

No. 188.

5th Session, 8th Parliament, 63 Victoria, 1900

BILL.

**An Act to consolidate and amend the
law relating to the Election of Members
of the House of Commons.**

First reading, April 5, 1900.

Mr. FITZPATRICK.

OTTAWA

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1900

An Act to consolidate and amend the law relating to the Election of Members of the House of Commons.

(An asterisk indicates an amended or a new provision, and new matter is between square brackets.)

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

SHORT TITLE.

1. This Act may be cited as *The Dominion Elections Act*, Short title.
5 1900.

REPEAL.

2. The Acts mentioned in schedule three to this Act are hereby repealed to the extent mentioned in the said schedule, and the provisions of this Act are substituted for the provisions of the Acts so repealed. Repeal.

INTERPRETATION.

- 10 3. In this Act, unless the context otherwise requires,—
- (a.) The expression “election” or “Dominion election” means an election of a member to serve in the House of Commons, and the expression “provincial election” means an election of a member to serve in the legislative assembly or
15 house of assembly or general assembly of a province and in the Province of Prince Edward Island means an election of an assemblyman;
- (b.) The expression “electoral district” means any place or territorial area in Canada entitled to return a member to serve
20 in the House of Commons.
- (c.) The expression “elector” or “voter” means any person entitled to vote at an election under the provisions of this Act, or of the Franchise Act, 1898, or any amendment thereto;
- (d.) The expression “voters’ list,” or “list of voters” in-
25 cludes any official list of persons entitled to vote at an election;
- (e.) The expression “polling division” includes any polling subdivision, polling district or subdistrict or other territorial area for which there is a separate voters’ list, or in which a poll may be held;
- *[(f.) The expression “candidate at an election” or “candi-
30 date” means any person elected to serve in the House of
- Interpreta-
tion.
“Election.”
“Dominion election.”
“Provincial election.”
“Electoral district.”
“Elector,”
“voter.”
“List of voters.”
“Polling division.”
“Candidate.”

Commons at such election, and any person who is nominated as a candidate at such election, or is declared by himself or by others to be a candidate, on or after the day of the issue of the writ for such election, or after the dissolution of parliament or the occurrence of the vacancy in consequence of which such writ has been issued : provided that where a person has been nominated as a candidate or declared to be a candidate by others without his consent, nothing in this Act shall be construed to impose any liability upon him unless he has afterwards given his assent to such nomination or declaration or has been elected ;]

“ Election petition.” *[(g.) The expression “ election petition ” means a petition presented in pursuance of *The Dominion Controverted Elections Act*, being chapter 9 of the Revised Statutes ;]

“ Judge.” (h.) The expression “ judge ” includes Chief Justice, and when used with reference to the Province of Ontario, also includes the Chancellor ;

“ Personal expenses.” (i.) The expression “ personal expenses,” as used in this Act with respect to the expenditure of any candidate in relation to the election at which he is a candidate, includes the reasonable travelling expenses of such candidate, and the reasonable expenses of his living at hotels, or elsewhere, for the purpose of and in relation to such election ;

“ Form.” *[(j.) The expression “ form ” means a form in Schedule One to this Act.]

R.S.C., c. 8, s. 2 ; 1898, c. 14, s. 4 ; Ont. 1892, c. 3, s. 2.

QUALIFICATION OF MEMBERS.

Qualification of candidates. 4. Except as hereinafter provided, any British subject may be a candidate for a seat in the House of Commons.

2. No qualification in real estate shall be required of any candidate.

R.S.C., c. 8, s. 20, *part*.

Disqualifications. 5. The following persons shall not be eligible as candidates :—

On account of corrupt practices. (a.) Every person disqualified for corrupt practices or other offences by sections 126, 128 or 129 of this Act ;

Holding certain offices. (b.) Every person disqualified by section 9 or 10 of the *Act respecting the Senate and House of Commons*, being chapter 11 of the Revised Statutes, by reason of his holding certain offices of emolument or being interested in a contract or agreement with the Crown ;

Contractors with Government. (c.) Every person disqualified by section 1 of the *Act respecting the House of Commons*, being chapter 13 of the Revised Statutes, by reason of his being a member of a Provincial Legislature.

R.S.C., c. 11, ss. 9 and 10 ; R.S.C., c. 13, s. 1.

Election of disqualified person to be void.

6. If a person declared ineligible by paragraph (a) or (b) of the next preceding section is nevertheless returned as a member, his election and return shall be null and void.

Votes for member of provincial legislature to be thrown away.

2. If a member of a Provincial Legislature, notwithstanding his disqualification as in the next preceding section mentioned, receives a majority of votes at an election, such majority of

votes shall be thrown away, and the returning officer shall return the person having the next greatest number of votes, provided he is otherwise eligible.

R.S.C., c. 11, s. 11; c. 13, s. 2.

QUALIFICATION OF VOTERS.

- 5 *7. The following persons shall be disqualified and incompetent to vote at any Dominion election, whether disqualified and incompetent or not to vote at a provincial election :—
- (a.) The judges of every court now existing or hereafter created whose appointment rests with the Governor General; Judges.
- 10 *[(b.) Officers and men under *The Militia Act* in the permanent force;] Members of permanent corps.
- *[(c.) Officers and men of the North-West Mounted Police force;] N.-W. Police.
- (d.) Persons disfranchised for corrupt practices under sections 126 and 129 of this Act; Persons disqualified by sections 127 and 131.
- (e.) Persons disfranchised for taking bribes under section 15 of the *Act to disfranchise voters who have taken bribes*, being chapter 14 of the statutes of 1894. Bribed voters. 1894, c. 14.
- R.S.C., c. 8, s. 42, *part*; 1894, c. 14, s. 15.

- 20 8. The following persons shall be disqualified and incompetent to vote at an election for the electoral district for which or for a portion of which they hold their offices or positions, whether disqualified and incompetent or not to vote at a provincial election :—
- 25 (a.) Returning officers and election clerks, but not deputy returning officers, poll clerks or constables, whether appointed by the returning officer or by a deputy returning officer, employed in connection with the election;
- (b.) Any person who at any time, either before or during
- 30 the election, has been or is employed at the same election or in reference thereto by any person as counsel, attorney, solicitor, agent or clerk at any polling place at any such election, or in any other capacity, and who has received or expects to receive, either before, during or after the said election from
- 35 any person for acting in any such capacity as aforesaid, any sum of money, fee, office, place or employment, or any promise, pledge or security for any sum of money, fee, office, place or employment.
2. The returning officer may, nevertheless, as hereinafter provided, vote in the case of an equality of votes between candidates. Exception in case of tie.
- R.S.C., c. 8, s. 42, *part*; 1887, c. 6, s. 1.

9. Every person guilty at an election of the unlawful act mentioned in section 113 is disqualified from voting at such
- 45 election, whether disqualified or not to vote at a provincial election. Disqualification under section 113.
- R.S.C., c. 8, s. 88.

WRITS OF ELECTION.

10. Every writ for an election shall be dated and be returnable on such days as the Governor General determines. Date and return of writ.

- Address. 2. It shall be addressed to the person appointed by him as hereinafter provided.
- Transmission. 3. It shall be transmitted to such person by mail, unless otherwise ordered by the Governor General.
- Form. 4. It shall be in the form A. 5
R.S.C., c. 8, ss. 3 and 6.

ELECTION OFFICERS.

Returning officers. **11.** The person to whom a writ is addressed, as herein before provided, shall be the returning officer at the election to which such writ relates; Provided always, that if the person to whom the writ has been addressed refuses, or is disqualified or unable 10 to act, the Governor General may appoint another person to be such returning officer.
R.S.C., c. 8, s. 3, *part.*

Who shall not act as election officers. ***12.** None of the persons following shall be appointed returning officers, or deputy returning officers, election clerks or poll 15 clerks :—
(a.) Members of the Queen's Privy Council for Canada or of the Executive Council of any Province;
(b.) Members of the Senate or members of the Legislative 20 Council of any Province;
(c.) Members of the House of Commons or members of the Legislative Assembly of any Province;
(d.) Ministers, priests or ecclesiastics of any religious faith or worship;
(e.) Judges of the courts of superior, civil or criminal juris- 25 diction, or judges of any county or district court, insolvent court or admiralty court;
(f.) Persons who have served in the Parliament of Canada in the session immediately preceding the election, or in the then present session of Parliament; 30
(g.) Persons who have been found guilty by the House of Commons, or by any court for the trial of controverted elections, or other competent tribunal of any offence or dereliction of duty in violation of this Act, or of the *Act to disfranchise voters who have taken bribes*, being chapter 14 of the statutes of 35 1894.
*[(h.) Persons who have been convicted of an offence under the provisions of *The Criminal Code*, 1892, or any amendment thereof.]
R.S.C., c. 8, s. 7; 1894, c. 14, s. 15. 40

Residence of election officers. ***13.** No person shall be appointed deputy returning officer or election clerk or poll clerk who is not a resident of the electoral district within which he is to act.]

Who shall not be bound to act as such. **14.** None of the following persons, unless they are sheriffs, registrars, town clerks or assessors, shall be obliged to act as 55 returning officers, deputy returning officers, election clerks or poll clerks, that is to say :—
(a.) Professors is any university, college, high school or academy;
(b.) Physicians or surgeons; 50
(c.) Millers;

(d.) Postmasters, customs officers, or clerks in post offices or customs offices ;

(e.) Persons of sixty years of age or upwards ;

(f.) Persons who have previously served as returning officers at a Dominion election.

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

15. The returning officers shall, on receiving the writ of election, forthwith endorse thereon the date on which he receives it, and before taking any further action thereon he shall take the oath of office in the form B.

Endorsing receipt of writ ; oath of returning officer.

R.S.C., c. 8, s. 9.

16. The returning officer, by a commission under his hand, in the form C, shall appoint an election clerk, and may, at any time during the election, appoint, in the same manner, another election clerk, if the one first appointed resigns, or refuses or is unable to perform his duties as such clerk.

Appointment of election clerk.

R.S.C., c. 8, s. 10.

17. The election clerk shall, before acting as such, take the oath of office in the form D.

Oath of office.

20 R.S.C., c. 8, s. 12.

18. The election clerk shall assist the returning officer in the performance of his duties, and act in his stead as returning officer whenever the returning officer refuses or is disqualified or unable to perform his duties and has not been replaced by another.

Duties.

R.S.C., c. 8, s. 11.

19. Every officer and clerk who is guilty of any wilful misfeasance or any wilful act or omission in violation of this Act shall forfeit to any person aggrieved by such misfeasance, act or omission, a sum not exceeding five hundred dollars, in addition to the amount of all actual damages thereby occasioned to such person.

Misfeasance, etc., by election officers.

Penalty.

R.S.C., c. 8, s. 105, *part*.

20. Every returning officer, deputy returning officer, election clerk or poll clerk, who refuses or neglects to perform any of the obligations or formalities required of him by this Act shall, for each such refusal or neglect, forfeit the sum of two hundred dollars to any person who sues therefor.

Neglect of duty by election officers.

Penalty.

R.S.C., c. 8., s. 105, *part*.

40 *21. [Immediately after the issue of the writ of election] the Clerk of the Crown in Chancery shall transmit to the returning officer [a sufficient number of copies of voter's lists, if there are any], one copy of this Act, and of such instructions approved by the Governor in Council as are required to carry out the election according to the provisions of this Act (with a copious alphabetical index prefixed), for the returning officer himself, [one copy for the election clerk], and one for each of the deputy returning officers, [and also for each deputy returning officer, a sufficient number of blank poll-books and all the blank forms necessary for the purposes of such election, except

Copies of Act and instructions to be sent to the returning officer.

forms E. I. and P. which the returning officer shall himself cause to be printed.]

R.S.C., c. 8, s. 124; R. S. Ont., c. 9, s. 33.

POLLING DIVISIONS AND VOTERS' LISTS.

- Returning officer to obtain voters' lists, etc. *22. Forthwith after the receipt of the writ for a Dominion election the returning officer shall obtain from the officers who are the legal custodians thereof, or of duly certified duplicates or copies thereof, such provincial voters' lists, or such certified copies thereof or extracts therefrom, and such certified copies of by-laws, orders, proclamations or other documents or proceedings defining the several provincial polling divisions situate either wholly or partially within the territory comprised in the electoral district for which such election is to be held as are necessary, or as he deems necessary, to the performance of his duties as returning officer; and every such officer who omits or refuses to furnish within a reasonable time any such voters' list or copy thereof, or extract therefrom, or any such copy of a by-law, or order, or proclamation or other document or proceeding demanded by the returning officer shall be guilty of an indictable offence and incur a penalty not exceeding two thousand dollars and not less than two hundred dollars. 5
10
- Penalty for not furnishing them. * [2. The legal custodian from whom any such document is so obtained shall be paid therefor the same fees (if any) as in the case of such document being obtained by a returning officer for the purposes of a provincial election.] 15
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- Fees. * [3. The legal custodian of any voters' list shall deliver certified copies thereof, or of any part thereof, as last revised and corrected, to any person applying therefor, on payment therefor of a fee not exceeding the fee (if any) allowed by the provincial law in the like case, and not exceeding in any case ten cents for a printed list and one cent for every two names in writing if the list or part of the list is written.] 25
30
- Any person entitled to copy of list on payment of fee. * [23. Where under the laws of the Province there are no polling divisions for the purpose of provincial elections, the returning officer shall forthwith after the receipt of the writ subdivide the electoral district into as many polling divisions as he deems necessary for the convenience of the electors, adopting so far as he deems it expedient the polling divisions, if any there were, at the last Dominion election; and he shall number or otherwise designate such polling divisions, and fix upon a suitable polling station in each.] 35
40
- Where under provincial law there are no polling divisions.

PROCLAMATION BY RETURNING OFFICER.

- Proclamation by returning officer. * 4. Within [the shortest possible time] after the reception of the writ in the electoral districts of [Algoma, in the province of Ontario,] of Gaspé and Chicoutimi and Saguenay, in the province of Quebec, [of Burrard and Yale and Cariboo, in the province of British Columbia, and of Alberta and Saskatchewan, in the North-West Territories,] and within eight days after its reception in the other electoral districts of Canada, the returning officer shall, by a proclamation under his hand, issued in the English and French languages in every electoral district 45

in the province of Quebec and in the province of Manitoba, and in the English language only in the other electoral districts, indicate—

- (a.) The place and time fixed for the nomination of candidates ;
- (b.) The day on which the poll for taking the votes of the electors is to be held, in case a poll is demanded ;
- (c.) The several polling stations fixed by him, and the territorial limits to which they respectively apply ;
- 10 (d.) The time when and the place where the returning officer will add up the number of votes given to the several candidates.

2. Such proclamation shall be in the form E.
1895, c. 13, s. 3.

Form.

- 15 *25. The proclamation shall be posted up in all the electoral districts, at least eight days before the day fixed for the nomination of candidates, [neither the last day of posting it up nor the day of nomination being reckoned.]

Posting up
proclamation

R.S.C., c. 8, s. 14, *part.*

- 20 26. The returning officer shall cause the said proclamation to be posted up at four of the most prominent and conspicuous places in each city, town and village (or ward of such city, town or village, when it is subdivided into wards), and at four
- 25 township or division of parish or township, within the electoral district for which the election is to take place.

How to be
published.

R.S.C., c. 8, s. 17.

THE NOMINATION.

- *27. The Governor General shall, except as hereinafter mentioned, fix the day for the nomination of candidates at
- 30 the election.

Nomination
day, how
fixed.

