1927

c 7 Voters' Lists Act

Ontario
CHAPTER 7.

The Voters' Lists Act.

INTERPRETATION.

1. In this Act,—

(a) "Board" shall mean election board.

(b) "Judge" shall mean judge of the county or district court of the county or district and shall include a junior or acting judge, but shall not include a deputy judge;

(c) "Prescribed" shall mean prescribed by this Act or by regulations made under the authority of this Act;

(d) "Voter" shall mean a person entitled to be a voter, or to be named in the voters' list as qualified to be a voter either at an election of a member of the Assembly or at any municipal election, as the case may be. 1926, c. 3, s. 2.

RULES AND FORMS.

2.—(1) The Board of County Judges may, if requested so to do by the Lieutenant-Governor, frame rules and forms of procedure for the purpose of better carrying out the provisions of Parts I and II of this Act, and such rules and forms shall, when approved by the Lieutenant-Governor in Council, have the same effect and force as if they formed part of this Act.

(2) The forms in Schedule A to this Act may be modified or varied, but any such modification or variation shall be subject to the approval of the judge. 1926, c. 3, s. 3.

APPLICATION OF PARTS I, II, III AND IV.

3.—(1) Parts I and III shall apply to towns, townships, villages and except as varied by Part II, to cities.

(2) Part II shall apply to every city in which a by-law shall have been passed for taking the assessment at any time prior to the 30th day of September, and fixing separate
dates for the return and final revision of the assessment rolls for each ward or subdivision of a ward, as defined in the by-law.

Part IV.

(3) Part IV shall apply to every part of Ontario, including Indian Reserves, not comprised in an organized municipality.

(4) Territory comprised in a newly organized municipality for which there is no assessment roll shall for the purposes of subsection 3 be deemed to be still a portion of Ontario not comprised in an organized municipality.

(5) Wherever through accident, fire or otherwise a municipality has no assessment roll or voters' list prepared under Part I or II, such municipality shall for the purposes of this Act be deemed to be a part of Ontario not comprised in an organized municipality. 1926, c. 3, s. 5.

PART I.

LIST OF VOTERS AND COPIES.

4. — (1) The clerk of each municipality shall, immediately after the final revision and correction of the assessment roll in every year, make a correct list for each polling subdivision of the municipality in three parts (Form I) of all persons appearing by the assessment roll or by the supplementary assessment roll prepared by the assessor, to be voters.

(2) The list shall be made up alphabetically except in the case of a city, the council of which has by resolution directed that the list be made up in order of street numbers.

(3) The first of the three parts shall contain the names of all persons appearing by the assessment roll to be voters at both provincial and municipal elections.

(4) The second part shall contain the names of all persons appearing by the assessment roll to be voters at municipal elections, but not at provincial elections.

(5) The third part shall contain the names of all persons appearing by the assessment roll or by the supplementary assessment roll to be voters at provincial but not at municipal elections.

(6) In a municipality containing a population of not more than 3,500, the third part of the list shall be printed with the first and second parts but in other municipalities the third part need not be printed and in that case the clerk of the municipality shall prepare three copies of the third part and deposit the same in the office of the clerk of the peace.
(7) The clerk of the peace shall furnish copies of the third part or permit the inspection thereof, under the like circumstances and upon payment of the like fees as in the case of other documents kept or filed in his office.

(8) The name of the same person shall not be entered more than once on the first or second part of the voters’ list except that, in the case of a municipality divided into wards, the name of the same person shall be entered upon the list as qualified to vote at municipal elections in every ward in which he is assessed for a sufficient amount to qualify him so to vote.

(9) Where a municipality is divided into polling subdivisions lists shall be made for each subdivision.

(10) In the case of a person who is a municipal elector by reason of being the wife or husband of the person rated or entitled to be rated for land as provided by The Municipal Act, the clerk shall opposite the name of such person, in the proper column, insert the letters “M.F.N.C.” meaning that such person is entitled to vote at municipal elections, but is not to be counted for the purpose of determining representation in the county council.

(11) Where the qualification of a person to be a voter at a municipal election is in respect of real property, the clerk shall opposite the name of such person, insert in the proper column the number of the lot or other proper description of the parcel of real property in respect of which such person is so qualified adding thereeto where the person is so qualified in respect of more than one lot or parcel, the words “and other premises.”

(12) In the case of a person being a farmer’s son, the clerk shall insert opposite the name, in the proper column, the words “Farmer’s Son,” or the letters “F.S.”

(13) Where a ward is divided into polling subdivisions, and it appears by the assessment roll that a person is assessed in each of two or more polling subdivisions for property sufficient to entitle him to be a voter at a municipal election, the clerk shall enter his name in the list for one subdivision only, and shall insert opposite his name the words “and other premises,” and where to the knowledge of the clerk the person resides in one of the subdivisions, his name shall be entered on the list for that subdivision.

(14) Where it appears by the assessment roll that a person is assessed for property within the municipality sufficient to entitle him to be a voter at a municipal election, but that the property lies partly within one subdivision and partly within another or others, the clerk shall enter the name of such person on the list of voters in only one of the subdivisions in which the property is situate, with the following words added: “Partly qualified in subdivision No.”
(15) If the qualification to be a voter at a municipal election is in respect of income, the clerk shall state that fact in the proper column.

(16) Where the word "Owner" or the letter "O," or the word "Tenant" or the letter "T," appears in the assessment roll opposite the name of a person entitled to be entered on the list, such word or letter shall be placed opposite the name of such person.

(17) Where no appeal is made from the court of revision of the municipality to the judge as provided by The Assessment Act, the assessment roll shall be deemed to be finally revised and corrected when the time within which an appeal may be made has elapsed, and where an appeal is made, when the assessment roll has been revised and corrected by the judge.

(18) The clerk in making out the voters' list shall in a separate column provided for the purpose, write or mark the letter "J" upon the voters' list opposite the name of every male person over twenty-one and under sixty years of age, who by the roll appears to possess the property qualification required to qualify him to serve as a juror, and such voters' list shall show at or near the end of the second part, the aggregate number of names of persons upon such lists qualified to serve on juries, and in the case of cities and towns such list shall give the same information for each ward. 1926, e. 3, s. 6.

5.—(1) In the case of a municipality in which the assessment roll is not returnable before the 30th day of September the clerk, immediately after the return of the roll, and without waiting for the revision and correction thereof by the court of revision or the judge, shall make out a list of all persons appearing by the roll to be voters; and subject to the provisions of section 4 shall within thirty days after the return of the roll, cause two hundred copies of the list to be printed in pamphlet form, and shall post up and otherwise deal with the list, as provided by section 7.

(2) A larger number of copies may be printed if the council shall so direct.

(3) The list so made shall be deemed the list of voters which is subject to revision by the judge under section 11, and the provisions of this Act which have reference to the list mentioned in the said section shall apply to the list provided for by this section.

(4) The time for giving notice of any complaint to be made to the judge under section 12 with respect to a list prepared under this section shall be twenty-one days after the clerk has posted up the list.
(5) The list prepared under this section shall be finally revised, corrected and certified by the judge within one month after the last day for making complaints.

(6) In case the assessment roll of a city or town to which this section applies is not finally revised before the time limited for the final revision, correction and certifying of the list by the judge, and upon appeal from the court of revision alterations are made by the judge in the assessment roll affecting the right of any person to be entered on the list, the judge shall forthwith after the final revision of the roll, make out a list of such alterations and deliver the same to the clerk, who shall make corresponding changes in the certified copies of the revised list, and the judge shall initial the same.

1926, c. 3, s. 7.

6.—(1) The clerk of every township municipality, in making out the list shall insert therein a schedule (Form 1) containing the name, numbered consecutively, of every post office which by the assessment roll appears as the address of any person entered on the list, and in making out the list, shall, according to the form and in the proper column therefor, insert opposite the name of every voter entered on the list the consecutive number which according to the schedule is his post office address, so far as the address appears by the assessment roll, or is within the knowledge or belief of the clerk, but no appeal or complaint on the ground of any error, mistake or omission in or from the list in respect of any matter or thing by this section directed to be inserted therein, shall be made or allowed by or under this Act.

(2) Where it appears by the assessment roll of a township that a person who is not resident in the township is entered upon the assessment roll and assessed for sufficient property to entitle him to vote at municipal elections in the township, such non-resident person at any time after the revision of the assessment roll and before the printing of the voters' list by the clerk, may give notice in writing signed by him and verified by a statutory declaration, to the clerk requesting that the name of such non-resident person be entered on the voters' list for some other polling subdivision in the township than that in which he is so assessed, and thereupon the clerk may enter the name of such non-resident person on the list for any other polling subdivision so designated and after the name of such non-resident person shall enter the property in respect of which he is qualified to vote and the polling subdivision in which the same is situate.

1926, c. 3, s. 8.

7.—(1) Immediately after the clerk has made the list and within forty days in a city and in other municipalities within thirty days after the final revision and correction
of the assessment roll, the clerk shall cause at least two hundred copies of the first and second parts of the list, and in a municipality having a population of not more than 3,500, the third part of the list to be printed in pamphlet form, and forthwith shall cause one of the printed copies to be posted up and to be kept posted up in some conspicuous place in his office, and deliver or transmit by post ten copies to each judge of the county or district court of the county or district to which for judicial purposes the municipality belongs, and two copies of the printed list to each of the following persons,—

(a) every member of the municipal council of the municipality;

(b) the sheriff;

(c) the clerk of the division court within whose division the municipality is partly or wholly situate;

(d) every postmaster in the municipality;

(e) in a town, township or village every head teacher of a public or separate school in the municipality;

(f) the registrar of deeds;

(g) the clerk of the council of the county in which the municipality is situate. 1926, c. 3, s. 9 (1); 1927, c. 5, s. 2.

