

Form of
return.

Report by
returning
officer.

Certain
documents to
be sent with
return.

How sent.

If return is
irregular.

Liability of
returning
officer not
returning
candidate
elected.

Proviso.

Notice of
return in
*Canada
Gazette.*

that time he receives notice that he is required to attend before a judge for the purpose of a recount or final addition by such judge of the votes given at the election, and, where there has been a recount or final addition by the judge, immediately thereafter, transmit his return to the Clerk of the Crown in Chancery that the candidate having the largest number of votes has been duly elected, and shall forward to each of the candidates a duplicate or copy thereof; and such return shall be in the form CC. 5

2. The returning officer shall accompany his return to the Clerk of the Crown in Chancery with a report of his proceedings, in which report he shall make any observations he thinks proper as to the state of the ballot boxes or ballot papers as received by him. 10

3. The returning officer shall also transmit to the Clerk of the Crown in Chancery, with his return, the ballot papers, the original statements of the several deputy returning officers, hereinbefore referred to, together with the lists of voters and poll-books used in the several polling districts, and all other lists and documents used or required at such election, or which have been transmitted to him by the deputy returning officers. 15 20

4. Such return and report shall be sent through the post office, after being registered.

*[5. In the event of the returning officer making a return and report to the Clerk of the Crown in Chancery not complying with the provisions of this section or section 90, the Clerk of the Crown in Chancery shall return the said report and return to the returning officer on presentation of an order signed by any judge who has jurisdiction under the latter section.] 25 30

R.S.C., c. 8, s. 65 ; 1891, c. 19, s. 12. Ingram's Bill, clause 20.

*93. If any returning officer wilfully delays, neglects or refuses duly to return any person who ought to be returned to serve in the House of Commons for any electoral district, such person may, if it has been determined on the hearing of an election petition respecting the election for such electoral district that such person was entitled to have been returned, sue the returning officer who has so wilfully delayed, neglected or refused duly to make such return of his election, in any court of record in the province in which such electoral district is situate, and recover from him a sum of five hundred dollars, together with all damages he has sustained by reason thereof, and costs, provided that [notwithstanding anything in *The Criminal Code*, 1892,] such action is commenced within one year after the commission of the act on which it is grounded, or within six months after the conclusion of the trial of the petition relating to such election. 35 40 45

R.S.C., c. 8, s. 101 ; 1892, c. 29, s. 551.

94. The Clerk of the Crown in Chancery shall on receiving the return of any member elected in the House of Commons, enter it in a book to be kept by him for such purpose in the order in which such return is received by him, and thereupon 50