- *2. At every general election he shall fix one and the same day for the nomination of candidates in all the electoral districts, except in the electoral districts of [Algoma in the province of Ontario], of Gaspé and Chicoutimi and Saguenay, in
- 35 the province of Quebec, [and of Burrard and Yale and Cariboo, in the province of British Columbia, and Alberta and Saskatchewan in the North-West Territories].

For general
election.

Exception.

1895, c. 13, s. 1.

28. The day so fixed by the Governor General shall be
- 40 named in the writs of election for the several electoral districts respectively to which such day applies.

Day to be
named in the
writs.

R.S.C., c. 8, s. 5.

- *29. In the electoral districts of [Algoma, in the province of Ontario,] of Gaspé and Chicoutimi and Saguenay, in the
- 45 province of Quebec, [and of Burrard and Yale and Cariboo, in the province of British Columbia, and in Alberta and Saskatchewan in the North-West Territories], the returning officers shall fix the day for the nomination of candidates, and also the day and places for holding the polls; the nomination in the
- 50 said electoral districts shall take place not less than [eight]

Nomination
and polling
days in certain
districts.

days after the proclamation hereinbefore required has been posted up,—[neither the last day of posting it up nor the day of nomination being reckoned]; and the day for holding the polls shall be [at as early a date thereafter as possible, but not less than seven days after nomination, and at a general election it shall, if possible, be the same day as that fixed by the Governor General for the other electoral districts, but not sooner.] 5
1895, c. 13, s. 2.

Postponement
of nomination
in case of
unforeseen
event.

***30.** Whenever from unforeseen accident or delay, or otherwise, the proclamation hereinbefore mentioned cannot be posted up so as to leave the required delay between the posting up of the proclamation and the nomination day appointed by the Governor General, or by the returning officer, as the case may be, the returning officer [shall] fix another day for the nomination of candidates,—which day shall be the nearest day possible after allowing the number of days required by the next preceding section between the posting up of the proclamation and the nomination day; and in every such case the returning officer shall, with his return, make to the Clerk of the Crown in Chancery a special report of the causes which occasioned the postponement of the election. 20

R.S.C., c. 8, s. 15, *part*.

Place of
nomination.

31. The place fixed for the nomination of candidates shall be the court house, city or town hall, or some other public or private building, in the most central or most convenient place for the majority of the electors of each electoral district. 25

R.S.C., c. 8, s. 18.

Hours for
nomination.

32. The time appointed for the nomination of candidates shall be from the hour of twelve at noon until the hour of two in the afternoon of the day fixed for that purpose. 30

R.S.C., c. 8, s. 19.

Form of
nomination.

33. Any twenty-five electors, or, in the North-West Territories, four electors, may nominate a candidate or as many candidates as are required to be elected for the electoral district for which the election is held, by signing a nomination paper in the form F, stating therein the names, residence and addition or description of each person proposed, in such manner as sufficiently to identify such candidate, and by causing the said nomination paper to be produced to the returning officer at the time and place indicated in the said proclamation or to be filed with the returning officer as hereinafter mentioned. 40

Each
candidate
separately.

2. Each candidate shall be nominated by a separate nomination paper; but the same electors, or any of them, may subscribe as many nomination papers as there are members to be elected. 45

Nomination
papers may be
filed with re-
turning officer
at other places
and times.

3. Such nomination papers may also be filed with the returning officer at any other place, and at any time between the date of the proclamation and the day of nomination with the same effect as if produced at the time and place fixed for the nomination; and at the close of the time for nominating the candidates, the returning officer shall deliver to every candidate or agent of a candidate applying therefor a duly certi- 50

fied list of the names of the several candidates who have been nominated; and any votes given at the election for any other candidates than those so nominated shall be null and void.

R.S.C., c. 7, s. 17; c. 8, s. 21.

Votes for candidates not nominated, null.

5 ***34.** No nomination paper shall be valid and acted upon by the returning officer unless it is accompanied by the consent in writing of the person therein nominated, except when such person is absent from the province in which the election is to be held,—in which case such absence shall be stated in the
10 nomination paper; and unless a sum of two hundred dollars, in legal tender or in the bills of any chartered bank doing business in Canada, is deposited in the hands of the returning officer at the time the nomination paper is filed with him.

Consent of candidate.

Deposit by him.

2. The receipt of the returning officer shall, in every case,
15 be sufficient evidence of the production of the nomination paper, of the consent of the candidate, and of the payment herein mentioned.

Evidence thereof,

3. The sum so deposited by any candidate shall be returned to him in the event of his being elected or of his obtaining a
20 number of votes at least equal to one-half the number of votes polled in favour of the candidate elected,—otherwise [except in the case provided for by section 39] it shall belong to Her Majesty for the public uses of Canada; and the sums so paid and not returned as herein provided shall be applied by the
25 returning officer towards the payment of the election expenses; and an account thereof shall be rendered by him to the Auditor General of Canada.

Deposit, how to be dealt with.

R.S.C., c. 8, s. 22; 1891, c. 19, s. 2.

35. The returning officer shall require the person, or one or
30 more of the persons, producing or filing as aforesaid any such nomination paper, to make oath before him that he knows or they know that the several persons who have signed such nomination paper are electors duly entitled to vote, and that they have signed it in his or their presence, and that the con-
35 sent of the candidate had been signed in his or their presence, or that the person named as candidate is absent from the province, as the case may be.

Nomination paper to be attested.

2. Such oath may be in the form G, and the fact of its hav-
40 ing been taken shall be stated on the back of the nomination paper.

Form of oath.

R.S.C., c. 8, s. 23.

***36.** Whenever only one candidate, or only such a number of candidates as are required by law to be elected to represent the electoral district for which the election is held have been
45 nominated within the time fixed for that purpose, the returning officer shall [forthwith] make his return to the Clerk of the Crown in Chancery that such candidate or candidates, as the case may be, is or are duly elected for the said electoral district,—of which return he shall send within forty-eight hours
50 a duplicate or certified copy to the person or persons elected: and such return shall be in the form H.

Return when no more candidates than members to be elected.

R.S.C., c. 8, s. 24.

Report with return. **37.** The returning officer shall accompany his return to the Clerk of the Crown in Chancery with a report of his proceedings and of any nomination proposed and rejected for non-compliance with the requirements of this Act. 5
 R.S.C., c. 8, s. 25.

Withdrawal of candidates. **38.** Any candidate nominated may withdraw at any time after his nomination, and before the closing of the poll, by filing with the returning officer a declaration in writing to that effect, signed by himself; and any votes cast for the candidate who has so withdrawn shall be null and void; and if, after the 10
 If no more remain than there are members to be elected. withdrawal, there remains but one candidate, or no more than the number to be elected, then the returning officer shall return as duly elected the candidate or candidates so remaining, without waiting for the day fixed for holding the poll, or for the closing of the poll if such withdrawal is filed on the polling 15
 day.
 R.S.C., c. 8, s. 27.

Death of candidate. ***39.** If a candidate dies after being nominated and before the closing of the poll, the returning officer may fix another day for the nomination of candidates,—which day shall be the 20
 nearest day possible after allowing the number of days required by section 26 between the posting up of the proclamation and the nomination day; and in such case the returning officer shall, with his return, make to the Clerk of the Crown in Chancery a special report of the death of the candidate having 25
 occasioned the postponement of the election.
 Deposit, how to be dealt with. ***[2.** In such case the candidate's deposit shall be returned to his personal representatives.]
 R.S.C., c. 8, s. 15, *part.*

Granting of poll. **40.** If more candidates than the number required to be 30
 elected for the electoral district are nominated to the manner required by this Act, the returning officer shall grant a poll for taking the votes of the electors.
 R.S.C., c. 8, s. 26, *part.*

PROCEEDINGS BETWEEN NOMINATION AND POLL.

Duties of returning officer. ***41.** On a poll being granted, the returning officer shall,— 35
 Notice of poll. (a.) Cause to be posted up notices of his having granted such poll, indicating the names, residences and occupations of the candidates nominated, in the order in which they are to be printed on the ballot papers hereinafter mentioned,—which notice shall, as soon as possible after the nomination, be pla- 40
 carded at all the places where the proclamation for the election was posted up, and shall be in the form I;

Deputies. ***(b.)** Appoint, by a commission under his hand, in the form J, one deputy returning officer for each polling division in the electoral district, who shall, before acting as such, take the 45
 oath of office in the form K;

Copies of Act and of voters' list. ***(c.)** Furnish each deputy returning officer with a copy [of this Act and one copy] of the voters list, if there is one, for the polling district for which he is appointed,—such copy of the voters' list being first certified by himself; 50

- **(d)* Deliver to each deputy returning officer, two days at least before the polling day [a blank poll book, forms of oaths to be administered to voters, and] a ballot box, [and also a screen if one is required] ; Ballot, boxes, forms, etc.
- 5 *(e.)* Furnish each deputy returning officer with a sufficient number of ballot papers (all being of the same description and as nearly as possible alike), to supply the number of voters on the list of such polling district, and with the necessary materials for voters to mark their ballot papers ; Ballot papers.
- 10 *(f.)* Furnish each deputy returning officer with at least ten copies of printed directions, in the form L, for the guidance of voters in voting,—which printed directions the deputy returning officer shall, before or at the opening of the poll, on the day of polling, cause to be posted up in some conspicuous places outside of the polling station, and also in each compartment of the polling station. Directions for voters.
- 15 **(g.)* And shall, at least two days before the day fixed for polling, furnish to a candidate or his agent, a list of all deputy returning officers appointed to act in such election, with the name or number of the booth at which they are to act. List of deputies.
- 20 R.S.C., c. 7, s. 36, and c. 8, ss. 26 and 30 ; 1898, c. 14, s. 16 ; Ingram's Bill, clause 4.
- ***42.** Each deputy returning officer shall forthwith appoint by commission under his hand, in the form M, a poll clerk, Poll clerk.
- 25 who, before acting as such clerk, shall take the oath in the form N.
- *[2. Each deputy returning officer shall, if practicable, furnish to the returning officer, not later than nine o'clock in the morning of the day prior to the day fixed for polling, the name and occupation or addition of such poll clerk ; and the returning officer shall, not later than twelve o'clock noon of the day prior to the day fixed for polling, post up in his office a list of the deputy returning officers and poll clerks, with the occupation or addition of each, showing the booth where each is to act, and shall permit free access to and afford full opportunity for inspection of such list by any candidate, agent or elector up to at least six o'clock of the evening of the same day.] Information as to deputies and poll clerk.
- 30 R.S.C., c. 7, s. 39, and c. 8, s. 32 ; Ingram's Bill, clause 5.
- 35
- ***43.** Whenever a deputy returning officer refuses or is unable to act, the returning officer may appoint another person to act in his place as deputy returning officer ; and if no such appointment is made, the poll clerk, without taking another oath of office, shall act as deputy returning officer. Poll clerk to act as deputy in certain cases.
- 40
2. Whenever the poll clerk acts as deputy returning officer, he shall, by a commission in the form O, appoint a poll clerk, to act in his stead, who shall take the oath required by the next preceding section of this Act. And appoint poll clerk under him,
- 45 R.S.C., c. 8, s. 33.
- ***44.** The Clerk of the Crown in Chancery may cause to be made for each electoral district such number of ballot boxes as are required ; or may give to the returning officers such instructions as are deemed necessary to secure ballot boxes of a uniform size and shape,—such instructions being first approved of by the Governor in Council. The furnishing of ballot boxes by Clerk of the Crown in Chancery.
- 50
- 55 R.S.C., c. 8, s. 125, *part.*

Ballot boxes,
etc., furnished
by sheriff and
registrar.

***15.** The sheriff or the registrar of the county or registration division, [or the postmaster of the locality], in which the nomination has been held shall, immediately after the granting of the poll, deliver to the returning officer the ballot boxes, screens, etc., deposited in his custody in accordance with this Act. 5

R.S.C., c. 8, s. 69, *part.*

If ballot box
or screen is
not furnished.

***16.** Whenever the returning officer fails to furnish the ballot box [and screen, or either of them] to the deputy returning officer for any polling district within the time prescribed by this Act, such deputy returning officer shall cause [them, or whichever of them is wanting], to be made. 10

R.S.C., c. 8, s. 31.

Construction
of ballot
boxes.

17. The ballot box shall be made of some durable material, with one lock and key, and a slit or narrow opening in the top and so constructed that the ballot papers may be introduced therein, but cannot be withdrawn therefrom unless the box is unlocked. 15

R.S.C., c. 8, s. 30, *part.*

Ballot papers,
form of.

***18.** The ballot of each voter shall be a printed paper, in this Act called a ballot paper, [on which the names of the candidates, alphabetically arranged in the order of their surnames, shall be printed exactly as they are set out in the nomination paper; and the ballot paper shall [also] be [provided with a blank counterfoil the whole as in form P.] 20 25

Names on
ballot paper.

***[2.** Where two members are to be elected for the electoral division and there are more than two candidates, the candidates may, within an hour after the time appointed for the nomination, agree to their names being arranged otherwise than alphabetically, and in such case the returning officer shall have the names arranged accordingly on the ballot paper.] 30

Description
of paper to
be used

3. The ballot shall be printed upon thick writing paper of the following weight : if foolscap paper is used, it shall be of a weight of not less than seventeen pounds to the ream ; if large post paper is used, it shall be of a weight of not less than twenty-nine pounds to the ream. 35

R.S.C, c. 8, s. 29 ; 1888, c. 11, s. 4.

Property of
ballot boxes,
etc.

49. The property of the ballot boxes, ballot papers, envelopes and marking instruments procured for or used at any election shall be in Her Majesty. 40

R.S.C., c. 8, s. 68.

THE POLL.

Polling day.

***50.** [Except as hereinbefore provided], the day for holding the poll shall be the seventh day next after the expiration of the day fixed for the nomination of candidates, that is on the same or corresponding day of the week next after that on which the nomination has taken place, or if such seventh day is a statutory holiday, then on the next following day not being a Sunday or a statutory holiday. 45

R.S.C., c. 8, s. 14, *part.*

***51.** The poll shall be held in each polling district in a room or building of convenient access, with an outside door for the admittance of voters, and having, if possible, another door through which they may leave after having voted; and one or **5** two compartments shall be made within the room, so arranged that each voter may be screened from observation, and may, without interference or interruption, mark his ballot paper; and a table or desk with a hard and smooth surface shall be provided, upon which the voter may mark his ballot paper; **10** [and a suitable black lead pencil shall be provided and kept properly sharpened throughout the hours of polling for the use of the voters in marking their ballots.]

Where the poll shall be held.

Compartments.

Table to be provided.

2. The Clerk of the Crown in Chancery may give to the returning officers such instructions as are deemed necessary as **15** to the mode of making the compartments,—such instructions being first approved by the Governor in Council.

Instructions by Clerk of the Crown in Chancery.

R.S.C., c. 8, s. 34 and s. 125, *part*; 1888, c. 11, s. 5; Ingram's Bill, clause 7.

52. The poll shall be opened at the hour of nine of the clock **20** in the forenoon and kept open until five of the clock in the afternoon of the same day, and each deputy returning officer shall, during that time, in the polling station assigned to him receive, in the manner hereinafter prescribed, the votes of the electors duly qualified to vote at such polling station.

Hours for polling.

25 R.S.C., c. 8, s. 28, *part*, and s. 35, *part*.

53. In addition to the deputy returning officer and the poll clerk, the candidates and their agents (not exceeding two in number for each candidate in each polling station), and, in the absence of agents, two electors to represent each candidate **30** on the request of such electors, and no others, shall be permitted to remain in the room where the votes are given, during the whole time the poll remains open.

Who may be present in the polling station.

Provided always, that any agent bearing a written authorization from the candidate shall always be entitled to represent **35** such candidate in preference to, and to the exclusion of, any two electors who might otherwise claim the right of representing such candidate under this section.

