

mation for the recovery of any such penalty or forfeiture shall be commenced unless the person suing therefor has given good and sufficient security, to the amount of fifty dollars, to indemnify the defendant for the costs occasioned by his defence, if the person suing is condemned to pay such costs.

R.S.C., c. 8, s. 106.

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Summary
proceedings
in case of
personation.

*[132. If a person is charged at a polling place with having committed the offence of personation, the deputy returning officer at such polling place may, and if requested so to do on behalf of a candidate shall, take the information on oath of the person making the charge; and such information may be in the form DD.

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Information.

Detention
of alleged
personator.

2. If the person against whom it is proposed to lay the information has not left the polling place, the deputy returning officer may, either on his own motion or at the request of any one proposing forthwith to lay an information against such person, detain or direct the detention of such person until an information can be drawn up.

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Warrant
of arrest.

3. Upon receiving the information the deputy returning officer may, on the polling day, but not afterwards, issue his warrant, in the form EE, for the arrest of the person charged, in order that he may be brought before the magistrate or one of the magistrates therein named, to answer to the said information and to be further dealt with according to law.

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Trial, before
what magis-
trates.

4. The magistrate or magistrates named in the warrant shall be such as defined by section 782 of *The Criminal Code*, 1892, as amended, and the nearest available within the county.

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1892, c. 29,
part I.V to
apply.

5. The provisions of part LV of the said Code shall apply to all proceedings under this section.

Execution
of warrant.

6. Such warrant shall be sufficient authority for any peace officer (as defined by *The Criminal Code*, 1892,) to detain such person until he is brought before the magistrate.

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If name of
alleged per-
sonator is
unknown.

7. If the correct name of the person charged is unknown to the informant, it shall be sufficient in the information and other proceedings to describe the person charged as a person whose name is to the informant unknown, but who is detained under the order of the deputy returning officer; or the person charged may be described in such other manner as will suitably identify him; and when the name of the person so charged is ascertained, it shall be stated in any subsequent warrant or proceeding.

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Constables.

8. Every poll clerk shall have the authority of a constable for the purpose of carrying out the provisions of this section; and every deputy returning officer may appoint such special constables as he deems necessary for the like purpose; and such person shall have full power to act without taking any oath.]

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Ont., 1894, c. 7.

What
allegation
necessary in
suits for
penalties.

133. It shall be sufficient for the plaintiff, in any action or suit under this Act, to allege in his pleading or declaration that the defendant is indebted to him in the sum of money thereby demanded, and to allege the particular offence with respect to which the action or suit is brought, and that the defendant has acted contrary to this Act, without mentioning the writ of election or the return thereof.

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R.S.C., c. 8, s. 107.

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