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# CONSOLIDATED STATUTES

RESPECTING

## ELECTIONS OF MEMBERS OF THE LEGISLATURE.

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Approved by Proclamation of His Excellency the Governor General.

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**Cap. 6, Con. Stat. of Canada,**  
23 Victoria, Cap. 17.  
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**QUEBEC:**

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1862.





EXTRACTED FROM THE

# CONSOLIDATED STATUTES OF CANADA.

## C A P. V I.

An Act respecting Elections of Members of the Legislature.

**H**ER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

### WHO SHALL NOT VOTE AT ELECTIONS.

1. The Chancellor and Vice Chancellors of Upper Canada,---the Chief Justice and Judges of the Court of Queen's Bench for Lower Canada,---the Chief Justices and Judges of the Courts of Queen's Bench and Common Pleas in Upper Canada, and of the Superior Court in Lower Canada,---the Judge of the Court of Vice Admiralty in Lower Canada,---the Judge of any Court of Escheats,---all County and Circuit Judges, all Commissioners of Bankrupts,---all Recorders of Cities,---all Officers of the Customs,---all Clerks of the Peace, Registrars, Sheriffs, Deputy Sheriffs, Deputy Clerks of the Crown and Agents for the sale of Crown Lands,---and all Officers employed in the collection of any duties payable to Her Majesty in the nature of duties of excise,---shall be disqualified and incompetent to vote at any Election of a Member of the Legislative Council or of the Legislative Assembly;

Persons disqualified from voting for Members of the Legislative Council or Legislative Assembly.

2. And if any public officer or person mentioned in this section votes at any such election, he shall forfeit thereby the sum of two thousand dollars, to be recovered by such person as shall sue for the same, by action of debt, bill, plaint or information, in and before any Court of competent civil jurisdiction in this Province, and his vote at such election shall be null and void. 20 V. c. 22, s. 2.

Penalty for contravention.

2. No Returning Officer, Deputy-Returning Officer, Election Clerk or Poll Clerk,---and no person who, at any time, either during the Election or before the Election, is or has been employed at the said Election or in reference thereto, or

Certain officers and persons not to vote.

for the purpose of forwarding the same, by any Candidate or by any person whomsoever, as Counsel, Agent, Attorney or Clerk, at any polling place at any such Election, or in any other capacity whatever, and who has received or expects to receive, either before, during or after the said Election, from any candidate or from any person whomsoever, for acting in any such capacity as aforesaid, any sum of money, fee, office, place or employment, or any promise, pledge or security whatever for any sum of money, fee, office, place or employment,—shall be entitled to vote at any Election of a Member of the Legislative Council or Assembly. 22 V. c. 82, s. 3.

No woman to vote.

**3.** No woman is or shall be entitled to vote at any such Election, for any Electoral Division whatever. 12 V. c. 27, s. 46.

#### WHO MAY VOTE AT ELECTIONS.

Certain persons, and no others, may vote at elections.

**4.** The following persons, and no other persons, being of the full age of twenty-one years, and subjects of Her Majesty by birth or naturalization, and not being disqualified under the preceding sections, or otherwise by law prevented from voting, shall, if duly registered or entered on the revised and certified list of voters according to the provisions of this Act, be entitled to vote at Elections of Members to serve in the Legislative Council or Legislative Assembly of this Province, that is to say :

Qualification of electors in Cities and Towns sending Members to the Legislative Assembly.

**1.** Every male person entered on the then last Assessment-Roll, revised, corrected and in force in any City or Town entitled to send a Member or Members to the Legislative Assembly, as the owner or as the tenant or occupant of real property therein as bounded for municipal purposes, of the assessed value of three hundred dollars or upwards, or of the assessed yearly value of thirty dollars or upwards,—or who is entered on such last revised and corrected Assessment-Roll of any Township, Parish or Place, as the owner, tenant or occupant of any real property which is within the limits of any such City or Town for the purposes of Representation, but not for municipal purposes, of the assessed value of two hundred dollars at least, or of the assessed yearly value of twenty dollars, or upwards,—shall be entitled to vote at any Election of a Member to represent in the Legislative Council the Electoral Division of which such City or Town forms a part,—and shall also be entitled to vote at any Election of a Member to represent in the Legislative Assembly the said City or Town ; subject always to the provisions hereinafter contained ;

Qualification of electors in

**2.** Every male person entered on the then last Assessment-Roll, revised, corrected and in force in any Parish, Township,

Town, Village or place, not being within any City or Town entitled to send a Member or Members to the Legislative Assembly, as the owner, tenant or occupant of real property of the assessed value of two hundred dollars or upwards,—or of the yearly assessed value of twenty dollars or upwards, shall be entitled to vote at any Election of a Member to represent in the Legislative Council the Electoral Division of which such Parish, Township, Town, Village or place forms a part,—and shall also be entitled to vote at any Election of a Member to represent in the Legislative Assembly the Electoral Division in which such Parish, Township, Town, Village or place is included: subject always to the provisions hereinafter contained;

places not within Cities and Towns sending Members to the Legislative Assembly.

3. Whenever two or more persons, whether as being partners in business, joint tenants or tenants in common, or *par indivis*, are entered on such Assessment-Roll as aforesaid, as the owners of any real property, or as tenants or occupants thereof, each of such persons shall be entitled to vote and to be entered on the list of voters in respect of such property, if the value of his part or share be sufficient to entitle him to vote at any Election for Members to represent in the Legislative Council or Assembly the Electoral Division within which such property is situate, if such property were assessed in his individual name;—Except that if the property be held by any body corporate, no one of the Members thereof shall be entitled to vote or be entered on the list of voters, in respect of such property; And provided that in Upper Canada such persons, as in this sub-section mentioned, must establish their right before the Court of Revision or County Judge according to the provisions of the Assessment Laws, and be entered on the Assessment-Roll accordingly; 22 V. c. 82, s. 2.

In what cases joint owners or tenants of any property may vote on it.

Exception as to a body corporate.

Proviso—such persons to establish their right before a Court of Revision, &c.

4. And when any real property, although wholly within the same County, Riding or Electoral Division, nevertheless lies partly within the limits of one of the Polling places opened and kept therein, and partly within the limits of another of the said polling places, the person entitled to vote as the owner or occupant of such property may vote at either of the said polling places at his discretion. 12 V. c. 27, s. 36, part.

When the property lies within the limits of two polling places, owners may vote at either.

#### INTERPRETATION.

5. Wherever the following words occur in any part of this Act as having reference to Lower Canada, they shall be interpreted as follows:

Interpretation of certain words as regards Lower Canada.

2. The words "Assessment-Roll" shall signify Assessment-Roll, Valuation-Roll, or any document containing a statement of the Valuation of property in any City, Town or other Municipality;

Assessment-Roll.

Assessor.

3. The word "Assessor" shall signify Assessor, Valuator or other person employed to make the valuation of property in any City or other Municipality;

Owner.

4. The word "Owner" shall signify proprietor, either in his own right or in the right of his wife, or as usufructuary (*usufruitier*) of a real estate in *fief*, in *censive*, in *franc-alleu*, or in free and common soccage; 22 V. c. 82, s. 23.

Persons having a mere right of property in any real property, not entitled to vote upon it.

