

## C A P. L.

An Act to amend the charter of the city of Montreal (1889)  
and its amendments.

[Assented to 12th January, 1895.]

Preamble.

**W**HEREAS John T. McBride, merchant, Alfred R. Grafton, merchant, and Herbert B. Ames, gentleman, all three residents and electors of the city of Montreal, and others, have, by their petition, represented that the provisions of the charter of the city, with respect to lists of electors and elections therein, are inadequate, and should be amended and supplemented in the several particulars hereinafter set forth, and have prayed that the said charter be amended; and whereas it is expedient to grant their prayer; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

52 V., c. 79,  
s. 30, § 3, re-  
placed.

**1.** Paragraph 3 of section 30 of the act 52 Victoria, chapter 79, is replaced by the following:

Persons keep-  
ing office or  
place of busi-  
ness, &c.

“3. Every male person, though neither an owner nor householder, who, either individually or jointly as a co-partner with any other person, is entered on the last assessment roll in force, as the tenant or occupant of any warehouse, counting house, shop, office, or place of business in the city; provided that such warehouse, counting house, shop, office or place of business, if occupied by the said person individually, be assessed at a value not less than three hundred dollars, or, at a yearly value of not less than thirty dollars, or, if occupied by him as a co-partner, that his proportion or share thereof be not of less value than the amounts aforesaid respectively, according to the assessed value thereof; and provided that such qualification by joint occupancy or by subtenancy shall not be held to extend to members of associations of persons using or holding the premises for social, educational, philanthropic or other similar objects, nor to employees or agents of other persons entitled to be qualified as electors in respect of the same premises.”

Proviso.

Id., s. 31, re-  
placed.

**2.** Section 31 of the said act 52 Victoria, chapter 79, as replaced by section 29 of the act 55-56 Victoria, chapter 49, is replaced by the following:

Where and in  
what manner  
electors may  
vote.

“**31.** Persons entitled to vote, as aforesaid, shall vote in and for the particular ward in which the property constituting their qualification to vote shall be situated; but, when any such person is qualified as owner in more than one ward, or as the tenant or occupant in one ward, and at the

same time as proprietor or householder in any other ward, he may vote for the election of aldermen in any or all of the wards wherein he is qualified so to do, and he shall be inscribed in the list of electors for each of such wards; provided that, for the election of mayor, such person shall vote once only; said vote to be cast, if the elector be qualified in respect of residence, at the polling place nearest thereto. Proviso.

The said elector shall, however, have the right to select the ward in which he may record such vote, by notifying the assessors or revisors in writing of such selection on or before the fifth of January of each year. Selection of place to vote by elector and notification thereof.

When the elector is not qualified in respect of residence, the assessors shall determine where, in their judgment, the said vote may be most conveniently cast. If elector is not qualified as to residence.

**3.** Section 34 of the said act 52 Victoria, chapter 79, as replaced by section 2 of the act 55-56 Victoria, chapter 49, is replaced by the following: Id., s. 34, replaced.

“**34.** In preparing the list of electors, the assessors shall subdivide each ward into as many electoral districts as they may deem convenient, each of the said districts to contain two hundred voters or thereabout, make a report in duplicate of such subdivision, sign the same, retain one duplicate thereof, and transmit the other to the city clerk. Division of wards into electoral districts.

They shall make out, for each such electoral district, an alphabetical list of voters, which they shall sign, certifying that it is correct to the best of their knowledge and belief, and shall deliver the same to the city clerk prior to the first day of December. Alphabetical list of voters for each district.

At any election held under this act, each of such electoral districts shall constitute a polling district for such election; but the board of revisors may, for municipal purposes only, unite several of such districts in one poll, provided the number of qualified voters in such united districts does not exceed two hundred. Each district a polling district, but may be united for municipal purposes.

**4.** The following section is added after section 36 of the said act 52 Victoria, chapter 79: Section added after id., s. 36.

“**36a.** The city clerk shall, within the first twenty days of December, upon receiving the written offer of any resident elector of any ward to hold for public inspection, at some specified place within such ward, a copy of the list of electors for the electoral districts composing the ward, until the final revision, accompanied with the sum of twenty-five dollars for expenses, deliver to such resident elector, at the city hall, a copy of the list.” Copy of list may be deposited in specified place in ward on application of resident elector.

Id., s. 39, replaced.

**5.** Section 39 of the said act 52 Victoria, chapter 79, is replaced by the following :

Application for correction of list how made.

