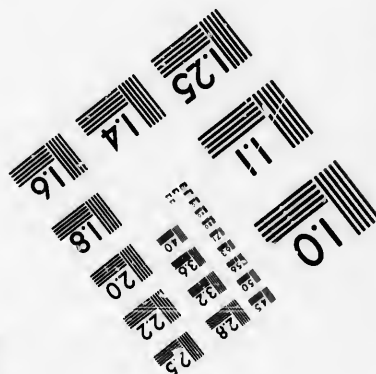
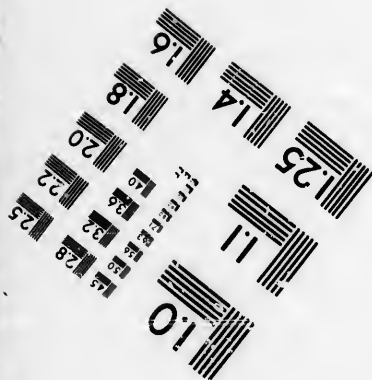
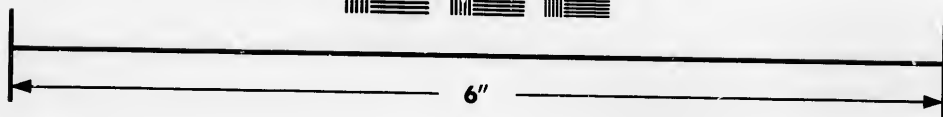
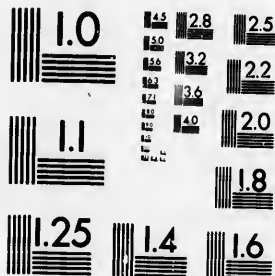


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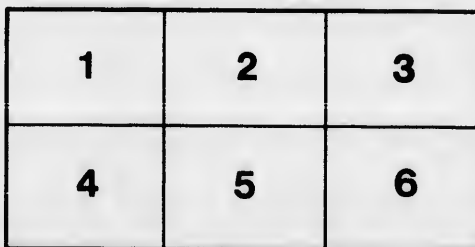
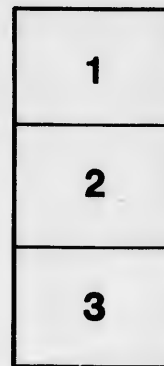
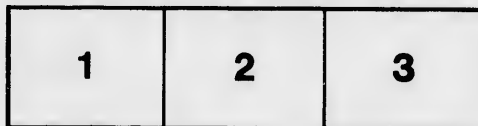
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THE
DOMINION ELECTIONS ACT,

37 VIC., CHAP. IX.

1874.

AMENDED IN ACCORDANCE WITH THE ACT PASSED,
AND ASSENTED TO 10TH MAY, 1878.

PRICE, 25 CENTS.

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DOMINION ELECTIONS ACT.

37 VIC., CHAP. IX.

AN ACT RESPECTING THE ELECTIONS OF MEMBERS OF THE HOUSE OF COMMONS.

[Assented to 26th May, 1874.]

[Amended in accordance with Act assented to 10th May, 1878.]

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

Preamble.

1. Every writ for the election of a member of the House of Commons of Canada shall be dated and be returnable on such days as the Governor-General shall determine, and shall be addressed to the Sheriff or to the Registrar of Deeds, or to one of the Sheriffs or of the Registrars for the Electoral District or a portion of the Electoral District for which the election is to take place, who shall be the Returning Officer at such election ;

Writs of Election, and Returning Officers.

And in case there is no such Sheriff or Registrar, then to such other person as the Governor-General may appoint as such Returning Officer ;

In case the Sheriff, the Registrar, or any other person to whom the writ for any Electoral District in the Province of Ontario, or in the Province of Quebec, may have been addressed, should refuse, be disqualified or be unable to act, then the Governor-General, and in the other Electoral Districts the Lieutenant-Governors in their respective Provinces, may appoint another person to act as such Returning Officer.

2. The Governor-General shall fix the day for the nomination of candidates at the election, and shall at every general election, fix one and the same day for the nomination of candidates in all the Electoral Districts, except in the Electoral Districts in the Provinces of Manitoba and of British Columbia, and in the Electoral Districts of Muskoka and Algoma, in the Province of Ontario, and of Gaspé and Chicoutimi and Saguenay, in the Province of Quebec.

Day of nomination of Candidates, how fixed.

Exceptions.

The Governor-General shall also fix one and the same day for the nomination of candidates for the several elections in the Province of Manitoba.

Manitoba.

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To be named
in the writs.

3. The day so fixed by the Governor-General shall be named in the writs of election for the several Electoral Districts respectively, to which such day shall apply.

Form of
Writ, &c.

4. The writs of election shall be in the form Schedule A, and shall be transmitted by mail to the respective Returning Officers, unless otherwise ordered by the Governor-General.

Who shall
not act as
Election
Officers.

5. None of the persons hereinafter mentioned shall be appointed Returning Officers or Deputy Returning Officers, Election Clerks or Poll Clerks, that is to say :—

Firstly: Members of the Queen's Privy Council for Canada or of the Executive Council of any of the Provinces of the Dominion ;

Secondly: Members of the Senate or Members of the Legislative Council of any of the Provinces of the Dominion ;

Thirdly: Members of the House of Commons or Members of the Legislative Assemblies of the several Provinces of the Dominion ;

Fourthly: Ministers, Priests, or Ecclesiastics of any religious faith or worship ;

Fifthly: Judges of the Courts of Superior, Civil and Criminal jurisdiction, or Judges of any County or District Court, Insolvent Court or Vice-Admiralty Court ;

Sixthly: Persons who have served in the Parliament of the Dominion in the session immediately preceding the election, or in the then present session of Parliament ;

Seventhly: Sheriffs, Registrars, or other persons who shall 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 under this Act.

Who shall
not be bound
to act as
such.

6. None of the persons hereinafter mentioned, unless they are Sheriffs or Registrars or Town Clerks or Assessors, shall be obliged to act as Returning Officers, Deputy Returning Officers, Election Clerks or Poll Clerks, that is to say :—

Firstly: Professors in any University, College, High School, or Academy ;

Secondly: Physicians or Surgeons ;

Thirdly: Millers ;

Fourthly: Postmasters, Customs Officers, or Clerks in Post Offices or Customs Offices ;

Fifthly: Persons being sixty years of age or upwards ;

Sixthly: Persons having previously served as Returning Officers at the election of a member for the House of Commons.

Endorsing
receipt, and
oath of Re-
turning
Officer.

7. On receiving the writ of election, the Returning Officer shall forthwith endorse thereon the date at which he shall have received

the same, and, before taking any further action thereon, he shall take the oath of office in the form, Schedule B to this Act.

8. The Returning Officer, by a commission under his hand, and in the form, Schedule C of this Act, shall appoint an Election Clerk, and may, at any time during the election, appoint, in the same manner, another Election Clerk, in case the one so appointed shall resign, refuse or be unable to perform his duties as such.

Appoint-
ment of
Election
Clerk.

9. The duty of the Election Clerk shall be to assist the Returning Officer in the performance of his duties, and to act in his stead as Returning Officer, whenever the Returning Officer shall be disqualified, or unable, or shall refuse to perform his duties, and shall not have been replaced by another.

Duty of
Election
Clerk.

10. The Election Clerk shall, before acting as such, take the oath of office in the form, Schedule D to this Act.

Oath of
office.

11. The Returning Officer shall ascertain from the lists of voters, which, under the provisions of this Act, are to be used at the election, and, in Electoral Districts where there are voters entitled to vote but there are no lists of voters, from such other information as may be within his reach—the number of, or probable number of, persons qualified to vote in each city, town, ward, parish, township, local municipality or other locality, where voters are so entitled to vote; and if such city, town, ward, parish, township, local municipality or other locality has not been constituted or subdivided for electoral purposes into polling districts by the Legislature, or by the local authorities under the legislation of the Province wherein such Electoral District is situate, or where such subdivision comprises more than three hundred voters, he shall constitute or subdivide the said city, town, ward, parish, township, local municipality or other locality or subdivision, into polling districts in a convenient manner, so that there shall be at least one polling district for every two hundred voters; and he shall also fix a polling station in a central and convenient place in each polling district; and the Returning Officer may in his discretion grant such additional polling places in such polling districts as the extent of the district and the remoteness of any body of its voters from the polling place may render necessary, although the voters thereof may be less than the number above specified.

Returning
Officer to
ascertain
persons
qualified to
vote, and by
what means.

To consti-
tute Polling
districts in
certain cases
and appoint
polling dis-
tricts.

12. In the Electoral Districts in the Province of British Columbia, and in the Electoral Districts of Muskoka and Algoma, in the Province of Ontario, and of Gaspé, in the Province of Quebec, 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 any of the said Electoral Districts shall not take place less than fifteen days nor more than thirty days after the proclamation hereinafter required shall have been posted up, and the day for holding the polls shall not be less than fifteen days nor more than thirty days after the day on which the nomination is to take place—neither the day of nomination nor the day of posting the proclamation being reckoned:

Nomination
and polling
days in
certain
Electoral
Districts.