5. So that in Lower Canada, whenever any person has the mere right of property in any real property, and some other person has the usufructuary enjoyment (*la jouissance et l'usufruit*) of the same for his own use and benefit, the person who has the mere right of property therein shall not have the right of voting as the owner of such real property, at any such Election; but in such case such usufructuary (*usufruitier*) shall alone be entitled to vote at such Election upon such lands or tenements; 12 V. c. 27, s. 38, and 22 V. c. 82, s. 2.

Occupant.

6. The word "Occupant" shall signify a person occupying property, otherwise than as owner, tenant, or usufructuary, either in his own right, or in the right of his wife, but being in possession of such property and enjoying the revenues and profits arising therefrom;—and the word "Tenant" shall include any person who instead of paying rent in money is bound to render to the owner any portion of the produce of such property. 22 V. (1859) c. 10, s. 8.

Tenant.

#### REGISTRATION OF VOTERS AS REGARDS UPPER CANADA ONLY.

In Upper Canada, lists of voters to be made from the Assessment-Rolls—and by whom.

6. The Clerk of each Municipality in Upper Canada shall, after the final revision and correction of the Assessment-Rolls, forthwith make a correct Alphabetical List of all persons entitled to vote at the election of a Member of the Legislative Council and Assembly within such Municipality, according to the provisions of this Act, together with the number of the lot or part of lot, or other description of the real property in respect of which each of them is so qualified; And in Cities and Towns, the Clerks shall make out a separate list for each Ward, of the names with a description of the property of all parties on the Assessment-Rolls who are entitled to vote in respect of real property situate within such Ward;—And if any Municipality is partly in one electoral division and partly in another for the purposes of any Election, he shall make out one such Alphabetical List for each of such electoral divisions, containing the names, with such description of property, of all the parties on the Assessment-Rolls who are entitled to vote in respect of real property situate in each of such electoral divisions respectively;

Municipalities extending into more than one Electoral Division.

2. The Clerk shall certify by oath or affirmation before the Judge of the County Court, or before any two Justices of the Peace, to the correctness of every list so by him made out, and shall keep such certified lists among the records of the Municipality, and shall deliver a duplicate original thereof certified by oath or affirmation as aforesaid, to the Clerk of the Peace of the County or Union of Counties within which the said Municipality lies;—And all such lists shall be completed and delivered as aforesaid, on or before the first day of October in each year; 22 V. c. 82, s. 4.

Clerk to certify by oath, to the correctness of such lists.

3. The period last mentioned as that within which the said lists shall be completed and delivered, (that is to say, the first day of October, in each year,) shall be directory only to the Clerk of each Municipality in Upper Canada, and nothing herein contained shall render null, void or inoperative the said lists, in the event of their not being completed and delivered within the period aforesaid, but the said lists shall be valid and effectual for the purposes of this Act, even though not so completed and delivered by the said period of time; 22 V. (1859) c. 10, s. 1.

Intent of the provision appointing the time for the completion of the list of voters.

4. But if any Clerk of a Municipality in Upper Canada omits, neglects or refuses to complete or deliver the said lists on or before the first day of October in each year, according to the directions of this Act, or to perform any of the obligations or formalities herein required of him, such Clerk for each such omission, neglect or refusal, shall incur a penalty of two hundred dollars; 22 V. (1859) c. 10, s. 2.

Penalty for not complying with this section.

5. No person shall be admitted to vote at any Election of a Member to serve in the Legislative Council or Assembly, unless his name appears upon the List then last made and certified;—and no question of qualification shall be raised at any such Election, except to ascertain whether the party tendering his vote is the same party intended to be designated in the alphabetical list aforesaid; 22 V. c. 82, s. 4.

No person to vote at any election, unless his name appears on the lists.

6. Any Assessment-Roll or List of Voters shall be understood to be finally revised and corrected, when it has been so revised and corrected by the Court of Revision for the Municipality, or by the Judge of the County Court, in case of an appeal as provided in the Act respecting the Assessment of Property in Upper Canada, or when the time during which such appeal may be made has elapsed, and not before, and shall be binding on every Committee of the Legislative Council and Legislative Assembly respectively, appointed for the trial of any Petition complaining of an undue election or return of a Member to serve in the Legislative Council or Legislative Assembly. 22 V. c. 82, s. 4.

Revision of list of voters by proper authority to be final;

And binding on Committees, &c.

7. If at any time before the issuing of the Writ to hold any Election for a Member to serve in the Legislative Council or

Proceedings, when list is



shown not to  
be correct, &c.

Assembly, it is made to appear to the County Judge or acting Judge of the County Court in Upper Canada, that the Clerk of any City or other Local Municipality, in making the alphabetical list of persons entitled to vote as aforesaid or the duplicate original thereof, has wilfully or inadvertently omitted or inserted any name which ought not to be inserted or omitted, or otherwise altered or falsified the same,—or that such alphabetical list or duplicate original is in point of fact not a correct list of all persons entitled to vote according to the Assessment-Roll as finally revised and corrected,—such Judge may require the Clerk of the City or other Local Municipality, or other officer having the custody of such Assessment-Roll, to appear before him and produce such Roll and Alphabetical List, and submit to such examination upon oath as may be required of him. 22 V. c. 82, s. 8.

County Judge  
to make alter-  
ations and cor-  
rections, &c.

8. At the time and place appointed for the appearance of such person, the Clerk of the Peace shall attend before the County Judge with the duplicate alphabetical list in his possession; And the Judge may, on inspection of such Assessment-Roll and list, and with or without further proof, at his discretion, make such alterations and corrections in such lists as to him seem necessary and proper, in order that the same may be a correct list of all persons entitled to vote according to the Assessment-Roll as finally revised and corrected, and according to the spirit and meaning of this Act. 22 V. c. 82, s. 8.

#### REGISTRATION OF VOTERS AS REGARDS LOWER CANADA ONLY.

Duty of Asses-  
sors in Lower  
Canada.

9. The Assessors in Lower Canada shall ascertain by the best means in their power, the owner and the tenant or occupant of all real property entered in the Assessment-Roll, and shall enter the names of such owner and tenant or occupant therein, distinguishing them respectively as the owner, tenant or occupant, as the case may be; 22 V. c. 82, s. 5.

Valuators or  
Assessors in  
L. C. to insert  
certain matters  
in their Rolls.

18. V. c. 100.

2. Notwithstanding any thing in *The Lower Canada Municipal and Road Act of 1855*, in the Acts amending the same, or in any Act incorporating any City or Town in Lower Canada, every Assessor, Valuator or other person employed to make the Valuation or Assessment Roll of property in any City, Town, Village, or other local Municipality in Lower Canada, shall insert in such roll, in separate columns and in addition to all other information required by law to be inserted, the actual value of every real property, the annual value of, or income derived or derivable from every such property, and the names of the owners, tenants or occupants (each in separate columns) of every such property;

3. And whenever the rent, or any part of the rent of any real property is made payable in produce, or otherwise than in money, or any premium is paid, or any improvements are to be made by the tenant, or any other consideration is stipulated in favor of the owner, in reduction of the rent,—the Assessor or Valuator shall take into consideration and allow for such produce, premium, improvement or consideration in establishing the annual rent or value of such property; 22 V. (1859) c. 10, s. 3.

Payments in produce, &c., to be reckoned part of the rent.