(2) The copies required to be sent to every head teacher of a public or separate school may be sent by the clerk to the secretary or secretary-treasurer of the school board by which such teacher is employed.

(3) The clerk shall forthwith also deliver or transmit by post, ten copies of the list to each of the following persons,—

(a) the member of the House of Commons for the electoral district in which the municipality or any part thereof lies;

(b) the member of the Assembly for the electoral district in which the municipality or any part thereof lies;

(c) every candidate for whom votes were given at the then last election of a member for the House of Commons and for the Assembly respectively for the electoral district in which the municipality or any part thereof lies;

(d) the head of the municipality; and

(e) the clerk of the peace. 1926, c. 3, s. 9 (2,3).
8.—(1) Upon each of the copies of the first part so delivered or sent there shall be a certificate (Form 2), over the name of the clerk, stating that the list is a correct list of all persons appearing by the last revised assessment roll to be voters at provincial and municipal elections; and upon each of the copies of the second part so delivered or sent there shall be a certificate (Form 3), over the name of the clerk, stating that the list is a correct list of all persons appearing by the last revised assessment roll to be voters at municipal elections only, and such certificates shall contain clauses calling upon all voters to examine the lists, and to take immediate proceedings to have omissions or errors corrected according to law.

(2) Upon the outside or cover of each of the copies so sent shall be printed or written conspicuously the date of the posting up of the list thus:

"This list was posted up in the Clerk's Office on the day of (fill in date), 1926, s. 10.

9.—(1) The sheriff shall immediately upon receipt of his copies cause one of them to be posted up in a conspicuous place in the court house; the clerk of the peace, upon receipt of his copies, shall cause one of them to be posted up in a conspicuous place in his office; every head teacher of a public or separate school shall post up one copy on the door of the school house and every postmaster shall post up one copy in his post office.

(2) Where copies of the list have been sent to the secretary or secretary-treasurer of a school board instead of to the head teacher of a public or separate school, such secretary or secretary-treasurer shall act in place of the head teacher, and shall post up one copy of the list on the door of every school house under the control of the board. 1926, c. 3, s. 11.

10. The clerk shall also forthwith cause to be inserted at least once in a newspaper published in the municipality, or in case none is published therein, then in a newspaper published either in the nearest municipality in which one is published, or in the county or district town, a notice (Form 4) signed by him, which shall state that he has delivered or transmitted the copies of the list as directed by this Act, and the date of the first posting up of the list in his office, and the last day for entering appeals. 1926, c. 3, s. 12.

Revision of First and Second Parts of List by County Judge.

11.—(1) The first and second Parts of the lists shall be subject to revision by the judge at the instance of any voter.
who complains that the names of voters have been omitted from the list, or wrongly stated therein, or that the names of persons who are not entitled to be voters have been entered on either of the said parts and the following provisions of this Part and of Part II, so far as the same are applicable, shall apply to the revision of the first and second parts of the list. 1926, c. 3, s. 13 (1), part.

(2) Upon such revision the finally revised assessment roll shall not be conclusive evidence in regard to any matter.

(3) Upon such revision no person shall be disentitled to have his name entered on the list by reason of his having omitted to make, sign or deliver any statement or affidavit required by The Assessment Act, or of his name not having been entered on the assessment roll.

(4) The decision of the judge, in regard to the right of any person to vote, or as to the right to enter on or strike from the list the name of any person as a voter, shall be final.

(5) In the case of a list for a town, village or township, the judge shall receive as evidence in support of an application to have the name of a person entered on the list, the affidavit of such person or of some other person who has, and deposes that he has, personal knowledge of the matter set forth in the affidavit (Form 5), if the affidavit is made not earlier than the tenth day next preceding the last day for making complaints to the judge and is delivered to the clerk before the time for making complaints has expired. 1926, c. 3, s. 13 (2-5).

12.—(1) Any voter whose name is entered on or who is entitled to have his name entered on the list for the municipality shall have the right for all purposes of this Act, upon giving notice in writing (Form 6) within twenty-one days after the clerk has posted up the list in his office, to apply, complain or appeal to have his own name or the name of any person corrected in, entered on or removed from the first or second part of the list.

(2) Any person who has acquired the qualification entitling him to vote at a municipal election before the time for giving the notice of appeal to the judge has expired, shall be deemed to be a person entitled to be entered on the list, and if entered thereon, he shall be entered also on the assessment roll, and shall be assessed for his property or income, if not already assessed therefor, without any request on his part, and the judge and clerk shall for the purposes of such assessment have the powers and perform the duties mentioned in section 37.
(3) A person whose name is entered on the first or second parts of the list and has, before the time for giving notice of appeal to the judge has expired, ceased to possess the qualification in respect of which his name was so entered, or complaint being duly made under section 14, shall be deemed to be wrongfully entered on the list and subject to the provisions of section 16, his name shall be removed therefrom. 1926, c. 3, s. 14.

13. The judge may, without a previous notice of appeal or complaint, on an application made by or on behalf of any person entered on the first or second part of the list, correct any mistake which shall appear to have been made in compiling the list in respect of the name, place of abode, qualification, or of the local or other description of the property of a person entered on the list, and with respect to whose right to be so entered an appeal or complaint is pending before the judge. 1926, c. 3, s. 14.

14.—(1) A voter making a complaint in respect of the list shall, within twenty-one days after the clerk has posted up the list in his office, give to the clerk or leave for him at his residence or place of business, notice in writing (Form 6) of his complaint.

(2) If the office of clerk is vacant, the notice may be given in like manner to the head of the council of the municipality, and he shall perform all the duties of the clerk.

(3) The proceedings thereafter by the judge, clerk and the parties respectively, and the powers and duties of the judge, clerk and other persons and the allowances and expenses payable to the judge shall be the same, as nearly as may be, as in the case of an appeal from the court of revision under The Assessment Act; but no deposits shall be required.

(4) The clerk shall forthwith after posting up the list of appeals in his office, deliver or transmit by post, by registered letter, or by parcel post registered, one copy of the list to the judge and to each of the persons described in subsection 3 of section 7. 1926, c. 3, s. 16.

15.—(1) Any person may obtain from the county or district court of the county or district a subpoena (Form 12), or from the judge an order, requiring the attendance at court for hearing complaints, at the time mentioned in the subpoena or order, of a witness residing or served with the subpoena or order, in any part of Ontario, and requiring the witness to produce any papers or documents mentioned in the subpoena or order, and every witness served with the subpoena or order shall obey the same, provided his expenses according to the scale allowed in division courts, are paid or tendered to him at the time of service.
(2) Any person in respect of the entry or omission of whose name a complaint is made, shall, if resident within the municipality for or in which the court is held, upon being served with subpoena or order obey the same without being tendered or paid his expenses, and the subpoena or order shall be deemed to have been sufficiently served,

(a) if the subpoena or order is served upon him personally; or

(b) where he has a known residence or place of business within the municipality, if a copy of the subpoena or order is left for him with some grown-up person at such residence or place of business; or

(c) where he has a known residence or place of business within the municipality, if a copy of the subpoena or order, at least six days before the sitting of the court, is mailed to him by registered letter, directed to him at the post office address contained in any affirmation made by him under The Assessment Act, and where no such affirmation has been made, directed to him at his last known post office address, and also by separate registered letter directed to the post office described as his post office in the voters’ list unless such last mentioned post office is his last known post office address; or in the case of cities, towns and villages i['] no post office is described for him in the voters’ list, directed to the post office of such city, town or village; or

(d) where he is a farmer’s son, if a copy of the order or subpoena is left for him with some person at the residence of the farmer whose son he is.

(3) If a person, whose right to be a voter is the subject of inquiry, does not attend in obedience to the subpoena or order, the judge, in the absence of satisfactory excuse being shown for the non-attendance, or of proof of right of the person to be a voter, may, on the ground of his non-attendance, strike his name off, or refuse to enter his name on the list or impose on him a fine not exceeding $20, or may do both.

(4) The fact that the name of the person is entered on the last revised voters’ list of the electoral district shall be prima facie evidence that he is a British subject and twenty-one years of age.

(5) The names of any number of witnesses may be inserted in one subpoena or order. 1926, c. 3, s. 17.
16. If on complaint or appeal to strike off the name of any person on the list it appears that the qualification of such person is incorrectly set forth therein, but that he has the qualification necessary to entitle his name to be entered on the list, the judge shall not strike off the name of such person, but shall make such alterations in the list as are necessary to set forth the proper qualifications of such person, and in so doing may, if the name has not been entered on the proper part of the list, enter the same thereon. 1926, c. 3, s. 18.

17. The judge shall so arrange and proceed, and fix the settings of the court, that all the complaints shall be heard and determined, and the first and second parts of the list finally revised, corrected and certified, within two months from the last day for making complaints. 1926, c. 3, s. 19.