Agents authorized in writing.

R.S.C., c. 8, s. 36.

54. Any person producing to the returning officer or **40** deputy returning officer, at any time, a written authority from a candidate to represent him at the election or at any proceeding of the election, shall be deemed an agent of such candidate within the meaning of this Act.

Who may act as agents for candidates.

R.S.C., c. 8, s. 37.

55. Whenever in this Act any expressions are used, requiring or authorizing any act to be done, or inferring that any act or thing is to be done, in the presence of agents of the candidates, such expressions shall be deemed to refer to the presence of such agents of the candidates as are authorized to **45** attend, and as have, in fact, attended at the time and place where such act or thing is being done; and the non-attendance of any agents or agent at such time and place shall not, if the act or thing is otherwise duly done, invalidate in any wise the act or thing done.

As to provisions requiring presence of agents, etc.

R.S.C., c. 8, s. 129.

Candidate
may act as his
own agent.

56. A candidate may himself undertake the duties which any agent of his, if appointed, might have undertaken, or may assist his agent in the performance of such duties, and may be present at any place at which his agent may, in pursuance of this Act, be authorized to attend.

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R.S.C., c. 8, s. 127.

Who may not
act as agents
for candidates

57. Every returning officer or deputy returning officer of an electoral district, and every partner or clerk of either of them, who acts as agent for any candidate in the management or conduct of his election for such electoral districts, is guilty of an indictable offence.

R.S.C., c. 8, s. 104.

Oath of
secrecy.

58. One of the agents of each candidate, and, in the absence of such agent, one of the electors representing each candidate, if there is such elector, on being admitted to the polling station, shall take an oath to keep secret the names of the candidates for whom any of the voters has marked his ballot paper in his presence, as hereinafter required,—which oath shall be in the form Q.

R.S.C., c. 8, s. 38.

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Inspection of
ballot papers,
etc., before
opening of
poll.

***[59.** Agents and electors entitled to be present in the room of the polling station during polling hours, shall be entitled to have the packets of ballot papers intended for use thereat carefully counted in their presence before the opening of the poll, and shall be entitled to inspect such ballot papers and all other papers, forms and documents relating to the poll, provided such agents or electors are in attendance at least fifteen minutes before the hour fixed for opening the poll.]

Ingram's Bill, clause 8.

25

Where
electors
shall vote.

***60.** [Where there is a voters' list] each elector shall, subject to the provisions contained in the next following section of this Act, be entitled to vote only at the polling station of the polling division or one of the polling divisions, upon the list of voters for which his name is entered as such voter, and at no other [except as otherwise provided by paragraph (f) of section 5 of *The Franchise Act*, 1898.]

35

In P. E. I.

***[2.** In the province of Prince Edward Island, subject to the provisions contained in the next following section of this Act, every elector qualified to vote in the electoral district in which he resides shall vote in such district in the polling division in which he resides, and not elsewhere.]

R.S.C., c. 8, s. 43, *part*; 1898, c. 14, ss. 5 and 19.

40

Provision as
to election
officers or
agents
entitled to
vote.

***61.** The returning officer, on the request of any elector entitled to vote at one of the polling stations, who is appointed deputy returning officer or poll clerk, or who is named the agent of any of the candidates for a polling station other than the one where he is entitled to vote, shall give to such elector a certificate that such deputy returning officer, poll clerk or agent is entitled to vote at such election at the polling station where such elector is stationed during the polling day, and on the production of such certificate such deputy returning officer, poll clerk or agent shall have the right to vote at the polling

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station where he is placed during the polling day, instead of at the polling station of the polling district where he would otherwise have been entitled to vote: provided that no such certificate shall entitle any such elector to vote at such polling station unless he has been actually engaged as such deputy returning officer, poll clerk or agent during the day of polling: provided also that no more than two agents of any candidate shall have the right to vote at any one polling place under such certificates.

*2. The returning officer shall not grant such certificate for more than two agents for each candidate at or for each polling [station].

3. Every person so appointed deputy returning officer, poll clerk or agent, and claiming to vote by virtue of such certificate, shall, if required, before voting, take the oath in the form R.

4 Such oath, with the corresponding certificate of the returning officer, shall be filed with the deputy returning officer at the polling station where the person taking it has voted.

R.S. C., c. 8, s. 44; 1888, c. 11, s. 6; 1891, c. 19, s. 3.

62. At the hour fixed for opening the poll, the deputy returning officer and the poll clerk shall, in the presence of the candidates, their agents, and such of the electors as are present, open the ballot box and ascertain that there are no ballots or other papers therein, after which the box shall be locked, and the deputy returning officer shall keep the key thereof.

R.S.C., c. 8, s. 39.

63. Immediately after the ballot box is locked, as above provided, the deputy returning officer shall call upon the electors to vote.

2. The deputy returning officer shall secure the admittance of every elector into the polling station, and shall see that he is not impeded or molested at or about the polling station.

R.S.C., c. 8, ss. 40 and 43, *part*.

*64. Not more than one elector for each compartment shall, at any one time, enter the room where the poll is held, and each elector upon so entering shall declare his name and addition, and in the province of Prince Edward Island his qualification also,—which particulars shall be entered in the poll book by the poll clerk, a number being prefixed to the name;

*[2. The poll book shall be kept in the form S.]

3. If the elector's name is found on the list of voters for the polling district of the polling station, he shall be entitled to vote.

*4. If in any polling division where by [or under] the provincial law no list of voters is required or provided, he is found qualified, he shall be entitled to vote.

5. If his name has been omitted from the list of voters on account of some disqualifying provision of the provincial law specified in section 6 of *The Franchise Act*, 1898, he shall be entitled to vote upon his taking or offering to take the oath in the form T.

1898, c. 14, s. 20.

Oath by
elector.

***65.** An elector, if required by the deputy returning officer, the poll clerk, one of the candidates, or an agent of a candidate, or by any elector present shall, before receiving his ballot paper, take such oath of [or sign such statement as to] qualification as by the law of the province he may in the like case at a provincial election be required to take [or sign], such changes being made in the form of oath as are necessary to make it applicable to the election being held, [and shall also, if so required, take the oath in the form U.]

1898, c. 14, s. 21.

Oaths, etc.,
in P.E.I.

***66.** In the province of Prince Edward Island an elector, if required by the deputy returning officer, the poll clerk, one of the candidates, or an agent of a candidate, or by any elector present, shall, before receiving his ballot paper, answer such questions and produce such certificate or receipt, (or in case such certificate or receipt cannot be produced, take the oath in such cases prescribed), and take such other oath of qualification as by the law of the province he may in the like case at a provincial election be required to answer, produce, or take, such changes being made in the form of oaths as are necessary to make them applicable to the election being held.

1898, c. 14, s. 22.

Objections
to voters in
P. E. I.

***67.** In the province of Prince Edward Island, if any person desires to vote whose right to vote is objected to on the ground of want of qualification, and if a candidate, or any agent of a candidate, or (in the absence of such agent) any elector acting in the interest of a candidate, so objects in the presence of the elector, the deputy returning officer [, in addition to placing his initials on the back of the ballot paper, as provided by section 70, shall also place on the back thereof a number corresponding to that placed opposite the voter's name in the poll book.]

1898, c. 14, s. 23.

Voter refusing
to be sworn
or to answer
questions.

***68.** No voter who has refused to take the oath or affirmation, [or to sign the statement] or to answer questions or produce evidence as to qualification as aforesaid, [or to take the oath in the form U,] when required to do so, shall receive a ballot paper or be admitted to vote.

1898, c. 14, s. 26.

Deputy re-
turning officer
rejecting vote
in good faith.

***69.** [Where there is no voters' list, if a deputy returning officer rejects the vote of a person entitled to vote and does so in good faith and believing upon reasonable grounds that such person is not entitled to vote, the deputy returning officer shall not therefor be liable to any penalty.]

Ont., 1892, c. 3, s. 185.

Ballot paper
to be initialed
and numbered
by deputy
returning
officer.

***70.** The votes shall be given by ballot, and each elector who is entitled to vote shall receive from the deputy returning officer a ballot paper, on the back of which such deputy returning officer has previously put his initials, so placed that when the ballot is folded they can be seen without opening it, and on the counterfoil of which he has placed a number corres-

pending to that placed opposite the voter's name in the poll book.

1898, c. 14, s. 20, *part.*

- 5 **71.** The deputy returning officer shall instruct the elector how and where to affix his mark, and how to fold his ballot paper, but without inquiring or seeing for whom the elector intends to vote, except in the case provided for in section 75. Deputy returning officer to instruct elector.
- R.S.C., c. 8, s. 45, *part.*
- 10 ***72.** The elector, on receiving the ballot paper, shall forthwith proceed into one of the compartments of the polling station and there mark his ballot paper, making a cross with a [black lead] pencil within the white space containing the name of the candidate, or of each of the candidates,] for whom he intends to vote, and shall then fold up the ballot paper so that the initials on the back [of it and the number on the counterfoil] can be seen without opening it, and hand it to the deputy returning officer, who shall, without unfolding it, ascertain by examining his initials [and the number on the counterfoil] that it is the same which he furnished to the elector, and shall then, after removing the counterfoil, immediately, and in the presence of the elector, place the ballot paper in the ballot box. Mode of voting, and marking ballots, etc.
- 15
- 20
- 1895, c. 13, s. 4; Ingram's Bill, clause 9.
- 25 ***73.** A voter who has inadvertently dealt with the ballot paper given him in such manner that it cannot be conveniently used [shall], on delivering it to the deputy returning officer, obtain another ballot paper in its place. Elector spoiling his ballot paper.
- 30 R.S.C., c. 8, s. 55.
- *74.** If a person, representing himself to be a particular elector, applies for a ballot paper after another person has voted as such elector, the applicant, upon taking the oath in the form V [if his name is on the list of voters, in the form T Elector in whose name another has previously voted.
- 35 if his name is not on the list of voters, or in the form required by the provincial law in such case if there is no list of voters,] and otherwise establishing his identity to the satisfaction of the deputy returning officer, shall be entitled to receive a ballot paper, on which the deputy returning officer shall put
- 40 his initials, together with a number corresponding to the number entered on the poll-book opposite the name of such voter, and he shall thereupon be entitled to vote as any other elector.
2. The name of such voter shall be entered in the poll-book, and a note shall be made of his having voted on a second ballot paper issued under the same name, and of the oath of
- 45 qualification having been required and made, as well as of any objections made on behalf of any and which of the candidates. Entry in poll-book.
- R.S.C., c. 8, s. 54; 1898, c. 14, s. 27.
- *75.** The deputy returning officer, on the application of any voter who is unable to read or is incapacitated by blindness or other physical cause from voting in the manner prescribed by this Act, shall assist such voter by marking his ballot paper in
- 50 the manner directed by such voter, in the presence of the sworn agents of the candidates, or of the sworn electors representing
- Voter unable to mark his ballot paper.

them in the polling station, and of no other person, and by placing such ballot paper in the ballot box; and the deputy returning officer shall require the voter making such application, before voting, to make oath of his incapacity to vote without such assistance, in the form W. 5

Interpreter to be sworn in certain cases.

*2. Whenever the deputy returning officer does not understand the language spoken by any such elector claiming to vote, he shall swear an interpreter, who shall be the means of communication between him and such elector with reference to all matters required to enable such elector to vote; [and in case no interpreter is found, such elector shall not be allowed to vote.] 10

If interpreter cannot be found.

Deputy to enter reasons for marking by him.

3. The deputy returning officer shall enter in the poll-book opposite the names of the voters whose ballot papers have been so marked, in addition to what is required by section 78, the reason why each ballot paper was marked by him. 15

R.S.C., c. 8, s. 49; R.S.B.C., c. 39, s. 104.

No delay in voting.

76. Every elector shall vote without undue delay, and shall quit the polling station so soon as his ballot paper has been put into the ballot box.

R.S.C., c. 8, s. 47. 20

Voting more than once in same electoral district forbidden.

77. No person shall vote more than once in the same electoral district at the same election, but each elector may vote for as many candidates as are required to be elected to represent the electoral district for which the election is held.

R.S.C., c. 8, s. 53. 25

Entries in poll-book.

*78. The poll clerk shall enter in the poll-book to be kept by him as aforesaid, opposite the name of each elector voting, the word "Voted," as soon as his ballot paper has been deposited in the ballot box, and he shall enter in the same book the word "Sworn" or "Affirmed" [or "Signed statement"] opposite the name of each elector to whom the oath of qualification has been administered, [or who has signed a statement as to his qualification,] and the words "Refused to be sworn" or "Refused to affirm" [or "Refused to answer" or "Refused to sign statement,"] opposite the name of each elector who has refused to take any oath or to affirm, when he has been legally required so to do [or has refused to answer questions which he has been legally required to answer or to sign a statement which he has been legally required to sign.] 30

2. The poll clerk shall also enter in the poll book the words "Provincial qualifications oath taken" opposite the name of each elector to whom the oath prescribed by subsection 2 of section 6 of *The Franchise Act, 1898*, has been administered, and the words "Refused to take provincial disqualifications oath," opposite the name of each elector who has refused to take that oath. 45

R.S.C., c. 8, s. 51; 1898, c. 14, s. 25. *As to questions, see P.E.I., 1894, c. 1, ss. 77, 88.*

Offences at the poll.

*79. Every one who—

(a.) forges, counterfeits, fraudulently alters, defaces or fraudulently destroys a ballot paper or the initials of the deputy returning officer signed thereon, or— 50

(b.) without authority supplies a ballot paper to any person, or—

(c.) fraudulently puts into a ballot box a paper other than the ballot paper which he is authorized by law to put in, or—

5 (d.) fraudulently takes a ballot paper out of the polling place, or—

(e.) without due authority destroys, takes, opens or otherwise interferes with a ballot box or packet of ballot papers then in use for the purposes of the election, or—

10 (f.) attempts to commit any offence specified in this section,—

is guilty of an indictable offence, and shall be liable, if he is a returning officer, deputy returning officer or other officer Penalty.

engaged at the election, to a fine not exceeding one thousand
15 dollars, or to imprisonment for any term not exceeding [five] years, with or without hard labour, in default of paying such fine,—and if he is any other person, to a fine not exceeding five hundred dollars or to imprisonment for any term not exceeding [two years and not less than six months], with or
20 without hard labour, in default of paying such fine.

R.S.C., c. 8, ss. 48 and 100 ; Ingram's Bill, clauses 10 and 26.

PROCEEDINGS AFTER THE CLOSE OF THE POLL.

25 ***80.** Immediately after the close of the poll, the deputy returning officer shall [count the number of voters whose names appear on the poll book as having voted, and make an entry thereof on the line immediately below the name of the voter who voted last, thus:—“*The number of voters who voted at*
30 *this election in this polling division is . . . (stating the number),”* and he shall sign his name thereto; then], in the presence of the poll clerk and the candidates or their agents—and if the candidates and their agents or any of them are absent, then in the presence of such, if any, of them as are present, and of at
35 least three electors,—he shall open the ballot box and proceed to count the number of votes given for each candidate [giving full opportunity to those present to examine each ballot.

Counting votes by deputy returning officers.

2. In counting the votes he shall reject all ballot papers which have not been supplied by the deputy returning officer,
40 all those by which votes have been given for more candidates than are to be elected, and all those upon which there is any writing or mark by which the voter could be identified, other than the numbering by the deputy returning officer in the cases hereinbefore provided for.

Rejecting ballots.