4. Every Valuation or Assessment Roll, every revised Valuation or Assessment Roll, and every List of Voters, made under the provisions of this Act, of the Acts hereby amended, or of any other Act, shall be subscribed or attested by the person or persons making the same, and by any person employed under the authority of the second sub-section of the sixty-fifth section of *The Lower Canada Municipal and Road Act of 1855*, if any such person be so employed, and attested by his or their oath or affirmation, in the following form :

Valuation or Assessment Rolls to be attested on oath.

“ I, (or, we severally and each for himself,) do swear (or solemnly declare) that to the best of my (or our) knowledge and belief, the above (here insert title of document as Valuation or Assessment Roll, Revised Valuation or Assessment Roll, or List of Voters, as the case may be,) is correct, and that nothing has been improperly and fraudulently inserted therein, or omitted therefrom.”

The oath.

And such oath or affirmation shall be made before a Justice of the Peace who shall attest the same;—And the wilful making of any false statement in any such oath or affirmation, shall be wilful and corrupt perjury, and punishable as such, as provided by the Interpretation Act, which shall apply to this Act. 22 V. (1859) c. 10, s. 4.

Before whom to be made

False statement to be perjury.

10. It shall be the duty of the Assessors in every incorporated City, and in every local Municipality in Lower Canada, in which City or Municipality Assessment-Rolls are not required to be or are not made annually, to revise and correct every year, until the next general Assessment-Roll is made, the then existing Assessment-Roll so far as regards the names of the owners and tenants or occupants of all real property, entitled under the provisions of this Act to be entered on the list of voters at the Elections of Members of the Legislative Council or Assembly; and such revision and correction shall be made annually at and during the same period of the year at and during which the original Assessment was made; and every such revised and corrected Assessment-Roll shall be delivered to the Treasurer or Secretary-Treasurer of the Municipality, in the same manner and within the same delay as the original Assessment-Roll is required to be delivered.

Assessors to revise and correct Assessment Roll every year, &c., in certain respects.

At what time.

To whom to be delivered.

The Clerk of the Municipality to make a list of persons qualified to vote, distinguishing tenants from owners, &c.

Separate lists for each Ward in Cities.

Proceedings when a Municipality is partly in one Electoral Division and partly in another.

Clerk, &c., to certify on oath of the correctness of such list, &c.

Duplicate to the Registrar of the County.

List to be revised, &c., yearly.

Copy to be posted up, and where.

List subject to revision, and by whom.

**11.** The Clerk or Treasurer or Secretary-Treasurer of every such City and of every such local Municipality, shall, immediately after the Assessment-Roll has been received by the Clerk, Treasurer or Secretary-Treasurer of the Municipality, make an Alphabetical List of the persons who appear by the Assessment-Roll to be qualified, under this Act, to vote at Elections of Members of the Legislative Council or Assembly, in respect of property mentioned in such Assessment-Roll, distinguishing such persons as appear qualified as owners from those qualified as tenants or occupants, and shewing the number of the lot or part of lot, or other description of the real property in respect of which they are so qualified; and in every such incorporated City, the Clerk or Secretary-Treasurer shall make out for each Ward a separate List of the above kind, of all persons entitled to vote in respect of real property situate within such Ward;

**2.** If any Municipality is partly in one Electoral Division and partly in another for the purposes of any such election, the Clerk or Secretary-Treasurer shall make out for each of such Electoral Divisions, one such Alphabetical List containing the names, with such description of property, of all persons on the Assessment-Roll who are entitled to vote in respect of real property situate in each of such Electoral Divisions respectively;

**3.** Such Clerk, Treasurer or Secretary-Treasurer shall certify by oath or affirmation, before any two Justices of the Peace, to the correctness of the List or Lists so made out by him, and he shall keep such certified Lists among the records of the Municipality, and shall deliver a duplicate thereof when finally revised and corrected, certified by oath or affirmation as aforesaid, to the Registrar of the County or Registration Division within which the Municipality lies;

**4.** And the Clerk, Treasurer or Secretary-Treasurer in any City or Municipality in which Assessment-Rolls are not made annually, shall make out in the same manner an Alphabetical List of the same kind from the Assessment-Roll as annually revised and corrected by the Assessors;

**5.** A copy of every such List shall be kept publicly posted up in the office of the said Clerk or Secretary-Treasurer for the information of all parties concerned, such copy being corrected by the said Clerk or Secretary-Treasurer by the original when finally revised as hereinafter provided, and again posted up as aforesaid.

**12.** The List of Voters made in the manner hereinbefore prescribed for any Municipality in Lower Canada, (not including Cities,) shall be subject to revision and correction in the same manner and by the same authority by which the

Assessment-Roll may by law be revised and corrected, and application may be made by parties desirous of having the same corrected, in the manner and during the period of time provided by law for making applications for corrections in the Assessment-Roll :

In places other than Cities.

2. And in Cities, such Members of the City Council as shall be appointed by such Council for that purpose, (or if there be a Board<sup>d</sup> established by law for revising the List or Lists of Municipal electors or voters, such Board,) shall be a Board for revising the List of Voters, and application may be made by parties desirous of having the same corrected, in the manner hereinafter mentioned during such time as shall be appointed by the City Council ;

In Cities.

3. The said Board or other authority shall take cognizance of any complaint made in writing by one or more electors, to the effect that any property designated in such complaint has been overvalued in the Valuation-Roll, provided such overvaluation would have the effect of giving the right of voting to a person not otherwise entitled to vote : And the said Board or other authority shall determine such complaints in the manner, and with the formalities appointed with regard to the complaints referred to in the following section.

Board may correct over valuation, if it would give a vote to a party not otherwise entitled.

13. If any person deems himself aggrieved either by the insertion or omission of his name in any such List, he shall, either by himself or his agent, give notice thereof in writing to the Clerk or Secretary-Treasurer of the City or Municipality, within the period aforesaid, stating generally in what manner, and for what reasons he holds himself aggrieved ; and the complaint shall be tried and determined by the said Board or authority at such time and place as it shall appoint, of which reasonable notice shall be given to the complainant and to the Assessor or Assessors who made the Roll ; 22 V. c. 82, s. 5.

How persons deeming themselves aggrieved with regard to such lists, shall proceed.

2. And whenever the name of any Voter entitled to have his name entered on the Valuation or Assessment-Roll, or on the Revised Valuation or Assessment-Roll, is omitted from the List of Voters, in consequence of its having been omitted from any such Roll or Revised Roll, such person shall have the same right of complaint and of appeal in order to have his name placed on the said List of Voters, as if it had been omitted from the said List after having been inserted in such Roll or Revised Roll ; 22 V. (1859) c. 10, s. 6.

Persons omitted from the list because they are not on the Assessment Roll, &c., may complain and appeal.

3. If any person, being himself a Voter whose name is on the List, thinks that the name of any other person also entered thereon ought not to have been so entered because such other person is not duly qualified as a Voter,—or thinks that the name of any other person not entered thereon should be so entered because

If any person entered on the list is objected to ; or any person is omitted who is alleged to be qualified.

such person is duly qualified as an elector, he may file a complaint to that effect with the Clerk or Secretary-Treasurer of the City or Municipality within the period aforesaid, stating his complaint and the grounds thereof, and the complaint shall be tried and determined by the Board or authority aforesaid at such time and place as it shall appoint, of which reasonable notice shall be given to the complainant, and to the Assessor or Assessors who made the Assessment-Roll, and to the person the entry of whose name on the List is objected to, if he resides within the limits of the City or Municipality, (and, if not, such notice shall be openly posted up in the office of the said Clerk or Secretary-Treasurer for the information of all concerned,) or to the person whose name is not entered on the said List, but ought to be entered thereon if the complaint be admitted ;

Notice to parties.

