

Certificate of Government analyst to be *prima facie* proof.

"In any prosecution under this section, the production by the Collector of Provincial Revenue or by an officer of the Crown of a certificate signed by the Government analyst as to the analysis of any liquor, and of an affidavit attesting the signature of such analyst, shall be *prima facie* evidence of the facts stated in such certificate."

R.S. 1309, am.

**7.** Article 1309 of the said statutes is amended by adding thereto, at the end thereof, a new paragraph, as follows:

Remaining collector to continue to act.

"When two or more persons are appointed as joint collectors in any revenue district, if one of them should die or resign or be removed from office, the other or others shall continue to act as collector until a new appointment is made by the Lieutenant-Governor in Council."

Coming into force.

**8.** This act shall come into force on the first of May, 1916.

## C H A P . 1 3

An Act to amend the Quebec Temperance Act with respect to the manner of voting on prohibition by-laws.

[Assented to 16th March, 1916]

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

R.S., 1316, replaced.

**1.** Article 1316 of the Revised Statutes, 1909, is replaced by the following:

"Intoxicating liquors."

"**1316.** The words "intoxicating liquor" or "intoxicating liquors," wherever they occur in this section, have the sense and meaning given thereto by the Quebec License Law."

R.S., 1321, am.

**2.** Article 1321 of the Revised Statutes, 1909, is amended by replacing paragraphs 1, 2, 3, 4, 5, 6, 7, 8 and 9 thereof by the following:

Notice of the holding of such poll; and how, when and where it shall be held.

"**1321.** 1. On the passing of any such order for the submission of a by-law to the electors, with or without a requisition as mentioned in paragraph 2 of article 1319, or the receipt of any such requisition as mentioned in article 1320 for the adoption of a by-law, the clerk or secretary-treasurer shall forthwith cause such by-law or requisition for the adoption of a by-law to be published for four con-

secutive weeks in some newspaper published weekly or oftener within the said municipality, or if there be no such newspaper published in the municipality, then in some newspaper published as near thereto as may be, and also by posting up copies of the same in at least four public places in the municipality,—and if the by-law be for a county, then in at least four public places in each municipality in the county,—with a notice signed by him, signifying that on some day within the week next after such four weeks, at ten o'clock in the morning, and at a suitable place, which he must indicate,—or, if the by-law be for a county, at a suitable place in each municipality in the county, which he must indicate,—a vote by ballot will be held in the municipality, to decide whether the by-law is approved or disapproved, as the case may be, by the electors.

“2. Before the day fixed for the voting, and in sufficient time therefor, it shall be the duty of the clerk or secretary-treasurer of the municipality submitting such by-law to the electors to have printed a sufficient number of ballots to allow the voting by ballot to be carried on on the date indicated. Printing of ballots.

“3. *a.* The ballot of each voter shall be a printed paper called a ballot, similar, *mutatis mutandis*, to that adopted by the Quebec Election Act, with these differences, viz: that this ballot shall bear the words: “For the prohibition by-law,” in the upper space, and: “Against the prohibition by-law,” in the lower space, and that the words: “Election for the Electoral district of”, shall be replaced by the words: “Poll on the prohibition by-law in the municipality of ”. Form of ballots.

*b.* The ballots shall bear the name of the printer who prints them. To bear name of printer.

*c.* The printer shall, upon delivering the ballots to the clerk or secretary-treasurer, file in his hands an affidavit setting forth the description of the ballots so printed by him, the number of ballots supplied to such officer, and the fact that no other ballots have been supplied by him to anyone else. Affidavit by printer.

“4. The clerk or secretary-treasurer must also procure, in time for the voting, a ballot-box for each polling-place in each county municipality, or in the local municipality, as the case may be, and such box for each municipality in the county or for each local municipality, as the case may be, must be of large enough dimensions to contain all the ballots which might be cast in each municipality in the county or in each local municipality, as the case may be. Ballot box.

Polling-place.

"5. The poll shall be held, at the place mentioned in the notice, 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; and 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, mark his ballot; and a table or desk with a hard and smooth surface shall be provided, upon which the voter may mark his ballot; and a suitable black lead pencil shall be provided and kept properly sharpened throughout the hours of polling for the use of the voters in marking their ballots.

More than one polling place in case of county by-law. Presiding-officer.

"6. If the by-law be for a county, such poll shall not be held for the whole county at one place; but shall be held in each of the several municipalities of the county, respectively.

"7. At such poll, the mayor of the municipality in which the same is held, or, in his absence, such other member of the municipal council thereof as may be chosen by the electors present, or if no such member be present then the municipal elector who may be chosen by the electors present shall preside, and shall have all the powers for the preservation of the public peace, which by law are vested in the person presiding at any municipal election in the Province; and the clerk or secretary-treasurer of the municipality shall attend therewith the valuation rolls of the municipality then in force, or certified copies thereof; and the only business to be transacted shall be the holding of a poll, as signified by such notice.

