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No. 28.

2nd Session, 6th Parliament, 22 Victoria, 1859.

BILL.

**An Act for the more effectual prevention of
corrupt practices at Elections.**

Received and read, first time, Thursday, 17th
Feb., 1859.

Second reading, Friday, 18th Feb., 1859.

MR. GOWAN.

TORONTO :

PRINTED BY JOHN LOVELL, YONGE STREET.

An Act for the more effectual prevention of corrupt practices at Elections.

WHEREAS at many elections, as well Municipal as Parliamentary, corrupt and demoralizing practices are frequently resorted to by candidates, their agents and others; And whereas the laws at present in force intended for the prevention of such practices have not been found effectual for the purposes for which they were intended, and it is desirable that still more stringent enactments should be enforced against all such corrupt and demoralizing practices; Therefore Her Majesty, &c. enacts as follows:

Preamble.

I. From and after the passing of this Act, each and every candidate at any election, whether the same shall be for Legislative Councillor, or Representative in the Legislative Assembly, or for Mayor, Alderman, or Councillor in any Municipal Corporation in this Province, shall take and subscribe, before the Returning Officer, or before some one of his Deputies, or before some Justice of the Peace resident within the Division, County, or City within which such election may be held, a Declaration in writing pursuant to the form in the Schedule to this Act annexed, marked A.

Declaration in Schedule to be made by every candidate.

II. Any candidate who shall refuse or neglect to deliver, or cause to be delivered, to the Returning Officer in Chief at such election, before the final closing of the poll thereat (or within days thereafter), the Declaration in the Schedule to this Act annexed, marked A, shall be deemed to be disqualified in law from accepting, sitting, or acting, or of being elected or returned as Legislative Councillor, Member of the Legislative Assembly, or Mayor, Alderman, or Councillor in any Municipal Council, at any election at which he shall so refuse or neglect as aforesaid.

Candidate refusing to make it to be disqualified.

III. Any candidate who shall take and subscribe the said Declaration, knowing the same to be false, shall be deemed guilty of a misdemeanour, and being thereof convicted before any Court of competent jurisdiction, shall be liable to a fine not to exceed fifty pounds in amount, or to imprisonment not to exceed six months in duration; and the record of such conviction shall be *prima facie* evidence of his ineligibility and disqualification from sitting, or performing the duties of Legislative Councillor, of Member of the Legislative Assembly, or of Mayor, Alderman, or Councillor of any Municipality, in virtue of any election or return made at any election where such false Declaration was taken and subscribed by him, as aforesaid.

Wilful false statement in declaration to be a misdemeanour.

Candidates shall not bribe electors,—

Or pay for conveying them to the polls.

Electors having cabs, &c., to convey voters, to be disqualified.

Elector bribed to be forever disqualified.

4. No candidate shall, by himself, or by his agent, or by any other person, corrupt or bribe any elector to give or to withhold his vote at any election,—nor shall he, by himself, or by his agent, or by any other person, with his knowledge or consent, hire or employ, or pay for the hiring or employment, of any cab, cart, waggon, sleigh, carriage, or other conveyance, for the purpose of carrying any elector or electors to or from any polling place at any election, for the purpose of giving his or their vote or votes thereat. 5

V. Any elector who shall hire any cab, cart, waggon, sleigh, carriage, or other conveyance, of which he may be the owner or proprietor, to any candidate or to his agent, for the purpose of conveying electors to or from the polling place or places for the purpose of giving their votes thereat, shall *ipso facto* disqualify himself from voting at such election. 10

VI. Any elector who shall be bribed, or who shall consent to receive a bribe, to induce him to give his vote at any election, and be thereof convicted before any Court of competent jurisdiction, shall be thereby disfranchised, and shall from thenceforward be rendered incapable of exercising the franchise of a Parliamentary or Municipal elector. 15

SCHEDULE A.

Form of Declaration to be taken and subscribed by all Candidates.

I, A. B., a candidate for the office of (*here insert the name of the Office, as Legislative Councillor, Member of the Legislative Assembly, &c.*) at the election to be holden on the (*here insert the days of polling.*) for the (*here insert the name of the Division, County, Riding, City, Town, or Township, as the case may be.*) do declare that I have not and will not myself, at the said election, neither have I nor will I by any agent, at the said election, or by any other person or persons thereat, bribe or cause or attempt to bribe any elector to give his vote in my favor, or to withhold his vote from being cast against me, at the said election: Neither have I nor will I, either by myself or by any other person with my privity or consent, hire, pay, or employ, or cause to be hired, paid, or employed, any cab, cart, waggon, carriage, coach, sleigh, or other conveyance, for the purpose of carrying electors to or from any polling place, at or during the said election, for the purpose of giving their votes thereat.

A. B. (*Signature of Candidate.*)

Taken and subscribed before me
at this day
of 18

} C. D. (*Signature of R. O. or of J. P.*)