“**39.** On or before the fourth day of January in every year, any elector in any ward may give notice in writing to the board of revisors,—which notice shall be left at the office of the city clerk,—that he will apply to have the list of electors for such ward amended, either by the addition thereto of names of persons omitted, or by striking therefrom the names of persons improperly inserted, or by striking off or adding letters or words importing disqualification.

Notice to specify qualification of elector to be added, &c., notified to person affected, &c.

Such notice shall specify the qualification of the electors sought to be added, and the causes of disqualification of those sought to be struck off; be served at the diligence of said applicant, on or before the fifth day of January, upon every elector who is sought to be struck from the list of voters, by registered letter to the address given on the list, and be open to the inspection of any elector.

Applicant to appear to support application before board.

On the day fixed for the revision of the voters' list, of the ward in which such applicant is qualified to vote, he shall appear, either personally or by his agent or representative, before the said board, to make good his application.”

Id., s. 40, replaced:

**6.** Section 40 of the said act 52 Victoria, chapter 79, is replaced by the following :

Board of revisors when to meet. Powers defined.

“**40.** The board of revisors shall meet on the fifth day of January, at ten o'clock in the forenoon, and after electing one of their number to preside at their meetings, shall adjourn from day to day until all the applications and objections made in respect of the list of electors have been adjudicated upon ; and, after hearing such evidence as in the nature of the case shall be deemed sufficient and reasonable,—all witnesses being first duly sworn before any member of the board and the parties interested, or their representatives if present,—they shall make the necessary additions or erasures to or from such list, and shall further correct all misnomers and all clerical errors therein.

Further enquiries may be made in certain cases.

Should the evidence adduced upon any application for amendment, without being conclusive, establish in the opinion of the board a presumption that the name objected to should be struck out, the board shall make such further enquiry as they may deem necessary to fully ascertain the fact in issue, and thereupon either strike out or retain the name objected to.

Erasure of names of tenants who have not paid taxes, &c.

Provided that nothing contained in this section shall prevent the board from erasing from the list the name of any tenant who may appear not to have paid his taxes or water rates before the first day of December as aforesaid, or of any person who may appear to be dead at the time of the revision of the list, or whose name may

have been included more than once in the list of any one ward; provided, always, that the list shall be finally revised before the nomination day.

The list so revised and settled shall be certified in the form C, signed by the chairman of the board, countersigned by the city clerk, with his hand or by the use of a stamp by his representative or representatives, and shall be filed of record in the office of the city clerk, for municipal and parliamentary purposes.

When list to be finally revised. Signature to, &c. Deposit of list after revision.

Copies of such list, certified by the clerk as above, shall be deemed authentic for all the purposes of this act.

**7.** The following sections are added after section 40 of the said act 52 Victoria, chapter 79:

Sections added after id., s. 40.

“**40a.** The board shall, before the final revision, insert the words: “city officer,” or “city employee,” opposite the names of all officers or employees in the pay of the corporation, and of all members of the police force or fire-brigade of the city.

Entries to be made after names of city officers and police.

“**40b.** The attendance of witnesses may be secured by summons issued under the hand of one of the revisors.

Summoning of witnesses.

If any person, so summoned, neglects or refuses to appear at the time and place appointed by such summons, or, if appearing, refuses to be examined on oath touching the said enquiry, or to obey any order to produce papers or documents mentioned in such summons, in so far as he is able so to do, a return of the issue and service of such summons and of such default or refusal shall be made to the chairman or acting chairman of the board of revisors, who may thereupon compel the attendance of such person, and compel him to answer all lawful questions by the like means as are used for such purposes in the ordinary courts of civil jurisdiction in the Province.

Power to compel attendance of witnesses.

Every person so neglecting or refusing to appear, or refusing to produce papers or be examined as aforesaid, shall, on conviction thereof before the Recorder's Court, be subject to the penalties prescribed by section 141.

Penalty on refusing to appear, &c.

The chairman or acting chairman of the board of revisors is authorized to administer the oath to such witness.

Who administers oath to witness.

“**40c.** The chairman or acting chairman of the board of revisors may require, at the sessions of the board in the City Hall, the assistance of the clerks and officers of the assessors' and treasurer's offices for communication of the assessment rolls and other records.”

Assistance of certain officers may be required.

**8.** The following section is added after section 46 of the said act 52 Victoria, chapter 79:

Section added after id., s. 46.

“**46a.** No nomination paper shall be valid or acted upon by the city clerk, unless a sum of two hundred dollars, in legal tender or in the bills of any chartered bank doing

Deposit required with nomination paper.

business in Canada, is deposited in the hands of the city clerk at the time the nomination paper is filed with him ; and the receipt of the city clerk shall, in every case, be sufficient evidence of the payment herein mentioned.