18.—(1) If no complaint is made within twenty-one days after the clerk has posted up the list in his office, he shall forthwith deliver either in person or by letter to the judge his report (Form 13), and the judge shall thereupon certify (Form 14) a sufficient number of copies of the first and second parts of the list as being the last revised list of persons entitled to be voters at elections to the Assembly as well as at municipal elections, and of persons entitled to vote at municipal elections only in the municipality to furnish one copy of such list to each of the following persons,—

(a) the judge;
(b) the clerk of the peace;
(c) the clerk of the municipality;
(d) the member of the House of Commons for the electoral district in which the municipality or any part thereof lies;
(e) the member of the Assembly for the electoral district in which the municipality or any part thereof lies; and
(f) every candidate for whom votes were given at the then last election of a member for the House of Commons and the Assembly respectively for the electoral district in which the municipality or any part thereof lies.

(2) The judge shall certify each of such copies and shall retain one and shall deliver or transmit by post, one copy to each of the persons mentioned in clauses b to f, of subsection 1. 1926, c. 3, s. 20.
19.—(1) If any complaint is made and allowed by the judge he shall immediately after the list has been finally revised, certify (Form 15) to the clerk a statement of the changes made by him in the list.

(2) The clerk shall thereupon prepare a sufficient number of copies of the statement of changes made by the judge to furnish one copy for each of the persons mentioned in clauses b, c, d, e and f of subsection 1 of section 18, and shall within one week after the revision has been made by the judge transmit or deliver such copies of the statement of changes to the judge.

(a) Such statement shall be made out according to polling subdivisions and shall show the changes made in the list for each polling subdivision.

(3) The judge shall thereupon sign and certify (Form 15) such copies together with a copy of the voters' list received by him from the clerk under the provisions of section 7 and shall return one copy to the clerk and deliver or transmit by registered post one copy to each of the persons mentioned in clauses b, c, d, e and f of subsection 1 of section 18.

(4) Instead of proceeding as provided in subsections 1, 2 and 3, the judge may direct the clerk to prepare a sufficient number of copies of the list as revised by the judge to furnish one copy for each of the persons mentioned in clauses b, c, d, e and f of subsection 1 of section 18, and the clerk shall within one week after the revision has been made transmit or deliver such copies to the judge, and the judge shall thereupon sign and certify (Form 16) such copies and deal therewith in the manner provided by subsection 2 of section 18. 1926, c. 3, s. 21.

20.—(1) After the list has been certified and before the nomination day at any municipal election, the judge may, upon the application of a voter, strike from the list the name of any person who has died since the list was certified, and for that purpose the certificate of the Registrar-General or of the division registrar shall be sufficient evidence of death, but if the identity of the person proved to be dead with the person whose name is sought to be struck off is disputed or open to reasonable doubt, proof of the identity shall be required.

(2) The proceedings shall be the same as nearly as may be as those which are prescribed for the revision of the list, except that it shall not be necessary to publish notice of the sittings of the court, and the judge and the officers named in this Act shall have the same jurisdiction as in the case of proceedings to revise the list under this Act. 1926, c. 3, s. 22.
21. The certified list shall, under The Municipal Act be final and conclusive evidence that all persons named therein, and no others, were qualified to vote at any municipal election at which such list was, or was the proper list to be used except—

(a) persons guilty of corrupt practices at or in respect of the election in question, or since the list was certified by the judge;

(b) persons who, subsequent to the list being certified, have ceased to be qualified to vote at a municipal election in the municipality to which the list relates and who by reason thereof are, under the provisions of The Municipal Act, disentitled to vote;

(c) persons who were disqualified and incompetent to vote under The Disqualification Act, 1919, and whose disqualification has not been removed or expired. 1926, c. 3, s. 23.

22. (1) The corporation of the municipality within which a court is to be held shall provide a suitable and convenient place, properly furnished, heated and lighted, for the holding of the court, and in default thereof, the judge may hold the court at such place in the county or district as he may deem proper; and if the court is held elsewhere than in the court-house of the county or district, the occupant of the building in which it is held may recover from the corporation the sum of $5 for each day on which the building was used for the purposes of the court.

(2) Every court held in the county or district town shall be held in the court-house, or in such other place as the judge may deem proper. 1926, c. 3, s. 24.

23. In all proceedings before the judge he shall have all the powers which belong to or might be exercised by him in the county court. 1926, c. 3, s. 25.

24. The clerk of every municipality shall be subject to the summary jurisdiction and control of the judge in the performance of his duty under this Act, in the same manner as an officer of the county court is to the court. 1926, c. 3, s. 26.

25. (1) The clerk shall be entitled to the actual and reasonable disbursements necessarily incurred by him in the discharge of the duties imposed upon him by this Act, and shall also be entitled to the following compensation,—

1. Five cents for the name of every person entered in the list of complaints;
2. Five cents for every name entered in any necessary copy of the list of complaints;

3. Five cents for every name entered or other correction made by the judge in the voters' list, and in every copy of the list revised;

4. Five cents for every name in the statement of change made by the judge in the list;

5. Fifteen cents for every necessary notice to any party complaining or complained against;

6. Fifteen cents for every mile necessarily and actually travelled by him in effecting service of a notice of appeal or complaint and in attendance at the hearing of complaints or appeals;

7. Five dollars for every day's attendance at the sittings of the court.

(2) The assessor shall be entitled to all reasonable disbursements actually incurred by him in the discharge of any duties imposed upon him under this Act and to an allowance of $5 per diem for every day's attendance at the court and to fifteen cents for every mile necessarily and actually travelled by him to attend at the hearing of complaints or appeals. 1926, c. 3, s. 27.

26.—(1) The judge shall have power to appoint a proper person to attend as constable at the sitting of the court, and the duties and powers of such person shall be as nearly as may be the same as those of a bailiff at a sitting of a division court.

(2) The person acting as constable shall be entitled to the following compensation,—

1. For every day's attendance, $4;

2. For every service of any process or notice, including the receipt and return thereof, and all other duties connected therewith when allowed by the judge, a sum not exceeding 20 cents per mile one way for each mile actually and necessarily travelled to effect such service. 1926, c. 3, s. 28.

27. The compensation to which the clerk, assessor and constable are respectively entitled shall be certified by the judge and paid to the clerk, assessor and constable respectively by the treasurer of the municipality upon the production and deposit with him of the judge's certificate. 1926, c. 3, s. 29.
28. If the judge who holds the court is of the opinion that any person has contravened section 42 or section 44 of this Act, or that frauds in respect to the assessment or the list have prevailed extensively in the municipality, he shall report the same to the Attorney-General, with particulars as to names and facts. 1926, c. 3, s. 30.

29. The judge may amend any notice or other proceeding upon such terms as he may think proper. 1926, c. 3, s. 31.

30. If an appellant or complainant dies or abandons his appeal or complaint, or is found not to be entitled to be an appellant, the judge may in his discretion allow any other person who might have been an appellant or complainant to intervene and prosecute the appeal or complaint, upon such terms as the judge may think just. 1926, c. 3, s. 32.

31.—(1) If errors are found in the voters’ list or in the omission of names, the inaccurate entry of names, or the entry of names of persons not entitled to vote, and it appears to the judge that the assessor or clerk was blamable for any of the errors, the judge may order (Form 17) the assessor or clerk respectively, to pay all costs occasioned by such errors.

(2) In case of errors for which the court of revision is blamable, the judge may order the municipality to pay the costs occasioned by such errors.

(3) In all cases not herein provided for, the costs shall be in the discretion of the judge. 1926, c. 3, s. 33.

32. The costs to be allowed on any proceeding under this Act shall be according to the lowest scale of costs in an action in a division court. 1926, c. 3, s. 34.

33. An unsuccessful appellant or complainant shall be liable to pay the witness fees only, unless in the opinion of the judge, the complaint or appeal is frivolous or vexatious, or has not been made in good faith, when the judge may order the appellant or complainant to pay in addition any other costs allowed by section 32. 1926, c. 3, s. 35.

34. Payment of costs may be enforced by an execution against goods and chattels, to be issued from the division court of the division within which the municipality or part thereof is situate, upon filing therein the order of the judge, and an affidavit showing the amount at which the costs have been allowed and the non-payment thereof. 1926, c. 3, s. 36.
35.—(1) In order to facilitate uniformity of decision without the delay and expense of appeals,—

(a) a judge may state a case on any question arising or likely to arise, and may transmit the same to the Lieutenant-Governor in Council, who may immediately refer the same to a Divisional Court for the opinion of the Court; or

(b) the Lieutenant-Governor in Council may state a case on any such question to a Divisional Court for a like opinion.

(2) Immediately upon receipt of the case it shall be the duty of the Court to appoint a time and place for hearing argument, of which written notice shall be given by the registrar of the Appellate Division posting up a copy of the notice in the Central Office at Osgoode Hall, in Toronto, at least ten clear days before the time appointed.

(3) At the time appointed the Court shall hear the argument by such of the counsel present as the Court may think fit to hear, and shall certify to the Lieutenant-Governor in Council the opinion of the Court thereon, and the opinion shall forthwith be published in the Ontario Gazette, and a copy of the opinion shall forthwith be sent to the judge of every county and district court. 1926, c. 3, s. 37.

36. A Divisional Court may also give an opinion on any question at the instance of any voter, if the Court sees fit and the proceedings with respect thereto shall be, as nearly as may be, the same as upon a case referred; but the Court or a judge thereof may require a deposit of money to cover the costs of hearing the question argued by counsel, and may require notice of the proceedings, or any of them, to be given to such person as the Court or judge may direct. 1926, c. 3, s. 38.