DOMINION ELECTIONS ACT.

In Chicoutimi and Saguenay.

In the Electoral District of Chicoutimi and Saguenay the nomination shall not take place less than eight days, nor more than fifteen days after the proclamation; and the day of holding the polls shall not be less than eight days, nor more than fifteen days after the day on which the nomination is to take place:

Polling days in other Districts.

In all the other Electoral Districts the proclamation hereinafter required shall be posted up, at least eight days before the day fixed for the nomination of candidates; and the day for holding the polls 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 shall have taken place, or if such seventh day be a Sunday or a statutory holiday, then on the next following day not being a Sunday nor a statutory holiday.

Cases of unforeseen delays provided for.

13. In cases when, from unforeseen delays, accident or otherwise, the proclamation hereinafter mentioned could not 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, or in case any candidate should die after being nominated and before the close of the polls, the Returning Officer may 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 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 may have occasioned the postponement of the election.

Proclamation by Returning Officer.

14. Within twenty days after the reception of the writ in the Electoral Districts of the Province of British Columbia, and in the Electoral Districts of Muskoka and Algouma, in the Province of Ontario, and in those of Gaspé and Chicoutimi and Saguenay, in the Province of Quebec, and within eight days after such reception in the other Electoral Districts of the Dominion, the Returning Officer shall, by a proclamation under his hand, issued in the English and French languages in every Electoral District in the Province of Quebec and in the Province of Manitoba, and in the English language only in the other Electoral Districts, indicate—

Firstly: The place and time fixed for the nomination of candidates;

Secondly: The day on which the poll for taking the votes of the electors is to be held, in case a poll shall be required;

Thirdly: The several polling stations fixed by him, and the territorial limits to which they shall respectively apply;

Fourthly: The time when and the place where the Returning Officer shall sum up the number of votes given to the several candidates,—

Form.

Such proclamation to be in the form, Schedule E to this Act.

15. 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, village (or ward of such city, town or village, when it is subdivided into wards), and at four of the most prominent and conspicuous places in each parish, township or division of parish or township, within the Electoral District for which the election is to take place.

How to be published.

16. The place fixed for the nomination of candidates shall be at the court house, city or town hall, or other public or private building, in the most central or most convenient place for the great body of the electors of each Electoral District.

Place of nomination

17. 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.

Time.

18. Any twenty-five electors may nominate a candidate or as many candidates as may be required to be elected for the Electoral District for which the election is held, by producing to the Returning Officer, at the time and place indicated in the proclamation, a writing in the form of Schedule F, under their hands, giving the names, residence and addition or description of each person proposed, in such manner as sufficiently to identify such candidate :

Form of nomination

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 :

Each candidate separately.

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 for the same, a duly certified list of the names of the several candidates who shall have been nominated. And any votes given at the election for any other candidates than those so nominated shall be null and void.

Nomination papers may be filed with Returning Officer at other places and times.

Votes for candidates not nominated, null

19. No nomination paper shall be valid and acted upon by the Returning Officer unless it be accompanied by the consent in writing of the person therein nominated, except in case such person be absent from the Province in which the election is to be held, when such absence shall be stated in the nomination paper ;

Consent of candidate named.

Nor unless a sum of fifty dollars be paid to the Returning Officer at the time the nomination paper shall be filed with him : And the receipt of the Returning Officer shall in every case be sufficient evidence of the production of the nomination paper, consent of candidate, and of the payment herein mentioned :

And deposit of fifty dollars.

The sums so paid shall be applied by the Returning Officer towards the payment of the election expenses.

Application of deposit.

- 20.** From and after the passing of this Act no qualification in real estate shall be required of any candidate for a seat in the House of Commons of Canada, any Statute or law to the contrary notwithstanding: but such candidate shall be either a natural born subject of the Queen, or a subject of the Queen naturalized by an Act of the Parliament of Great Britain, or of the Parliament of the United Kingdom of Great Britain and Ireland, or of the legislature of one of the Provinces of Upper Canada, Lower Canada, Canada, Nova Scotia, New Brunswick, Manitoba, British Columbia or Prince Edward Island, or of this Parliament.
- No real property qualification required of candidate.*
- Proviso: He must be a British subject.*
- 21.** The Returning Officer shall require the person or one or more of the persons producing such nomination paper to make oath before him, that he or they know the several persons who have signed such nomination paper to be electors duly entitled to vote; and that they have signed the same in his or their presence; and that the consent of the candidate has been signed in his or their presence, or that the person named as candidate is absent from the Province as the case may be. This oath may be in the form, Schedule G to this Act, and its having been taken shall be mentioned on the back of the said nomination paper.
- Nomination paper, how to be attested.*
- 22.** 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 nominated within the time fixed for that purpose, the Returning Officer shall 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 a duplicate or certified copy to the person or persons elected, and such return shall be in the form, Schedule H to this Act.
- Return when no more candidates than members to be elected.*
- 23.** 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.
- Report with return.*
- 24.** If more candidates than the number required to be elected for the Electoral District are nominated in the manner required by this Act, it shall be the duty of the Returning Officer to grant a poll for taking the votes of the electors; and to cause to be posted up notices of his having granted such poll, indicating the names, residences and occupations of the candidates so nominated, in the order in which they shall be printed on the ballot papers herein-after mentioned; which notices shall, as soon as possible after the nomination, be placarded at all the places where the proclamation for the election was posted up. Such notices shall be in the form of Schedule H H to this Act.
- Poll, and notices thereof.*
- Form.*
- 25.** Any candidate nominated may withdraw at any time after his nomination and before the closing of the poll, by filing with the
- Withdrawal of candidates.*

Returning Officer a declaration in writing to that effect, signed by himself; and any votes cast for the candidate who shall have so withdrawn shall be null and void: and in case, after the withdrawal, there should remain but one candidate, or no more than the number to be elected, then it shall be the duty of the Returning Officer to 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 be filed on the polling day.

If no more remain than there are members to be elected.

26. Whenever a poll has been granted, the same shall be opened at the hour of nine of the clock in the forenoon, and kept open until five o'clock in the afternoon of the day fixed for holding it; and the votes at the several polling stations shall be given on that day, and by ballot.

Hours for polling.

27. The ballot of each voter shall be a printed paper, in this Act called a ballot paper (with a counterfoil) showing the names and description of each candidate alphabetically arranged in the order of their surnames, or if there be two or more candidates with the same surname, in the order of their other names; the names and description of each candidate shall be set forth in the ballot paper as they have been set forth in the nomination paper, and the ballot paper and counterfoil shall be in the form Schedule I to this Act.

Ballot paper and form of

28. On a poll being granted, it shall be the duty of the Returning Officer—

Duties of Returning Officer when a poll is required.

Deputies.

Firstly: To appoint, by a commission under his hand, in the form, Schedule J to this Act, one Deputy Returning Officer for each polling district comprised in the Electoral District, who shall, before acting as such, take the oath of office in the form, Schedule K to this Act;

Secondly: To furnish each Deputy Returning Officer with a copy of the list or of such portion of the list of voters as contains the names, arranged alphabetically, of the electors qualified to vote at the polling station for which he is appointed—such copy being first certified by himself or by the proper custodian of the lists from which such copies are taken;

List of voters.

Thirdly: To deliver to each Deputy Returning Officer, two days at least before the polling day, a ballot box to receive the ballot papers of the voters—which 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 without the box being unlocked;

Ballot Box.

Fourthly: To 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.

Directions
for voters.

Fifthly: To furnish to each Deputy Returning Officer at least ten copies of printed directions 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.

Obtaining
lists of
voters.

29. The Returning Officer shall obtain the different lists of voters, or copies or extracts thereof, from the Registrars, Town Clerks, Clerks of the Peace or such other officers as may by law be the proper custodians of such lists, or of duly certified duplicates or copies thereof; and every such officer who shall omit or refuse to furnish such lists, copies or extracts of the voters' lists within a reasonable time to the Returning Officer requiring the same, shall incur a penalty of not less than two hundred and not exceeding two thousand dollars.

If ballot box
be not fur-
nished.

30. Whenever the Returning Officer fails to furnish to the Deputy Returning Officer in any polling district the ballot box, within the time prescribed by this Act, it shall be the duty of such Deputy Returning Officer in such polling district to cause one to be made.

Poll Clerk.

31. Each Deputy Returning Officer shall forthwith appoint by commission under his hand in the form, Schedule L to this Act, a Poll Clerk, who before acting as such shall take the oath in the form, Schedule M to this Act.

Poll Clerk to
act as D. R.
O. in certain
cases.

32. In case any Deputy Returning Officer should refuse or be unable to act, the Returning Officer may appoint another person to act in his place as Deputy Returning Officer; and in case no such appointment be made, the Poll Clerk without taking another oath of office, shall act as Deputy Returning Officer.

And appoint
a Poll Clerk
under him.

Whenever the Poll Clerk acts as Deputy Returning Officer, he shall, by a commission in the form, Schedule N to this Act, appoint a Poll Clerk to act in his stead, who shall take the oath required by the next preceding section of this Act.

Where the
poll shall be
held.