45 R.S.C., c. 8, s. 56, *part.*

81. The deputy returning officer shall take a note of every objection made by any candidate, or his agent or any elector present, to any ballot paper found in the ballot box, and shall decide every question arising out of the objection; and the
50 decision of the deputy returning officer shall be final, subject to reversal on recount or on petition questioning the election or return.

Objections to ballot papers.

2. Each objection to a ballot paper shall be numbered, and a corresponding number placed on the back of the ballot paper,
55 and initialled by the deputy returning officer.

To be numbered.

Exception as to P. E. I.

3. This section shall not apply, in the province of Prince Edward Island, to the determination of the qualification or non-qualification of any voter whose ballot paper has been numbered and initialled under section 67 of this Act.

R.S.C., c. 8, s. 57; 1898, c. 14, s. 30.

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Duty of deputy returning officer, after counting the votes.

S2. The other ballot papers being counted and a list kept of the number of votes given to each candidate, and of the number of rejected ballot papers, all the ballot papers indicating the votes given for each candidate respectively shall be put into separate envelopes or parcels, and those rejected, those spoiled and those unused shall be put respectively into separate envelopes or parcels, and all such envelopes or parcels shall be endorsed so as to indicate their contents, and shall be sealed by the deputy returning officer, and shall be marked with the signatures of any agents present in the polling station who are willing to do so, by writing their signatures across the flap thereof. 10

Counting ballot papers in P. E. I.

2. In the province of Prince Edward Island, the deputy returning officer shall also, in counting the ballots, place in a separate envelope or parcel all ballot papers numbered and initialled under section 67 of this Act. 20

R.S.C., c. 8, s. 56, *part*; 1891, c. 19, s. 4; 1898, c. 14, s. 29.

Oaths by deputy returning officer and poll.

***[S3.** The deputy returning officer and the poll clerk, immediately after the completion of the counting of the votes, shall take and subscribe respectively the oaths in the forms X and Y, which shall remain attached to the poll book: after which the deputy returning officer shall make out a statement in triplicate, in the form Z, one copy to remain attached to the poll book, one copy to be retained by the deputy returning officer, and the third copy to be inclosed by him in a special envelope supplied for the purpose,—which envelope he shall seal and deposit in the ballot box.] 25

Statement by deputy returning officer.

2. The deputy returning officer shall then deliver to each of the candidates, or to their agents or, in the absence of such candidates or agents, to the electors present representing the candidates, a certificate, in the form A.A., of the number of votes given for each candidate, and of the number of rejected ballot papers; and he shall also forthwith after the close of the poll mail to each candidate, by registered letter, to the address stated in the ballot paper, a like certificate. 35

Certificate to candidates or their representatives.

Documents to be enclosed in ballot box.

***[3.** The poll book, the envelopes containing the ballot papers, the envelope containing the voters' lists, and all other documents which served at the election shall then be placed in the large envelope supplied for the purpose, and this large envelope shall then be sealed and placed in the ballot box.] 40

Ballot box to be sealed and delivered.

***4.** The ballot box shall then be locked and sealed [with the seal of the deputy returning officer], and shall be forthwith delivered by the deputy returning officer to the returning officer, or to the election clerk, who shall receive the same, or to one or more persons specially appointed for that purpose by the returning officer, and such person or persons shall, on delivering the ballot boxes to the returning officer, take the oath in the form B.B. 50

1888, c. 11, s. 8, *part*, s. 59; 1891, c. 19, s. 5, *part*, s. 6; 1898, c. 14, s. 31.

55

84. The returning officer, upon the receipt by him of each of the ballot boxes, shall take every precaution for its safe-keeping and for preventing any person other than himself and his election clerk from having access thereto, and shall immediately upon the receipt of each ballot box seal it under his own seal in such a way that it cannot be opened without the seal being broken, and this he shall do without effacing or covering the seal of the deputy returning officer.

1891, c. 19, s. 5, *part.*

Safe-keeping
of ballot
boxes.

85. The returning officer, at the place, day and hour appointed by his proclamation, and after having received all the ballot boxes, shall proceed to open them, in the presence of the election clerk, the candidates or their representatives, if present, or of at least two electors, if the candidates or their representatives are not present, and to add together the number of votes given for each candidate, from the statements contained in the several ballot boxes returned by the deputy returning officers of the ballot papers counted by them.

Addition of
votes by
returning
officer.

2. The candidate who, on the addition of the votes, is found to have a majority of votes, shall then be declared elected.

Declaration
thereupon.

R.S.C., c. 8, s. 60

86. Whenever, on the addition of votes by the returning officer, an equality of votes is found to exist between any two or more of the candidates, and an additional vote would entitle any of such candidates to be declared elected, the returning officer shall give such additional or casting vote.

Casting vote
of returning
officer.

R.S.C., c. 8, s. 61.

87. If the ballot boxes are not all returned on the day fixed for adding up the number of votes given to the several candidates, the returning officer shall adjourn the proceedings to a subsequent day,—such subsequent day not being more than a week later than the day originally fixed for the purpose of adding up the votes.

Adjournment
if ballot boxes
are missing.

2. In case any deputy returning officer has not duly inclosed in the ballot box the statement of the ballot papers counted by him as required by this Act, or if, for any other cause, the returning officer cannot at the day and hour appointed by him for that purpose ascertain the exact number of votes given for each candidate, the returning officer may thereupon adjourn to a future day and hour the said adding up of the number of votes given for each candidate, and so from time to time,—such adjournment or adjournments not in the aggregate to exceed two weeks.

Adjournment
for other
causes.

R.S.C., c. 8, s. 62; 1891, c. 19, s. 7.

***88.** If the ballot boxes or any of them have been destroyed, lost, or for any other reason are not forthcoming within the time fixed as in the first subsection of the next preceding section provided, the returning officer shall ascertain the cause of the disappearance of such ballot boxes, and shall call on each of the deputy returning officers whose ballot boxes are missing, or on any other person having them, for the lists, statements and certificates, or copies of the lists, statements and certificates, of the number of votes given to each candidate required

Provision in
case of loss of
ballot boxes.

by this Act, the whole verified on oath; 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 of votes 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 candidates shall have due notice; and the returning officer may then and there examine on oath such deputy returning officer or poll clerk, or any other person, respecting the matter in question.

Duty of returning officer if statement is not in ballot box

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

Return of candidate appearing to have majority.

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 this report to be sent with the return the circumstances accompanying the disappearance of the ballot boxes, or the want of any statement as aforesaid, and the mode by which he ascertained the number of votes given to each candidate.

Not obeying summons, and indictable offence.

*1. Any person refusing or neglecting to attend on the summons of a returning officer issued under this section shall be guilty of [an indictable offence and liable to a penalty of two hundred dollars or to imprisonment for a term not exceeding two years, with or without hard labour, or to both.]

1891, c. 19, s. 8. Ingram's Bill, clause 16.

Custody of ballot boxes after election.

*89. After the close of the election the returning officer shall cause to be deposited in the custody of the sheriff or of the registrar of deeds in the county or registration division [or of the postmaster in the locality,] in which the nomination was held, the ballot boxes used at the election; and the sheriff or registrar shall, at the next ensuing election, deliver such ballot boxes to the returning officer named for such election.

R.S.C., c. 8, s. 69.

RECOUNT OR FINAL ADDITION BY JUDGE.

Provision for recount or final addition of votes by a judge.

*90. If, within four days after that on which the returning officer has made the addition of the votes for the purpose of declaring the candidate or candidates elected, it is made to appear, on the affidavit of a credible witness, to the judge of the county court of the county or union of counties, or to the judge of the judicial district in which the electoral district or any part thereof is situated, or in the province of Quebec to a judge of the Superior Court ordinarily discharging his duties in the judicial district in which the electoral district or any part thereof is situated, or in the North-West Territories to a judge of the Supreme Court, that a deputy returning officer at an election in such electoral district in counting the votes —(1) has improperly counted, or (2) has improperly rejected

Grounds for application.

any ballot papers at such election, or (3) that the returning officer has improperly added up the votes, and if the applicant deposits within the said time, with the clerk of the county or district court or with the prothonotary of the said Superior Court in the said judicial district, or with the clerk of the said Supreme Court, as the case may be, the sum of one hundred dollars, in legal tender or in the bills of any chartered bank doing business in Canada, as security for the costs in connection with the recount or final addition, of the candidate appearing by the addition to be elected,—the said judge shall appoint a time, within four days after the receipt of the said affidavit by him, to recount the votes if the said application is made in relation to one of the first three grounds of application, or to make the final addition if the said application is made in relation to the last-mentioned ground of application, as the case may be.

Security
for costs.

Time to be
appointed.

Notice.

2. The judge shall give notice in writing to the candidates or their agents of the time and place at which he will proceed to recount the votes, or to make such final addition, as the case may be; and the judge may, at the time of the application or afterwards, direct that service of the notice upon the candidates or their agents may be substitutional, or may be made by mail or by posting, or in such other manner as he thinks fit.

Service of
notice.

3. The judge shall summon and command the returning officer and his election clerk to attend then and there with the parcels containing the ballots used at such election, or the original statements of the deputy returning officers, as the case may be, and also with a duly certified copy of the formal order or judgment on any such appeal, as above mentioned, with respect to or in consequence of which such recount or final addition is to take place,—which command the returning officer and his election clerk shall obey.

Order of judge
to returning
officer.

*[4. At such recount of votes or final addition by the judge the returning officer and his election clerk shall be present, and each candidate shall be entitled to be represented by not more than three agents appointed to attend, and may himself be present if he desires; but in case any candidate is not represented, then any three electors may declare their desire to attend in his behalf and shall be entitled to attend; and except with the sanction of the judge, no other person shall be present at such recount or final addition.]

Who may be
present at the
recount or
final addition.

*5. At the time and place appointed, and in the presence of the said persons, the judge shall proceed to make such final addition in the manner prescribed by section 85, or to recount all the votes or ballot papers returned by the several deputy returning officers, as the case may be, and shall, in the latter case, open the sealed packets containing—(1) the used ballot papers which have been counted, (2) the rejected ballot papers, (3) the spoiled ballot papers—and no other ballot papers.

Making final
addition or
opening pack-
ets of ballots
and recount-
ing the votes.

6. The judge shall, as far as practicable, proceed continuously, except on Sunday, with the final addition or recount of the votes, allowing only time for refreshment, and excluding (except so far as he and the persons aforesaid agree) the hours between six o'clock in the afternoon and nine in the succeeding

Proceedings to
be continuous.

During
excluded time
documents to
be under seal.

forenoon ; and during such excluded time and recess for refreshments, the judge shall place the ballot papers and other documents relating to the election close under his own seal and the seal of such other of the said persons as desire to affix their seals, and shall otherwise take precautions for the security of 5 such papers and documents.

Mode of
proceeding
with the
recount.

*7. The judge shall, in the case of a recount, proceed to recount the votes according to the rules set forth in section 81 and shall verify or correct the ballot paper account and statement of the number of votes given for each candidate; and 10 upon the completion of such recount, or as soon as he has so ascertained the result of the poll, he shall seal up all the said ballot papers in separate packets.

Powers of
judge.

8. The judge shall also, if necessary or required, review the decision of the returning officer with respect to the num- 15 ber of votes given for a candidate at any polling place, where the ballot box used was not forthcoming when he made his decision, or when the proper certificates or papers were not found therein; and for the purpose of arriving at the facts, shall have all the powers of a returning officer with regard to 20 the attendance and examination of witnesses.

Casting vote
in case of tie.

9. The judge shall forthwith certify the result of the recount or final addition to the returning officer, who shall then declare to be elected the candidate having the highest number of votes; and in case of an equality of votes, the returning officer 25 shall give the casting vote.

Return not to
be made until
judge's cer-
tificate is
received.

10. The returning officer, after the receipt of notice from the judge of the recount or final addition, shall delay making his return to the Clerk of the Crown in Chancery until he receives a certificate from the judge of the result of such recount or 30 final addition; and upon receipt of such certificate the returning officer shall proceed to make his return.

As to costs
and disposal
of deposit.

11. If the recount or final addition does not so alter the result of the poll as to affect the return, the judge shall order the costs of the candidate appearing to be elected to be paid by 35 the applicant, and the moneys deposited as security for costs shall be paid out to the said candidate on account thereof, so far as necessary; and the judge shall tax the costs on giving his decision; and if the deposit is insufficient, the party in whose favour costs are allowed shall have his action for the 40 balance.

How costs
shall be taxed.

*[12. In taxing the costs the judge shall, as nearly as may be, follow the tariff of costs to be allowed with respect to proceedings in the county court, or in the province of Quebec to the Superior Court, or in the North-West Territories to the 45 Supreme Court.]

R.S.C., c. 8, 64 *part*; 1891. c. 19, ss. 9 and 10; 1898, c. 14, s. 32. Ingram's Bill, clause 18.

Failure of
judge to act.

*91. In case of any omission, neglect or refusal of the judge to comply with the foregoing provisions of the next pre- 50 ceeding section, or to proceed with the recount or final addition therein provided for, then any party aggrieved may, within eight days thereafter, make application—

(a.) in the province of Ontario, to a judge of any division of the High Court of Justice; 55

(b.) in the province of Quebec, to a judge of the Court of Queen's Bench ;

(c.) in the provinces of Nova Scotia, New Brunswick, Prince Edward Island and British Columbia, to a judge of the Supreme Court of the province ;

(d.) in the province of Manitoba, to a judge of the Court of Queen's Bench ; and

(e.) in the North-West Territories, to the Supreme Court *in banco*,—

10 for an order commanding the judge to comply with such directions, and to proceed with and complete such recount or final addition. Remedy.

*2. Such application may be made upon affidavit, which need not be entitled in any matter or cause, setting forth the facts relating to such omission, refusal or neglect ; and the Order of court for hearing.
 15 [court or] judge to whom the application is made shall, if it appears that there is such omission, refusal or neglect, make an order appointing a time, within eight days, and a place for the consideration of such application, and directing the attendance of all parties interested at such time and place, and giving such Notice to judge and others.
 20 directions for the service of the order, and of the affidavit or affidavits upon which the order was granted, upon the judge so alleged to be in default, and upon the other parties interested, as he thinks proper, and, if the circumstances appear to [the court or judge] to warrant it, may direct that service upon any Affidavits may be filed.
 25 of such parties may be substitutional, or may be made by mail, or by posting, or in such other manner as he thinks fit.

*3. The judge complained of, or any of the parties interested, may file in the office of the clerk, registrar or prothonotary of the court, to [which or to] a judge of which the application is made, affidavits in reply to those filed by the applicant, and upon demand shall furnish him with copies thereof. Affidavits may be filed.

*4. At the time and place appointed by [the court or judge] or at any other time and place to which the hearing may be adjourned, after hearing the parties, or such of them as are Order of court after hearing.
 30 present or their counsel, the [court or] judge, or some other judge of the same court, [where a single judge has jurisdiction] shall make such order as the facts of the case in [the opinion of the court or judge] warrant, either dismissing the application or commanding the judge in default to take such action as Order of court after hearing.
 40 is necessary in order to a compliance with the directions of this section, and to proceed with and complete such recount or final addition as aforesaid, and may make such order as to costs as [the court or judge] thinks proper.

5. A judge so found to be in default as aforesaid shall Judge to obey order.
 45 forthwith carry out the directions of any order so made, and there shall be the same remedies for the recovery of the costs awarded by such order as for that of the costs in ordinary cases Costs.
 in the same court.

1891, c. 19, s. 11 ; 1894, c. 15, s. 11.

ELECTION RETURN.

50 *92. The returning officer shall, immediately after the sixth day after the final addition by him under section 85 or the ascertainment by him under section 88, of the number of votes given for each candidate, unless before Return of candidate elected.

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

Form of return.

Report by returning officer.