37. If any person who is found entitled to be a voter at municipal elections is not assessed, or is insufficiently assessed, the judge shall enter the name of such person on the roll together with the other particulars required by The Assessment Act to be set opposite the name of the person assessed including the value of the property or income in respect of which the assessment is made, which shall be determined by the judge, and corresponding corrections shall be made by the clerk in the collector’s roll. 1926, c. 3, s. 39.
FAILURE OF CLERK TO PERFORM HIS DUTIES.

38. The non-performance by the clerk of any of his duties under this Act within the times appointed shall not affect the validity of any list. 1926, c. 3, s. 40.

39.—(1) In case the clerk fails to perform any of his duties, the clerk of the peace shall forthwith apply summarily (Form 19) to the judge to enforce the performance of the same.

(2) The application may also be made by any voter.

(3) The judge shall require (Form 20) the clerk and any other person he sees fit to appear before him and produce the assessment roll, and any documents relating thereto, or to the list, and to submit to examination on oath, and may thereupon make such order and give such directions as he may deem proper.

(4) The clerk shall pay the costs of the proceedings unless on special grounds the judge shall otherwise order, in which case the judge may direct how and by whom the costs shall be paid.

(5) The proceedings and order of the judge shall not relieve the clerk from the penalty hereinafter imposed. 1926, c. 3, s. 41.

40. If the clerk omits, neglects or refuses to perform any of the duties hereinbefore required of him, for such omission, neglect or refusal, he shall incur a penalty of $200. 1926, c. 3, s. 42.

41. The wilful alteration of, omission from, incorrect entry in, or falsification of a certified list or copy thereof shall be an offence; and any clerk of a municipality, clerk of the peace or other person who commits such offence, or wilfully permits the same to be committed, shall incur a penalty of not less than $500 nor more than $2,000 and in addition thereto may be imprisoned for a period not exceeding three months. 1926, c. 3, s. 43.

COLOURABLE TRANSFER OF PROPERTY.

42.—(1) No person shall be a party to any instrument or to any verbal arrangement, whereby a colourable qualification is conferred or sought to be conferred upon himself or any other person in order to enable him to become a voter.

(2) Any person violating the provisions of this section, beside being liable to any other penalty prescribed in that behalf, shall incur a penalty of $100.
(3) Any person who induces or attempts to induce another
to commit an offence under this section shall incur a like
penalty. 1926, c. 3, s. 44.

CREATION OF FALSE VOTES.

43. To prevent the creation of false votes, where a per-
son claims to be assessed, or to be entered or named in an
assessment roll, or claims that another person should be
assessed, entered or named in an assessment roll so as to entitle
him to be a voter, and the assessor has reason to suspect
that the person so claiming, or for, or in respect to whom
the claim is made, ought not to be so assessed, or so entered
or named in the roll, it shall be the duty of the assessor to
make reasonable inquiries before assessing, entering, or
naming any such person in the assessment roll. 1926, c. 3,
s. 45.

44. Any person who wilfully and improperly enters or
procures or causes to be entered the name of a person in
an assessment roll, or assesses or procures or causes the
assessment of a person at too high an amount, with intent
to give to a person not entitled thereto, either the right or
an apparent right to be a voter; or who wilfully enters or
procures or causes to be entered a fictitious name in an assess-
ment roll, or who wilfully and improperly omits, or procures
or causes to be omitted the name of a person from the assess-
ment roll, or assesses or procures or causes the assessment
of a person at too low an amount with intent to deprive a
person of his right to be a voter, shall incur a penalty of $200.
1926, c. 3, s. 46.

RECOVERY OF PENALTIES AND FINES.

45. Any penalty mentioned in the next five preceding
sections shall be recoverable upon summary conviction before
a police magistrate or the judge of a county or district court.
1926, c. 3, s. 47.

INSPECTION AND COPIES OF DOCUMENTS.

46. A voter, and an agent of a voter may, at all reason-
able times and under reasonable restrictions, inspect and
take copies of or extracts from assessment rolls, notices,
complaints, applications and other documents and proceed-
ings necessary or of use for carrying out of the provisions
of The Municipal Act, The Assessment Act, or of this Act;
and the clerk for the said purposes shall accord all reason-
able facilities which may be consistent with the safety of
the documents, and the rights and interests of all persons
concerned, and shall in regard to the matters aforesaid be
subject to the direction of the judge. 1926, c. 3, s. 43.
47. The fees payable to the clerk of the peace and to the clerk of the municipality for furnishing copies of a list or any part of a list shall be those fixed by the Lieutenant-Governor in Council under the authority of The Election Act. 1926, c. 3, s. 49.

PART II.

PREPARATION OF WARD LISTS.

48. Immediately after the return by the assessor of the assessment roll for any ward or subdivision of a ward, and without waiting for the revision and correction of the roll by the court of revision or by the judge, the clerk of every city to which the provisions of this Part apply, shall prepare and print the first and second parts of the voters’ list and shall prepare the third part of the voters’ list for such ward or subdivision in the manner prescribed by Part I of this Act. 1926, c. 3, s. 50.

49.—(1) Forthwith after the preparation and printing of the last of such lists the clerk shall post up and distribute each of the lists for each ward or subdivision in the manner prescribed by Part I, and forthwith after the clerk has posted up the lists in his office, he shall cause a notice to be inserted once a week for three weeks in such daily newspapers published in the city as may be directed by the judge, calling upon persons who are aware of errors or omissions in the lists, or of changes which have been rendered necessary by reason of the death or removal of any person named therein, or by reason of any person having acquired the necessary qualifications as a voter since the return or final revision of the assessment roll for any such ward or subdivision of a ward to give notice of the same, and shall name a time and place at which the judge will hold a court for revising the lists for the whole city.

(2) The time for making complaints as to errors or omissions in the lists shall be within fifteen days after the first publication of the notice. 1926, c. 3, s. 51.

50. The judge shall so arrange and proceed, and so fix the sittings of the court for hearing complaints against or of list. in respect of the lists that the complaints shall be heard and determined and the lists finally revised and certified in the manner provided by Part I, within ten days after the last day for making complaints and in any case before the 10th day of December. 1926, c. 3, s. 52.
51. If no complaint respecting any of the lists is received by the clerk within fifteen days after the first publication of the notice, the clerk shall forthwith apply to the judge to certify three copies of each of the lists as being the last revised list of voters for the ward or subdivision, and the judge shall certify such three copies and retain one, and deliver, or transmit by post, registered, one to the clerk of the peace, and one to the clerk of the municipality, to be kept by him among the records of his office. 1926, c. 3, s. 51.

52.—(1) If any complaint is made as aforesaid with respect to any of the lists within such period, the judge shall proceed as provided by section 19 of this Act, and sections 20 and 21 of this Act shall apply to the list prepared under this Part.

(2) If the assessment roll is not finally revised before the final revision and certifying of the lists by the judge, and upon appeal to the judge from the court of revision alterations are made in the assessment roll affecting the right of any person to be entered on any of the lists, the judge shall forthwith after the final revision of the roll, make out a list of such alterations and deliver the same to the clerk, who shall make corresponding changes in the certified copies of the revised list, and the judge shall initial the same, and a copy of the list of alterations shall be posted up by the clerk in his office. 1926, c. 3, s. 51.

53. The lists as so revised, corrected and certified by the judge shall together form from time to time the last revised voters’ list for the city within the meaning of this Act, and The Municipal Act, and the date fixed by section 51 as the last day for making complaints to the judge shall be deemed to be the last day for making complaints to the judge within the meaning of any oath prescribed by the said Act and such date shall be inserted in any such oath when the voting is upon a list prepared under this Part. 1926, c. 3, s. 55.

PART III.

PRINTING AND DISTRIBUTION OF THIRD PART OF VOTERS’ LIST AND REVISION OF LISTS FOR PROVINCIAL ELECTION.

54.—(1) Where the third part of any voters’ list has not been printed but has been deposited with the clerk of the peace, he shall, when directed in writing by the Chief Election Officer, cause the lists so deposited with him to be printed, and shall transmit the same as printed to the clerk of the municipality, who shall post up and distribute the printed
copies of the list in the same manner as nearly as may be as
is provided for the posting up and distributing of the printed
copies of the first and second parts of the voters' list.

(2) Where the third part is printed by the clerk of the peace under this section it shall not be necessary to include in the said list any particulars except the name of the voter, his place of residence and condition or initials indicating such condition as "married," "unmarried," "widower," "bachelor," "et cetera.

(3) The cost of printing shall be borne by the municipality.

(4) Subject to the provisions of subsection 5, the list to be revised under this Part shall be the first part of the last list finally revised by the judge of the county or district court and the third part of the said list prepared by the clerk of the municipality and filed with the clerk of the peace.

(5) Where an alphabetical list has been prepared by the clerk of the municipality and printed, distributed and deposited with the clerk of the peace as provided by Part I, but has not been revised by the judge, the board may in its discretion direct the use of the first and third parts of such lists, or of either part, in place of the list mentioned in subsection 4. 1926, c. 3, s. 56.

