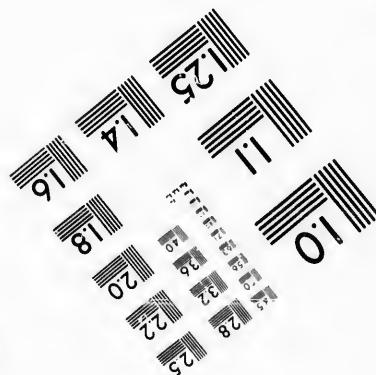
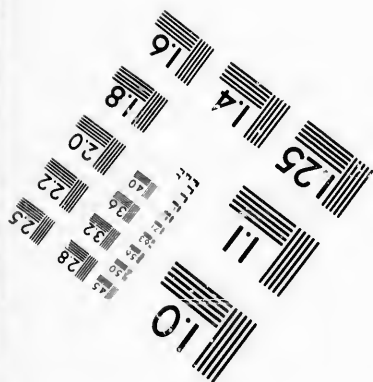
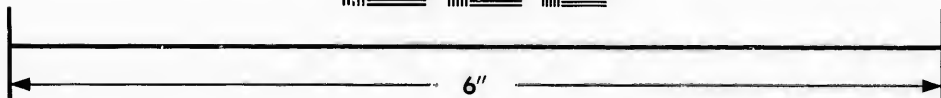
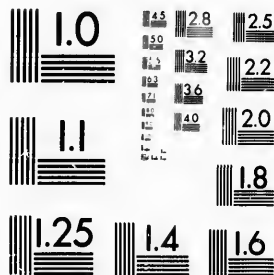


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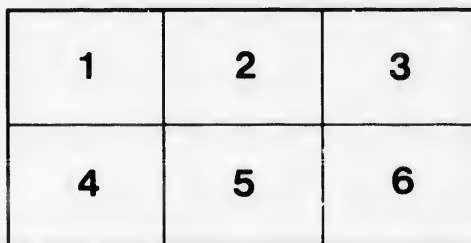
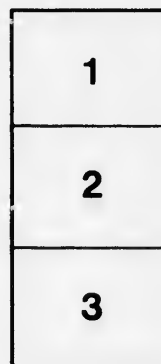
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EXTRACTS FROM THE ELECTION LAW

HOW TO VOTE, &c.

AGENTS.

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:

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:

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.

OPENING POLL.

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.

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

TRANSFER OF VOTERS.

42. The Returning Officer (*Sheriff Harding is Returning Officer for St. John*) 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.

(*The necessary papers for the transfer, and for the oath, &c., may be obtained from Sheriff Harding.*)

VOTING, HOW TO VOTE, AND PROCEEDINGS AT THE POLL.

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 r-coded in the voters' list to be kept for that purpose by the Poll Clerk; and if 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 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:

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.

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.

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.

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*

48. The Deputy Returning Officer on application of any voter who is unable to read or is incapacitated by blindness or other physical cause from voting in the manner prescribed by this Act, shall assist such voter by marking his ballot paper in 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."

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:

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.

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.

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.*

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.

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.

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.

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:

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 those parcels being endorsed so as to indicate their contents, shall be put back into the ballot box.

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:

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.

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 enclose 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.

POLLING PLACES, &c.

There will be a polling booth in each polling district in the City and County of St. John.

Non-residents will vote at the Court House, where there will be four polling places, one for those whose surname is one of the letters from A to E (both inclusive), one for those whose surname is one of the letters from F to I (both inclusive), one for those whose surname is one of the letters from M to Q (both inclusive), and one for those whose surname is one of the letters from R to Z (both inclusive).

Electors who have voted in Portland, or in one of the Parishes, cannot again vote as non-residents at the polling booth at the Court House in the City, and electors who have voted as non-residents cannot again vote in Portland or in the Parishes (*See personation page 7*).

DIRECTIONS FOR THE GUIDANCE OF ELECTORS IN VOTING.

The voter is to vote only for one candidate.

The voter will go into one of the compartments, and with a pencil there provided, place a cross in the division containing the name of the candidate for whom he votes, thus X.

The voter will then fold the ballot, so as to show 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 Deputy Returning 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 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 labor.

On entering the polling booth, where the election of the member is proceeding, the elector on giving his name and occupation will receive a ballot like the following, the names of candidates being arranged in alphabetical order:—

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(Ballot as Received from Returning Officer.)

ELECTION FOR THE ELECTORAL DISTRICT OF THE CITY AND
COUNTY OF SAINT JOHN, 1885.

EVERETT.

- I. CHARLES A. EVERETT,
of the City of Saint John,
Merchant.

McLEOD.

- II. GEORGE McLEOD,
of the City of Saint John,
Merchant.



This he will take into one of the private compartments provided for that purpose. If he wishes to vote for Mr. Everett he will with a pencil mark a X opposite the name "Charles A. Everett," thus:

(Ballot as properly marked for Mr. Everett.)

ELECTION FOR THE ELECTORAL DISTRICT OF THE CITY AND
COUNTY OF SAINT JOHN, 1885.

EVERETT.

- I. CHARLES A. EVERETT, X
of the City of Saint John,
Merchant.

McLEOD.

- II. GEORGE McLEOD,
of the City of Saint John,
Merchant.



He will then fold the ballot so that no one can see who he voted for, only taking care that the initials of the Returning Officer on the back may be easily seen, and the number which will be at the bottom on the counterfoil.

