

Provision in
case of loss
of voting
machine.

25. If the machines or any of them have been destroyed, lost, or for any other reason are not forthcoming within the delay fixed as in subsection of the next preceding section provided, the returning officer shall ascertain the cause of the disappearance of such machines and shall call on each of the deputy returning officers whose boxes are missing, or on any other person having them, for the list, statements and certificates, or copies of the lists, statements and certificates, of the number of votes given to each candidate required by this Act,—the whole verified on oath, which oath the returning officer is hereby authorized to administer; and if such lists or statements or any of them, or copies thereof, cannot be obtained he shall ascertain by such evidence as he is able to obtain the total number given to each candidate at the several polling places, and to that end may summon any such deputy returning officer, his poll clerk, or any other person to appear before him at a day and hour to be named by him and to bring all necessary papers and documents with him, of which day and hour, and of the intended proceedings, the candidate shall have due notice, and the said returning officer may then and there examine on oath the said deputy returning officer, the said poll clerk, or any other person, respecting the matter in question.

In case D. R. O. has not furnished statement of votes registered.

2. In case of an adjournment by reason of any deputy returning officer not having placed in the box of the voting machine a certificate of the votes registered, the returning officer shall in the meantime use all reasonable efforts to ascertain the exact number of votes given for each candidate at the polling district of such deputy returning officer, and to that end shall have the powers set out in the next preceding subsection.

R. O. to return candidate appearing to have majority, and report special circumstances.

3. In any case arising under this section the returning officer shall return the candidate appearing to have the majority of votes, and shall mention specially in his report to be sent with the return, the circumstances accompanying the disappearance of the voting machines, or the want of any certificate as aforesaid and the mode by which he ascertained the number of votes given to each candidate.

Punishment of refusal to testify.

4. Any person refusing or neglecting to attend on the summons of the returning officer issued under this section, shall be guilty of an indictable offence and punishable accordingly.

Return of candidate.

26. The returning officer shall, immediately after the sixth day after the final addition by him under section 23, or the ascertainment by him under section 24, of the number of votes given for each candidate, 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 respective candidates a duplicate or copy thereof, and such return shall be in the form L in the schedule to this Act.

Form of return.

Report by R. O.

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 observation he thinks proper as to the state of the voting machines or documents as received by him.

Certain documents to accompany return.

3. The returning officer shall also transmit to the Clerk of the Crown in Chancery with his return the certificates of the several deputy returning officers hereinbefore referred to,