33. The poll, when granted, shall be held in each polling district in a room or building of convenient access, with an outside door for the admittance of the voters, and having, if possible, another door through which they may leave after having voted. One or 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.

Hours for
polling.

34. Each Deputy Returning Officer shall open the poll assigned to him at the hour of nine of the clock in the morning and keep the same open until five of the clock in the afternoon; and shall, during that time, receive, in the manner hereinafter prescribed, the votes of the electors duly qualified to vote at such polling place.

35. 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, 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 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.

36. Any person producing to the Returning Officer or 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

One of the agents of each candidate, and, in the absence of such agent, one of the electors representing each candidate, if there be such elector, on being admitted to the polling station shall take the oath to keep secret the names of the candidates for whom any of the voters may have marked his ballot paper in his presence, as hereinafter required; such oath shall be in the form of Schedule N N to this Act.

Oath of secrecy.

37. 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 may be present, open the ballot box and ascertain that there are no ballots or other papers in the same, after which the box shall be locked, and the Deputy Returning Officer shall keep the key thereof.

Opening the poll: showing and locking ballot box.

38. Immediately after the ballot box shall have been closed as above provided, the Deputy Returning Officer shall call upon the electors to vote.

Calling voters.

39. The Chancellor and Vice-Chancellors of Ontario, and the Judges of any court now existing or to be hereafter created whose appointment shall rest with the Governor-General of the Dominion, shall be disqualified and incompetent to vote at the election of a member of the House of Commons of Canada.

Certain judges may not vote.

40. Subject to the exceptions hereinabove contained, all persons qualified to vote at the election of representatives in the House of Assembly or Legislative Assembly of the several Provinces composing the Dominion of Canada, and no others, shall be entitled to vote at the election of members of the House of Commons of Canada, for the several Electoral Districts comprised within such Provinces respectively; and all lists of voters made and prepared, and which would, according to the laws in force in the said several

Who shall be entitled to vote.

Provinces, be used if the election were that of a representative or representatives to the House of Assembly or Legislative Assembly of the Province in which the election is held (where such lists are required to be made), shall be the list of voters which shall be used at the elections of members of the House of Commons to be held under the provisions of this Act.

Where electors shall vote.

41. Each elector shall vote at the polling station of the polling district in which he is qualified to vote and no other; and it shall be the duty of the Returning Officer to secure the admittance of every elector into the polling station, and to see that he is not impeded or molested at or about the polling station.

Provisions as to election officers or agents entitled to vote.

42. The Returning Officer, on the request of any elector entitled to vote at one of the polling stations, who shall be appointed Deputy Returning Officer or Poll Clerk, or who shall be 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 shall be 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 station where he shall be placed during the polling day, instead of at the polling station of the polling district where he would otherwise have been entitled to vote. But 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.

Proviso.

Conditions of voting: declaration of voter.

43. Each elector, being introduced, one at a time for each compartment, into the room where the poll is held, shall declare his name, surname and addition, which shall be entered or recorded in the voters' list to be kept for that purpose by the Poll Clerk, and, if the same be found on the list of electors for the polling district of such polling station, he shall receive from the Deputy Returning Officer a ballot paper on the back of which such Deputy Returning Officer shall have previously put his initials, so placed that when the ballot is folded they can be seen without opening it; and on the counterfoil to which he shall have placed a number corresponding to that opposite the voter's name on the voters' list:

Oath of voter if required.

Provided that such elector, if required by the Deputy Returning Officer, the Poll Clerk, one of the candidates or one of their agents, or by any elector present, shall, before receiving his ballot, take the oath or oaths of qualification required by the laws in force in the Province where the election is held, from a voter at the election of a member of the House of Assembly of that Province; the words "House of Commons of Canada" being in such case substituted for "House of Assembly" or such other change being made as to make the oath applicable to the election of a member of the House of Commons of Canada, and which oath the Deputy Returning Officer or Poll Clerk is hereby authorized to administer.

The Deputy Returning Officer shall instruct him 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 only in the case provided for in section forty-eight.

44. If there be any Electoral District in or for which the election law of the Province where such district is situate does not require lists of voters to be made to entitle them to vote, then in such case any elector claiming his ballot paper, shall declare his name, surname, addition and qualification, which shall be entered on a list kept for that purpose by the Poll Clerk; and before receiving his ballot paper such elector may be required by the Deputy Returning Officer, the Poll Clerk, one of the candidates or of their agents, or by any elector present to take the oath of qualification required by the law in force in such Province from a voter at the election of a member of the House of Assembly; the words "House of Commons of Canada" being in such case substituted for "House of Assembly," or such other change being made as may be required to make the oath applicable to the election of a member of the House of Commons of Canada—which oath the Deputy Returning Officer or Poll Clerk is hereby authorized to administer.

Form of oath
if no voters'
lists.

45. 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 pencil on any part of the ballot paper within the division (or if there be more than one to be elected, within the divisions) containing the name (or names) of the candidate (or candidates) for whom he intends to vote, and shall then fold up such ballot paper so that the initials on the back 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 upon the counterfoil, that it is the same that he furnished to the elector, and shall first detach and destroy the counterfoil and shall then immediately, and in the presence of the elector, place the ballot paper in the ballot box.

Mode of
voting.

46. 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.

Dispatch to
be used.

47. No elector shall be allowed to take his ballot paper out of the polling station, or, except only in the case provided for by section forty-eight, to show it when marked to any person, so as to allow the name of the candidate for whom he votes to be known, under a penalty of two hundred dollars; and no person shall directly or indirectly induce or endeavour to induce any voter to show his ballot paper after he has so marked it, under a penalty of two hundred dollars for so doing, and for each case of such offence.

Ballot paper
not to be car-
ried away.

48. The Deputy Returning Officer, on application of any voter who is unable to read or incapacitated by blindness or other physical

Case of voter
who cannot
mark his
ballot paper.

cause from voting in the manner prescribed by this Act, shall assist such voter by marking his ballot paper in the manner directed by such voter, in the presence of the sworn agents of the candidates, or of the sworn electors representing 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 following :

" I solemnly swear (or if he be one of the persons entitled by law to affirm in civil cases, solemnly affirm) that I am unable to read and to understand the ballot papers so as to mark the same, (or) that I am incapacitated by physical cause (as the case may be) from voting without the assistance of the Deputy Returning Officer."

Interpreter
allowed in
certain
cases.

And whenever the Deputy Returning Officer shall not understand the language spoken by any 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:

List to be
kept.

The Deputy Returning Officer shall enter opposite the names of the voters whose ballots have been so marked, in addition to what is required in the forty-ninth section of this Act, the reason why each ballot paper was marked by him.

Entry of
names of
electors
voting.

49. The Poll Clerk shall enter on the voters' list, to be kept by the Poll Clerk (in the form of Schedule O to this Act), opposite the name of each elector voting, the word "*Voted*," as soon as his ballot paper shall have been deposited in the ballot box. He shall also enter on the same list the word "*Sworn*" or "*Affirmed*" opposite the name of each elector to whom the oath or affirmation of qualification shall have been administered, and the words "*Refused to be sworn*" or "*Refused to affirm*" opposite the name of each elector who has refused to take the oath or to affirm.

When there
are no lists
of voters
required by
law.

50. When no lists of voters are required by the law in force in the Province or Electoral District for which the election takes place, then the Deputy Returning Officer shall cause the name, surname and addition of every voter to be entered on a list to be made and kept for that purpose; upon which list shall be entered the word "*Voted*" opposite the name of each voter who shall have voted; or "*Sworn*" or "*Affirmed*," or "*Refused to be sworn*" or "*to affirm*," as the case may be, as above provided.

Voter refus-
ing to be
sworn.

51. No voter having refused to take the oath or affirmation of qualification required as aforesaid by this Act, when requested so to do, shall receive a ballot paper or be admitted to vote.

Voting more
than once
forbidden.

52. 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.

53. If a person; representing himself to be a particular elector named on the register or list of voters, applies for a ballot paper after another person has voted as such elector, the applicant, upon taking the oath in the form of Schedule P to this Act, 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 his initials, together with a number corresponding to a number entered on the list of voters opposite the name of such voter, and he shall thereupon be entitled to vote as any other elector :

Case of elector in whose name another has voted.

The name of such voter shall be entered on the list of voters, and a note shall be made of his having voted on a second ballot issued under the same name, and of the oath or affirmation of qualification having been required and made, as well as of any objections made on behalf of any and which of the candidates.

Entry on List.

54. A voter who has inadvertently dealt with the ballot paper given him, in such manner that it cannot be conveniently used, may, on delivering the same to the Deputy Returning Officer, obtain another ballot paper in the place of that so delivered up.

Electoral spoiling his ballot paper.

55. Immediately after the close of the poll, the Deputy Returning Officer shall, 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 least three electors, open the ballot box and proceed to count the number of votes given for each candidate. In doing so he shall reject all ballot papers which have not been supplied by the Deputy Returning Officer, 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 :

Counting the votes by Deputy Returning Officer.

Rejected ballots.

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 each be put into a different envelope or parcel, and all these parcels, being endorsed so as to indicate their contents, shall be put back into the ballot box.

Duty of Deputy Returning Officer after counting the votes.

