



CHAPTER 72

An Act to amend the charter of the town of Montreal East

[Assented to, the 24th of March, 1926]

WHEREAS the town of Montreal East has, by its petition, represented:

That the list of municipal electors of the town comprises nine hundred and sixty-two names;

That, of this number, six hundred and sixty-three are owners, chiefly of vacant lands, and do not live within the town limits;

That hundreds of the electors are scattered outside of the Island of Montreal;

That it is very difficult to identify such electors at the time of an election, and their refraining almost constantly from voting may give opportunity for all kinds of frauds;

That a means of remedying such a state of affairs would be to exact from each elector presenting himself at a polling-station, at any election, the delivery of a card which had been previously addressed to him by the returning-officer;

That, through the absence from the town of a very large number of electors, it is naturally impossible to obtain, when there is occasion to, the vote of the majority in number and in value of the electors;

That it has thus become necessary to obtain for the town, when such a vote is required, that the vote of the majority in number and in value of the electors, who have voted, be declared sufficient;

That, by the act 15 George V, chapter 152, a resolution of the town, passed at a regular general meeting of its council on the 9th of January, 1925, was approved, ratified and declared valid, upon the condition that it be approved by the majority in number and in value of the municipal electors;

That, for the reasons above mentioned, it has been impossible to obtain such majority in number and in value;

That out of a vote of eighty-nine electors, representing

two hundred and eighty-nine thousand, one hundred and sixty dollars in value, only one, a tenant, possessed of no immoveable property, voted against the said approval;

Whereas it has prayed for an act for the above purposes; and

Whereas it is expedient to grant its prayer;

Therefore, His Majesty, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

R. S., c. 102, s. 196, am. for town.

1. Section 196 of the Cities and Towns' Act (Revised Statutes, 1925, chapter 102) is amended, for the town, by adding thereto, after paragraph 7 thereof, the following paragraph:

Notice of place of polling.

"8. At least six days before the day fixed for the polling, address and cause to be delivered, upon receipt, by message or registered letter, to the electors whose names appear on the electoral list then in force, a notice informing them of the place where they are to vote. Such notices shall be sent to the address given on the electoral list, or to any other place where, in the opinion of the returning-officer, the elector is more certain to be reached. Electors who do not receive such notices may personally claim them at the returning-officer's office. But any error or omission made by the returning-officer, or his representatives, with respect to the sending of such notices, shall in no way invalidate the election of a candidate, nor give rise to any recourse either against the town, or against the returning-officer or his representatives."

Error or omission of returning-officer.

R. S., c. 102, s. 209, replaced for town. Where poll is held.

2. Section 209 of the said act is replaced, for the town, by the following:

"**209.** The poll in each polling-subdivision shall be held in a room or building convenient of access, with an outside door for the admittance of voters, and having, if possible, another door through which they may leave after having voted.

Grouping of polling-stations. Compartments.

The returning-officer shall, as far as possible, group the polling-stations.

One or two compartments shall be made within the room, so arranged that each voter may be screened from observation, and may, without interference or interruption by any person whomsoever, mark his ballot-paper.

Table or desk.

In each compartment, a table or desk with a hard and smooth surface shall be provided, upon which the voter may mark his ballot-paper; and upon such table or desk a suitable black lead pencil shall be provided and kept properly sharpened throughout the hours of polling."

Pencil.

3. Section 211 of the said act is replaced, for the town, R. S., c. 102, s. 211, replaced for town.

"211. In addition to the deputy returning-officer and the poll-clerk, the only persons who shall be permitted, during the time that the polling-station is open, to remain in the room where the votes are given, shall be: the candidates and their agents (who shall not be more than two for each candidate in each polling-station), or, in the absence of agents, two electors, who make application therefor, to represent each candidate. Persons allowed to remain in room where vote is taken.

Nevertheless, when, through a grouping of polling-stations, it is necessary to have more than one elector admitted at a time, the returning-officer shall take steps so that throughout the hours of polling a municipal constable, or another person sworn in as special constable, shall remain at the door of each such place to facilitate traffic, and that a second municipal constable, or other person sworn in as special constable, shall remain within any such place to call the electors by name and direct them to the polling-station in which they are entitled to vote. Municipal constable, when it is necessary to admit more than one elector at a time.

Any agent bearing a written authorization from the candidate shall always be entitled to represent such candidate in preference to any person who might claim the right of representing such candidate merely as elector." Agent of candidate.

4. Section 221 of the said act is replaced, for the town, R. S., c. 102, s. 221, replaced for town.

"221. Saving the provisions of section 211, not more than one elector for each compartment shall, at any one time, enter the room where the poll is held. Number of electors admitted at one time.

Upon entering the polling-station, each elector shall declare his name and profession or occupation and hand to the deputy returning-officer, who shall keep same in his possession, the notice which, in accordance with section 196, he received from the returning-officer. Duties of elector.

The poll-clerk shall then enter the name and occupation of the elector in the poll-book, a serial number being prefixed to the name of every person claiming the right to vote. The poll-book shall be kept according to the form 22. Registration in poll-book.

If the name of the person, claiming the right to vote, be found on the list for such polling-station, he shall be entitled to vote. The deputy returning-officer shall then hand the elector the ballot or ballots, as the case may be, to which the elector is entitled." Right to vote.

5. Section 224 of the said act is replaced, for the town, R. S., c. 102, s. 224, replaced for town.

"224. No ballot-paper shall be given to any person who Refusal to

take oath, etc. shall have refused to take the oath or affirmation mentioned in section 222 or in section 223, or who, having taken the same, shall not have answered in the manner prescribed in such sections, nor to any elector who has not delivered to the deputy returning-officer the notice which he, in accordance with the provisions of section 196, received from the returning-officer.

Ballot-paper given if the oath taken. A ballot-paper shall be given to every elector who has taken the oath or made the affirmation mentioned in section 222 or in section 223, even when such elector does not deliver to the deputy returning-officer the notice sent to him by the returning-officer."

Validation of certain resolution. **6.** Notwithstanding any provisions to the contrary, the approval given on the 29th and 30th of June, 1925, by the majority in number and value of the municipal electors who voted, to the resolution mentioned in the act 15 George V, chapter 152, is declared sufficient, and the said resolution is ratified for all intents and purposes.

Real value of properties of Imperial Oil Ltd. entered on roll. **7.** Notwithstanding article 3 of the resolution ratified by section 6 of this act, the valuers shall enter in the valuation roll, for purposes of school taxation, the real value of the properties of the Imperial Oil Limited, its successors or assigns, and the special valuation, mentioned in said article 3 of the resolution ratified, shall be entered as an addition and only exist for municipal purposes, and mention thereof shall be made in the roll by indicating it by the words: "for municipal purposes only".

Valuation subject to contestation. Such valuation shall be subject to contestation according to law, and special notice of the depositing of the roll must be given to the school boards concerned."

Coming into force. **8.** This act shall come into force on the day of its sanction.