SECRECY OF VOTING.

That part of the ballot below the dotted line is the counterfoil. On this will be a number corresponding to the number entered on the Deputy Returning Officer's register. The ballot should be so folded as to leave this free. The Deputy Returning Officer when the ballot is returned tears this off and destroys it, so that there is nothing by which the ballot can be identified, or by which the Deputy Returning Officer or any other person can possibly tell for whom any elector votes.

Electors who can read will thus vote in absolute secrecy. Those who cannot read, or who, by reason of blindness or other physical infirmity cannot mark their ballots, vote in the presence of the Returning Officer and sworn agents of the candidates or of the sworn electors, no other person being allowed to be present.

OFFENCES, PENALTIES.

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

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:

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

Any contravention of this section shall be a misdemeanor; 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 labor, 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 labor, in default of paying such fine.

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 whatsoever, 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 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 labor, in default of paying such fine.

ENTERTAINMENT OF ELECTORS, FLAGS, RIBBONS, &c.

No candidate, or other person at his expense, shall furnish any drink or other refreshments, to any elector during the election, or pay, procure, or engage to pay for any such drink or refreshment (s. 87).

No candidate, or other person, shall furnish any ensign, standard, or set of colors, or other flag, to be used on polling day, or within eight days before, as a party flag, nor shall any one use the same (s. 88).

No candidate, or other person, shall furnish any ribbon, label, or like favor to be worn as a party badge on the day of election, or within eight days before, nor shall any person use the same (s. 89).

Persons offending against these provisions (ss. 87, 88 and 89) are guilty of a misdemeanor and liable to fine and imprisonment (s. 90).

CLOSING OF HOTEL BARS, TAVERNS, &c.

No liquors shall be sold in any hotel, tavern, or other place, within the limits of any polling district during the whole of the day of polling under a penalty of

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\$100 for every offence, and in default of payment the offender is liable to imprisonment for six months (s. 97).

CORRUPT PRACTICES.

PERSONATION.

74. A person shall for all purposes, &c., be deemed guilty of personation who at an election, &c., 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.

The offence of personation or of *aiding, abetting, counselling, or procuring* the commission of this offence is punishable by a fine not exceeding \$200, and by imprisonment for a term not exceeding six months.

It is a misdemeanor for a candidate to be guilty of this offence. (Sec. 97.)
(Electors whose names may be on the list of voters for the City and County election in more than one polling district ought clearly to understand that they can only vote *once* for the candidates for the City and County, and that *any attempt* to vote more than once would render them liable to fine and imprisonment, and that the Returning Officers' books will contain the evidence on which they may be convicted.)

Of course they may vote for a City candidate either before or after voting for the City and County candidates.)

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 endeavor to procure, any money or valuable consideration, to or for any voter, or to or for any person on behalf of any voter, or to or for any person, in order to induce any voter to vote, or refrain from voting, or corruptly does any such act 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 endeavor 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 elector 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, makes any gift, loan, offer, promise, procurement or agreement as aforesaid, to or for any person, in order to induce such person to procure or endeavor 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 endeavors 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 expenses 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.

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

(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:

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.

TREATING.

No candidate by himself or by or through any other person shall give or provide or cause to be given or provided any meat, drink, refreshment, &c., to or for any person, in order to be elected, &c., or to corruptly influence any such person to vote or refrain from voting, under a penalty of \$200, &c.

The giving or causing to be given to any voter on nomination or polling day any meat, drink, &c., on account of such voter having voted or being about to vote, shall be deemed an unlawful act, and the person offending shall forfeit ten dollars. (s. 94.)

UNDUE INFLUENCE.

Any person who shall, directly or indirectly, by any threats, force, violence, restraint, intimidation, duress or fraudulent device or contrivance impede, prevent, or otherwise interfere with an elector's free exercise of his franchise, or compel him to vote or refrain from voting, shall be deemed to have committed the offence of *undue influence* and shall be guilty of a *misdemeanor*, and shall forfeit the sum of *two hundred dollars* to any person suing for the same with full costs of suit. (s. 95.)

HIRING TEAMS.

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 voters to or from the polls or to or from the neighborhood thereof, and the payment of the travelling or other expenses of any voter going to or from the polls are unlawful acts for which the offender will forfeit \$100.00 to any person suing for the same.

Any voter hiring any horse, &c., for this purpose shall be thereby disqualified from voting at that election, and for every offence shall forfeit \$100.00. (s. 96.)

VOIDING ELECTIONS, DISQUALIFICATION OF CANDIDATES AND OTHER PERSONS.

It should be borne in mind that personation, bribery, treating, hiring teams to carry electors to the polls, and undue influence, as hereinbefore mentioned, are corrupt practices.

In addition to the penalties to which the individual is liable for committing them, his commission of them may be further punished as follows:

If committed by an agent of any candidate without the candidate's knowledge and consent the election will be void (s. 101.)

If committed with the candidate's knowledge or consent the election will be void, and the candidate will be incapable of being elected to or of sitting in the House of Commons, or of holding any office under the Dominion Government within the next seven years. (s. 102.)

The like penalty attaches to any person found guilty of any corrupt practice in any proceeding wherein he has an opportunity to be heard, except that the disqualification is for eight instead of seven years.

Evidence of corrupt practices may be gone into without any proof of agency being first given.

We would ask every person to give an attentive reading to these provisions relating to corrupt practices.