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

Certain documents to be sent with return.

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

How sent.

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

If return is irregular.

*[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.

Liability of returning officer not returning candidate elected.

*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

Proviso.

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

Notice of return in *Canada Gazette*.

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

immediately give notice in the ordinary issue of the *Canada Gazette* of the name of the candidate so elected and in the order in which it was received.

R.S.C., c. 8, s. 66.

- 5 ***95.** The Clerk of the Crown in Chancery shall [subject to the provisions of subsection 5 of section 92] retain in his possession the papers transmitted to him by any returning officer, with the return, for at least one year, if the election is not contested during that time, and if the election is contested, 10 then for one year after the termination of such contestation.
- R.S.C., c. 8, s. 67. Ingram's Bill, clause 21.

Duty of Clerk of the Crown in Chancery as to retention of papers, etc.

SECRECY OF VOTING.

- *96.** Every officer, clerk and agent in attendance at a polling place shall maintain and aid in maintaining the secrecy of the voting at such polling place; and no such officer, clerk or 15 agent shall, before the poll is closed, communicate to any person any information as to whether any person on the list of voters has or has not applied for a ballot paper or voted at that polling place.
2. No officer, clerk, agent or other person shall interfere 20 with, or attempt to interfere with a voter when marking his ballot paper, or otherwise attempt to obtain at the polling place information as to the candidate for whom any voter at such polling place is about to vote or has voted.
3. No elector shall, except in the case provided for in section 25 76, show his ballot paper, when marked, to any person so as to allow the name of the candidate for whom he votes to be known.
4. No person shall, directly or indirectly, induce or endeavour to induce any voter to show his ballot paper after he has 30 marked it so as to make known to any person the name of the candidate for or against whom he has so marked his vote.
5. No officer, clerk, agent, or other person shall communicate at any time to any person any information as to the number on the back of the ballot paper given to any voter at 35 a polling station, or attempt to ascertain at the counting of votes the number on the back of any ballot paper.
6. No officer, clerk, agent or other person shall communicate 40 at any time to any person any information obtained at a polling place as to the candidate for whom any voter at such polling place is about to vote or has voted.
7. Every officer, clerk and agent in attendance at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting; and no such officer, clerk or agent shall attempt to obtain at such counting, any information or com- 45 municate any information obtained at such counting as to the candidate for whom any vote is given in any particular ballot paper.
- *8.** Every one who violates any of the provisions of this section shall be [guilty of an indictable offence and] liable to a 50 penalty not exceeding two hundred dollars, and to imprisonment for any term not exceeding six months, with or without hard labour, in default of payment of such penalty.
- R.S.C., c 8, s. 70, *part*; 1888, c. 11, s. 13, *part*.

Secrecy during poll.

Interfering with voter marking ballot paper.

Ballot paper not to be displayed.

Inducing voter to display ballot paper.

Number on ballot paper not to be disclosed.

Vote not to be disclosed.

Secrecy respecting counting of votes.

Penalty.

Secrecy of
vote protect-
ed.

97. No person who has voted at an election shall, in any legal proceeding questioning the election or return, be required to state for whom he voted.

R.C.S., c. 8, s. 71.

Inspection of
ballot papers
in custody
of Clerk of
the Crown in
Chancery.

***98.** No person shall be allowed to inspect any ballot paper in the custody of the Clerk of the Crown in Chancery, except under the rule or order of a superior court or a judge thereof,—which rule or order may be granted by such court or judge on being satisfied by evidence on oath that the inspection or production of such ballot papers is required for the purpose of instituting [a recount] or maintaining a prosecution for an offence in relation to ballot papers, or for the purpose of a petition which has been filed questioning an election or return; and any such rule or order for the inspection or production of ballot papers may be made subject to such conditions as to persons, time, place and mode of inspection or production as the court or judge thinks expedient, and shall be obeyed by the Clerk of the Crown in Chancery.

R.S.C., c. 8, s. 72; Ingram's Bill, clause 22.

KEEPING THE PEACE AND GOOD ORDER AT ELECTIONS.

Returning
officers and
their deputies
to be conserva-
tors of the
peace.

99. Each returning officer and each deputy returning officer from the time he takes the oath of office until the day after the closing of the election shall be a conservator of the peace, invested with all the powers appertaining to a justice of the peace.

R.S.C., c. 8, s. 73.

May
command
assistance,
etc.

100. Every returning officer or deputy returning officer may require the assistance of justices of the peace, constables or other persons present, to aid him in maintaining peace and good order at such election; and may also, on a requisition made in writing by any candidate, or by his agent, or by any two electors, swear in such special constables as he deems necessary.

R.S.C., c. 8, s. 74.

May arrest
disturbers.

101. Every returning officer or deputy returning officer may arrest or cause by verbal order to be arrested, and place in the custody of any constables or other persons, any person disturbing the peace and good order at the election, and may cause such person to be imprisoned under an order signed by him until an hour not later than the close of the poll.

R.S.C., c. 8, s. 75.

May demand
offensive
weapons.

102. The returning officer or deputy returning officer may, during the nomination day and polling day at any election, require any person within half a mile of the place of nomination or of the polling station to deliver to him any firearm, sword, stave, bludgeon or other offensive weapon in the hands or personal possession of such person; and every person who refuses to deliver such weapon shall be liable to a penalty not exceeding one hundred dollars, and, in default of payment of such penalty, to imprisonment for a term not exceeding three months.

R.S.C., c. 8, s. 76.

103. Except the returning officer, the deputy returning officer, the poll clerk and the constables and special constables appointed by the returning officer or the deputy returning officer for the orderly conduct of the election or poll and the
 5 preservation of the public peace thereat, no person, who has not had a stated residence in the polling district for at least six months next before the day of such election, shall come during any part of the day upon which the poll is to remain open into such polling district armed with offensive weapons
 10 of any kind, such as firearms, swords, staves, bludgeons or the like; and no person being in such polling district shall arm himself, during any part of the day, with any such offensive weapon, and thus armed approach within the distance of one mile of the place where the poll of such polling district is held,
 15 unless called upon so to do by lawful authority.
 R.S.C., c. 8, s. 78.

Strangers not to enter polling districts armed.

104. No person shall furnish or supply any ensign, standard or set of colours, or any other flag, to or for any person with intent that it shall be carried or used in such electoral
 20 district on the day of election, or within eight days before such day, or during the continuance of such election or the polling, by any person, as a party flag to distinguish the bearer thereof and those who follow it as the supporters of any candidate, or of the political or other opinions entertained, or supposed to
 25 be entertained, by such candidate; and no person shall, for any reason, carry or use any such ensign, standard, set of colours or other flag, as a party flag, within such electoral district on the day of any such election or polling or within eight days before such day, or during the continuance of such
 30 election.
 R.S.C., c. 8, s. 80.

Flags, etc. not to be furnished or carried.

105. No person shall furnish or supply any ribbon, label or like favour, to or for any person with intent that it be worn or used within such electoral district on the day of election or
 35 polling, or within eight days before such day, or during the continuance of such election, by any person, as a party badge to distinguish the wearer as the supporter of any candidate, or of the political or other opinions entertained, or supposed to be entertained, by such candidate; and no person shall use
 40 or wear any ribbon, label, or other favour, as such badge, within such electoral district, on the day of any such election or polling, or within eight days before such day, during the continuance of such election.
 R.S.C., c. 8, s. 81.

Ribbons or favours not to be furnished or worn.

106. Every one who offends against any of the provisions of the three sections next preceding is guilty of an indictable offence and liable to a penalty not exceeding one hundred dollars, or to imprisonment for a term not exceeding three months, or to both, in the discretion of the court.
 50 R.S.C., c. 8, s. 82.

Punishment for contravention.

107. No spirituous or fermented liquors or strong drinks shall be sold or given at any hotel, tavern, shop or other place within the limits of any polling district, during the whole of
 No intoxicating liquors to be sold on polling day.

the polling day at an election ; and every one who violates the provisions of this section shall be liable, for each offence, to a penalty of one hundred dollars, and to imprisonment for a term not exceeding six months in default of payment of such penalty.

R.S.C., c. 8, s. 83.

5

CORRUPT PRACTICES AND OTHER ILLEGAL ACTS.

- *108.** The following persons are guilty of bribery and shall be punishable accordingly :—
- (a.)** Every person who, directly or indirectly, by himself or by any other person on his behalf, gives, lends or agrees to give or lend, or offers or promises any money or valuable consideration, or promises to procure, or to endeavour to procure, any money or valuable consideration, to or for any voter, or to or for any person on behalf of any voter, or to or for any person, in order to induce any voter to vote, or refrain from voting, or corruptly does any such act on account of such voter having voted or refrained from voting at any election ;
- (b.)** Every person who, directly or indirectly, by himself or by any other person on his behalf, gives or procures, or agrees to give or procure, or offers or promises any office, place or employment, or promises to procure or to endeavour to procure any office, place or employment, to or for any voter, or to or for any other person, in order to induce such voter to vote, or refrain from voting, or corruptly does any such act as aforesaid, on account of any voter having voted or refrained from voting at any election ;
- (c.)** Every person who directly or indirectly, by himself or by any other person on his behalf, makes any gift, loan, offer, promise, procurement or agreement as aforesaid, to or for any person, in order to induce such person to procure or endeavour to procure the return of any person to serve in the House of Commons, or the vote of any voter at any election ;
- (d.)** Every person who, upon or in consequence of any such gift, loan, offer, promise, procurement or agreement, procures or engages, or promises or endeavours to procure the return of any person to serve in the House of Commons, or the vote of any voter at an election ;
- (e.)** Every person who advances or pays, or causes to be paid, any money to or to the use of any other person, with the intent that such money or any part thereof shall be expended in bribery or corrupt practices at any election, or who knowingly pays or causes to be paid any money to any person in discharge or repayment of any money wholly or in part expended in bribery or corrupt practices at any election ;
- (f.)** Every person who, directly or indirectly, by himself or by any other person on his behalf, on account of and as payment for voting or for his having voted, or for illegally agreeing or having agreed to vote for any candidate at an election, or on account of and as payment for his having illegally assisted or agreed to assist any candidate at an election, applies to such candidate, or to his agent or agents, for the gift or loan of any money or valuable consideration, or for the promise of the gift or loan of any money or valuable consideration, or for any office, place or employment, or the promise of any office place or employment ;

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(g.) Every voter who, before or during any election, directly or indirectly, himself or by any other person on his behalf, receives, agrees or contracts for any money, gift, loan or valuable consideration, office, place or employment, for himself or
 5 any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting at any election;

Receiving money, etc., before or during an election.

(h.) Every person who, after an election, directly or indirectly, himself or by any other person on his behalf, receives
 10 any money or valuable consideration for having voted or refrained from voting, or for having induced any other person to vote or refrain from voting at any election;

Or after an election.

*And every person so offending is guilty of [an indictable offence and liable to imprisonment for a term not exceeding six months and] shall also forfeit the sum of two hundred
 15 dollars to any person who sues therefor, with costs.

Penalty.

Provided always, that the actual personal expenses of any candidate, his expenses for actual professional services performed, and *bonâ fide* payments for the fair costs of printing and advertising, shall be held to be expenses lawfully incurred,
 20 and the payment thereof shall not be a violation of this Act.

Proviso: as to lawful expenses.

R.S.C., c. 8, ss. 84 and 85; Ingram's Bill, clause 23 and 24.

109. Every candidate or other person who, at an election, either provides or furnishes drink or other refreshment at the expense of such candidate, to an elector during such election,
 25 or pays for, procures or engages to pay for any such drink or other refreshment, is guilty of an indictable offence and liable to a penalty not exceeding one hundred dollars, or to imprisonment for a term not exceeding three months, or to both, in the discretion of the court.

Treating voter during election.

30 R.S.C., c. 8, ss. 79 and 82.

Penalty.

110. Every candidate who corruptly, by himself or by or with any other person, or by any other ways or means on his behalf, at any time, either before or during any election,
 35 directly or indirectly gives or provides, or causes to be given or provided, or is accessory to the giving or providing, or pays wholly or in part any expenses incurred for any meat, drink, refreshment or provision to or for any person, in order to be elected or for being elected, or for the purpose of corruptly influencing such person or any other person to give or refrain
 40 of giving his vote at such election, is guilty of the offence of treating, and shall forfeit the sum of two hundred dollars to any person who sues therefor, with costs, in addition to any other penalty to which he is liable therefor under any other provision of this Act; and on the trial of an election
 45 petition, there shall be struck off from the number of votes given for such candidate one vote for every person who has voted and is proved on such trial to have corruptly accepted or taken any such meat, drink, refreshment or provision.

Treating of any person by candidate.

Penalty.

Votes to be struck off on trial of election.

R.S.C., c. 8, s. 86.

111. The giving or causing to be given to any voter on the nomination day or day of polling, on account of such voter
 50 having voted or being about to vote, any meat, drink or refreshment, or any money or ticket to enable such voter to procure refreshment, shall be deemed an unlawful act, and the

Treating voter by any person on nomination or polling day.

person so offending shall forfeit the sum of ten dollars for each offence to any person who sues therefor, with costs.

R.S.C., c. 8, s. 86.

Undue influence.

112. Every one who, directly or indirectly, by himself or by any other person on his behalf, makes use of, or threatens to make use of, any force, violence or restraint, or inflicts, or threatens the infliction, by himself, or by or through any other person, of any injury, damage, harm or loss, or in any manner practises intimidation upon or against any person, in order to induce or compel such person to vote or refrain from voting, or on account of such person having voted or refrained from voting at any election, or who, by abduction, duress or any fraudulent device or contrivance, impedes, prevents or otherwise interferes with the free exercise of the franchise of any voter, or thereby compels, induces or prevails upon any voter either to give or refrain from giving his vote at any election, shall be deemed to have committed the offence of undue influence, and is guilty of an indictable offence, and shall also forfeit the sum of two hundred dollars to any person who sues therefor, with costs.

Penalty.

R.S.C., c. 8, s. 87.

Paying for conveyance of voters to poll.

113. The hiring or promising to pay or paying for any horse, team, carriage, cab or other vehicle, by any candidate or by any person on his behalf, to convey any voter or voters to or from the poll, or to or from the neighbourhood thereof, at any election, or the payment, by any candidate or by any person on his behalf, of the travelling and other expenses of any voter, in going to or returning from any election, are unlawful acts; and every candidate or other person so offending shall forfeit the sum of one hundred dollars to any person who sues therefor; and any voter hiring any horse, cab, cart, wagon, sleigh, carriage or other conveyance for any candidate, or for any agent of a candidate, for the purpose of conveying any voter or voters to or from the polling place or places, shall, *ipso facto*, be disqualified from voting at such election, and shall, for every such offence, forfeit the sum of one hundred dollars to any person who sues therefor.

Penalty.

Disqualification of voters offending.

R.S.C., c. 8, s. 88.

Personation.

***114.** Every person who, at an election—

(a.) applies for a ballot paper in the name of some other person, whether such name is that of a person living or dead, or of a fictitious person; or—

(b.) having voted once at any such election, applies at the same election for a ballot paper in his own name—

Penalty.

is guilty of personation and liable to a penalty not exceeding two hundred dollars and to imprisonment for a term not exceeding [two years.]

R.S.C., c. 8, s. 89; Ingram's Bill, clause 25.

Subornation of personation.

115. Every person who aids, abets, counsels or procures the commission by any person of the offence of personation shall be liable to a penalty not exceeding two hundred dollars and to imprisonment for a term not exceeding six months.

Penalty.

R.S.C., c. 8, s. 103.