56. The Deputy Returning Officer shall take a note of any objection made by any candidate, his agent or any elector present, to any ballot paper found in the ballot box, and shall decide any question arising out of the objection ; and the decision of such Deputy Returning Officer shall be final, subject only to reversal on petition questioning the election or return :

Objections to ballot papers.

Each objection to a ballot paper shall be numbered, and a corresponding number placed on the back of the ballot paper, and initialed by the Deputy Returning Officer.

To be numbered.

Statement to be inclosed in ballot box for Returning Officer.

Oath of person delivering ballot box to Returning Officer.

Oaths to be attached.

Certificates to candidates.

Summing up of votes by Returning Officer.

Declaration thereon.

Casting vote of Returning Officer.

Return of candidate elected.

57. The Deputy Returning Officer shall make out a statement of the accepted ballot papers, of the number of votes given to each candidate, of the rejected ballot papers, of the spoiled and returned ballot papers, and of those unused and returned by him; and he shall make and keep by him a copy of such statement, and inclose in the ballot box the original statement, together with the voters' list and a certified statement, at the foot of each list, of the total number of electors who voted on each such list, and such other lists and documents as may have been used at such election. The ballot box shall then be locked and sealed, and shall be delivered to the Returning Officer, or to the Election Clerk, who shall receive or collect the same, and in case of both of them being unable to do so, then to one or more persons specially appointed for that purpose by the Returning Officer, and who shall, on delivering the ballot boxes to the Returning Officer, take the oath in Schedule PP to this Act:

The Deputy Returning Officer and the Poll Clerk shall respectively take the oaths in forms, Schedules Q and R to this Act, which shall be annexed to the statement above mentioned.

58. The several Deputy Returning Officers, on being requested so to do, shall deliver to each of the candidates, their agents, or in the absence of such candidates or agents, to the electors present representing the candidates, a certificate of the number of votes given for each candidate, and of the number of rejected ballot papers.

59. 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, and 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:

The candidate who shall, on the summing up of the votes, be found to have a majority of votes, shall be then declared elected.

60. When, on the final addition of votes by the Returning Officer, an equality of votes is found to exist between any of the candidates, and the addition of a vote would entitle any of such candidates to be declared elected, the Returning Officer shall give such additional or casting vote, but shall in no other case have the right to vote.

61. The Returning Officer shall, immediately after the sixth day after such verification, unless before that time he receives notice that he is required to attend before a judge for the purpose of a re-count of the votes given at the election, transmit his return to the Clerk of the Crown in Chancery, that the candidate having the largest number of votes has been duly elected; and shall forward to each of the respective candidates a duplicate or copy thereof, and such return shall be in the form Schedule S to this Act:

The Returning Officer shall accompany his return to the Clerk of the Crown in Chancery with a report of his proceedings, in which report he shall make any observation he may think proper as to the state of the ballot boxes or ballot papers as received by him :

Report with return.

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, referred to in section fifty-seven of this Act, together with the voters' lists used in the several polling districts, and any other lists and documents used or required at such election, or which may have been transmitted to him by the Deputy Returning Officers :

Voters' lists, &c., with the return.

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

Transmission.

And the fifty-ninth and every other section or provision of the said Act (if any) which may be inconsistent with this section are hereby so amended as to be in accordance with it and with section sixty-six of "*The Dominion Elections Act, 1874.*" as amended by the next following section of this Act, and shall be construed subject to their provisions.

62. In case the ballot boxes should not have all been 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.

63. In case the ballot boxes or any of them have been destroyed, lost, or for any other reason are not forthcoming within the delay so fixed, 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 the same, for the lists, statements and certificates, or copies of the lists, statements and certificates of the number of votes given to each candidate required by this Act, the whole verified on oath—which oath the Returning Officer is hereby authorized to administer; and in case such lists or statements, or copies thereof, cannot be obtained, he shall ascertain by such evidence as he may be able to obtain the total number of votes given to each candidate at the several polling places, and he shall return the candidate having the majority of votes; and shall mention specially in his report to be sent with the return the circumstances accompanying the disappearance of the ballot boxes, and the mode by which he ascertained the number of votes given to each candidate.

Provision in case of loss of ballot boxes.

64. The Clerk of the Crown in Chancery shall, on receiving the return of any member elected to the House of Commons, give notice in the ordinary issue of the *Canada Gazette* of the name of the candidate so elected.

Notice of return in *Canada Gazette.*

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

65. The Clerk of the Crown in Chancery shall 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 be contested, then for one year after the termination of such contestation.

In what cases only rejected ballot papers may be inspected.

66. No person shall be allowed to inspect any ballot papers in the custody of the Clerk of the Crown in Chancery, except under the rule or order of one of Her Majesty's Superior Courts, or a Judge thereof; such rule or order to 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 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 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 making the same may think expedient, and shall be obeyed by the Clerk of the Crown in Chancery.

Section 14 of the amended Act of 1878 provides as follows:—

And as to counted ballot papers.

67. In case it is made to appear within four days after that on which the Returning Officer has made the final addition of the votes for the purpose of declaring the candidate (or candidates) elected, on the affidavit of any credible witness, to the County Judge of any County, or in Quebec to a Judge of the Superior Court ordinarily discharging his duties in any Judicial District in which the Electoral District or any part thereof is situated, that such witness believes that any Deputy Returning Officer at any election in such Electoral District in counting the votes has improperly counted or rejected any ballot papers at such election, or that the Returning Officer has improperly summed up the votes, and in case the applicant deposits within the said time with the clerk of the Court the sum of one hundred dollars as a security for the costs of the candidate, in respect of the re-count, 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 re-count the votes, or to make the final addition, as the case may be, and shall give notice in writing to the candidates or their agents of the time and place at which he will proceed to re-count the same, or to make such final addition, as the case may be, and shall summon and command the Returning Officer and his election clerk to attend then and there with the parcels containing the ballots used at the election; which command the Returning Officer and his election clerk shall obey:

1. The said Judge, the Returning Officer and his election clerk, and each candidate, or his agent appointed to attend such re-count of votes, or in case any candidate cannot attend, then not more than one agent of such candidate, and if the candidates and their agents are absent, then at least three electors shall be present at such re-count of the votes:

2. At the time and place appointed, the said Judge shall proceed to re-count all the votes or ballot papers returned by the several Deputy Returning Officers, and shall, in the presence of the parties aforesaid, if they attend, 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:

3. The Judge shall, as far as practicable, proceed continuously, except on Sunday, with such re-count of the votes, allowing only time for refreshment, and excluding (except so far as he and the parties aforesaid agree) the hours between six o'clock in the evening and nine on the succeeding morning; during the excluded time (and recess for refreshments) the said Judge shall place the ballot papers and other documents relating to the election close under his own seal and the seals of such other of the parties as desire to affix their seals, and shall otherwise take precautions for the security of such papers and documents:

4. The Judge shall proceed to re-count the vote, according to the rules set forth in section fifty-five of "*The Dominion Elections Act, 1874*," as hereby amended, and shall verify or correct the ballot paper account and statement of the number of votes given for each candidate: and upon the completion of such re-count, or as soon as he has thus ascertained the result of the poll, he shall seal up all the said ballot papers in separate packets, and shall forthwith certify the result 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 shall give the casting vote, in like manner as provided in section sixty of "*The Dominion Elections Act, 1874*."

5. The Returning Officer, after the receipt of a notice from the Judge of such re-count of ballots, 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 re-count; and upon receipt of such certificate, the Returning Officer shall proceed to make his return in the form of Schedule S of the said Act:

6. In case the re-count or 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 the applicant, and the said deposit 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 balance.

68. No person shall—

Firstly: Forge or counterfeit or fraudulently alter, deface or fraudulently destroy any ballot paper or the initials of the Deputy Returning Officer signed thereon; or Certain Acts prohibited.

Secondly: Without authority supply any ballot paper to any person; or

Thirdly: Fraudulently put into any ballot box any paper other than the ballot paper, which he is authorized by law to put in ; or

Fourthly: Fraudulently take out of the polling place any ballot paper ; or

Fifthly: Without due authority destroy, take, open, or otherwise interfere with any ballot box or packet of ballot papers then in use for the purposes of the Election :

Attempts. No person shall attempt to commit any offence specified in this section :

Contravention to be a misdemeanour, and how punishable. Any contravention of this section shall be a misdemeanour ; and any person found guilty thereof shall be punishable, if he be a Returning Officer, Deputy Returning Officer or other officer engaged at the election, by a fine not exceeding one thousand dollars, or by imprisonment for any term less than two years, with or without hard labour, in default of paying such fine ; and if he be any other person, by a fine not exceeding five hundred dollars, or by imprisonment for any term not exceeding six months, with or without hard labour, in default of paying such fine.

Property of ballot boxes, &c. **69.** The property of the ballot boxes, ballot papers, envelopes and marking instruments procured for or used at any election, shall be in Her Majesty.

Punishment of misfeasance, &c., by election officers. **70.** Every officer and clerk who is guilty of any wilful misfeasance or any wilful act or omission in contravention of this Act, shall forfeit to any person aggrieved by such misfeasance, act or omission, a penal sum not exceeding five hundred dollars, in addition to the amount of all actual damages thereby occasioned to such person.