55. As soon as conveniently may be after the issue of a writ for the holding of an election to fill a vacancy in the Assembly, or after the dissolution or expiry of the Assembly, the board shall fix the times and places in every municipality at which sittings shall be held by the revising officer for the purpose of hearing complaints as to the right of any person to be entered on the lists as entitled to vote at elections to the Assembly. 1926, c. 3, s. 56.

56.—(1) The board shall appoint from among their number revising officers to hold sittings in each municipality or part of a municipality included in the electoral district in which an election is to be held, for the revision of the lists for the purposes of the election.

(2) Wherever practicable, the revising officer so appointed shall be the judge or one of the judges of the county or district court or the acting judge of the said court, but where the county or district forms part of a district formed under The County Judges Act, a judge of any county or district included therein may be appointed revising officer in a municipality in the county court district. 1926, c. 3, s. 56.

57. Where, owing to the number of sittings to be held, or from any other cause, the board finds it impracticable for a judge to act as revising officer, the board may appoint one
of their number, being a barrister of at least five years standing, or some other fit and proper person having the like qualification to act as revising officer. 1926, c. 3, s. 59.

58. The board shall cause notice in the prescribed form to be given by publication in at least two newspapers having a general circulation in the county or district, and by posting up such notice in the office of the clerk of the municipality and in at least two conspicuous places in the municipality or portion of the municipality for which the sittings are to be held, stating the name of the revising officer appointed for each municipality, and the name and place of residence or office of the clerk of the revising officer, and the time and place at which the sittings will be held for each municipality and the last day upon which notice of complaint may be given under this Part, and calling upon all persons to examine the voters' list in order to ascertain that their names are correctly entered therein. 1926, c. 3, s. 60.

59. The clerk of the municipality shall act as clerk to the revising officer, but the board may appoint a clerk to any revising officer where the clerk of the municipality is unable to act. 1926, c. 3, s. 61.

60. The last day for making complaint to the revising officer shall be not less than two clear days and not more than seven clear days before the day fixed for holding the sittings, as the board may direct. 1926, c. 3, s. 62.

61. Every person who, if he remains a resident in the municipality until the day fixed for holding the poll, and is otherwise qualified as provided by this Act, will be entitled to vote at the election, and whose name does not appear upon the first part of the last revised voters' list, as certified by the judge under Part I, or on the third part of the list as prepared by the clerk, shall be entitled to apply by notice of complaint in the prescribed form to the revising officer to have his name entered upon the list. 1926, c. 3, s. 63.

62.—(1) Any person whose name is entered upon the list, or who is entitled to be so entered, shall be entitled to give notice of complaint as to any person whose name has not been entered on the said first or third parts of the list and who, if he remains a resident of the municipality or electoral district, will be qualified in other respects to vote at the election, or as to any person whose name has been entered on the list and who is not qualified or who has ceased to be qualified or is disqualified under The Election Act, or otherwise by law prohibited from voting.
Sec. 66 (2). VOTERS' LISTS. Chap. 7. 115

(2) The notice of complaint shall be in duplicate and the clerk of the revising officer shall keep one copy of every notice of complaint posted up in his office and shall deliver the other copy to the revising officer. 1926, c. 3, s. 64.

63. Subject to the provisions of section 54, the clerk of the peace shall deliver to the board three copies of the first part of the list for the municipality as last revised by the judge in the manner provided by this Act, and three copies of the third part as received by him from the clerk of the municipality, or printed by the clerk of the peace, and the said lists shall be subject to revision upon complaint as hereinbefore provided. 1926, c. 3, s. 65.

64. The sittings of the revising officer shall be held in the same manner and shall be subject to the same provisions as nearly as may be as the sittings of the judge for the hearing of appeals or complaints under Part I of this Act and such provisions shall mutatis mutandis apply to the sittings of the revising officer. 1926, c. 3, s. 66.

65.—(1) Where a person by whom or on whose behalf notice of complaint has not been given applies to the revising officer to have his name entered upon the list, and no objection to the want of notice is taken, the revising officer upon being satisfied on oath of such person or of someone having personal knowledge of the facts, that he is qualified to be so entered shall enter the name of such person upon the list.

(2) The name of any person shall not be removed from the list by the revising officer unless the revising officer is satisfied on oath that due notice of complaint has been given to such person or that such person is dead or has removed from the municipality.

(3) The revising officer shall not remove any name from or add any name to the list or make any other changes therein except upon the evidence under oath of some person who has personal knowledge of the facts. 1926, c. 3, s. 67.

66.—(1) At the close of the sittings, the revising officer shall certify in the prescribed form the lists as revised by him and the list of changes and corrections in the lists in triplicate, and one copy shall be delivered by the clerk of the revising officer to the clerk of the peace, and one copy shall be retained by the clerk of the revising officer and the third copy shall be delivered by the revising officer to the clerk of the board.

(2) The lists as so revised and certified shall be the proper lists to be used in preparing the polling lists for the election. 1926, c. 3, s. 68.
Regulations.  

67. — (1) The Lieutenant-Governor in Council may make regulations,

(a) prescribing the forms, notices and other documents to be used for the purposes of this Part;

(b) respecting the duties of the clerk of the board, the clerk of the peace and the clerks and other officers appointed or acting under this Part;

(c) respecting the books and other records to be kept of the proceedings of the board and the revising officer;

(d) fixing the fees to be payable to the board and the revising officer, clerk of the revising officer and clerk of the peace for services performed, and the witness fees and costs payable under this Part, and prescribing the manner in which the same shall be borne and paid;

(e) fixing the times within which the lists shall be completed and delivered to the clerk of the peace or the revising officers, and the time within which any duty imposed by this Part with reference to the revision of the lists by the revising officer and as to which no other provision is made, shall be performed;

(f) for giving directions as to any matter in connection with the preparation or revision of lists under this Part which is not expressly provided for therein; and

(g) generally for the better carrying out of the provisions of this Part.

(2) Any regulation made by the Lieutenant-Governor in Council under this Part shall have the same force as if it had been enacted herein. 1926, c. 3, s. 69.

68. The fees and expenses of the board, the revising officers and clerks, the clerks of the municipalities and the clerks of the peace shall be payable by the municipality, and where lists are being revised for more than one municipality in a county or district, such fees and expenses shall be borne by the various municipalities whose lists are subject to revision in proportion to population and shall be payable to the persons entitled thereto by the treasurer of the municipality upon the presentation of accounts therefor certified by the chairman of the board. 1926, c. 3, s. 70.
Sec. 72. \hspace{1cm} VOTERS' LISTS.

Chap. 7.

PART IV.

LISTS IN TERRITORY WITHOUT MUNICIPAL ORGANIZATION.

69. Whenever a vacancy occurs in the Assembly or the Assembly is dissolved or expires, lists shall be prepared in each electoral district comprising territory without municipal organization, including territory in an Indian Reserve, of all persons who are entitled to be entered upon the lists and to vote at an election in the electoral district of which such territory forms a part. 1926, c. 3, s. 71.

70. As soon as conveniently may be after a vacancy occurs in the Assembly or the Assembly is dissolved or expires the board shall cause a proclamation in the prescribed form to be posted up at every place at which a poll was held at the last election to the Assembly calling upon all persons qualified to vote at the election to see that their names are duly entered on the list to be prepared under this Part. 1926, c. 3, s. 72.

71.—(1) The board shall appoint a chief enumerator for the electoral district and the chief enumerator shall appoint one or more assistant enumerators to assist him in the preparation of the voters' lists.

(2) The appointment shall be by writing in duplicate under the hand of the chairman of the board or the chief enumerator as the case may be and shall designate the area within the electoral district in which each assistant enumerator is to prepare the list.

(3) One of such duplicates shall be furnished to the chief enumerator or the assistant enumerator, as the case may be, and the other shall be forthwith filed in the office of the clerk of the board and shall be open to inspection at all reasonable times.

(4) A copy of every such appointment, certified by the chairman of the board, or by the chief enumerator as the case may be, shall be forthwith transmitted to the Clerk of the Crown in Chancery, and shall be filed in his office. 1926, c. 3, s. 73.

72. The board may dispense with the services of any chief enumerator or assistant enumerator at any time and may appoint some other person to the office and may fill any vacancy caused by death, removal or otherwise, or by the neglect of the chief enumerator to make an appointment, and may enlarge, diminish or alter the limits of the territory in which any assistant enumerator is to act as the board may think fit. 1926, c. 3, s. 74.
73. Every chief enumerator and every assistant enumerator shall, before entering upon his duties, take the oath of office (Form 21) before a judge of the county or district court of the county or district or before a justice of the peace or one of the members of the board, and the oath shall forthwith be transmitted to the clerk of the board, and in the case of the chief enumerator shall be forthwith transmitted by the clerk of the board to the Clerk of the Crown in Chancery. 1926, c. 3, s. 73.

74.—(1) The chief enumerator, under the direction of the board, shall forthwith cause to be posted up in a conspicuous manner throughout those parts of the territory for which he is appointed, and in such places as the board may direct, a copy of this Part, and one or more printed notices in the prescribed form, and the chief enumerator or assistant enumerator shall attend at the time and place mentioned in the notice.

(2) The chief enumerator shall also forthwith, upon appointment, notify the member representing the electoral district, the defeated candidate in the previous election in such district, and the known candidates before the people for election in such district, of the preparation of the voters’ lists by sending to each of them by registered post a copy of this Part and one printed notice in the prescribed form. 1926, c. 3, s. 76.