Opening of poll.

"8. At the hour fixed for opening the poll, the presiding-officer shall, in the presence of the electors, open the ballot-box and ascertain that there are no ballots or other papers therein, after which the box shall be locked, and the presiding-officer shall keep the key thereof.

Duties of presiding-officer.

"9. Immediately after the ballot-box is locked, as above provided, the presiding-officer shall, at ten o'clock precisely, call upon the electors to vote.

The presiding-officer shall secure the admittance of every elector into the polling-station, and shall see that there he is not impeded or molested at or about the polling-station.

Agents.

Two electors for each opinion to be expressed regarding the by-law, and agreed upon by the presiding-officer, may be allowed to be present at the voting, as agents.

Every municipal elector to be entitled to vote.

"9a. Every person whose name is entered on the valuation roll in force in the municipality shall be an elector qualified to vote on a by-law submitted under this section, if it appears from said roll that such person is legally quali-

fied as a municipal elector, and if, on demand, he takes the oath prescribed by the law, general or special, as the case may be, governing the municipality with regard to a municipal election.

Failure to pay any municipal or school taxes then due shall not deprive the elector of his vote on a by-law submitted under this section. Even if taxes not paid.

“9b. The votes shall be given by ballot, and each elector who is entitled to vote shall receive from the presiding-officer a ballot on the back of which such officer has previously put his initials, so placed that when the ballot is folded they can be seen without opening it, and on the back of the counterfoil of which he has also placed his initials. Procedure in voting.

“9c. Only the presiding-officer may, and he shall when required so to do, sincerely and openly give to an elector the information necessary to show him how to make his mark, but without the slightest indication of preference or suggestion. Instruction to voter.

“9d. The elector, on receiving the ballot, shall forthwith proceed into one of the compartments of the polling-station and there mark his ballot, making his cross with a black lead pencil within the upper white space if he votes for the by-law, and within the lower white space if he votes against the by-law, and shall then fold up the ballot, so that the initials on the back of it and on the counterfoil can be seen without opening it, and hand it to the presiding-officer, who shall, without unfolding it, ascertain by examining his initials that it is the same which he furnished to the voter, and shall then, in full view of those present, including the elector, remove the counterfoil and destroy it, and place the ballot in the ballot-box, which box shall be placed on a table in full view of those present. How ballots to be marked.

“9e. A voter who has inadvertently marked, defaced or torn the ballot given him in such manner that it cannot be conveniently used, shall—on returning it to the presiding-officer, who shall cancel it by writing thereon the word “null” with his initials,—obtain another ballot in its place. Voter may obtain another ballot in certain case.

“9f. The clerk or secretary-treasurer shall act as clerk of the polling-place, and shall keep a poll-book similar to that required by the Quebec Election Act, *mutatis mutandis*. Clerk of polling-place.

“9g. The clerk or secretary-treasurer shall enter in the poll-book to be kept by him as aforesaid, opposite the name of each elector voting, the word “Voted” as soon as his ballot has been deposited in the ballot-box, and he shall enter in the same book the word “Sworn” or “Affirmed”, opposite the name of each elector to whom the oath of Entries in poll-book.

affirmation has been administered, and the words "*Refused to be sworn*" or "*Refused to affirm*" or "*Refused to answer*," opposite the name of each elector who has refused to take any oath or to affirm, when he has been lawfully required so to do, or has refused to answer any question which he has been lawfully required to answer.

**Poll closed if no vote offered for half an hour.** "9h. If, at any time after the opening of the poll, one half-hour elapses without a vote being offered, the poll may be closed.

**Hours of voting.** "9i. Unless closed earlier, for the cause mentioned in paragraph 9h, the poll shall be kept open till the hour of five in the afternoon of the day of the opening thereof, and no longer, if the names of the qualified municipal electors on the valuation roll of the municipality be not more than four hundred, and until the like hour of the next day (holidays excluded,) if such names be more than four hundred and not more than eight hundred; and so on, allowing one additional day for each additional four hundred names.

**Adjournments.** "9j. Until closed under one or other of paragraphs 9h or 9i, the poll shall be adjourned daily at five o'clock in the afternoon, to ten o'clock on the forenoon of the next day, not being a holiday.

**Final closing.** "9k. At the final closing of the polling-place, an entry thereof shall be made in the poll-book.

**Proceedings at close of poll.** Immediately thereafter, the presiding-officer shall first place all the spoiled ballots in an envelope and seal it up, and shall then count the number of voters whose names appear on the poll-book as having voted, and shall make an entry thereof on the line immediately below the name of the voter who voted last, thus: "*The number of voters who voted on the prohibition by-law is. . . . . (stating the number)*" and he shall sign his name thereto; then, in the presence and in full view of the clerk and of at least three electors, he shall open the ballot-box and proceed to count the number of votes cast for and against the by-law, giving full opportunity to those present to examine each ballot.