Board after hearing parties, finally to determine, &c.

4. At the time and place so appointed as aforesaid, or any other time and place to which the hearing may be adjourned, the said Board or authority shall, after hearing such of the parties notified as aforesaid as then and there appear, or without hearing any of them who fail so to appear, finally determine the complaint and affirm or amend the said List by entering thereon or erasing therefrom the said names, as after such hearing they think right ;

Proceedings of the Revising Board on any such complaint, and their powers to decide, &c.

Evidence—

Oaths.

Witnesses compellable to attend, &c.

5. The said Board or authority shall hear and determine any such complaint as aforesaid, and correct the List of Voters according to such determination, and may adjourn the hearing in any case at pleasure, and may examine any party or any witness adduced by any party, or any documents or writings offered as evidence, and administer or cause any one of their number to administer an oath or affirmation to any party or to any witness adduced before them, or summon any person resident in the City or Municipality to attend as a witness before them ;— And if any person being so summoned shall fail to attend at the time and place mentioned in the summons (being tendered compensation for his time at the rate of fifty cents a day, such compensation to be paid by the party whom the said Board or authority condemns to the payment thereof,) he shall thereby incur a penalty of twenty dollars, to be recovered with costs, to the use of the City or Municipality, in any way in which penalties under By-laws can be recovered ;

Such proceedings to be summary, &c.

6. All the proceedings under this section shall be summary, and the Board or authority hearing any such complaint as aforesaid (whether in any City or in any other Municipality) shall not be bound by any technical rules of proceeding or evidence, but shall proceed upon and determine such complaint to the best of their ability, in such manner as they deem most conducive to equity and the substantial merits of the case.

14. Any person who has filed any complaint to the Board or authority for revising the Lists of voters in any part of Lower Canada, or concerning whom a complaint has been filed, and who deems himself aggrieved by the decision of such Board or authority touching such complaint, may, within eight days after such decision has been given, appeal therefrom to the Superior or Circuit Court at its place of sitting in the Municipality or nearest thereto, by a petition setting forth briefly the grounds of appeal, and shall serve a copy of such petition on the Clerk or Secretary-Treasurer of the City or other Municipality, who shall give reasonable notice thereof to the Assessor and other parties concerned :

Appeal given from the Revising Board to the Superior or Circuit Court.

2. Any Judge of the Superior Court shall have full power and authority to hear and determine such appeal in a summary manner either in term or vacation, at such time and in such way as he thinks best for ensuring justice to all parties, and may direct that any further notice be given to any party, if he thinks proper, and shall have the powers for summoning before him and examining on oath or affirmation, any party or witness and compelling the production of any document, paper or thing, and generally all other powers which are vested in the Superior or Circuit Court in relation to any matter pending before it, but shall not be bound to observe any form of proceeding, except such only as he shall deem necessary for doing substantial justice to all parties ;

Judge to hear and determine on such appeal in summary way.

His powers for that purpose.

3. The decision of such Judge shall be final and conclusive, and the Clerk or Secretary-Treasurer having custody of the List of voters to which it relates, shall correct the same, if any correction be ordered by such decision, immediately on receiving a copy thereof certified by the Clerk of the Court by which it has been given ;

His decision to be final.

4. The costs of any such appeal shall be in the discretion of the Judge, and shall be taxed by him at such sum and for and against such parties respectively as he thinks right ; and any party in whose favor any such costs are taxed, may recover them from the party against whom they are taxed, by execution in the manner in which costs awarded by any judgment of the Court may be recovered ;

Costs of appeal, how and against whom taxable.

5. No evidence shall be received by the Judge on any such appeal, except such as he sees reasonable cause to think was adduced before the Board or authority to whom the complaint appealed from was made ; And the pendency of any such appeal shall not affect the validity of those parts of the lists of voters from which no appeal is made, but the same shall for all the purposes of this Chapter be deemed finally revised and corrected so soon as the delay allowed for appealing has expired : And no proceeding on such appeal shall be void for want of form.

As to evidence.

Appeal not to affect parts of list not appealed from.

List finally revised to be returned and posted up.

No one not upon it to vote.

**15.** After any such List has been revised and finally corrected, it shall be restored to the Clerk or Secretary-Treasurer, who shall forthwith correct by it the copy posted up in his Office; and until another is in a future year made, revised and corrected in its stead, those persons only whose names are entered upon such List, as finally revised and corrected, shall be entitled to vote at any Election of a Member of the Legislative Council or Assembly for the City or Municipality for which it was made, or the Electoral Division of which such City or Municipality forms part.

Copies of lists to be furnished to Deputy Returning Officers.

**16.** The Clerk or Secretary-Treasurer of any City or Municipality as aforesaid, shall furnish to every Deputy-Returning Officer acting in such City or Municipality, or in any Ward or Division thereof, a true copy or true copies, certified by such Clerk or Secretary-Treasurer, of the List of Voters then last revised and corrected as aforesaid, or of so much thereof as relates to the locality for which such Deputy-Returning Officer is to act; and such Deputy-Returning Officer shall not receive the vote of any person as being a voter qualified by reason of his being entered on any Assessment-Roll, unless the name of such person is found upon the copy of the said List furnished to him; 22 V. c. 82, s. 5.

If no list exists for any year, the then last list to be taken.

**2.** If at the time of any Election, no List of Voters for the current year has been made or exists, the Returning Officer and Deputy Returning Officers for such Election shall be furnished with the List of Voters last made or existing and shall govern themselves thereby, and such list shall have the same effect as if it were the list for the current year; 22 V. (1859) c. 10, s. 5.

If the list of voters is not furnished to any Deputy Returning Officer: the Returning Officer shall procure it from the Registrar.

**3.** If the Clerk or Secretary-Treasurer of any City or Municipality in Lower Canada does not furnish to every Deputy Returning Officer acting in such City or Municipality, or in any Ward or Division thereof, a true copy or copies of the proper list of voters, or of so much thereof as relates to the locality for which such Deputy Returning Officer is to act, the Returning Officer shall procure from the Registrar of the County or registration division, or if he be himself such Registrar shall furnish, a copy certified by him to be correct, of the then last list of voters for such Municipality, part of a Municipality or Ward, filed in his office, and shall cause the same to be delivered to the Deputy Returning Officer; and the cost of such copy shall be paid by the Clerk or Secretary-Treasurer in default, and may be recovered from him or from the Municipality of which he is such Officer, by the Returning Officer or Registrar who has procured or furnished such copy. 22 V. (1859) c. 10, s. 7

Cost, how paid.

No voting where no list.

**17.** No voting shall be taken, nor shall any Poll be held in any Municipality in which no List of Voters has been made:

2. But if the Valuators appointed by the Governor, under the Municipal Law in force in Lower Canada neglect to make the valuation required by the said Law; the Governor shall, on the complaint of the chief Officer of the Municipal Council, or of the Registrar of the County, or of two proprietors duly qualified to vote in the said Municipality, appoint in their place other Valuators, who shall be required to make the said Valuation in the manner in which it ought to have been made by the Valuators whose duty it was to have made it, and they shall in this respect have all the same rights and powers to exercise, and all the same duties to perform, and shall be bound under the same penalties in case of failure or neglect on their part, and the provisions of the said Law shall apply to them in the same manner as to the first Valuators appointed by the Governor;—And the time to be allowed to the former Valuators as well as to those subsequently appointed by the Governor for making the said valuation, shall be twenty days from the day on which their appointment has been announced in the *Canada Gazette*;

Provisions—for the case when Valuators appointed by the Governor, under the municipal laws, neglect to make the valuation.