75.—(1) Polls shall be held in territory to which this Part applies at such places as may be fixed by the chief enumerator subject to the approval of the board.

(2) A list of such places shall be forwarded with the notice provided for in the last preceding section, to the persons mentioned in subsection 2 thereof, and a list shall be prepared for use at every such polling place. 1926, c. 3, s. 77.

76. Every person who,—

(a) is of the full age of twenty-one years or will be of the full age of twenty-one years before the day fixed for holding the poll at the election;

(b) is a British subject;

(c) is not disqualified under The Election Act or otherwise by law prohibited from voting;

(d) is a resident of and domiciled in the electoral district;

(e) is and has been continuously, from a date twelve months prior to the day fixed for
holding the poll at the election, a resident of and domiciled in Ontario,

shall be entitled to be entered on the list prepared under this Part. 1926, c. 3, s. 78.

77. Subject to the direction of the board the chief enumerator shall have the general supervision and direction of the assistant enumerators, and notwithstanding anything in this Act contained, may do and perform any of the duties assigned to an assistant enumerator. 1926, c. 3, s. 79.

78.—(1) Save as otherwise provided, the judge and assistant enumerators, so far as the same are applicable to territory without municipal organization, shall respectively perform the duties assigned to the judge and to the clerk of the municipality and the judge by this Act elsewhere in Ontario, and the forms and notices and other proceedings shall be the same as nearly as may be, and be taken with the same effect as in the case of lists elsewhere in Ontario save as herein otherwise provided.

(2) All appeals shall be filed in duplicate with the clerk of the board, and he shall post up one copy of every notice of appeal or complaint in his office and shall deliver the other copy to the judge. 1926, c. 3, s. 80.

79. The list shall be in several parts, one part for each polling place, and the name of each voter shall be entered in that part, the polling place for which is most convenient for him. 1926, c. 3, s. 81.

80. Every assistant enumerator shall, on completion of the lists, attach thereto an affidavit in the prescribed form to be made before the judge or a police magistrate, and shall forthwith deliver the list to the clerk of the board who shall post up the same in his office. 1926, c. 3, s. 82.

81. The non-performance by the assistant enumerator of any of his duties under this Act within the times appointed shall not affect the validity of any list nor shall such list be void for any irregularity, if there has been a substantial compliance with the requirements of this Part. 1926, c. 3, s. 83.

82.—(1) There shall be an appeal to the judge in the same manner as elsewhere in Ontario under this Act and the judge shall, without any unnecessary delay, attend and hear the appeals at such places as may be convenient for the parties concerned, and shall give due notice thereof.

(2) The board may appoint one or more of its members to act in place of the judge for the purpose of hearing appeals and complaints under this Part where owing to the extent
Appeal as to polling place.

Notice of appeal.

Procedure on appeals.

Certifying list where there is no appeal.

Fees of enumerator and judge.

When additional sums may be authorized.

How payable.

of territory to be dealt with or for any other reason the board deems such appointment necessary or expedient, and every person so appointed in the territory to which he is assigned shall have and may exercise and shall perform all the rights, powers, authority and duties of the judge under this Part.

(3) A voter may also appeal with respect to the polling place at which his name is entered.

(4) At least ten days' notice in the prescribed form (inclusive of the first day's publication) of the hearing of such appeals shall be given, by publication in a newspaper published in the county or district, and by posting as required by section 74.

(5) The proceedings, in respect to such appeals, shall be as nearly as may be the same as upon appeals under Part I of this Act save that the time within which notice may be given of any complaint or appeal to be made to the judge with respect to a voters' list shall be ten days after the assistant enumerator has posted up the list, inclusive of the day of such posting.

(6) Notice of the time and place at which appeals will be heard shall be posted up by the chief enumerator and the assistant chief enumerator with the list of voters and the board may give such directions as to further notice of the hearing of appeals as it may deem necessary to secure due publicity. 1926, c. 3, s. 84.

83. If there is no appeal within such ten days the enumerator shall forthwith deposit in the office of the sheriff, and of every police magistrate in the electoral district, and in the office of the clerk of the peace and the clerk of the board respectively, a copy of his list, certified by the judge. 1926, c. 3, s. 85.

84.—(1) The chief enumerator and each assistant enumerator for preparing, and the judge for revising the lists required by this Part, shall be entitled to receive the sum of $5 per day for the time during which he was engaged therein, and all reasonable personal expenses and disbursements.

(2) Whenever it appears to the Lieutenant-Governor in Council that the amount provided in subsection 1 is not sufficient remuneration for the services required to be performed, he may authorize the payment of such additional sum for such services as he may consider just and reasonable.

(3) The fees, allowances and expenses payable under subsections 1 and 2, and the other expenses of preparing lists under this Part shall be certified by the chairman of
the board and shall be audited and paid in the manner
provided by The Election Act with respect to fees and expenses Rev. Stat.
allowed under that Act. 1926, c. 3, s. 86.

85. No chief enumerator or assistant enumerator and no
person in whose office the list is deposited under this Part, be can-
didates.

86. If a chief or assistant enumerator wilfully neglects, Penalty
omits, or refuses to perform any of the duties hereinbefore required of him, for each omission, neglect, or refusal, he
shall incur a penalty of $200. 1926, c. 3, s. 87.

87. The wilful alteration of, omission from, incorrect entry in or falsification of any certified list or copy thereof,
shall be an offence and any chief or assistant enumerator, clerk of the peace or other person who commits such offence or wilfully permits the same to be committed, shall incur a penalty of not less than $500 nor more than $2,000 and in addition thereto may be imprisoned for a period not exceeding three months. 1926, c. 3, s. 88.

88. Any penalty mentioned in the next two preceding sections shall be recoverable under The Summary Convictions
Act. 1926, c. 3, s. 90

89. The Lieutenant-Governor in Council may make regulations,—

(a) prescribing forms to be used in carrying out this Part;

(b) fixing the fees and charges to be paid and allowed for any services rendered in con-
nection with the preparation and revision of the lists;

(c) providing for any matter in connection with the preparation of the lists not expressly provided for in this Part, and generally for the better carrying out of the provisions of this Part. 1926, c. 3, s. 91.
### Schedule A

**Form 1.**

**(Section 4.)**

**Form of Voters' List.**

**Voters' List 19.** Municipality of

**Schedule of Post Offices.**

1. North Augusta
2. Maitland
3. Wright's Corners
4. Prescott

**Polling Subdivision No 1, Comprising Etc.:-(Giving the Limits.)**

**Part I.—Persons entitled to vote at Both Municipal Elections and Elections to the Legislative Assembly.**

<table>
<thead>
<tr>
<th>Name</th>
<th>Lot</th>
<th>CON. or Street</th>
<th>POST OFFICE ADDRESS</th>
<th>JURORS' COL.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anderson, Henry</td>
<td>M</td>
<td>N W $\frac{1}{2}$ 6</td>
<td>3 Owner</td>
<td>1</td>
</tr>
<tr>
<td>Andrews, John</td>
<td>B</td>
<td>W 14 acr. 8</td>
<td>1 P. S.</td>
<td>4</td>
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<tr>
<td>Archer, Mary</td>
<td>MW</td>
<td>2</td>
<td>9 M. F. N. C.</td>
<td>4</td>
</tr>
<tr>
<td>Brown, Hazel</td>
<td>S</td>
<td>W $\frac{1}{2}$ 9</td>
<td>2 Income</td>
<td>3</td>
</tr>
<tr>
<td>Burton, Samuel</td>
<td>W'er</td>
<td>E $\frac{1}{2}$ 17</td>
<td>4 See Subdiv. No.</td>
<td>2</td>
</tr>
<tr>
<td>Clark, Edith</td>
<td>W</td>
<td>W $\frac{1}{2}$ 17</td>
<td>4 Tenant</td>
<td>5</td>
</tr>
</tbody>
</table>

**Part II.—Persons entitled to vote at Municipal Elections only.**

<table>
<thead>
<tr>
<th>Name</th>
<th>Lot</th>
<th>CON. or Street</th>
<th>POST OFFICE ADDRESS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Archer, Henry</td>
<td>4</td>
<td>3</td>
<td>M.F.N.C.</td>
</tr>
<tr>
<td>Burk, Edmund</td>
<td>W</td>
<td>4</td>
<td>Tenant</td>
</tr>
<tr>
<td>Jones, David</td>
<td>E</td>
<td>4</td>
<td>Owner</td>
</tr>
</tbody>
</table>

**Part III.—Persons entitled to vote at Elections to the Legislative Assembly only.**

<table>
<thead>
<tr>
<th>Name</th>
<th>CON. or Street</th>
<th>POST OFFICE ADDRESS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acroyd, James</td>
<td>M N $\frac{1}{2}$ 3</td>
<td>4</td>
</tr>
<tr>
<td>Joseph, Amos</td>
<td>B 3</td>
<td>7</td>
</tr>
<tr>
<td>Jones, Elizabeth</td>
<td>S NW $\frac{1}{2}$ 6</td>
<td>8</td>
</tr>
<tr>
<td>Martin, Clara</td>
<td>MW W $\frac{1}{2}$ 9</td>
<td>5</td>
</tr>
<tr>
<td>Morris, Edward</td>
<td>W'er E $\frac{1}{2}$ 17</td>
<td>4</td>
</tr>
<tr>
<td>Smith, Grace</td>
<td>W W $\frac{1}{2}$ 6</td>
<td>9</td>
</tr>
</tbody>
</table>

**Polling Subdivision No 2, Comprising Etc.:-(Giving the Limits.)**

**(Note: In the Column headed “Condition” insert the initial letter or letters “M” (Married); “M.W.” (Married Woman); “S” (Spinstor); “W” (Widow); “W'er” (Widower); “B” (Bachelor), according to the circumstances.)**

1926, c. 3, Form 1.
FORM 2.