116. Every candidate who corruptly, by himself or by or with any other person on his behalf, compels or induces or endeavours to induce any person to personate any voter, or to take any false oath in any matter wherein an oath is required under this Act, is guilty of an indictable offence, and shall, in addition to any other punishment to which he is liable for such offence, forfeit the sum of two hundred dollars to any person who sues therefor.

R.S.C., c. 8, s. 90.

Subornation
by candidate
of personation
or perjury.

Penalty.

***117.** Every person who votes or induces or procures any person to vote at an election, knowing that he or such person is not entitled to vote thereat, [is guilty of an unlawful act, and shall also forfeit the sum of one hundred dollars to any person who sues therefor, with costs; and in any suit for the recovery of the penalty, the burden of the proof of such person being entitled to vote at the election shall be upon him and not upon the person suing.]

1888, c. 11, s. 14, *part*; Ont., 1892, c. 3, s. 172.

Voting by
prohibited
person.

Penalty.

Burden of
proof of
qualification.

***118.** Any person who before or during an election knowingly publishes a false statement of the withdrawal of a candidate at such election, for the purpose of promoting or procuring the election of another candidate, [is guilty of an unlawful act, and shall also forfeit the sum of one hundred dollars to any person who sues therefor, with costs.]

1888, c. 11, s. 14, *part*.

False
statement of
withdrawal of
candidate.

Penalty.

119. A candidate shall not be liable, nor shall his election be avoided, for any unlawful act under the two sections next preceding committed by his agent other than his agent appointed under the provisions of section 143.

1888, c. 11, s. 14, *part*.

Liability for
acts of agents.

120. Any wilful offence against any one of the twelve sections of this Act next preceding, is a corrupt practice within the meaning of this Act.

R.S.C., c. 8, s. 91, *part*.

Certain
offences to
be corrupt
practices.

121. Every executory contract, or promise, or undertaking, in any way referring to, arising out of or depending upon any election under this Act, even for the payment of lawful expenses, or the doing of some lawful act, shall be void in law.

R.S.C., c. 8, s. 131.

Contracts or
promises
relating to
election void.

122. If, on the trial of an election petition, claiming the seat for any person, a candidate is proved to have been guilty, by himself or by any person on his behalf, of bribery, treating, or undue influence with respect to any person who voted at such election, or if any person retained or employed for reward by or on behalf of such candidate for all or any of the purposes of such election, as agent, clerk or messenger, or in any other employment, is proved on such trial to have voted at such election, there shall, on the trial of such election petition, be struck off from the number of votes appearing to have been given to such candidate, one vote for every person who voted at such

Votes to be
struck off
candidate for
bribery, etc.,
in certain
cases.

election, and who is proved to have been so bribed, treated or unduly influenced, or so retained or employed for reward as aforesaid.

R.S.C., c. 8, s. 92.

Corrupt practice by candidate or his agent to void election.

123. If it is found by the report of any court, judge or other tribunal for the trial of election petitions, that any corrupt practice has been committed by a candidate at an election, or by his agent, whether with or without the actual knowledge and consent of such candidate, the election of such candidate, if he has been elected, shall be void. 5 10

R.S.C., c. 8, s. 93.

Employing agent who has been guilty of corrupt practices.

124. If, on the trial of an election petition, a candidate is proved to have personally engaged any person at the election to which such petition relates, as a canvasser or agent in relation to the election, knowing that such person so engaged has within eight years previous to such engagement been found guilty of any corrupt practice, by any competent legal tribunal, or by the report of any judge or other tribunal for the trial of election petitions, the election of such candidate, if he has been elected, shall be void. 15 20

R.S.C., c. 8, s. 94.

Effect of corrupt practice and illegal acts at previous elections.

125. The provisions of the three sections next preceding shall not, except as to the personal acts of the candidates and the acts of agents of candidates done with the knowledge and consent of such candidates, apply to any case by reason of any acts done at any election other than the election to which the petition relates. 25

R.S.C., c. 8, s. 95.

Effect of corrupt practice by a candidate.

126. If, on the trial of an election petition, it is proved that any corrupt practice has been committed by or with the actual knowledge and consent of a candidate at an election, or if he is convicted before any competent court of bribery or undue influence, he shall be held guilty of corrupt practices, and his election, if he has been elected, shall be void, and he shall, during the seven years next after the date of his being so proved or found guilty, be incapable of being elected to and of sitting in the House of Commons, and of voting at any election of a member of that House, or of holding an office in the nomination of the Crown or of the Governor General in Canada. 30 35 40

R.S.C., c. 8, s. 96.

Candidate exonerated in certain cases of corrupt practices by agents.

127. If, on the trial of an election petition, the court decides that a candidate at such election was guilty, by his agent or agents, of any offence that would render his election void, and the court further finds—

(a.) That no corrupt practice was committed at such election by the candidate personally, and that the offences mentioned were committed contrary to the order and without the sanction or connivance of such candidate ; and— 45

(b.) That such candidate took all reasonable means for preventing the commission of corrupt practices at such election ; and— 50

(c.) That the offences mentioned were of a trivial, unimportant and limited character ; and—

(d.) That in all other respects, so far as disclosed by the evidence, the election was free from any corrupt practice on the part of such candidate and of his agents ;

Then the election of such candidate shall not, by reason of the offences mentioned, be void, nor shall the candidate be subject to any incapacity therefor.

1891, c. 20, s. 19.

10 **128.** If, on the trial of an election petition, a candidate or other person is found by the report of the judge, by himself or his agents with his actual knowledge and consent, to have aided, abetted, counselled or procured the commission at such election of the offence of personation by any person, his election, if he has been elected, shall be declared null and void ;
15 and such candidate or such other person shall be incapable of being elected or sitting in the House of Commons for any electoral district during the continuance of the Parliament for which the election is held, and during the then next Parliament.

Disqualification of candidate guilty of subornation of personation.

R.S.C., c. 8, s. 97.

129. Every person other than a candidate found guilty of any corrupt practice in any proceeding in which, after notice of the charge, he has had an opportunity of being heard,
25 shall, during the eight years next after the time at which he is found guilty, be incapable of being elected to and of sitting in the House of Commons, and of voting at any election of a member of the House of Commons, or of holding any office in the nomination of the Crown or of the Governor General in
30 Canada.

Disqualification of others than candidates for corrupt practices.

R.S.C., c. 8, s. 98.

130. If, at any time after a person has become disqualified under this Act, the witnesses, or any of them, on whose testimony such person has so become disqualified, are convicted
35 of perjury with respect to such testimony, such person may move the court before which such conviction takes place to order, and such court shall, upon being satisfied that such disqualification was procured by reason of such perjury, order that such disqualification shall thenceforth cease and deter-
40 mine ; and it shall cease and determine accordingly.

Removal of disqualification procured by perjury.

R.S.C., c. 8, s. 99.

CRIMINAL AND CIVIL PROCEDURE.

131. All penalties and forfeitures (other than fines in cases of indictable offences) imposed by this Act shall be recoverable or enforceable with full costs of suit by any person who sues
45 therefor by action of debt or information, in any court of competent jurisdiction in the Province in which the cause of action arises, and in default of payment of the amount which the offender is condemned to pay, within the period fixed by the court, the offender shall be imprisoned in the common jail of
50 the county or district for any term less than two years, unless such penalty and costs are sooner paid ; but no action or infor-

Recovery of penalties and forfeitures.

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. 5

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

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 10 the person making the charge; and such information may be in the form DD.

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 15 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.

Warrant of arrest.

3. Upon receiving the information the deputy returning officer may, on the polling day, but not afterwards, issue his 20 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.

Trial, before what magistrates.

4. The magistrate or magistrates named in the warrant shall 25 be such as defined by section 782 of *The Criminal Code*, 1892, as amended, and the nearest available within the county.

1892, c. 29, part IV 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 30 officer (as defined by *The Criminal Code*, 1892,) to detain such person until he is brought before the magistrate.

If name of alleged personator 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 35 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. 40

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 45 oath.]

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 50 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.

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

134. In any such civil action, suit or proceeding, the parties thereto and the husbands or wives of such parties respectively, shall be competent and compellable to give evidence to the same extent and subject to the same exceptions as in other civil suits in the same Province; but such evidence shall not thereafter be used in any indictment or criminal proceeding under this Act against the person giving it.

Evidence of husbands and wives.

Proviso.

R.S.C., c. 8, s. 108.

***135.** No person shall be excused from answering any question put to him in any action, suit or other proceeding, in any court, or before any judge, commissioner or other tribunal, touching or concerning any election, or the conduct of any person thereat, or in relation thereto, on the ground [of any privilege, except that no elector shall be obliged to state for whom he voted at any election]; Provided that no answer given by any person claiming to be excused on the ground of privilege shall be used in any criminal proceeding against such person other than an indictment for perjury, if the judge, commissioner or president of the tribunal gives to the witness a certificate that he claimed the right to be excused on such ground, and made full and true answers to the satisfaction of the judge, commissioner or tribunal.

No excuse of privilege allowed for not answering questions in proceedings touching elections.

R.S.C., c. 8, s. 109, *part*; 1893, c. 31, s. 5.

136. Any criminal court before which a prosecution is instituted for an offence against the provisions of this Act may order payment by the defendant to the prosecutor of such costs and expenses as appear to the court to have been reasonably incurred in and about the conduct of such prosecution; but the court shall not make such order unless the prosecutor before or upon the finding of the indictment or the granting of the information enters into a recognizance, with two sufficient sureties, in the sum of five hundred dollars, and to the satisfaction of the court, to conduct the prosecution with effect and to pay the defendant his costs in case he is acquitted.

Criminal court may allow costs to prosecutor in certain cases,

R.S.C., c. 8, s. 110.

137. In case of an indictment or information by a private prosecutor for an offence against the provisions of this Act, if judgment is given for the defendant he shall be entitled to recover from the prosecutor the costs sustained by the defendant by reason of such indictment or information, which costs shall be taxed by the proper officer of the court in which the judgment is given.

Or to defendant acquitted.

R.S.C., c. 8, s. 111.

138. In an indictment or prosecution for a corrupt practice, and in any action or proceeding for a penalty for a corrupt practice, it shall be sufficient to allege that the defendant was, at the election, at or in connection with which the offence is intended to be alleged to have been committed, guilty of a corrupt practice, describing it by the name given to it by this Act, or otherwise, as the cases requires; and in any criminal or civil proceeding in relation to such offence the certificate of the returning officer shall be sufficient evidence of the due

Allegation and evidence of corrupt practice.

holding of the election and of any person named in such certificate having been a candidate thereat.

R.S.C., c. 8, s. 112.

Production of writ of election, etc., not required in suits under this Act.

139. It shall not be necessary on the trial of a suit or prosecution under this Act to produce the writ of election or the return thereof, or the authority of the returning officer founded upon such writ of election, but general evidence of such facts shall be sufficient evidence; and if the original ballot papers or other papers are required, the clerk or registrar of the court having cognizance of the election petition may, at the instance of any of the parties thereto, notify the Clerk of the Crown in Chancery to produce them on the day fixed for the trial, and the said Clerk of the Crown in Chancery shall, on or before the said day, deposit them with such clerk or registrar, taking his receipt therefor.

R.S.C., c. 8, s. 113.

Summons by election court to person who is liable to penalty.

140. Whenever it appears to the court or judge trying an election petition that any person has violated any of the provisions of this Act, for which violation such person is liable to a fine or penalty (other than fines and penalties imposed for any offence amounting to an indictable offence), such court or judge may order that such person shall be summoned to appear before such court or judge, at the place, day and hour fixed in such summons for hearing the charge.

Disobeying summons.

2. If, on the day so fixed by the summons, the person summoned does not appear, he shall be condemned, on the evidence already adduced on the trial of the election petition, to pay such fine or penalty as he is liable to pay for such violation, and in default of paying such fine or penalty, to the imprisonment prescribed in such case by this Act.

Trial.

3. If, on the day so fixed, the person summoned does appear, the court or judge, after hearing such person and such evidence as is adduced, shall give such judgment as to law and justice appertains.

Appropriation of fines.

4. All fines and penalties recovered under this section shall belong to Her Majesty for the public uses of Canada.

Exception.

5. No fine or penalty shall be imposed under this section if it appears to the court or judge that the person has already been sued with respect to the same offence, nor shall any such fine or penalty be imposed for any offence proved only by the evidence or admission of the person committing it.

R.S.C., c. 8, s. 115.

Corrupt practices not triable at Q.S. etc.

***141.** [Notwithstanding anything in *The Criminal Code*, 1892,] no indictment for corrupt practices shall be tried before any Court of Quarter Sessions or General Sessions of the Peace.

R.S.C., c. 8, s. 116; 1892, c. 29, s. 539.

Limitation of time for prosecutions and suits, etc.

***142.** [Notwithstanding anything in *The Criminal Code*, 1892,] every prosecution for an indictable offence under this Act, and every action, suit or proceeding for any pecuniary penalty given by this Act to the person suing therefor, shall be commenced within the space of one year next after the act committed, and not afterwards (unless the prosecution is pre-

vented by the withdrawal or absconding of the defendant out of the jurisdiction of the court), and when commenced shall be proceeded with and carried on without wilful delay.

R.S.C., c. 8, s. 117; 1892, c. 29, s. 551.

ELECTION EXPENSES.

- 5 **143.** No payment (except with respect to the personal ex- No payment
penses of a candidate), and no advance, loan or deposit, shall to be made
be made by or on behalf of any candidate at any election, be- except
fore or during or after such election, on account of such elec- through
tion, otherwise than through an agent or agents whose name authorized
agent.
- 10 or names and address or addresses have been declared in writ-
ing to the returning officer on or before the nomination day,
or through an agent or agents to be appointed in his or their
place, as herein provided; and any person who makes any
such payment, advance, loan or deposit otherwise than through
15 such agent or agents is guilty of an indictable offence.
2. The returning officer shall publish, on or before the nomi- Names of
nation day, the name and address or the names and addresses agents to be
of the agent or agents appointed in pursuance of this section. published.
- 20 3. In the event of the death or legal incapacity of any agent If agent
appointed in pursuance of this section, the candidate shall cannot act.
- forthwith appoint another agent in his place, giving notice to
the returning officer of the name and address of the person so
appointed, which shall be forthwith published by the returning
officer as hereinbefore provided.
- 25 R.S.C., c. 8, s. 118.
- 144.** All persons who have any bills, charges or claims Bills and
upon any candidate for or in relation to any election, shall claims to be
send in such bills, charges or claims within one month after sent in withi
the day of the declaration of the election, to such agent or one month,
30 agents as aforesaid; otherwise such persons shall be barred or right to
of their right to recover such claims or any part thereof. be barred.
2. In the event of the death, within the said month, of any Case of death
person claiming the amount of any such bill, charge or claim, of claimant.
- 35 chage or claim within one month after his obtaining probate
or letters of administration, or of his becoming otherwise able
to act as such legal representative, otherwise the right to
recover such claim shall be barred as aforesaid.
3. Such bills, charges and claims may be sent in to the If there is no
40 candidate, if and so long as during the said month, owing to agent.
- death or legal incapacity, there is no such agent.
4. No such bill, charge or claim shall be paid without the Candidate
authority of the candidate, as well as the approval of the agent. to authorize
payment.
- R.S.C., c. 8, s. 119.
- 45 ***145.** Notwithstanding anything in the next preceding Payment of
section, a claim for lawful election expenses which would have lawful claims
been payable if sent in within the time limited by that section, sent in after
may be paid by the candidate through his election agent after one month.
- 50 that time if it is approved by a judge competent to recount or
make a final addition of the votes at the election, and the judge
makes an order for the payment thereof.