3. And if the Clerk, Treasurer or Secretary-Treasurer neglects to draw up the Alphabetical List as required by the eleventh section of this Act, the Governor, on the complaint of the chief Officer of the Municipal Council of the City or other Municipality, or on the complaint of the Registrar of the County, or of two duly qualified voters of the said City or Municipality, shall appoint a Clerk *ad hoc* to make the said Alphabetical List, and the said Clerk *ad hoc* shall in that respect be vested with all the same rights and powers, and shall have all the same duties to perform, and under the same penalties in case of failure or neglect on his part, as the Clerk of the Municipality himself, and the chief Officer and the other Officers of the said Municipal Council (in so far as it shall depend on each of them) shall be bound to deliver up to the said Clerk *ad hoc* the said Valuation-Roll, under the penalties imposed by the twentieth section of this Act.

If the Clerk, &c., of any Municipality neglects to draw up the alphabetical list required, &c.

18. The List of Voters mentioned in the eleventh section of this Act, shall be considered finally revised and corrected when it has been so revised and corrected by the authority or the Board of Revisors mentioned in the twelfth and thirteenth sections:

List of voters to be revised and corrected by Revisors.

2. But if between the day of such final revision and correction, and any time before the issuing of a writ for the election of a Member of the Legislative Council or Assembly, it be shewn to any Judge of the Superior Court in Lower Canada, that the Clerk or the Secretary-Treasurer of a city or municipality has altered or falsified the said list of voters as finally revised and corrected, or allowed the same to be altered or falsified, the said Judge shall summon

Proviso: if within a certain time it be shewn to a Judge that any such list has been tampered with, &c.



the said Clerk or Secretary-Treasurer of the said city or municipality, or other officer in charge of the Assessment or Valuation-Rolls, to appear before him and to produce the same, together with the list of voters, and to undergo such an examination under oath as the Judge may require ;

Rolls and list to be produced before the Judge.

Judge to order corrections, if necessary.

3. At the time and place appointed for the appearance of such person, the Registrar shall appear before the Judge, bringing with him the duplicate of the Alphabetical List : And after an examination of the said Roll and List, and with or without further proof as he shall see fit, the Judge shall make such alterations and corrections in the said List and Duplicate thereof as he considers necessary and proper, in order that the said List and Duplicate may be in all respects similar to the List as finally revised and corrected. 22 V. c. 82, s. 5, and 22 V. (1859) c. 10.

PROVISIONS RELATIVE TO REGISTRATION, AND APPLYING TO THE WHOLE PROVINCE.

Copies of lists to be furnished on demand and payment of certain fees.

19. The Registrar of any County or Registration Division, any Clerk of the Peace and any Clerk or Secretary-Treasurer of any City or Municipality or part of any Municipality, having the custody of the list of voters of any City or Municipality, or part of any Municipality or place, shall furnish a certified copy of such lists, then last revised and corrected, to any person who shall require such copy, on being paid for the same by such person at the rate of three cents for every ten voters whose names are on such list. 22 V. c. 82, s. 6.

Clerks, &c., wilfully falsifying or altering lists of voters to be guilty of felony.

20. If the Clerk, Treasurer or Secretary-Treasurer of any City or Municipality, neglects to make the Alphabetical List as required by the eleventh section of this Act, or in making out any certified list of persons entitled to vote at any election of a member to serve in the Legislative Council or Assembly, wilfully inserts or omits any name which ought not to have been inserted or omitted, or otherwise alters or falsifies the same so that it is not the correct list of all persons entitled to vote according to the Assessment-Roll (or in Lower Canada, to the proper list of voters) as finally revised and corrected,—And if any Clerk, Secretary-Treasurer, Returning Officer, Deputy-Returning Officer, Registrar, Clerk of the Peace or any other person whose duty it is to deliver copies or have the custody of any certified list of voters as aforesaid, wilfully makes any alteration, omission or insertion, or in any way falsifies any such certified list or copy,—every such person shall be deemed guilty of felony, and being convicted thereof shall be liable at the discretion of the Court, to be imprisoned at hard labour in the Provincial Penitentiary, for any term not exceeding seven years, nor less than two years, or to be imprisoned in any other place of confinement for any term less than two years, or to suffer such other

Punishment.

punishment by fine or imprisonment, or both, as the Court shall award ; and it shall not in any indictment for any such offence be necessary to allege that the article in respect of which the offence is committed, is the property of any person, or that the same is of any value. 22 V. c. 82, s. 7.

Certain allegations not requisite in indictment.

RETURNING OFFICERS OF MEMBERS OF THE LEGISLATIVE  
ASSEMBLY.

*Lower Canada.*

21. In Lower Canada, to which alone this Section applies—

1. The Sheriffs for the several Districts of that part of the Province, shall be *ex officio* Returning Officers of Members of the Legislative Assembly for the respective Cities or Towns over which their authority as such Sheriffs extends ; And in case there are two or more persons appointed to perform the office of Sheriff for any one of the said Districts, then the Writ of Election shall be directed to one of them, and the person to whom the Writ of Election is directed, shall alone act as such Returning Officer : And the Registrars of deeds for the several Counties in Lower Canada, shall be *ex officio* Returning Officers for the respective Counties over which their authority as such Registrars extends : and in case there are two or more Registrars in any of the said Counties, according to the divisions made for registry purposes, then the Writ of Election shall be directed to any one of such Registrars, and the Registrar to whom the Writ of Election is directed shall alone act as such Returning Officer ; 12 V. c. 27, s. 2.

In Lower Canada Sheriffs to be Returning Officers for the Cities and Towns.

If there be more than one person in the office.

And the Registrars of Deeds for the Counties.

And if there be more than one Registrar in a County.

2. But if in any County or Union of Counties in Lower Canada forming an Electoral Division, there is any place at which a Registrar of Deeds is directed to keep his office, such Registrar shall be *ex officio* the Returning Officer for such County or Union of Counties ; And if in any such County or Union of Counties there are two or more places as aforesaid, then the Writ of Election may be directed to any one of the Registrars directed to keep their offices in such County or Union of Counties, and the Registrar to whom the same has been directed, shall alone act as Returning Officer ;

Certain Registrars to be *ex officio* Returning Officers.

3. And for any Electoral Division in Lower Canada, in which there is no person authorized to act *ex officio* as Returning Officer at any Election of a Member for the Legislative Assembly, or when the person who would otherwise be authorized so to act is disqualified or otherwise prevented from acting in that capacity, the Governor may appoint a proper person to be such Returning Officer. 16 V. c. 152, s. 8.

In certain cases Governor may appoint a Returning Officer.

## UPPER CANADA.

22. Subject to the provision hereinafter made as to Counties divided into Ridings—

In Upper Canada Sheriffs to be Returning Officers for Counties, Unions of Counties and Cities, &c.