**Counting of votes.** In counting the votes, he shall reject all ballots which have not been supplied by the presiding-officer,—all those by which more than one vote has been given,—all those upon which there is any writing or mark by which the voter could be identified, other than the numbering by the presiding-officer, all those left in blank or null owing to uncertainty, and all other ballots which may have been presented to him and which do not have his initials thereon.

**Duty of** "9l. When, at the counting of the ballots, it has been

established that the number of ballots deposited in the box corresponds with that entered in the poll-book (taking into account the ballots rejected which were not deposited), and when it appears that the ballots are not other than those supplied by the presiding-officer, the said presiding-officer, if he notices in counting, for the purpose of assigning them for or against the by-law, that by oversight or forgetfulness he has omitted initialling some or all of the ballots on the back, may then do so in presence of the persons in the polling-station, and at the same time indicate it by a note at the end of his initials as a correction made; and he shall make an entry thereof in the poll-book.

presiding-officer when ballots are found not initialled.

Before so affixing his initials on the said ballots, the presiding-officer must write, sign and attest under oath, before the poll-clerk, the following declaration:

"I swear that, through forgetfulness or oversight, I did not affix my initials on (*state the number*) ballots, which I acknowledge as having been supplied by me during the polling, and which I have found in the ballot-box. So help me God.

Sworn before me, at  
this day of 19 ."

This declaration must be deposited with the other documents in the ballot-box.

Such ballots shall be counted as if all formalities had been duly accomplished in respect thereto.

"9m. The other ballots having been counted, and a list kept of the number of votes cast for or against the by-law, and of the number of rejected ballots, all the ballots indicating the votes cast for or against the by-law respectively, shall be put into separate envelopes or parcels, and those rejected, those spoiled, and those unused shall be put respectively into separate envelopes or parcels, and all such envelopes or parcels shall be endorsed so as to indicate their contents, and shall be sealed by the presiding-officer and the clerk or secretary-treasurer.

Duty of presiding-officer after counting of votes.

"9n. The poll-book, the envelopes containing the ballots and all the other documents which have been used for the poll, shall then be placed in a large envelope, which shall be sealed and placed in the ballot-box.

Documents to be enclosed in ballot-box.

The presiding-officer, after counting the votes, shall prepare a certificate, in duplicate, of the result of the poll. One of such duplicates shall be kept by the presiding-officer, and the other shall remain annexed to the poll-book.

Certificate of presiding-officer.

The ballot-box shall then be locked and sealed, and deposited in the office of the municipality which has submitted the by-law to the electors.

Deposit of ballot-box after locking and sealing same.

In case of county by-law, the warden to open boxes and count votes from the certificates.

"90. If the by-law is for a county, the warden of the county, as soon as the officer presiding at the poll in each municipality has handed in the ballot-box to the office of the county municipality, shall open them in the presence of the clerk or secretary-treasurer of the municipality, and of at least two electors, and shall count the number of votes cast for or against the by-law, according to the certificates in each box sent in by the officers presiding at the poll."

R.S., 1328, replaced.

**3.** Article 1328 of the Revised Statutes, 1909, is replaced by the following:

Duties of municipal officers.

"**1328.** 1. All the duties imposed upon municipal officers by this section, shall be discharged by such officers with the same powers, and under the same penalties and obligations as if they had been imposed by the provisions of the Municipal Code or of any other act, general or special, as the case may be, by which the municipality is governed.

Provisions of Mun. Code or other acts for keeping peace at elections, etc., to apply.

2. All the provisions of the said code or of the general or special act by which the municipality is governed, as the case may be, for keeping peace and good order at municipal elections, to prevent and punish offences committed at such elections or arising out of such elections, the costs thereof, the power to appoint and swear in special constables, to administer an oath to or to receive the affirmation of electors, the recourse in case of interruption of the proceedings, the power to assist in voting those who are illiterate or unable to vote by reason of blindness or other physical infirmity, the employment of interpreters, the manner of making the ballot-boxes, and generally all the provisions of the said code, or of the said general or special acts, as the case may be, with regard to and affecting the said municipal elections as well as to the polling-place and everything pertaining thereto, shall apply, save where inconsistent, to the poll under this section, as well as to the proceedings, the officers and persons presiding over or employed thereat, and to everything pertaining thereto, as if the poll had been for an election governed by the provisions of the said code or of the general or special act in question, as the case may be, *mutatis mutandis.*"

Coming into force.

**4.** This act shall come into force on the twentieth day after its sanction.