Custody of ballot boxes after election. **71.** After the close of every election the Returning Officer shall cause to be deposited in the custody of the Sheriff or of the Registrar of the county or registration division 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.

Provisions for maintenance of secrecy. **72.** 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 shall not communicate before the poll is closed to any person any information as to whether any person on the voters' list has or has not applied for a ballot paper or voted at that polling place.

2. No officer, clerk, or agent, and no person whosoever, shall interfere with or attempt to interfere with a voter when marking his vote, 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 officer, clerk, agent or other person shall communicate 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.

4. 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 shall not attempt to ascertain at such counting, or communicate any information obtained at such counting, as to the candidate for whom any vote is given in any particular ballot paper.

5. No person shall, directly or indirectly, induce any voter to display his ballot paper after he has marked the same, so as to make known to any person the name of the candidate for or against whom he has so marked his vote.

6. Any contravention of this section shall be punishable by a fine not exceeding two hundred dollars, or by imprisonment for any term not exceeding six months, with or without hard labour, in default of paying such fine.

Punishment for contravention.

73. Where a candidate on the trial of an election petition claiming the seat for any person, is proved to have been guilty, by himself or by any person on his behalf, of bribery, treating, or undue influence in respect of any person who voted at such election, or where 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, 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 election, and is proved to have been so bribed, treated or unduly influenced, or so retained or employed for reward as aforesaid.

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

74. A person shall for all purposes of the laws relating to Parliamentary elections be deemed to be guilty of the offence of personation, who, at an election of a member of the House of Commons, applies for a ballot paper in the name of some other person, whether such name be that of a person living or dead, or of a fictitious person, or who having voted once at any such election applies at the same election for a ballot paper in his own name.

Personation what shall be.

The offence of personation, or of aiding, abetting, counselling or procuring the commission of the offence of personation by any person, shall be punishable by a fine not exceeding two hundred dollars, and by imprisonment for a term not exceeding six months.

Punishment.

75. The offence of personation shall be deemed to be a corrupt practice within the meaning of the "*Dominion Controverted Elections Act, 1874*," and of this Act.

To be a corrupt practice.

76. If, on the trial of any election petition questioning the election or return for any Electoral District, any candidate or other

Disqualification of candidate guilty of personation.

person is found by the report of the Judge, by himself or his agents with his actual knowledge and consent, to have been guilty of personation, or by himself or his agents to have aided, abetted, counselled or procured the commission at such election of the offence of personation by any person, his election shall be declared null and void; 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.

Secrecy of
vote pro-
tected.

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

GENERAL PROVISIONS.

Candidate
may act as
his own
agent.

78. 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.

As to pro-
visions
requiring
presence of
agents, &c.

79. Where 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 the agents of the candidates, such expressions shall be deemed to refer to the presence of such agents of the candidates as may be authorized to 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 be otherwise duly done, invalidate in any wise the act or thing done.

Mistakes of
form only
not fatal.

80. No election shall be declared invalid by reason of a non-compliance with the rules contained in this Act as to the taking of the poll or the counting of the votes, or by reason of any want 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 the schedules 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.

Returning
Officer and
D. R. O. to
be conserva-
tors of
peace.

81. Every Returning Officer and every Deputy Returning Officer from the time they shall respectively have taken the oath of office until the day after the closing of the elections, shall be a conservator of the peace invested with all the powers appertaining to a Justice of the Peace.

May coin-
mand assist-
ance, &c.

82. Such 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.

Special constables.

83. Such Returning Officer or Deputy Returning Officer may arrest or cause to be arrested by verbal order, 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 any period not later than the close of the poll.

May arrest disturbers.

84. 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 fire-arm, sword, stave, bludgeon or other offensive weapon in the hands or personal possession of such person, and any person refusing to deliver such weapon shall be liable to a fine not exceeding one hundred dollars, and to imprisonment not exceeding three months in default of payment of such fine.

May demand offensive weapons.

85. Every person convicted of a battery, committed during any day whereon any election, or any poll for any election, is begun, holden, or proceeded with, within the distance of two miles of the place where such election or such poll is begun, holden or proceeded with, shall be deemed guilty of an aggravated assault, and shall be punished accordingly.

Punishment of battery within two miles of poll.

86. Except the Returning Officer or his Deputy, or the Poll Clerk, or one of the constables, or special constables appointed by the Returning Officer, or his Deputy, for the orderly conduct of the election or poll and the preservation of the public peace thereat, no person, who hath 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 of any kind, as firearms, swords, staves, bludgeons or the like; nor shall any person whosoever, being in such polling district, arm himself, during any part of the day, with any such offensive weapons, and thus armed, approach within the distance of one mile of the place where the poll for such polling district is held, unless called upon to do so by lawful authority.

Strangers not to enter polling districts armed.

87. No candidate shall, at any election, nor shall any other person, either provide or furnish drink or other refreshment at the expense of such candidate, to any elector during such election, or pay for, procure or engage to pay for, any such drink or other refreshment.

Entertainment of electors forbidden.

88. No candidate or any other person, shall furnish or supply any ensign, standard or set of colours, or any other flag, to or for any person or persons whomsoever, with intent that the same should be carried or used in such Electoral District on the day of

Flags, &c., not to be furnished or carried.

election, or within eight days before such day, or during the continuance of such election or the polling, by such person or any other, as a party flag to distinguish the bearer thereof and those who may follow the same as the supporters of such candidate, or of the political or other opinions entertained, or supposed to be entertained, by such candidate; nor shall any person, 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 election.

Ribbons or favours not to be furnished or worn.

89. No candidate or any other person, shall furnish or supply any ribbon, label or like favour, to or for any person whomsoever, with intent that the same should be worn or used within such Electoral District on the day of election or polling, or within eight days before such day, or during the continuance of such election, by such person, or any other, as a party badge to distinguish the wearer as the supporter of such candidate, or of the political or other opinions entertained, or supposed to be entertained, by such candidate; nor shall any person use 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, or during the continuance of such election.

Punishment for contravention.

90. Every person offending against any of the provisions of the four next preceding sections, shall be deemed guilty of a misdemeanor, punishable by fine not exceeding one hundred dollars, or imprisonment not exceeding three months, or by both, in the discretion of the court.

Taverns to be closed; and no intoxicating liquors to be sold on polling day.

Punishment.

91. No spirituous or fermented liquors or strong drinks shall be sold or given at any hotel, tavern or shop or other place within the limits of any polling district, during the whole of the polling day at any election for the House of Commons, under a penalty of one hundred dollars for every offence; and the offender shall be subject to imprisonment, not exceeding six months, at the discretion of the judge or court, in default of payment of such fine.

PREVENTION OF CORRUPT PRACTICES AT ELECTIONS.

Certain acts to be deemed bribery.

92. The following persons shall be deemed guilty of bribery and shall be punishable accordingly :—

1. 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 or 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 as aforesaid on account of such voter having voted or refrained from voting at any election;

2. 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 ;

3. Every person who directly or indirectly, by himself or by any other person on his behalf, make 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 ;

4. 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 any election ;

5. 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 :

And any person so offending shall be guilty of a misdemeanor, and shall also be liable to forfeit the sum of two hundred dollars, to any person who shall sue for the same, with full costs of suit : Provided always, that the actual personal expense of any candidate, his expenses for actual professional services performed, and *bona fide* payments for the fair cost of printing and advertising, shall be held to be expenses lawfully incurred, and the payment thereof shall not be a contravention of this Act.

Punishment for such offences.

Proviso : as to lawful expenses.

93. The following persons shall also be deemed guilty of bribery, and shall be punishable accordingly :—

Certain acts by voters to be deemed bribery.

1. 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 any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting at any election ;

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

Punishment for such offences. And any person so offending shall be guilty of a misdemeanor, and shall also be liable to forfeit the sum of two hundred dollars to any person who shall sue for the same, together with full costs of suit.

Offence of treating defined.

94. Every candidate who corruptly, by himself or by or with any person, or by any other ways or means on his behalf, at any time either before or during any election, 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 from giving his vote at such election, shall be deemed guilty of the offence of treating, and shall forfeit the sum of two hundred dollars to any person who shall sue for the same, with full costs of suit, in addition to any other penalty to which he may be liable therefor under any other provision of this Act: and on the trial of an election petition, there shall be struck off from the number of votes given for such candidate, one vote for every person who shall have voted and is proved on such trial to have corruptly accepted or taken any such meat, drink, refreshment or provision:

Votes to be struck off on trial of election.

Giving meat or drink to electors.

And the giving or causing to be given to any voter on the nomination day or day of polling on account of such voter 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 person so offending shall forfeit the sum of ten dollars for each offence to any person suing for the same, with full costs of suit.

Penalty.

Threats of violence, &c., forbidden.

95. Every person 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 shall be guilty of a misdemeanor, and shall also forfeit the sum of two hundred dollars to any person suing for the same, with full costs of suit.

Punishment.

Recital of doubts.