1. The High Sheriffs for the time being of the several Counties and Unions of Counties for judicial purposes in Upper Canada, shall be *ex officio* Returning Officers for the Counties and Unions of Counties for purposes of Representation in the Legislative Assembly, over which or over any County in which their authority as such Sheriffs extends, and in which they respectively reside, and also for the respective Cities and Towns sending Members to the said Assembly and lying within the local limits of such Counties or Unions of Counties; And for the several other Counties or Unions of Counties for the purpose of Representation in the said Assembly, for which no Sheriff is under the foregoing provisions *ex officio* the Returning Officer, the Registrars of Deeds for the time being for such Counties or Unions of Counties, or for any of the Counties included in such Unions of Counties, shall be *ex officio* Returning Officers :

And if no Sheriff, the Registrar of Deeds.

Proviso as to the County of Peel, &c.

2. So long as the County of Peel remains united for judicial purposes to the County of York, the Sheriff of that County or of the Union of which it is a member, shall be *ex officio* Returning Officer for the County of Peel as well as for the County of York and the City of Toronto; 14, 15 V. c. 108, s. 2.

If there is more than one person who may act as Returning Officer, Writ may be directed to either, but one alone to act.

3. And if in any case there is more than one person who may under the foregoing provisions be *ex officio* Returning Officer for any place, then the Writ of Election may be directed to either of them, and the person to whom it is directed shall alone act as such Returning Officer; and if in any case it happens that Writs of Election issue at the same time, or so nearly at the same time that the one is not returnable before the other or others issue, for several places for which the same person would, under the foregoing provisions, be *ex officio* Returning Officer, then only one of such Writs shall be directed to such person, and the other or others to such other person or persons, qualified in the manner provided by the twenty-fifth section of this Act, as the Governor shall appoint to be the Returning Officer or Officers; 14, 15 V. c. 108, s. 2—*part.*

Provision with regard to Counties in Upper Canada divided into Ridings.

4. In each of the Counties in Upper Canada which are divided into Ridings, the High Sheriff or Registrar of Deeds, who would under the preceding provisions of this section be the Returning Officer for such County, shall be the Returning Officer for the Riding thereof first named in Chapter two of these Consolidated Statutes of Canada; and where there is a High Sheriff who is Returning Officer for the Riding first named as aforesaid, the Registrar of Deeds for the County shall be *ex officio* the Returning Officer

Officer for the Riding secondly named ; subject always to the preceding provisions of this section ; 14, 15 V. c. 108, s. 3.

5. Provided always, that the High Sheriff of the United Counties of Leeds and Grenville shall be *ex officio* Returning Officer for the North Riding of Leeds and Grenville,—the Registrar of Deeds for the County of Leeds shall be *ex officio* Returning Officer for the South Riding of Leeds,—and the Registrar of Deeds for the County of Grenville shall be *ex officio* Returning Officer for the South Riding of Grenville. 16 V. c. 152, s. 7.

Proviso as to  
Leeds and  
Grenville.

#### THE WHOLE PROVINCE.

#### *Returning Officers of Members of the Legislative Council.*

23. The Governor shall appoint the Returning Officers at Elections of Members of the Legislative Council from among those persons who would be Returning Officers at Elections of Members of the Legislative Assembly for places within the Electoral Division for which the Election of a Member of the Legislative Council is to be held. 19, 20 V. c. 140, s. 10.

Governor to  
appoint Re-  
turning Officers  
for Legislative  
Council from  
among certain  
persons.

#### *Provisions as to Returning Officers, applicable to both Houses.*

24. If in any case it happens, either in Upper or in Lower Canada, that there is no person, who, under the provisions of this Act, can be *ex officio* Returning Officer for any place for which an Election is to be held, or the person who would or might be such Returning Officer is absent from the Province, or incapacitated from sickness or otherwise from performing the duties of Returning Officer, then the Governor may appoint any person qualified under the preceding sections of this Act to be Returning Officer for such place. 14, 15 V. c. 108, s. 3.

In case no one  
can *ex officio*  
be Returning  
Officer for any  
place, &c., Go-  
vernor may ap-  
point a person,  
&c.

25. No person, other than a Sheriff or Registrar as aforesaid, shall be so appointed or act as Returning Officer for any County, Riding, City or Town, or other Electoral Division, in this Province, unless at the time of his appointment such person is an elector for such County, Riding, City or Town, or other Electoral Division, then duly and legally qualified to vote at the election of a Member for the same, nor unless he has continually resided therein during at least twelve months immediately preceding his appointment :

Qualification  
of any person  
so appointed  
Returning Offi-  
cer, &c.

2. And any person who, being so appointed, acts as Returning Officer for any one of the said Counties, Ridings, Cities or Towns, or any other Electoral Division, without possessing the qualifications hereinbefore required, shall thereby incur a penalty of two hundred dollars. 12 V. c. 27, s. 5—the Proviso.

Penalty for  
acting without  
qualification.

Certain parties excluded from serving as Returning Officers.

**26.** None of the persons hereinafter designated in this section, shall in any case be appointed or act as Returning Officer, or as Deputy-Returning Officer, or as Election Clerk, or as Poll Clerk, that is to say :

The parties.

*First.* The Members of the Executive Council ;

*Second.* The Members of the Legislative Council ;

*Third.* The Members of the Legislative Assembly ;

*Fourth.* Any Minister, Priest, Ecclesiastic, or Teacher, under any form or profession of religious faith or worship;

*Fifth.* The Judges of the Courts of Superior Civil and Criminal Jurisdiction, as well as the Judges of Circuit Court and County Courts ;

*Sixth.* All persons who have served in the Parliament of this Province as Members of the Legislative Assembly or of the Legislative Council, in the session next immediately preceding the election in question, or in the then present session if the election takes place during a session of the said Parliament ;

Penalty on parties excluded acting as Returning Officers.

2. And if any one of the persons above mentioned in this section is appointed to act and acts as Returning Officer, or as Deputy-Returning Officer, or as Election Clerk, or as Poll Clerk, he shall thereby incur a penalty of one hundred dollars. 12 V. c. 27, s. 6.

Certain parties exempt from serving.

**27.** None of the persons hereinafter mentioned in this section, unless they are Sheriffs or Registrars, or Town Clerks or Assessors, shall be obliged to act as Returning Officer, or Deputy-Returning Officer, or as Election Clerk or Poll Clerk, that is to say :

*First.* Physicians and Surgeons ;

*Second.* Millers ;

*Third.* Post-Masters ;

*Fourth.* Persons being sixty years of age, or upwards ;

*Fifth.* Persons who have previously served as Returning Officers. 12 V. c. 27, s. 7.

Penalty on parties not exempt, refusing to serve as Returning Officers.

**28.** Every Sheriff or Registrar, and every other person having the qualifications required by this Act for acting as Returning Officer, who refuses to perform the duty of Returning Officer at any such Election as aforesaid, after having received the Writ of Election, shall for such refusal incur a penalty of two

hundred dollars ; unless such person, not being a Sheriff or Registrar, and having a right to claim the exemption granted by the next preceding section, has in fact claimed such exemption within two days next after the receipt of such Writ of Election. 12 V. c. 27, s. 8.

#### ISSUE OF THE WRIT.

**29.** Whenever a Writ of Election is issued for the election of a Member to serve in the Legislative Assembly or in the Legislative Council of this Province, the same shall be addressed and directed to the Sheriff or Registrar who is *ex officio* the Returning Officer for the Electoral Division, or to the person appointed by the Governor if such appointment is made according to the requirements of this Act. 12 V. c. 27, s. 4.

Writs of Election to be addressed to the Returning Officers.