(Section 8.)

CERTIFICATE TO BE ENDORSED ON PART I OF THE VOTERS' LIST.

I, A.B., Clerk of the Municipality of , in the County of , certify that the within (or above) list being the first part of the voters' list constitutes a correct list for the year 19 , of all persons appearing by the last revised assessment roll to be entitled to vote at both elections for members of the Legislative Assembly and municipal elections in the said Municipality, and I hereby call upon all voters to take immediate proceedings to have any omissions or errors corrected according to law.

Dated this day of A. B., Clerk of 1926, c. 3, Form 2.

FORM 3

(Section 8.)

CERTIFICATE TO BE ENDORSED ON PART II OF THE VOTERS' LIST.

I, A.B., Clerk of the Municipality of , in the County of , certify that the within (or above) list being the second part of the voters' list constitutes a correct list for the year 19 , of all persons appearing by the last revised assessment roll to be entitled to vote at municipal elections only in the said Municipality, and I hereby call upon all voters to take immediate proceedings to have any omissions or errors corrected according to law.

Dated this day of A. B., Clerk of 1926, c. 3, Form 3.

FORM 4.

(Section 10.)

CLERK'S NOTICE OF FIRST POSTING OF VOTERS' LIST.

Voters' Lists, 19 , Municipality of , County of . Notice is hereby given that I have complied with section 7 of The Voters' Lists Act and that I have posted up at my office at , on the day of , 19 , the list of all persons entitled to vote in the said Municipality at municipal elections and that such list remains there for inspection.

And I hereby call upon all voters to take immediate proceedings to have any errors or omissions corrected according to law, the last day for appeal being the day of , 192 .

Dated, etc., A. B., Clerk of 1926, c. 3, Form 4.
FORM 5.

(Section 11 (5).)

AFFIDAVIT IN SUPPORT OF APPLICATION FOR NAME TO BE PLACED ON REVISED LIST.

I, , of the Township of , in the County of , make oath and say:—

1. That I am (or that is to the best of my personal knowledge) a British subject of the full age of twenty-one years, and not a citizen or a subject of any foreign country.

2. That I have (or that the said has) resided in the Dominion of Canada for the nine months next preceding the day of , 19 , (Fill in the day fixed for beginning to make the assessment roll upon which the voters' list is based) and that I was (or the said was) on the said day a resident of and domiciled in this municipality.

or

2. That on the last day for making complaint to the county judge, I will have (or the said will have), resided in the Dominion of Canada for twelve months next preceding that day and that I am (or the said is) a resident of and domiciled in this municipality.

3. That I am (or the said is) entitled to be entered on the voters' list for the township of .

4. That I am not (or that the said is not) disqualified under The Election Act or otherwise by law prohibited from voting at elections for the Legislative Assembly.

Sworn before me at the of In the County of this day of A. D. 19 .

(Signature Justice of the Peace or Commissioner, etc.)

NOTE.—This affidavit may be made before a justice of the peace, a commissioner for taking affidavits or a notary public.

1926, c. 3, Form 5.

FORM 6.

(Sections 12 (1), 14 (1).)

THE VOTERS' LISTS ACT, 1926.

NOTICE OF COMPLAINT OR APPEAL.

Polling Subdivision No. . . . . Ward No. . . . . Municipality of . . . .

(This notice must not apply to the lists for more than one polling subdivision)

To , Clerk of the for the of

I, (Insert full name—No initials), a person entered or entitled to be entered on the voters' list in the above-mentioned municipality in the electoral district of , complain that the persons whose names are set forth in List No. 1, are entitled to be on the voters' list for the above-mentioned polling subdivision, but
are omitted from the said list; that the persons whose names are set forth in List No. 2 are incorrectly described in the said list; that the persons whose names are set forth in List No. 3 ought not to have been entered on the voters' list for the above-named polling subdivision; and take notice that I intend to apply to the Revising Officer in respect thereof pursuant to the statute in that behalf.

Dated this day of A.D. 19

---

**LIST NO. 1.**

*(Showing voters omitted from or not entered on the Voters' List.)*

<table>
<thead>
<tr>
<th>NAMES OF PERSONS</th>
<th>ADDRESS</th>
<th>CONDITION</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>(Here write letters: &quot;M.&quot; meaning Married; &quot;B.&quot; meaning Bachelor; &quot;W.&quot; meaning Widower; &quot;M.W.&quot; meaning Married Woman; &quot;S.&quot; meaning Spinster; &quot;W.&quot; meaning Widow; &quot;S.F.&quot; meaning Soldier's Franchise.)</td>
</tr>
<tr>
<td>Insert full name and do not use initials.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**LIST NO. 2.**

*(Showing persons whose names are wrongly stated in Voters' List.)*

<table>
<thead>
<tr>
<th>NAMES OF PERSONS</th>
<th>ADDRESS AS STATED IN LIST</th>
<th>The Errors in Statement upon Voters' List.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Insert name as entered on list.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**LIST NO. 3.**

*(Showing persons whose names ought not to be on Voters' List.)*

<table>
<thead>
<tr>
<th>NAMES OF PERSONS</th>
<th>ADDRESS AS STATED IN LIST</th>
<th>Grounds on which such Persons' Names ought not to be on the Voters' List.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Insert name as entered on list.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
THE VOTERS' LISTS ACT.

VOTERS' NOTICE OF COMPLAINT.

(For use by individual complainants.)

Electoral District of..................................................
Complaint as to Voters' List for Polling Subdivision No...........
in the Municipality of..............................................
(Here insert name of municipality)

I,.................................................................a person entered or
(Full name of complainant)
entitled to be entered on a voters' list in the above-mentioned
municipality and electoral district, hereby complain that my
name has been omitted from the list for the above polling subdivision,
and appeal to have it entered thereon.

I hereby state and declare that

(1) I am a British subject by birth.
   (If naturalized, cross out "birth," write in "naturalization"
   and give date of your certificate. Naturalized citizens
   must bring their certificates of naturalization with them
   when their appeals are to be heard.)

(2) My occupation is............................................... 
   (In case of women, give occupation and also state whether
   married, widowed or single.)

(3) I have resided in Canada since..............................

(4) I have been living at...........................................
   (Give present street address, or lot and concession number.)
   since..............................................................
   (If you have moved within last five months, give each
   address at which you have lived in that period and date
   of moving from each.)

(5) I am over twenty-one years of age
   And take notice that I intend to apply to the judge in respect
   thereof, pursuant to the statute in that behalf.

Dated this..................day of..................19________

(Complainant sign here)

1926, c. 3, Form 6.

FORM 7.

(Section 14 (3).)

CLERK'S REPORT IN CASE OF APPEALS AND COMPLAINTS TO THE JUDGE.

To His Honour the Judge of the County Court of the County of
The Clerk of the Municipality of reports that the
several persons mentioned in column 1 of the subjoined schedule,
and no others, have given to him written notice complaining of errors
or omissions in the voters' list for the said Municipality for 19
on the grounds mentioned in column 2 of the said Schedule, and
that such notices were received respectively at the dates set down
in column 31 of the said schedule.

A. B.,
Clerk of
**Form 9. VOTERS' LISTS.**

**Schedule.**

<table>
<thead>
<tr>
<th>1</th>
<th>2</th>
<th>3</th>
</tr>
</thead>
<tbody>
<tr>
<td>NAME OF COMPLAINANT</td>
<td>ERRORS OR OMISSIONS COMPLAINED OF</td>
<td>DATE WHEN NOTICE OF COMPLAINT RECEIVED BY CLERK.</td>
</tr>
<tr>
<td>1926, e. 3, Form 7.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**FORM 8.**

*(Section 14 (3).)*

**JUDGE'S ORDER APPOINTING COURT FOR HEARING COMPLAINTS AND APPEALS.**

To , Clerk of the Municipality of the 19 , at the of day of hour of at in the said county, for holding a court to hear and determine the several complaints of errors and omissions in the first and second parts of the said voters' list for the Municipality of 19 I direct that the Assessor for the Municipality shall attend the sittings of the said court, and that the assessment roll and the minutes of the Court of Revision for the Municipality for 19 be produced thereat.

Dated day of 19

Judge C. C.

1926, e. 3, Form 8.

**FORM 9.**

*(Section 14 (3).)*

**NOTICE TO BE POSTED BY CLERK IN HIS OFFICE WITH LIST OF COMPLAINTS.**

Notice is hereby given that a court will be held, pursuant to *The Voters’ Lists Act*, at , on the day of 19 , at o'clock, for hearing all complaints made against the first and second parts of the voters' list for the Municipality of for 19 , particulars of which complaints are shown in the subjoined schedule.

Dated, etc.