2. All sums so allowed by the judge shall, within one week thereafter, be advertised in the same papers as the statement of the other election expenses.]

Ont., 1892, c. 3, s. 141a.

Statement of expenses to be made out by agent.

146. A detailed statement of all election expenses incurred by or on behalf of any candidate, including such excepted payments as aforesaid, shall, within two months after the election (or whenever by reason of the death of the creditor no bill has been sent in within such period of two months, then within one month after such bill has been sent in), be made out and signed by the agent, or if there is more than one, by every agent who has paid such expenses (including the candidate in cases of payments made by him,) and delivered with the bills and vouchers relative thereto to the returning officer. 5 10

To be published by returning officer.

2. The returning officer for the time being shall, at the expense of the candidate, within fourteen days after receiving such statement, insert or cause to be inserted an abstract thereof, with the signature of the agent thereto, in some newspaper published or circulating in the electoral district where the election was held. 15 20

Penalty for default.

3. Any agent or candidate who makes default in delivering to the returning officer the statements required by this section shall incur a penalty not exceeding twenty dollars for every day during which he so makes default.

Penalty for false statement.

4. Any agent or candidate who wilfully furnishes to the returning officer any untrue statement is guilty of an indictable offence. 25

Bills, etc., to be preserved.

5. The returning officer shall preserve all such bills and vouchers, and during the six months next after they have been delivered to him shall permit any voter to inspect them on payment of a fee of twenty cents. 30

R.S.C., c. 8, s. 120.

FEEES AND EXPENSES OF RETURNING OFFICERS AND OTHERS

Fees for services and disbursements.

* **147.** The fees and expenses in schedule two to this Act mentioned, and no others, shall be allowed to the several officers therein mentioned, respectively, for their services and disbursements at any election. 35

Governor in Council may make new tariff, and revise and amend it.

* 2. Nevertheless, if it appears to the Governor in Council that the provisions made in this section are inadequate or insufficient for the purposes for which they are intended (that is, a fair and just but economical remuneration for the services performed), the Governor in Council may make a tariff of fees, costs and expenses to be paid and allowed to returning officers, and other persons employed at or with respect to elections under this Act, and may, from time to time, revise and amend such tariff, which shall then be substituted for that above mentioned, as respects any election held after the making or the revising or amending thereof; but a copy of any such tariff and of any amendment thereof shall be laid before the House of Commons [within the first fifteen days of] the then next session of Parliament. 40 45 50

R.S.C., c. 8, s. 121.

148. Such fees, allowances and disbursements shall be paid to the returning officer, by warrant of the Governor General, and shall be distributed by such returning officer to the several officers and persons entitled thereto under the provisions of this Act,—which distribution he shall report to the Governor General through the Secretary of State; and the returning officer shall certify the correctness of the accounts of his deputy returning officers.

Payment of fees, etc.

R.S.C., c. 8, s. 122.

***149.** Whenever it appears to the Governor in Council that the fees and allowances above provided for are not sufficient remuneration for the services required to be performed [at any election,] the Governor in Council may authorize the payment of such additional sum of money for such services as is considered just and reasonable.

Fees, etc. may be increased by Governor in Council.

R.S.C., c. 8, s. 123.

GENERAL PROVISIONS.

150. When a returning officer or a deputy returning officer is by this Act required or authorized to give a public notice, and no special mode of giving it is mentioned he may give it by advertisement, placards, handbills or such other means as he thinks best calculated to give the information to the electors.

Mode of giving notices.

R.S.C., c. 8, s. 126.

151. Whenever it appears to the satisfaction of the Governor in Council, at the time when an election of a member to represent either of the electoral districts of Gaspé or of Chicoutimi and Saguenay in the House of Commons is about to be held, that communication by water between the Magdalen Islands and the mainland in the electoral district of Gaspé, and by water or by land between the polling districts to the east of Bersimis, in the electoral district of Chicoutimi and Saguenay, or between such polling districts and the place of nomination, will probably be interrupted during such election by the severity of the season, he may direct that all necessary instructions and information relating to such election may be transmitted by telegraph by the returning officer to the deputy returning officer or officers, and by him or them to the returning officer, so that the returning officer may be informed of the number of votes given for each candidate, and of all other matters relating to the election, and be enabled to return the candidate having the majority or to make such other return as the case requires; and the Governor in Council may make such order as to the details of the proceedings at or relating to such election to be so transmitted by telegraphic communication as to him seems proper for the best attaining the purpose of this enactment.

Transmission of information respecting elections by telegraph, in certain place and seasons in Quebec.

R.S.C., c. 8, s. 132.

152. No election shall be declared invalid by reason of non-compliance with the provisions of this Act as to the taking of the poll or the counting of the votes, or by reason of any want

Mistakes of form only not to void elections.

of qualification in the persons signing a nomination paper received by the returning officer, under the provisions of this Act, or of any mistake in the use of the forms contained in schedule one to this act, if it appears to the tribunal having cognizance of the question that the election was conducted in accordance with the principles laid down in this Act, and that such non-compliance or mistake did not affect the result of the election.

R.S.C., c. 8, s. 128.

As to limits
of time
mentioned
in this Act.

* [153. No election shall be declared invalid by reason of non-compliance with the provisions of this Act as to limitations of time, unless it appears to the tribunal that such non-compliance may have affected the result of the election.]

Ont., 1894, c. 4, s. 45.

Administra-
tion of oaths.

* 154. Any affidavit required to be made for any of the purposes of this Act may be sworn before any commissioner for taking affidavits in any superior court of any Province; and any person before whom it is hereby required or intimated by any form in schedule one to this Act, that any oath is to be taken or any affirmation made in the manner herein provided, shall have power to administer it, and shall administer it gratuitously; and the returning officer at any election shall have power to administer any oath or affirmation required by this Act with respect to such election; and the deputy returning officer [or poll clerk] may administer such oath or affirmation, except such as is required to be administered to the returning officer.

R.S.C., c. 8, s. 130.

SCHEDULE ONE.—FORMS.

A.—(Section 10.)

Writ of Election.

VICTORIA, by the Grace of God of the United Kingdom of Great Britain and Ireland, QUEEN, Defender of the Faith;—To the sheriff (registrar or other returning officer, as the case may be) of the county (or as the case may be) , GREETING :

Whereas, by the advice of Our Privy Council for Canada, we have ordered a Parliament to be holden at Ottawa, on the day of next, (*omit this preamble, except in the case of a general election*). We command you that, notice of the time and place of election being duly given, you do cause election to be made according to law of a member (*or as the case may be*) to serve in the House of Commons of Canada, for the electoral district of

, (*except in case of general election, insert here in the place of , deceased, or otherwise, stating the cause of vacancy*) and (*except in the electoral dis-*

tricts mentioned in section 25) that you do cause the nomination of candidates at such election to be held on the day of _____ next, and do cause the name (or names) of such member (or members) when so elected, whether he (or they are) present or absent, to be certified to our Clerk of the Crown in Chancery, as by law directed.

Witness, Our Right Trusty and Well-beloved, &c., Governor General (or Administrator of the Government) of our Dominion of Canada, at our city of Ottawa, the _____ day of _____ in the _____ year of our Reign and in the year of our Lord 19 .

Endorsement.

Received the within Writ on the _____ day of 19 .

A. B.,
Sheriff of (or as the case may be)

Returning Officer.

R.S.C., c. 8, form A.

B.—(Section 15.)

Oath of the returning officer.

I, the undersigned, A. B., returning officer for the electoral district of _____, swear (or solemnly affirm) that I am legally qualified according to law to act as returning officer for the said electoral district of _____ and that I will act faithfully in that capacity, without partiality, fear, favour or affection. So help me God.

A. B.,
Returning Officer.

Certificate of returning officer having taken oath of office.

I, the undersigned, hereby certify that on the _____ day of the month of _____, 19____, A. B., the returning officer for the electoral district of _____, took and subscribed before me, the oath (or affirmation) of office, in such case required of a returning officer, by section 15 of The Dominion Elections Act, 1900.

In testimony whereof, I have delivered to him this certificate.

C. D.,
Justice of the Peace.

R.S.C., c. 8, form B.

C.—(Section 16.)

Commission of an election clerk.

To E. F. (*set forth his legal addition and residence*).

Know you, that in my capacity of returning officer for the electoral district of _____, I do hereby appoint you to be my election clerk, to act in that capacity according to law, at the approaching election for the electoral district of _____, which election will be opened by me, on the day of the month of _____ 19__.

Given under my hand this _____ day of _____, in the year 19__.

A. B.,
Returning Officer.

R.S.C., c. 8, form C.

D.—(Section 17.)

Oath of the election clerk.

I, the undersigned, E. F., appointed election clerk for the electoral district of _____, swear (*or solemnly affirm*) that I will act faithfully in my said capacity as election clerk, and also in that of returning officer, if required to act as such according to law, without partiality, fear, favour or affection. So help me God.

E. F.,
Election Clerk.

Certificate of the election clerk having taken the oath of office.

I, the undersigned, hereby certify that on the day of _____, 19__, E. F., election clerk for the electoral district of _____, took and subscribed before me the oath (*or affirmation*) of office required in such case of an election clerk by section seventeen of The Dominion Elections Act 1900.

In testimony whereof, I have delivered to him this certificate under my hand.

C. D.,
Justice of the Peace.
or A. B.,
Returning Officer.

R.S.C., c. 8, form D.

E.—(Section 24.)

Proclamation of the returning officer, declaring the time and place fixed for the nomination of candidates, and also the day for opening the poll, and the polling stations and polling districts.

PROCLAMATION.

Electoral district of _____, to wit:

Public notice is hereby given to the electors of the electoral district aforesaid, that, in obedience to Her Majesty's writ to me directed, and bearing date the _____ day of _____ 19____, I require the presence of the said electors at (*describe the place where the nomination is to take place*), in the county (*or township, or in the city or town*) of _____, on the _____ day of the month of _____ from noon until two of the clock in the afternoon, for the purpose of nominating a person (*or persons, as the case may be*), to represent them in the House of Commons of Canada; and that in case a poll is demanded and allowed in the manner by law prescribed, such poll will be opened on the _____ day of the month of _____, in the year _____

from the hour of nine in the forenoon till five of the clock in the afternoon in each of the polling districts, that is to say:

For the polling district No. 1, consisting of (*or bounded as follows or otherwise describing it clearly*) at *describing the polling station and so continuing for all the other polling districts and stations in the electoral district*.

And further, that on the _____ day of _____ at _____ I shall open the ballot boxes, add up the votes given for the several candidates and return as elected the one (*or as the case may be*) having the majority of votes.

Of which all persons are hereby required to take notice and to govern themselves accordingly.

Given under my hand at _____, this
day of _____, in the year 19____.

A.B.,
Returning Officer.

R.S.C., c. 8, form E.

F.—(Section 33.)

Nomination paper, &c.

We the undersigned electors of the electoral district of _____ hereby nominate (*names, residence and additions or description of person or persons nominated*) as a candidate at the election now about to be held of a member to represent the said electoral district in the House of Commons of Canada.

Witness our hands at _____ in the said electoral district,
this _____ day _____ 19____

Signatures, with residence and additions.

Signed by the said electors, in presence }
of _____ of _____, (*additions.*) }

I, the said _____, nominated in the foregoing nomination paper, hereby consent to such nomination.

Witness my hand at _____, this _____ day of _____ 19 _____.

Signed by the said nominee, in presence } J. K.
of _____, of _____, (additions.) }
R.S.C., c. 8, form F.

G.—(Section 35.)

Oath of attestation of the nomination paper.

I, N. O., of _____, (addition) swear (or solemnly affirm) that I know (mentioning the names of the signers known to him), and that they are duly registered as voters for the electoral district of _____, and entitled to vote at an election of a member to serve in the House of Commons of Canada, and that they respectively signed the foregoing (or within) nomination paper in my presence; and further (if the case be so), that I know the said _____, thereby nominated as a candidate, and that he signed his consent to the nomination in my presence.

Sworn (or affirmed) before me, at }
_____, this _____ day of } N. O.
19 _____

C. D.,
Justice of the Peace.

This form may be varied according to circumstances, the intention of the Act being complied with; and the assent of the candidate may be sworn to by a separate elector, if the facts require it.

R.S.C., c. 8, form G.

H.—(Section 36.)

Return when there are more candidates than members to be elected.

I hereby certify that the member (or members) elected for the electoral district of _____, in pursuance of the within written writ, is (or are) J. K., of _____ in _____, (and L. M. of _____ as in the nomination paper), no other candidate having been nominated (or the other or all other candidates having withdrawn, as the case may be).

Dated at _____ this _____ day of _____ 19 _____.

A. B.,
Returning Officer.

R.S.C., c. 8, form H.

I.—(Section 41.)

Notice of poll being granted, and of candidates nominated.

Electoral district of _____, to wit :

Public notice is hereby given to the electors of the electoral district aforesaid, that a poll has been demanded at the election now pending for the said electoral district, and that I have granted such poll; and further, that the persons duly nominated as candidates at the said election, and for whom only votes will be received, are—

1. JOHN DOE, of the Township of Nepean, County of Carleton, Yeoman.

2. RICHARD ROE, of the Town of Prescott, County of Grenville, Merchant.

3. GIOFFREY STILES, of 10 Sparks Street, Ottawa, Physician.

4. JOHN STILES, of 8 Elgin Street, Ottawa, Barrister-at-law.

(As in the nomination paper).

Of which all persons are hereby required to take notice, and to govern themselves accordingly.

Given under my hand at _____ this _____ day of _____
in the year 19 _____.

A.B.,
Returning Officer.

R.S.C., c. 8, form I.

J.—(Section 41.)

Commission of a deputy returning officer.

To G. H. (insert his legal addition and residence)

Know you, that in my capacity of returning officer for the electoral district of _____, I hereby appoint you to be deputy returning officer for the polling district number _____, of the said electoral district of _____, there to take the votes of the electors by ballot according to law, at the polling station to be by you opened and kept for that purpose; and you are hereby authorized and required to open and hold the poll of such election for the said polling district on the day of _____, at nine o'clock in the forenoon, at (here describe particularly the place in which the poll is to be held), and there to keep the said poll open during the hours prescribed by law, and to take at the said polling place, by ballot, in the manner by law provided, the votes of the electors voting at the said polling place, and after counting the votes given and performing the other duties required of you by law, to return to me forthwith the ballot box sealed with your seal, and inclosing the ballots, envelopes, list of voters, poll-book,

and other documents required by law, together with this commission.

Given under my hand, at _____, this _____ day
of _____ in the year 19 _____.

A.B.,
R.S.C., c. 8, form J. Returning Officer.

K.—(Section 41.)

Oath of deputy returning officer.

I, the undersigned G. H., appointed deputy returning officer for the polling district No. _____ of the electoral district of _____ swear (or solemnly affirm), that I will act faithfully in my said capacity of deputy returning officer, without partiality, fear, favour or affection. So help me God.

G. H.,
Deputy Returning Officer.

Certificate of a deputy returning officer having taking the oath of office.

I, the undersigned, hereby certify that on the _____ day of the month of _____, G. H., deputy returning officer for the polling district No. _____ of the electoral district of _____, took and subscribed the oath (or affirmation) of office, required in such case of a deputy returning officer, by section forty-two of the Dominion Elections Act, 1900.

In testimony whereof, I have delivered to him this certificate under my hand.

C.D.,
Justice of the Peace.
or A. B.
Returning Officer.

R.S.C., c. 8, form K.

*L.—(Section 41.)

Directions for the guidance of electors in voting.

The voter is to vote only for one candidate, unless two members are to be returned for the electoral district, in which case he may vote for one or for two candidates as he thinks fit.

