or date of the publication of the notice given in accordance with section 24*)".

Provisions
applicable
to lists in
preparation

16. The provisions of section 47 of the said Quebec Election Act, as enacted by section 1 of this act, and sections 7, 9, 12, 13 and 14 of this act shall apply to the electoral lists of the city of Montreal in course of preparation since the year 1930.

Appeals
from deci-
sions of
board of re-
visors.

With respect to appeal from decisions of the board of revisors regarding the electoral lists of the city of Montreal whose preparation was begun in 1930, the appeal to a judge provided for in sections 129 and 138*a* of the Quebec Election Act shall extend to the merits of the entries or striking off as well as to the formalities of such entering or striking off, as if section 11 of this act had not been enacted; and the Court of King's Bench, Appeal Side, shall, on appeal from the decision of the judge, have the necessary jurisdiction to take cognizance of such appeal on the merits as well as with respect to the observance of the prescribed formalities.

Upon whom
service
made.

The service required by section 138*c* of the Quebec Election Act shall be made upon the Clerk of the city of Montreal acting as clerk of the board of revisors as well as upon the interested parties; such officer shall fulfil the duties imposed by section 138*e* of the said act upon the special officer and the registrar, respecting the correcting of the duplicates of the lists for the city of Montreal deposited with him.

Duties of
Clerk.

Coming into
force.

17. This act shall come into force on the day of its sanction.