Amount of deposit to be returned in certain event.

The sum so deposited by any candidate shall be returned to him in the event of his being elected or of his obtaining a number of votes at least equal to one-half the number of votes polled in favour of the candidate elected, otherwise it shall belong to the city."

Id., s. 51, replaced.

9. Section 51 of the said act 52 Victoria, chapter 79, as amended by the act 56 Victoria, chapter 49, section 9, is replaced by the following :

Revisors to make arrangement for election ;

"51. The board of revisors shall make the necessary arrangements for the election of mayor and aldermen ; and for that purpose they shall meet between the fifteenth and twentieth days of January in each year, to fix and determine the places where the polls are to be held in the several wards wherein the election is to take place.

To appoint deputy returning-officers ;

They shall select and appoint, for each polling place to be held for the said election, a deputy-returning officer, who shall receive a commission under the hand of their chairman, in the Form F, and they shall also cause books to be prepared for each polling place, in the form FF, in which shall be recorded the names of the persons voting at such election.

And assign their polls.

The board of revisors, before completing their labours, shall appoint the deputy-returning officers for the ensuing election and assign them to their several polls.

City clerk to assemble deputy-returning officers and instruct them in their duties.

The city clerk or one of his assistants may, before the day fixed for voting, after having requested the deputy-returning officers to assemble at a specified time and place to that end, instruct them gratis in the performance of their duties by explanation and actual instruction, and shall give to each a copy of the printed instructions regarding their duties."

Section added after id., s. 55a.

10. The following section is added after section 55a of the said act 52 Victoria, chapter 79, as enacted by the act 56 Victoria, chapter 49, section 13 :

Penalty on deputy-returning officer for negligently performing his duties respecting ballot papers.

"55b. Any deputy-returning officer who delivers to any person, presenting himself as an elector at a poll, a ballot paper upon the back of which the said deputy-returning officer shall not have put his initials, or shall have improperly placed his initials in contravention of article 317 of the Revised Statutes, or upon which the said deputy-returning officer shall have negligently placed any words or marks other than such as are required by the said article 317 or required in case of the resignation of a candidate, as aforesaid,

shall be liable, on summary conviction, to a penalty not exceeding ten dollars and costs for such offence, and, in default of payment, to imprisonment for six days."

**11.** Article 330 of the said Revised Statutes, as made applicable to municipal elections in the city, is replaced, for the purposes thereof, by the following :

R. S., 330,  
replaced  
for city.

"Every elector shall vote without undue delay, and shall quit the poll as soon as his ballot paper has been put into the ballot box.

Delay to be  
avoided in  
voting.

The deputy-returning officer shall compel the elector to quit the poll forthwith after the depositing of his ballot, and, in default of so doing, shall himself be liable, upon summary conviction, to a penalty of twenty dollars."

Penalty on  
deputy-re-  
turning officer  
in this respect.

**12.** Article 349 of the said Revised Statutes, as made applicable to municipal elections in the city, is replaced, for the purposes thereof, by the following :

R. S., 349,  
replaced for  
city.

"The deputy-returning officer, on being requested so to do, shall deliver gratis to each candidate, or to his agents, or, in their absence, to the electors representing him, a certificate of the number of votes given for each candidate and of the number of rejected ballot papers, together with a list of the names of the electors in respect of whom a second ballot has been issued under article 328."

Certificate of  
number of  
votes to be  
given to can-  
didate, &c.

**13.** The following section is added after section 65 of the said act 52 Victoria, chapter 79 :

Section added  
after 52 V., c.  
79, s. 65.

"**65a.** If it be proved, before any court or judge, at the trial of any such petition, as aforesaid, that any corrupt practice has been committed, by or with the knowledge and consent of any candidate at an election, his election, if he has been declared elected, shall be void.

Election to be  
declared void  
in certain  
event.

Such candidate shall, during the seven years next after the date of such decision, be incapable of being elected an alderman of the city or of sitting as such."

Disqualifica-  
tion of candi-  
date in such  
case.

**14.** This act shall come into force on the first day of February, 1895.

Coming into  
force.

## C A P . L I .

An Act to amend the charter of the city of St. Henri.

[Assented to 12th January, 1895.]

**W**HEREAS the city of St. Henri has, by petition to the Legislature, prayed for amendments to its act of incorporation, as well as to the acts 42-43 Victoria, chapter 58

Preamble.