96. And whereas doubts may arise as to whether the hiring of teams and vehicles to convey voters to and from the polls, and the paying of railway fares and other expenses of voters, be or be not according to law, it is declared and enacted, that 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 an 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 and shall be unlawful acts; and the person so offending shall forfeit the sum of one hundred dollars to any person who shall sue for the same; and any voter hiring any horse, cab, cart, waggon, 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 for every such offence shall forfeit the sum of one hundred dollars to any person suing for the same.

Paying for conveyance of voters to poll illegal.

Penalty.

Disqualification of voters offending.

97. 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, shall be guilty of a misdemeanor, and shall in addition to any other punishment to which he may be liable for such offence, be liable to forfeit the sum of two hundred dollars to any person suing for the same.

Subornation of personation, &c.

Penalty.

98. The offences of bribery, treating, or undue influence, or any of such offences, as defined by this or any other Act of the Parliament of Canada, personation or the inducing any person to commit personation, or any wilful offence against any one of the six next preceding sections of this Act shall be corrupt practices within the meaning of the provisions of this Act.

Certain offences to be corrupt practices.

99. 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, or on the ground that the answer to such question will tend to criminate such person; but no answer given by any person claiming to be excused on the ground of privilege, or on the ground that such answer will tend to criminate himself, 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 shall give to the witness a certificate that he claimed the right to be excused on either of the grounds aforesaid, and made full and true answers to the satisfaction of the judge, commissioner, or tribunal.

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

100. 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; but this provision shall not enable any person to recover back any money paid for lawful expenses connected with such election.

Contracts or promises relating to elections void.

PUNISHMENT FOR CORRUPT PRACTICES.

Corrupt
practice by
candidate or
his agent to
void elec-
tion.

101. 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 any 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.

Effect of
corrupt
practice by
a candidate.

102. If it is proved before any court, judge or other tribunal for the trial of election petitions, that any corrupt practice has been committed by or with the actual knowledge and consent of any candidate at an election, or if he be convicted before any competent court of the misdemeanor 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, in Canada.

Employing
agent who
has been
guilty of
corrupt
practices.

103. If, on the trial of any election petition, any candidate is proved to have personally engaged at the election to which such petition relates, as a canvasser or agent in relation to the election, any person, knowing that such person 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 shall be void.

Punishment
of others
than candi-
dates for
corrupt
practices.

104. Any 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, shall, during the eight years next after the time at which he is so 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, in Canada.

Removal of
disqualifica-
tion pro-
cured by
perjury.

105. If at any time after any person has become disqualified under any of the four next preceding sections of this Act, the witnesses or any of them, on whose testimony such person shall have so become disqualified, are, upon the prosecution of such person, convicted of perjury in respect of such testimony, it shall be lawful for such person to move the court before which such conviction shall take 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 determine; and the same shall cease and determine accordingly.

PENALTIES AND PUNISHMENTS GENERALLY.

106. 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, in case 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 having 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 shall recover a sum of five hundred dollars, together with all damages he has sustained by reason thereof, and full costs of suit: provided such action be 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.

Liability of Returning Officer not returning candidate elected.

Proviso.

107. If any person unlawfully, either by violence or stealth, takes from any Deputy Returning Officer or Poll Clerk, or from any other person having the lawful custody thereof, or from its lawful place of deposit for the time being, or unlawfully or maliciously destroys, injures or obliterates, or causes to be wilfully or maliciously destroyed, injured or obliterated, or makes or causes to be made any erasure, addition of names or interlineation of names, in, to or upon, or aids, counsels or assists in so taking, destroying, injuring or obliterating, or making any crasures, addition of names, or interlineation of names, in, to or upon, any list of voters or writ of election, or any return to a writ of election, or any report, certificate or affidavit, or any document or paper, made, prepared or drawn out according to or for the purpose of meeting the requirements of this Act or any of them, every such offender shall be guilty of felony, and shall be liable to imprisonment in the penitentiary for any term not exceeding seven years, nor less than two years, or to be imprisoned in any other gaol or place of confinement for a period not less than two years, with or without hard labour; and it shall not be necessary in any indictment for such offence, to allege that the article in respect of which the offence is committed, is of any value or the property of any person.

Stealing or tampering with poll books.

Felony.

Punishment.

108. Any 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 suing for the same.

Neglect of duty by election officers.

Penalty.

109. All penalties and forfeitures (other than fines in cases of misdemeanor) imposed by this Act, shall be recoverable, with full costs of suit, by any person who will sue for the same by action of debt or information, in any of Her Majesty's courts in the Province in which the cause of action arose, having competent jurisdiction; and in default of payment of the amount which the offender is condemned to pay, within the period fixed by the court, the offender

Recovery of penalties and forfeitures.

shall be imprisoned in the common gaol of the place, for any term less than two years, unless such fine and costs be sooner paid.

Allegation and proof in suits for penalties.

110. It shall be sufficient for the plaintiff, in any action or suit given by this Act, to state in the declaration that the defendant is indebted to him in the sum of money thereby demanded, and to allege the particular offence for which the action or suit is brought, and that the defendant hath acted contrary to this Act, without mentioning the writ of election or the return thereof.

Evidence of husbands and wives.

111. In any such civil action, suit or proceeding as last aforesaid, the parties to the same, 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 party or persons giving it.

Proviso.

Criminal Court may allow costs to prosecution in certain cases.

112. It shall be lawful for any criminal court before which any prosecution is instituted for any offence against the provisions of this Act, to 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 be acquitted.

Or to defendant acquitted.

113. In case of an indictment or information by a private prosecutor for any offence against the provisions of this Act, if judgment be 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—such costs to be taxed by the proper officer of the court in which the judgment is given.

Allegation and evidence of corrupt practice.

114. In any indictment or prosecution for bribery or undue influence, or any other corrupt practice, and in any action or proceeding for any penalty for bribery, or undue influence, or any other 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 bribery or undue influence or any other corrupt practice, describing it by the name given to it by this Act or otherwise (as the case may require); and in any criminal or civil proceeding in relation to any such offence, the certificate of the Returning Officer in this behalf, shall be sufficient evidence of the due holding of the election and of any person named in such certificate having been a candidate thereat.

Production of writ of election, &c., not required.

115. It shall not be necessary on the trial of any 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 any

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 the same on the day fixed for the trial, and the said Clerk of the Crown in Chancery shall, on or before the said day, deposit the same with such Clerk or Registrar, taking his receipt therefor.

116. The Clerk of the Crown in Chancery may deliver certified copies of any writ, lists of voters, returns, reports and other documents in his possession relating to any election, except ballot papers; and such copies so certified shall be received and be held as *prima facie* evidence before any election judge or court, and before any court of justice in the Dominion of Canada.

Clerk of the Crown in Chancery may deliver certified copies of certain papers.

117. Whenever it shall appear to the court or judge trying an election petition, that any officer, elector, or other person, has contravened any of the provisions of this Act—for which contravention such officer, elector, or other person, might be liable to a fine or penalty (other than fines and penalties imposed for any offence amounting to a misdemeanor or felony), such court or judge may order that such officer, elector, or other person, be summoned to appear before such court or judge, at the place, day and hour fixed in such summons for hearing the charge:

Power of Court or Judge trying an election petition to impose certain penalties.

If, on the day so fixed by the summons, the party summoned do 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 may be liable to for such contravention, and in default of paying such fine, to the imprisonment imposed in such case under the provisions of this Act:

Proceedings in such case.

And if on the day so fixed the party so summoned do appear, the court or judge, after hearing such party and such evidence as may be adduced, shall give such judgment as to law and justice may appertain:

All fines recovered under this section shall belong to Her Majesty:

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

Proviso.

118. No indictment for bribery or undue influence, personation or other corrupt practice shall be triable before any Court of Quarter or General Sessions of the Peace.

Bribery, &c., not triable at Q. S.

119. Every prosecution for any misdemeanor under this Act, and every action, suit or proceeding for any pecuniary penalty given by this Act to the person suing for the same, shall be commenced within the space of one year next after the act committed, and not afterwards (unless the same be prevented by the withdrawal or absconding of the defendant out of the jurisdiction of the court), and being commenced shall be proceeded with and carried on without wilful delay.

Limitation of suits, &c.

Perjury.

120. Every person taking any oath or affirmation under this Act, who wilfully swears or affirms falsely, shall be deemed guilty of perjury.

ELECTION EXPENSES.

No payment to be made except through authorized agent.

121. No payment (except in respect of the personal expenses of a candidate) and no advance, loan or deposit, shall be made by or on behalf of any candidate at any election, before or during or after such election, on account of such election, otherwise than through an agent or agents, whose name or names, address or addresses, have been declared in writing 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 making any such payment, advance, loan or deposit otherwise than through such agent or agents, shall be guilty of a misdemeanor:

Names of agents to be published.

It shall be the duty of the Returning Officer, to publish on or before the nomination day the name and address or the names and addresses of the agent or agents appointed in pursuance of this section:

In case agent cannot act.

In the event of the death or legal incapacity of any agent appointed in pursuance of this section, the candidate shall 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 as hereinbefore provided, by the Returning Officer.

Bills and claims to be sent in within one month, or right to be barred.