The voter will go into one of the compartments, and, with a [black lead] pencil there provided, place a cross or crosses within the white space containing the name of the candidate or of each of the candidates for whom he votes, thus **X**.

The voter shall then fold the ballot paper so that the initials on the back can be seen without opening it; he shall then

return the ballot paper so folded to the deputy returning officer, who shall place it in the ballot box in the presence of the elector. The voter shall then forthwith quit the polling station.

If a voter inadvertently spoils a ballot paper [so that he cannot conveniently use it as he desires] he may return it to the deputy returning officer, who, [shall] give him another.

If the voter votes for more candidates than he is entitled to vote for, or places any mark on the ballot paper, by which he can afterwards be identified, his vote will be void and will not be counted.

If the voter fraudulently takes a ballot paper out of the polling station or fraudulently puts into the ballot box any other paper than the ballot paper given him by the deputy returning officer, he will be subject to be punished by fine of [five hundred] dollars or by imprisonment for a term not exceeding [two years] with or without hard labour. R.S.C., c. 8, form M.; 1891, c. 19, s. 15; Ingram's Bill, clause 27, part .

M.—(Section 42.)

Commission of a poll clerk.

To I. J. (*insert his legal addition and residence.*)

Know you, that in my capacity of deputy returning officer for the polling district No. _____, of the electoral district of _____, I hereby appoint you to be poll clerk for the said _____ polling district.

Given under my hand, at _____, this _____ day of _____, in the year 19 _____.

G. H.
Deputy Returning Officer.

R.S.C., c. 8, form N.

N.—(Section 42.)

Oath of poll clerk.

I, the undersigned, I. J., appointed poll clerk for the polling district No. _____, of the electoral district of _____ swear (or solemnly affirm) (that I will act faithfully in my capacity of poll clerk, and also in that of deputy returning officer if required to act as such, according to law, without partiality, fear, favour or affection, and that I

will keep secret the names of the candidates for whom any of the voters at the polling station in the polling district No. marks his ballot paper in my presence at this election. So help me God.

I. J.,
Poll Clerk.

Certificate of the poll clerk having taking the oath.

I, the undersigned, hereby certify that on the day of the month of , I. J., poll clerk, for the polling district No. , of the electoral district of , took and subscribed before me the oath (or affirmation) of office required of a poll clerk in such cases by section 44 of The Dominion Elections Act, 1900.

In testimony whereof, I have delivered to him this certificate under my hand.

C. D.,
Justice of the Peace.
or A. B.,
Returning Officer.
or G. H.,
Deputy Returning Officer.

R.S.C., c. 8, form O; 1888, c. 11, s. 10.

O.—(Section 43.)

Commission of a poll clerk acting as deputy returning officer.

To (insert his residence and legal addition.)

Know you, that in my capacity of acting deputy returning officer for the polling district No. of the electoral district of , in consequence of the decease (or incapacity to act, or as the case may be) of the deputy returning officer for the said polling district whose poll clerk I was, I hereby appoint you to be poll clerk for the said polling district No. , of the said electoral district.

Given under my hand at , this day of , in the year, 19 .

I. J.,
Poll Clerk, acting as Deputy Returning Officer.

The oath and certificate of its having been taken will be the same as in the case of a poll clerk appointed by the deputy returning officer.

R.S.C., c. 8, form P.

P.—(Section 48.)

Election of the Electoral District of

19 .

Ballot paper.



JOHN R. SMITH,

1 of the City of Ottawa,
Merchant.



WM. R. BROWN,

2 of the City of Ottawa,
Lawyer.

[Counterfoil to be here.]



JOSEPH O'NEIL,

3 of the City of Ottawa,
Gentleman.



FRANK HAMON,

4 of the City of Ottawa,
Artist.



Q.—(Section 58.)

Oath of agent of a candidate, or of elector representing a candidate.

I, the undersigned, P. Q., agent for (or elector representing) J. K., one of the candidates at the election now pending for the electoral district of _____, swear (or solemnly affirm) that I will keep secret the names of the candidates for whom any of the voters at the polling station in the polling district No. _____ marks his ballot paper in my presence at this election. So help me God.

Sworn (or affirmed) before me, at _____, this _____ day
of _____, 19 _____ .

A. B.,
Returning Officer
or Justice of the Peace.
R.S.C., c. 8, form Q.

R.—(Section 61.)

Oath by deputy returning officer, poll clerk or agent wishing to vote.

I, A. B., of _____ &c, deputy returning officer (or poll clerk, or agent for J. K., one of the candidates at the election for the House of Commons for the electoral district of _____ as the case may be) swear (or solemnly affirm), that I am actually entitled to vote for a member of the said House of Commons for this electoral district at the present election ;

That I have not voted before at this election, either at this or any other polling place ;

That I have not received anything, nor has anything been promised me, directly or indirectly, either to induce me to vote at this election, or for loss of time, travelling expenses, hire of team or for any other service connected therewith ;

That I have not, directly or indirectly, paid or promised anything to any person either to induce him to vote or to refrain from voting at this election. So help me God.

JOHN SMITH.

Sworn (or affirmed) before me, at _____, this _____ day
of _____, A.D., 19 _____ .

A. B.,
Returning Officer
or Justice of the Peace.

*S.—(Section 64.)

Form of poll book.

Number of the Voter.	NAMES OF THE VOTER.	Addition or occupation.	Place of residence.	Objections.	Sworn or affirmed.	Voter refusing to be sworn or to affirm, or to answer.	Voter voting after another has voted in his name.	Remarks.

R.S.O., c. 8, form R.

*T.—(Section 64.)

Oath of qualification of voter whose name is omitted on account of provincial disqualifications.

You swear (or solemnly affirm) that you are legally qualified to vote at this election, and that you verily believe that your name was omitted from the list of voters by reason of your being _____ at the time such list was prepared, and for no other reason. So help you God.

1898, c. 14, s. 6, part.

*U.—(Section 65.)

Oath of Qualification of voter whose name is omitted for a reason other than provincial disqualification.

You swear (or solemnly affirm)—

(1.) That you have not been disfranchised under the provisions of the Act to disfranchise voters who have taken bribes, or for corrupt practices under the Dominion Elections Act.

(2.) That you have not voted before at this election, either at this or at any other polling place ;

(3.) That you have not received anything nor has anything be en promised you, directly or indirectly, either to induce you to vote at this election or for loss of time, travelling expenses, hire of team, or for any other service connected therewith ;

(4.) That you have not, directly or indirectly, paid or promised anything to any person either to induce him to vote or to refrain from voting at this election.

(5.) That you are not otherwise disqualified from voting at this election. So help you God.

*V.—(Section 74.)

Oath of identity by voter receiving a ballot paper, after another has voted in his name.

You swear (or solemnly affirm) that you are A. B., of (as on the list of voters) whose name is entered on the list of voters now shown you. So help you God.

R.S.C., c. 8, form Y.

W.—(Section 75.)

Oath of voter unable to mark his ballot paper.

You swear (or solemnly affirm) that you are unable to read and to understand the ballot paper so as to mark it, (or that you are incapacitated by blindness or other physical cause, as the case may be) from voting without assistance. So help you God.

R.S.C., c. 8, s. 49, part.

X.—(Section 83)

Oath of the deputy returning officer after the closing of the poll.

I, the undersigned, deputy returning officer for the polling district \ o. of the electoral district of swear (or solemnly affirm) that, to the best of my knowledge and belief, the poll-book kept for the said polling district, under my direction, hath been so kept correctly, that the total number of votes polled in the said poll-book is , and that it contains a true and exact record of the votes given at the polling station in the said polling district, as the said votes were taken thereat; that I have faithfully counted the votes given for each candidate, in the manner by law provided, and performed all duties required of me by law, and that the report, poll-book, packets of ballot papers, and other documents required by law to be returned by me to the returning officer, have been faithfully and truly prepared and placed within the ballot box, as this oath (or affirmation) will be, to the end that

the said ballot box, being first carefully sealed with my seal, may be transmitted to the returning officer according to law.

Sworn before me at _____, this _____ day of _____, 19 _____.

G. H.,
Deputy Returning Officer.

C. D.,
Justice of the Peace,
or, A. B.
Returning Officer,
or, I. J.,
Poll Clerk.

R.S.C., c. 8, form A.A. ; 1888, c. 11, s. 12.

Y.—(Section 83.)

Oath of the poll clerk after the closing of the poll.

I, the undersigned, poll clerk for the polling district No. _____ of the electoral district of _____, swear (*or do solemnly affirm*) that the poll-book in and for the said (*as the case may be*), under the direction of G. H., who has acted as deputy returning officer therein, has been so kept by me under his direction as aforesaid, correctly and to the best of my skill and judgment ; that the total number of votes polled in the said poll-book is _____ ; and that to the best of my knowledge and belief it contains a true and exact record of the votes given at the polling station in the said polling district (*as the case may be*) as the said votes were taken at the said poll by the said deputy returning officer.

I. J.,
Poll Clerk.

Sworn (*or affirmed*) and subscribed before me, at _____ this _____ day of _____ in the year 19 _____.

C. D.,
Justice of the Peace,
or, A. B.,
Returning Officer,
or, G. H.,
Deputy Returning Officer.

R.S.C., c. 8, form BB.

Z.—(Section 88.)

Statement of the Poll, after Counting the Ballots.

Polling Division No......

Electoral District of.....

Number of Ballot Papers received from the Returning Officer.	_____	_____
Number of Ballot Papers cast for.	_____	_____
" " "	_____	_____
" " "	_____	_____
" " "	_____	_____
" " "	_____	_____
" " spoiled.	_____	_____
" " rejected	_____	_____
" " not used and returned.	_____	_____
Totals.	_____	_____

I hereby certify that the above statement is correct.

Dated at..... }
19..... } *Deputy Returning Officer.*

AA.—(Section 88.)

Certificate to be delivered to candidates, &c.

I, the undersigned, deputy returning officer for polling division No. _____, in the electoral district of _____, in the Province of _____, hereby certify that at the election held this day, for a member to serve in the House of Commons, the hereinafter mentioned candidates received the number of ballot papers set opposite their respective names, viz :—

NAMES OF CANDIDATES.	NUMBER OF BALLOT PAPERS.
.....
.....
.....
.....
.....

and also that _____ ballot papers were rejected.
 Dated at _____ }
 this day of 19 . } *Deputy Returning Officer.*

BB.—(Section 83.)

Oath of messenger sent to collect the ballot boxes.

I, R. S., of _____, messenger appointed by A. B., returning officer for the electoral district of _____, in the province of _____, swear (or solemnly affirm) that the several boxes, to the number of _____, now delivered by me to the said returning officer have been handed to me by the several deputy returning officers at the present election for the said electoral district (or by—*here insert the names of the deputy returning officers who have delivered the said boxes*); that they have not been opened by me, or any other person; and that they are in the same state as they were in when they came into my possession. (*If any change has taken place, the deponent shall vary his deposition by fully stating the circumstances.*)

R. S.

Sworn (or affirmed) and subscribed before me, at _____, this
day of _____, in the year 19 _____

C.D.
Justice of the Peace.
or A. B.
Returning officer.
or G. H.

Deputy Returning Officer.

R.S.C., c. 8, form Z.

CC.—(Section 92.)

Return after a poll has been taken.

I hereby certify that the member (or members) elected for the electoral district of _____, in pursuance of the within written writ, as having received the majority of votes lawfully given, is (or are) A. B., &c. (*names, &c., as in the nomination papers*).

Dated at _____ this _____ day of _____ 19 _____
A. B.,
Returning Officer.

R.S.C., c. 8, form CC.

DD.—(Section 132.)

Information for Personation.

Canada,
Province of _____ }
County of _____ }

The information of P. Q., of _____ taken this _____ day of _____ in the year _____, before the undersigned, a deputy returning officer at a polling place in the _____ of _____ for an election being held for the electoral district of _____ of a member of the House of Commons.

The said informant says that he believes that R. S. (or that a person whose name is to the informant unknown but who is now detained in the said polling place under my order, or as the case may be) on this day at the said polling place did commit the offence of personation by (*describing the offence.*)

Taken and sworn before me at the said polling place, the day and year above mentioned.

G. H.
Deputy Returning Officer.

EE.—(*Section 132.*)

Warrant for arrest of person charged with Personation.

Canada, }
Province of }
County of }

To all or any of the constables and other peace officers in the county of

Whereas, before the undersigned, a deputy returning officer at a polling place in the of for an election being held for the electoral district of of a member of the House of Commons, R. S. of has this day been charged upon oath with having committed the offence of personation on this day and at the said polling place by (*describing the offence.*)

These are therefore to command you in Her Majesty's name forthwith to apprehend the said R. S. and to bring him before to answer unto the said charge and to be further dealt with according to law.

Given under my hand and seal, under The Dominion Elections Act, 1900, this day of in the year 19.

G. H.,
Deputy Returning Officer.

SCHEDULE TWO.

(*Section 150.*)

FEEs OF RETURNING OFFICERS AND OTHERS.

To returning officer, when no poll is taken.

1. For the personal services of the returning officer, forty dollars ;
2. For the personal services of the election clerk, four dollars ;
3. For one constable, if considered necessary, one dollar ;
4. For printing proclamations, actual cost ;

22. For swearing the poll clerk before and after the polls, one dollar ;

23. For taking the polls, four dollars, (to deputy returning officers) ;

24. For services of poll clerk, two dollars ;

25. For services of one constable, if considered necessary, one dollar ;

26. For mileage of deputy returning officer and poll clerk going to and returning from the polling station, and delivering ballot boxes, each mile twelve and one-half cents ;

27. Actual expenses incurred for the use of polling stations, not exceeding ten dollars in cities, or four dollars in other constituencies,—this fee to cover fuel, light and furniture. 54-55 V., c. 19, s. 18.

N.B.—In Winnipeg: Deputy Returning Officer's fee for taking the polls, \$5. Poll clerk's fee for taking the polls, \$4. To each constable when necessary, \$1.50.

R.S.C., c. 8, second schedule ; O.C. Nov. 16, 1893.

SCHEDULE THREE.

ACTS REPEALED.

Acts repealed.	Title.	Extent of repeal.
R.S.C., c. 7.	An Act respecting the representation of the North-West Territories in the Parliament of Canada	The whole, except secs. 2 and 3.
c. 8.	An Act respecting the Elections of Members of the House of Commons	The whole.
1887, c. 6.	An Act to amend the Dominion Elections Act and to remove doubts as to the right of certain persons to vote at elections of Members of the House of Commons	The whole.
1888, c. 10.	An Act to amend the North-West Territories Representation Act	The whole.
c. 11.	An Act to amend the Dominion Elections Act, chapter eight of the Revised Statutes of Canada	The whole.
1891, c. 19.	An Act further to amend the Dominion Elections Act.	The whole.
c. 56.	An Act further to amend the North-West Territories Representation Act	The whole.
1894, c. 13.	An Act further to amend the Dominion Elections Act.	The whole.
c. 14.	An Act to disfranchise voters who have taken bribes	Section 22.
c. 15.	An Act further to amend the North-West Territories Representation Act	The whole.
1895, c. 10.	An Act further to amend the Act to readjust the Representation in the House of Commons	Section 3.
c. 11.	An Act further to amend the North-West Territories Representation Act	The whole.
c. 13.	An Act further to amend the Dominion Elections Act.	The whole.
1896 (2nd sess.) c. 5.	An Act to amend the North-West Territories Representation Act by dispensing with the preparation of the new voters' lists in certain cases.	The whole.
1898, c. 14.	An Act to repeal the Electoral Franchise Act, and to further amend the Dominion Elections Act.	Sec. 2, and secs. 11-36, both inclusive.