#### PROVISO AS TO WRITS TO CERTAIN COUNTIES.

**30.** For and notwithstanding any thing to the contrary contained in the Act of the Parliament of the United Kingdom, intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the government of Canada*, any Writ issued for the election of a Member to serve in the Legislative Assembly of this Province for the County of Gaspé, or for the Counties of Chicoutimi and Saguenay, may be made returnable at any time within ninety days from the day on which the same shall bear date. 14, 15 V. c. 87, s. 1. See *Cap. I, s. 8, as to Legislative Council.*

As to return of Writs for the Counties of Chicoutimi, Saguenay and Gaspé.

#### PROCEEDINGS ON THE RECEIPT OF THE WRIT.

**31.** Each Returning Officer shall, on receiving the Writ of Election, forthwith endorse thereon the date of its reception :

Duties of Returning Officers.

2. Within eight days next after the day of such reception, he shall, by a Proclamation under his hand, issued in the English language in Upper Canada, and in the English and French languages in Lower Canada, and in the Form A of the Schedule annexed to this Act, fix the place, day and hour, at which he will proceed to hold the Election ;

Proclamation, its form and contents.

3. He shall cause the said Proclamation to be posted up, in the manner hereinafter prescribed, at least eight days before the day which by such Proclamation he has fixed for holding the said Election, which day so fixed shall be called the Nomination Day ;

Posting up of Proclamation.

4. The place to be so fixed by the Returning Officer, shall be in the public place most central and most convenient for the great body of the Electors in the County, Riding, City or Town or other Electoral Division for which he is acting as such Returning Officer, and the hour to be fixed shall be between eleven

Place of Election.

Hour.

o'clock in the forenoon and two o'clock in the afternoon, of the day so by him fixed for opening such Election as aforesaid; *See also* 19, 20 V. c. 140, s. 11.

Polling days.

5. In and by the Proclamation aforesaid, the Returning Officer shall also fix the day on which, in case a Poll be demanded and granted as hereinafter provided, such Poll shall be opened, in conformity to this Act, in each Parish, Township or Union of Townships or Ward, or part of a Parish or Township, (as the case may be,) for taking and recording the Votes of the Electors according to law ;

Place of posting up Proclamation in Cities and Towns.

6. If the Election be for a City or Town, he shall cause the said Proclamation to be posted up, in Upper Canada, at the City or Town Hall, and in some public place in each Ward of such City or Town, and, in Lower Canada, at the door of at least one Church or Chapel, or other place of Public Worship, and in some public place in each Ward of such City or Town ;

In Counties in Upper Canada.

7. If the Election be for a County or Riding, or for an Electoral Division for the Legislative Council, he shall cause the said Proclamation to be posted up, in Upper Canada, at the Town Hall where there is one, and in at least one other public place in each Township or Union of Townships in the Electoral Division in which the Election is to be held, and, in Lower Canada, at the door of at least one Church or Chapel, or other place of Public Worship, where there is one, and in at least one other public place in each Parish, Township or extra-Parochial place in such Electoral Division ; And if only part of any Parish, Township or extra-Parochial place in Lower Canada is within such Electoral Division, he shall cause the said Proclamation to be posted up in such part only, in the manner above prescribed ;

In Counties in Lower Canada.

How the eight days' notice shall be reckoned.

8. Neither the day of nomination nor that of the posting of such proclamation, shall be included within the said eight days ; 12 V. c. 27, s. 9.

Proviso as to the Counties of Gaspé, Chicoutimi and Saguenay.

9. The Proclamation issued by a Returning Officer of the County of Gaspé, Chicoutimi or Saguenay, fixing the place, day and hour at which he will proceed to hold the election, shall be posted up at least twenty days before the day which by such Proclamation he has fixed for holding such election ; 14, 15 V. c. 87, s. 2, *part.*

Penalty of Returning Officer neglecting to cause Proclamation to be posted up.

10. Any Returning Officer refusing or neglecting to cause such Proclamation to be posted up as above required, shall, for such neglect or refusal, incur a penalty of one hundred dollars. 12 V. c. 27, s. 9, and 14, 15 V. c. 87, s. 2.

Returning officer to take an oath of office.

**32.** Each Returning Officer shall, before the day so by him fixed for opening the Election, take and subscribe before a

Justice of the Peace for the County or District in which he resides, the Oath number one, in the Schedule to this Act; and such Justice of the Peace shall, (under a penalty of forty dollars, in case of refusal,) deliver to him, under the hand of such Justice, and in the form B of the said Schedule, a certificate of his having taken the said Oath, which, together with the said certificate, shall be annexed to his Return to the Writ of Election; And any Returning Officer who refuses or neglects either to take and subscribe the said Oath, or to annex it with the said certificate to his Return, shall, for such refusal or neglect, incur a penalty of forty dollars. 12 V. c. 27, s. 10.

Justice administering it to grant a certificate.

Penalty for refusing to take the oath.

ELECTION CLERKS.

33. Each Returning Officer shall, before the Nomination Day, appoint by a Commission under his hand, in the form C of the said Schedule, a fit person to be his Election Clerk, and to assist him in the performance of his duties as Returning Officer:

Returning Officer to appoint an Election Clerk.

2. Such Election Clerk shall take and subscribe, either before some Justice of the Peace for the County or District in which he resides, or before the said Returning Officer, the Oath number two, in the said Schedule; and of his having taken such Oath, there shall be delivered to him by the person before whom he has been sworn, and under his hand, a certificate in the form D of the said Schedule;

Election Clerk to take an oath of office.

A certificate to be given.

3. Any person so appointed as Election Clerk, who refuses to accept the said Office, or who, having accepted it, refuses or neglects to take and subscribe the said Oath hereby above required of him, or to perform the duties of Election Clerk, shall, for such refusal or neglect, incur a penalty of forty dollars;

Penalty on persons refusing to perform the duty, &c.

4. The Returning Officer may, either before or after the Nomination Day, appoint in the manner above mentioned, another person as his Election Clerk, whensoever the case requires, either by reason of the death, illness or absence of any Election Clerk previously appointed, or of his refusal or neglect to act, or otherwise; and such new Election Clerk so appointed shall perform all the duties, and comply with all the obligations of his Office, under the same penalty in case of refusal or neglect on his part, as is hereinbefore imposed in like cases;

Proviso—another Election Clerk may be appointed in certain cases.

5. Whenever any Returning Officer becomes unable to perform the duties of his Office, whether by death, illness, absence or otherwise, the Election Clerk, so by him appointed as aforesaid shall, under the same penalties in case of refusal or neglect on his part as are hereinabove imposed in like cases on the Returning Officer, act as and shall be Returning Officer for

Duty of Election Clerk in case the Returning Officer is unable to perform his duty.



the said Election, and shall perform all the duties and obligations of that Office, in like manner as if he had been duly appointed Returning Officer, and without being required to possess any other qualification, or to take any new Oath for that purpose ; and in any such case the Election Clerk shall annex to his Return to the Writ of Election the said certificate of the Oath he has taken as Election Clerk, and also the Oath itself. 12 V. c. 27, s. 11.

Certificate to be annexed to the Return in such case.

PROCEEDINGS ON THE NOMINATION DAY.

Proceedings of the Returning Officer on the day of election.