122. All persons who have any bills, charges or claims upon any candidate for or in respect of any election, shall send in such bills, charges or claims within one month after the day of the declaration of the election, to such agent or agents as aforesaid; otherwise such persons shall be barred of their right to recover such claims, and every or any part thereof: Provided always, that in the event of the death, within the said month, of any person claiming the amount of any such bill, charge or claim, the legal representative of such person shall send in such bill, charge or claim, within one month of 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; and provided also, that such bills, charges and claims shall and may be sent in and delivered to the candidate, if and so long as, during the said month, there shall, owing to death or legal incapacity, be no such agent; and provided also, that the agent shall not pay any such bill, charge or claim without the authority of the candidate, as well as the approval of the agent.

Proviso.

Proviso.

Publication of detailed statement of expenses.

123. A detailed statement of all election expenses incurred by or on behalf of any candidate, including such expected payments as aforesaid, shall, within two months after the election (or in cases where 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 be more than one, by every agent who has paid the same (including the candidate in cases of payments made by him) and delivered with the bills and vouchers relative thereto to the Returning Officer; and the Returning Officer for the time being shall, at the expense of the candidate, within fourteen days, insert or cause to be inserted, an abstract of such statement, with the signature of the agent thereto, in some newspaper published or circulating in the Electoral District where the election was held: and 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; and any agent or candidate who wilfully furnishes to the Returning Officer any untrue statement shall be guilty of a misdemeanor: and the said Returning Officer shall preserve all such bills and vouchers, and during the six months next after they shall have been delivered to him, shall permit any voter to inspect the same on payment of a fee of twenty cents.

Penalty for default.

Bills, &c., to be preserved.

124. No Returning Officer, or Deputy Returning Officer, for any Electoral District, nor any partner or clerk of either of them, shall act as agent for any candidate in the management or conduct of his election for such Electoral District; and if any Returning Officer, Deputy Returning Officer, or the partner or clerk of either of them so acts, he shall be guilty of misdemeanor.

Who may not act as agents for candidates.

125. The words "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, shall include 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.

Personal expenses, what to be.

FEES AND EXPENSES.

126. The fees hereinafter mentioned, and no other, subject to the provisions hereinafter made, shall be allowed to the several officers hereinafter mentioned, respectively, for their services and disbursements at any election, that is to say:

Fees for services and disbursements.

To Returning Officers 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.
5. For posting proclamations, not less than four in each polling district, for each mile necessarily travelled from place to place, as allowed to sheriffs on summoning jurors, ten cents.
6. For each mile necessarily travelled by Returning Officer and Election Clerk in going to and returning from the place of nomination, ten cents.
7. For use, when a public building is not obtainable, of private building for nomination—actual cost, not exceeding four dollars.

To Returning Officers when polls are taken.

8. For the personal service of the Returning Officer, sixty dollars.
9. For the personal services of the Election Clerk, eight dollars.
10. For services of one Constable, if considered necessary at the nomination, one dollar.
11. For printing proclamations, lists of candidates, and directions to voters, actual cost.
12. For posting proclamations (as in item 5) per mile, ten cents.
13. For each mile necessarily travelled posting up any advertisement to be so posted up, in appointing and swearing the Deputy Returning Officers, and furnishing them with ballot boxes, ballot papers, envelopes, printed directions for the guidance of voters and voters' lists, ten cents.
14. For each mile necessarily travelled for collecting the ballot boxes and voters' lists, used at each poll, and for swearing the Deputy Returning Officers after the close of the poll, ten cents.
15. For each mile necessarily travelled by Returning Officer and Election Clerk in going to and returning from the place of nomination, ten cents.
16. For each mile travelled in establishing polling sub-divisions, when such divisions have not been made by the local authorities or preceding Returning Officer, ten cents.
17. For copies of voters' list duly certified by the custodian thereof, ten cents per folio of 100 words.
18. For each certificate of such custodian, fifty cents.
19. For making up and transmitting returns to the Clerk of the Crown in Chancery, postage and telegrams, actual disbursements.
20. For services necessary under section sixty-four,—a reasonable sum to be determined by order in Council.
21. For use, when a public building is not obtainable, of private building for nomination—cost, not exceeding four dollars.
22. For ballot boxes when furnished by him, and for ballot papers and envelopes, and for any other disbursements absolutely required and not hereinbefore provided for, actual disbursements.

To Deputy Returning Officers.

23. For swearing the Poll Clerk before and after the polls, one dollar.
24. For taking the polls, four dollars.
25. For services of Poll Clerk, two dollars.
26. For services of one Constable, if considered necessary, one dollar.
27. For mileage of Deputy and Polling Clerk in going to and returning from the polling station, neither exceeding in any case twenty miles, each mile, ten cents.
28. Actual expenses incurred for the use of polling stations not exceeding ten dollars in cities, nor four dollars in other constituencies.

29. For making compartment or screen in polling-room, not exceeding three dollars.

And such fees, allowances and disbursements shall be paid to the Returning Officer, by warrant of the Governor directed to the Receiver General, out of the Consolidated Revenue Fund of Canada, and shall be distributed by such Returning Officer to the several officers and persons entitled to the same under the provisions of this Act, which distribution he shall report to the Governor through the Secretary of State: The Returning Officers shall certify the correctness of the accounts of their respective Deputy Returning Officers.

Fees, &c., to be paid out of Consolidated Revenue Fund.

Whenever an election is held for the Electoral District of Gaspe or Chicoutimi and Saguenay in the Province of Quebec, or for the Electoral District of Algoma or Essex, in the Province of Ontario, or for any Electoral District in either of the Provinces of Manitoba or British Columbia, and it shall appear to the Governor in Council that the fees and allowances above provided are not sufficient remuneration for the services required to be performed, the Governor in Council may authorize the payment of such further and additional sum or sums of money for such services as may be considered just and reasonable compensation therefor:

Fees, &c., may be increased in certain electoral districts.

Provided that, inasmuch as the mode of conducting elections established by this Act is new in Canada, if it should appear to the Governor in Council that the provisions above made in the present section are inadequate or insufficient for the purpose 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 at the then next Session of Parliament.

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

MISCELLANEOUS PROVISIONS.

127. Any person before whom it is hereby required or intimated by any form in the schedule to this Act, that any oath be taken, or any affirmation made in the manner herein provided, shall have power to administer the same, and shall do so gratuitously; and the Returning Officer at any election shall have power to administer any oath or affirmation required with respect to such election by this Act; and the Deputy Returning Officer may administer such oath or affirmation, except only such as may be required to be administered to the Returning Officer.

Administration of oaths.

128. Where the Returning Officer or his Deputy is by this Act required or authorized to give any public notice, and no special mode of giving the same is mentioned, he may give the same by advertisement, placards, handbills or such other means as he may think best calculated to give the information to the electors.

Mode of giving notices.

Reckoning
time.

129. If the time limited by this Act for any proceeding, or the doing of any thing under its provisions, expires or falls upon a Sunday, or any day which is a holiday under the Interpretation Act, the time so limited shall be extended to, and such thing may be done on the day next following which is not a Sunday or holiday.

Interpreta-
tion.

130. In this Act the word "Election" means an election of a member to serve in the House of Commons; the words "Electoral District" mean any place in Canada entitled to return a member to the House of Commons; the word "oath" includes "affirmation" in cases where a solemn affirmation is by law allowed instead of an oath; and the Interpretation Act applies to this Act.

Copies of
this Act,
&c., to be
sent to
Returning
Officers.

131. One copy of this Act, and of such instructions approved by the Governor in Council as may be required to carry out the elections according to the provisions of this Act (with a copious alphabetical index prefixed), for the Returning Officer, and one for each of his Deputies, shall be transmitted, with the writ of election, to each Returning Officer.

Making of
ballot boxes,
compart-
ments, &c.

132. The Clerk of the Crown in Chancery may cause to be made for each Electoral District, such a number of ballot boxes as may be required; or may give to the Returning Officers such instructions as may be deemed necessary to secure such ballot boxes of a uniform size and shape, and also as to the mode of making the compartments in the polling stations—such instructions being first approved of by the Governor in Council.

36 V., c. 27,
repealed.

As to Pro-
vincial laws
touching
elections.

133. The Act passed by the Parliament of Canada in the thirty-sixth year of Her Majesty's reign, intituled, "*An Act to make temporary provision for the election of Members to serve in the House of Commons*," is hereby repealed, except only as to elections held, rights acquired, or liabilities incurred before the coming into force of this Act; and no enactment or provision contained in any Act of the legislature of the late Province of Canada, or any of the Provinces now composing the Dominion of Canada, respecting elections of members of the elective house of the legislature of any such Province, shall apply to any election of a member or members of the House of Commons, held after the passing of this Act, except only such enactments and provisions as may be in force in such Province at the time of such last mentioned election, relating to the qualification of electors and the formation of voters' lists, and which will apply for like purposes to elections of members of the House of Commons, as provided in this Act.

Commence-
ment of Act.

134. This Act shall come into force on the first day of July next after the passing thereof.

Short title.

135. This Act may be cited as "*The Dominion Elections Act, 1874.*"

SCHEDULE OF FORMS.

A.

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) of _____, 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 a General Election, insert here in the place of _____, deceased, or otherwise, stating the cause of vacancy) and (except in the Electoral Districts mentioned in section two) 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) be 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 18 _____.