A. B., Clerk of

1926, e. 3, Form 9.
You are hereby notified that a court of revision of the first and second parts of the voters' list, 19, for the Municipality of will be held by the judge of the County Court of the County of , on the day of 19 , at o'clock, at which court all complaints will be heard and determined. A list of complaints is posted up in and you are hereby required to appear at the court; and take notice, that the Judge may proceed to hear and determine the complaints, whether the parties complaining appear or not.

By order of His Honour the Judge of the County Court of the County of

Dated day of , 19 .

To

\[
\{ \text{A person complaining of error in the voters' list} \}
\]

A. B.,

Clerk of the Municipality of the Court.

1926, c. 3, Form 10.

---

You are hereby notified that a court of revision of the first and second parts of the voters' list, 19, for the Municipality of will be held by the Judge of the County Court of the County of , on the day of 19 , at o'clock, and you are required to appear at the court, for that has complained that your name is wrongly omitted (or inserted as the case may be) in the said voters' list because (state matter of complaint concisely). A list of all complaints lodged is posted up in ; and take notice, that the Judge may proceed to hear and determine the said complaint, whether you appear or not.

By order of His Honour the Judge of the County Court of the County of

To

Entered on voters' list.

A. B.,

Clerk of the said Municipality, and of the Court.

1926, c. 3, Form 11.
FORM 12.
(Section 15(1).)

GREETING THE FIFTH, by the Grace of God, of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, King, Defender of the Faith, Emperor of India.

Ontario:

To Wit.

We command you, that, all excuses being laid aside, you be and appear in your proper person before our Judge of our County Court of the County of , at , on the day of , 19 , at o'clock in the noon, at a court appointed, and there and then to be held, for hearing complaints of errors in the voters' list for 19 , of the Municipality of the of in the County of , and for revision of the said voters' list, then and there to testify to all and singular those things which you know in a certain matter, (or matters) of complaint made and now depending before the said judge, under The Voters' Lists Act, where one is complainant, and which complaint is to be tried at the said court. (And if the witness is required to produce documents) that you bring with you and produce at the said time and place (Set out the documents to be produced). Herein fail not.

Witness, His Honour , Judge of our said Court at the day of , in the year of our Lord 19 .

A. B.,
Clerk.

1926, c. 3, Form 12.

FORM 13.
(Section 18 (1).)

REPORT OF CLERK WHEN APPLYING FOR CERTIFICATE UNDER SECTION 18.

To the Judge of the County Court of the County of , Clerk of the Municipality of , in the County of , do hereby certify as follows:

That I did, on the day of , 19 , post up, and for a period of days next thereafter did keep posted up in a conspicuous place in my office at , a correct printed copy of the first and second parts of the voters' list for the Municipality of for 19 , made in pursuance of The Voters' Lists Act, with the certificate required by section 8 of the said Act endorsed thereon.

That I did also deliver or transmit by post, by registered letter, or by parcel post, registered, the required number of similar printed copies of the list, with my certificate endorsed, to each of the persons entitled to the same under section 7 of the said Act.
Chap. 7.  VOTERS' LISTS.  Form 13.

That I did on the day of 19 , cause to be inserted in the newspaper called the " " , published in the notice required by Section 10 of the said Act.

That no person gave me nor did I receive, within twenty-one days after I had posted up the list in my office, any written notice of complaint or intention to apply to the Judge in respect to the list.

And to the best of my knowledge and belief, I have complied with all the requirements of the said Act, so as to entitle me to apply for certified copies under section 18, and I now apply to you to certify the requisite number of the copies of the list received by you as being the revised list of voters for the municipality of the said for 19 .

Witness my hand this day of 19 .

Clerk of the Municipality of P.O. 1926, c. 3, Form 13.

FORM 14.

(Section 18 (2).)

CERTIFICATE WHERE NO COMPLAINTS.

A.B., Clerk of the Municipality of the having certified under his hand that no complaints respecting the first or second parts of the list of voters for the said Municipality, for the year 19 , had been received by him within twenty-one days after the first posting up of the same; and on application of the Clerk, Judge of the County Court of the County of in pursuance of the provisions of The Voters' Lists Act, certify that the first and second parts of the annexed printed list of voters, being one of the copies received by me from the clerk under section 7 of the said Act, is the last revised list of persons entitled to vote at elections to the Assembly as well as at municipal elections, and that the second parts of the said annexed list is the last revised list of persons entitled to vote at municipal elections only in the said municipality for the year 19 .

Given under my hand at this day of 19 .

Judge.

1926, c. 3, Form 14.

FORM 15.

(Section 19 (1-3).)

CERTIFICATE OF JUDGE WHEN COMPLAINTS HAVE BEEN MADE.

I, Judge of the County Court of the County of pursuant to section 19 of The Voters' Lists Act, do hereby certify that the above (as the case may be) is a correct copy of the statement of changes made by me in the first and second parts of the list of voters, for the year 19 , received by me from the Clerk of the Municipality of the of pursuant to the provisions of the said Act.

Dated this day of 19 .

Judge.

1926, c. 3, Form 15.
FORM 16.

(Certificate of Judge When Complaints have been Made.

I, — Judge of the County Court of the County of , pursuant to subsection 4 of section 19 of The Voters' Lists Act, do hereby certify that the above (as the case may be) is a correct copy of the first and second parts of the list of voters for the year 19 , received by me from the clerk of the municipality of the of (according to my revision and correction thereof, pursuant to the provisions of the said Act.)

Dated day of .

Judge.

1926, c. 3, Form 16.

FORM 17.

(Order for Payment of Costs.

The Voters' Lists Act.

In the matter of the voters' list for the Municipality of , on the complaint or appeal of A.B., complaining of the name of C. D. being wrongly inserted in the said list (or, as the case may be, stating in brief the nature of the complaint.)

On proceedings taken before me I find and adjudge that the name of the said C. D. was rightly inserted in the said list (or was wrongly inserted in the said list), and order that the said A. B. do pay the said C. D. his costs occasioned by the said complaint (or, and order that the said C. D. shall pay the said A. B. his costs incident to the said complaint (or, and order that E. F., the Assessor of the said Municipality, do pay the said A. B. his costs incident to the said complaint (or, as the case may be, stating it in brief), which I fix at the sum of .

Dated day of .

Judge.

1926, c. 3, Form 17.

FORM 18.

(Writ of Execution.

Whereas on the day of , His Honour, Judge of the County Court of the County of , made his order that C. D. should pay to A. B. dollars as and for his costs sustained by him on the trial of a complaint against the voters' lists for the Municipality of in the said County, for (or as the case may be) made and prosecuted under the provisions of The Voters' Lists Act, which said costs have been fixed and allowed at the said sum. You are hereby required to levy of the goods and chattels of the said C. D., in the said County (not exempt from execution) the said money and your lawful fees, so that you may have the same within thirty days from the date hereof and pay the same over to the Clerk of this Court for the said A. B.

Given under the seal of the Court this day of .

Judge.

To V. W., Bailiff of the said Court.

1926, c. 3, Form 18.
FORM 19.

(Section 39 (1).)

APPLICATION TO JUDGE AGAINST DELINQUENT CLERK.

Pursuant to section 39 of The Voters' Lists Act, I, A. B., Clerk of the Peace for the County of , hereby inform His Honour the Judge of the County Court of the said County, that C. D., Clerk of the Municipality of , in the said County, has failed to perform the duties required of him as such Clerk by the said Act, in this, that he has not made out the list of voters for 19 , for the said Municipality, within thirty days after the final revision and correction of the assessment roll thereof (or, has not delivered or transmitted printed copies of the voters' list for the said Municipality, for 19 , to and or to any of them (or, as the case may be, stating in brief the duty not performed), according to the requirements of the Act; and I apply to you to enforce the performance of the duties aforesaid.

Dated at, this day of , 19 .

A. B.,
Clerk of the Peace.

1926, c. 3, Form 19.

FORM 20.

(Section 39 (3).)

SUMMONS.

The Voters' Lists Act.

In the matter of the voters' list for the Municipality of , in the County of , for 19 .

Whereas it appears by the application of A. B., the Clerk of the Peace for the said County, (or, a person entitled to be entered on the said list) made to me, in pursuance of the said Act, that you have failed to perform certain duties required of you by the said Act, in this, that you have not made out the list of voters for 19 , for the said Municipality, within thirty days after the final revision and correction of the assessment roll thereof (or, as the case may be, following the application); and whereas the said A. B. has applied to me to enforce the performance of the duties aforesaid;

You are hereby required to appear before me at in the County of , on the day of , 19 , at the hour of , and produce before me the assessment roll for 19 , for the said Municipality, and any documents in your custody, power or control, relating to the assessment roll, or to the list aforesaid; and submit yourself for examination on oath.

Dated this day of , 19 .

To C.D.,
Clerk of the Municipality of

Judge.

1926, c. 3, Form 20.
FORM 21.

(Oath of Enumerator Preparing Voters' Lists in Unorganized Territory.)

I, of the of , in the District of and Province of , the Enumerator whose duty it is under The Voters' Lists Act, to prepare the voters' lists in and for the Electoral District (or portion of the electoral district, describing such portion) of in the Province of , do hereby solemnly swear that I will well and faithfully discharge the duties assigned to me by the said Act without favour or partiality; and that I will in all respects, to the best of my ability, conform to the said Act and to the law. So help me God.

Sworn before me, at the of in the of , and Province of , this day of , A.D. 19 .

(District or County Judge, or as the case may be.)

1926, c. 3, Form 21.