Indorsement.

Received the within Writ on the _____ day of _____ 18 _____.

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

Returning Officer.

B.

Oath of the Returning Officer.

I, the undersigned, A. B., Returning Officer for the Electoral District of _____, solemnly swear (or if he be one of the persons permitted by law to affirm in civil cases, 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.

(Signature,) 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 _____, 18____, 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 7 of "The Dominion Elections Act, 1874."

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

(Signature,) _____ C. D.,
Justice of the Peace.

C.

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 have appointed, and do hereby appoint you, to be my Election Clerk, to act in that capacity according to law, at the approaching Election for the said Electoral District of _____, which Election will be opened by me, on the _____ day of the month of _____, 18____.

Given under my hand this _____ day of _____, in the year 18____.

(Signature,) _____ A. B.,
Returning Officer.

D.

Oath of the Election Clerk.

I, the undersigned, E. F., appointed Election Clerk for the Electoral District of _____, solemnly swear (or if he be one of the persons permitted by law to affirm in civil cases, 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.

(Signature,) _____ 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 _____, 18____, 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 10 of "The Dominion Elections Act, 1874."

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

(Signature,) _____ C. D.,
Justice of the Peace.
or A. B.,
Returning Officer.

E.

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 _____ 18____, 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 be 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 morning 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, sum 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 18____.
(Signature,) _____ A. B.,
Returning Officer.

F.

Nomination Paper, &c.

We, the undersigned Electors of the Electoral District of _____ hereby nominate (*names, residence and additions or descriptions 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 of _____ 18____.

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

Signatures, with residence and additions.

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

Witness my hand at _____, this _____ day of _____, 18____.

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

Signature.

G.

Oath of Attestation of the Nomination Paper.

I, A. B., of _____, (additions) solemnly swear, (or if he be one of the persons permitted by law to affirm in civil cases, solemnly affirm) that I know (mentioning the names of the signers known to him), and that they are duly qualified as Electors of the Electoral District of _____, 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 } (Signature,) A. B.
 _____, 18 _____ }
 C. D.,
 Justice of the Peace.

The forms in this Schedule 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 to be so.

H.

Return when there are no 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) A. B. of _____ in _____, (and C. D. 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).

(Signed,) R. O., Returning Officer.

H H.

Notice of Poll being granted, and of Candidates Nominated.

NOTICE.

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 same, 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. GEOFFREY STILES, of 10 Sparks Street, Ottawa, Physician.
4. JOHN STILES, of 3 Elgin Street, Ottawa, Barrister-at-Law.

As in the Nomination Papers.

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

Given under my hand at _____ this _____ day of _____, 18____,
 (Signature,) A. B.,
 Returning Officer.

I.

Ballot Paper and Directions for voting :

Election for the Electoral District of _____ 18____.

DOE

- I. John Doe, Township of Nepean, County of Carleton, Yeoman.

ROE

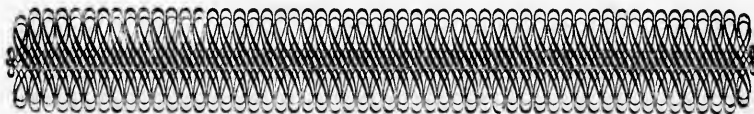
- II. Richard Roe, of Town of Prescott, County of Grenville, Merchant. X

STILES

- III. Geoffrey Stiles, of 10 Sparks Street, Ottawa, Physician.

STILES

- IV. John Stiles, of 3 Elgin Street, Ottawa, Barrister-at-Law.



The names of the candidates will be as in the nomination paper. There is to be no margin on the left side of the ballot paper ; and the horizontal division lines will be carried to the edge of the paper on the right side. The elector is supposed to have marked his ballot paper in favour of Richard Roe. The dotted line will be a line of perforations for easily detaching the counterfoil.

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 pencil there provided, place a cross in the division containing the name or names of the candidate or candidates for whom he votes, thus X.

The voter will then fold the ballot, so as to shew a portion of the back only, with the number and the initials of the Deputy Returning Officer; he will deliver it to the Deputy Returning Officer, who will place it in the ballot box. The voter will then forthwith quit the polling station.

If a voter inadvertently spoils a ballot paper, he can return it to the proper officer, who, on being satisfied of the fact, will 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 takes a ballot paper out of the polling station, or fraudulently puts any other paper into the ballot box 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 six months, with or without hard labour.

J.

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 have appointed, and do 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, voters' list and other documents required by law, together with this commission.

Given under my hand at _____, this _____ day of _____, in the year 18 _____.

(*Signature,*) _____ A. B.,
Returning Officer.

K.

Oath of Deputy Returning Officer.

I, the undersigned G. H., appointed Deputy Returning Officer for the polling district No. _____, of the Electoral District of _____, solemnly swear (or, *being one of the persons permitted by law to affirm in civil cases*, 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.

(Signature,) G. H.,
Deputy Returning Officer.

Certificate of a Deputy Returning Officer having taken 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 28 of "The Dominion Elections Act, 1874."

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

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

L.

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 have appointed, and do hereby appoint you to be Poll Clerk for the said _____ polling district.

Given under my hand at _____, this _____ day of _____, in the year 18 _____.

(Signature,) G. H.,
Deputy Returning Officer.

M.

Oath of Poll Clerk.

I, the undersigned, I. J., appointed Poll Clerk for the _____ polling district, No. _____, of the Electoral District of _____ do solemnly swear (or, *if he be one of the persons permitted by law to affirm in civil cases*, do 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. So help me God.

(Signature,) I. J.,
Poll Clerk.

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Certificate of the Poll Clerk having taken 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 31 of "The Dominion Elections Act, 1874."

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

(Signature,) _____
C. D.,
Justice of the Peace.
or A. B.,
Returning Officer.
or G. H.,
Returning Officer.

N.

Commission of a Poll Clerk by a Poll Clerk acting as Deputy Returning Officer.

To _____ of (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, as the case may be) of the Deputy Returning Officer for the said polling district, whose Poll Clerk I was, I have appointed, and do 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 18 _____.

(Signature,) _____
P. C.,
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.

N N.

Oath of Agent of a Candidate, or of Elector representing a Candidate, under Section 36.

I, the undersigned, G. H., Agent for (or Elector representing) J. K., one of the candidates at the election now pending for the Electoral District of _____, solemnly swear (or, if he be one of the persons permitted by law to affirm in civil cases, 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. _____, may have marked his ballot paper in my presence at this election. So help me God.

(Signature,) _____
G. H.
Sworn (or affirmed) before me at _____, this _____ day of _____, 18 _____.
A. B.,
Returning Officer.
or Justice of the Peace.

O.

Form of Voters' List.

| Number of the Voters. | NAMES OF THE VOTERS. | Their legal addition. | Their place of residence. | Owners. | Tenants or Occupants. | Residence or other qualification. | Objections. | Sworn or affirmed. | Voters refusing to be sworn or affirmed. | Voters voting after others voted in their names. |
|-----------------------|----------------------|-----------------------|---------------------------|---------|-----------------------|-----------------------------------|-------------|--------------------|--|--|
| | | | | | | | | | | |

NOTE.—The qualification need not be inserted except where there are no Provincial lists of voters.

P.

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

I solemnly swear, (or if he be one of the persons permitted by law to affirm in civil cases, solemnly affirm) that I am A. B., of _____ (as on the voters' list) whose name is entered on the voters' list now shewn me. So help me God.

P P.

Oath of Messenger sent to collect the Ballot Boxes.

I, A. B., of _____, messenger appointed by C. D., Returning Officer, for the Electoral District of _____, in the Province of _____, do solemnly swear 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

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said boxes), that they have not been opened by me, nor any other person, and that they are in the same state as they were when they came into my possession. (Should any change have taken place, the deponent shall vary his deposition by fully stating the circumstances).

(Signature,) A. B.

Sworn (or affirmed) and subscribed before me, at this day
of , in the year 18 .

(Signature,)

X. Y.,
Justice of the Peace.
or A. B.,
Returning Officer.
or G. H.,
Deputy Returning Officer.

Q.

Oath of the Deputy Returning Officer after the closing of the Poll.

I, the undersigned, Deputy Returning Officer for the polling district, No. , of the Electoral District of , do solemnly swear (or, if he be one of the persons permitted by law to affirm in civil cases, do solemnly affirm) that to the best of my knowledge and belief, the voters' list kept for the said polling district, under my direction, hath been so kept correctly; and that the total number of votes polled in the said list 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 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, 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.

(Signature,)

G. H.
Deputy Returning Officer.

Sworn before me at , in the County of , this
day of , 18 .

(Signature,)

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

R.

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 , do solemnly swear (or, if he be one of the persons permitted by law to affirm in civil cases, do solemnly affirm) that the voters' list 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 list 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.

(Signature,) I. J.,
Poll Clerk.

Sworn (*or affirmed*) and subscribed before me at _____, this
day of _____, in the year 18 _____.

(Signature,) X. Y.,
Justice of the Peace.
or A. B.,
Returning Officer.
or G. H.,
Deputy Returning Officer.

S.

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*).

(Signed,) R. O.,
Returning Officer.