**34.** Every Returning Officer shall, at the time and place by him fixed as aforesaid for opening the Election, proceed to the Hustings, (which shall be held in the open air, at such place as that all the Electors may have free access thereto,) and shall make, or cause to be made, in the English and French languages in Lower Canada, and in the English language in Upper Canada, in the presence of the Electors there assembled at the Hustings, a Proclamation in the Form E of the said Schedule, and shall then and there read, or cause to be read publicly, in the English language in Upper Canada, and in the English and French languages in Lower Canada, the Writ of Election, and his Commission as Returning Officer when he has been appointed Returning Officer by Special Commission for such purpose, and shall then require the Electors there present to name the person or persons whom they wish to choose at the said Election to represent them in the said Legislative Assembly or in the Legislative Council in obedience to the said Writ of Election :

Proclamation, reading of Commission, &c.

If no Poll be demanded.

2. If the Candidates or their respective agents, and the Electors then and there present, upon a show of hands, agree in the choice to be so made of the person or persons to represent the said Electors as aforesaid, and if, after such show of hands, a Poll be not demanded, in the manner hereinafter mentioned, the Returning Officer shall forthwith close the Election, and shall then and there openly proclaim the person or persons so chosen, to be duly elected a Member or Members to represent in the Legislative Assembly or in the Legislative Council, the Electoral Division for which such Election is had ;

If a Poll be demanded.

3. But if a Poll be demanded (and any Elector present, or any Candidate either in person or by his agent, may demand a Poll,) then the Returning Officer shall grant such Poll for taking and recording the Votes of the Electors in the manner prescribed in this Act ; and when at any such Election a Poll is demanded as aforesaid, if the Returning Officer refuses or neglects to grant the same, the Election shall be *ipso facto* null, and such Returning Officer shall, for such refusal or neglect, incur a penalty of eight hundred dollars. 12 V. c. 27, s. 12.

Penalty for not granting a Poll if demanded.

## AGENTS FOR ABSENT CANDIDATES.

**35.** At any Election as aforesaid, whether at the Hustings on the day of the opening or of the closing of the Election, or at the Polling places opened and kept for such Election, in the absence of any person authorized in writing to act as Agent for any absent Candidate, any Elector in the interest of such Candidate, may at any time during the Election, declare himself to be and may act as the Agent of any such Candidate without producing any special authority in writing for that purpose; and

Who may act as Agent of any Candidate.

2. Any person who, at any time either during the Election or before the Election, is employed at such Election or in reference thereto, or for the purpose of forwarding the same, by any Candidate or by any person whomsoever, as Counsel, Agent, Attorney or Clerk, at any polling place at such Election, or in any other capacity whatever, and who has received or expects to receive, either before, during or after the said Election, from any Candidate or from any person whomsoever, for acting in any such capacity as aforesaid, any sum of money, fee, office, place or employment, or any promise, pledge or security whatsoever, for any sum of money, fee, office, place or employment, shall be incompetent to vote at such Election, and his vote, if given, shall be null and void, and such person shall further incur, for having so voted, a penalty of one hundred dollars. 12 V. c. 27, s. 29. And see 22 V. c. 82, s. 3.

No paid Agent, Attorney, Counsel, &c., of any Candidate to vote at the election.

Penalty for voting.

## CANDIDATE'S QUALIFICATION AND DECLARATION, &amp;c.

**36.** And whereas by the twenty-eighth section of the Act of the Parliament of the United Kingdom of Great Britain and Ireland, intituled, "An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada," it is enacted, "That every Candidate at such Election, (*meaning any Election of a Member of the Legislative Assembly,*) before he shall be capable of being elected, shall, if required by any other Candidate, or by any Elector, or by the Returning Officer, make the following declaration :

Recital.

Union Act cited, section 28.

"I, A. B., do declare and testify that I am duly seized at law or in equity as of freehold, for my own use and benefit, of lands or tenements held in free and common soccage, (or duly seized or possessed for my own use and benefit of lands or tenements held in *fief*, or in *roture*, as the case may be) in the Province of Canada, of the value of Five Hundred Pounds, of sterling money of Great Britain, over and above all rents, mortgages, charges and incumbrances charged upon or due and payable out of or affecting the same, and that I have not collusively or colourably obtained a title to or become possessed of the said lands and tenements or any part thereof, for the purpose of qualifying or enabling me to be returned a Member of the Legislative Assembly of the Province of Canada."

Therefore, every such Candidate, when personally required as aforesaid to make the said declaration, shall, before he shall

Candidate to add to his de-

claration under the said section a description of the property forming his qualification.

Form of such addition.

Wilfully false statements in such description to be a misdemeanor.

Declaration may be voluntarily made beforehand.

How construed in such case.

In what cases only a Candidate may be called upon to make same.

When it may be made, if required.

Before whom it may be made, and how attested.

be elected, give and insert at the foot of the declaration hereinabove required of him, a correct description of the lands or tenements on which he claims to be qualified according to law to be so elected, and of their local situation, by adding immediately after the word "Canada," (which is the last word in the said declaration) the following words: "And I further declare that the lands or tenements aforesaid consist of, &c." (*here insert the description above required*);

And any person who, in giving the description of such lands or tenements as above required, knowingly and wilfully makes any false statement relative to the situation, position, extent or bounds of such lands or tenements, shall be deemed guilty of a misdemeanor, and shall, on being duly convicted thereof, incur the same pains and penalties as may by law be inflicted on persons guilty of wilful and corrupt perjury. 12 V. c. 27, s. 48.

§ 7. Any person may, with a view to his becoming a Candidate at any Election, either of a Member of the Legislative Assembly or of the Legislative Council, make at any time, as well before as after the date of the Writ of Election, voluntarily and without waiting to be required so to do, the declaration as is mentioned in the next preceding section if the Election be that of a Member of the Legislative Assembly, or the declaration required by the first chapter of these Consolidated Statutes of Canada, if the Election be that of a Member of the Legislative Council; And any such declaration so made voluntarily as aforesaid, shall to all intents and purposes have the same force and effect as if it had been made after his being thereunto required according to law;

2. No such declaration, when any Candidate is required to make the same by any other Candidate, or by any Elector, or by the Returning Officer, in the manner hereinabove provided, need be so made by such Candidate, unless the same has been personally required of him on or before the day of nomination of Candidates at such Election, and before a Poll has been granted, and unless he has not already made the same voluntarily as he is hereinabove allowed to do, and not in any other case; and when any such declaration has been so required according to law, the Candidate called upon to make the same may do so at any time during such Election; Provided it be made before the Proclamation to be made by the Returning Officer at the closing of the Election, of the person or persons elected at such Election;

3. When such declaration is so made by any Candidate, whether voluntarily or in consequence of his being thereunto so required as aforesaid, it shall be made either before the Returning Officer or before some Justice of the Peace, or the Mayor, or one of the Aldermen of some City or Town in this

Province, and such Returning Officer, Justice of the Peace, Mayor or Alderman shall take the same and shall attest it by writing at the foot thereof, the words "taken and acknowledged before me," or other words to the like effect, and by dating and signing such attestation ;

4. Any Candidate who delivers or causes to be delivered such declaration so made and attested to the Returning Officer at any time before the Proclamation made by him at the closing of the Election as above mentioned in this section, shall be deemed to have complied with the law to all intents and purposes as regards such declaration ; and any Returning Officer thereunto so required, shall be bound (under a penalty of two hundred dollars, in case of refusal) to give forthwith, after such declaration is delivered to him, to the Candidate or other person who has delivered the same, an acknowledgment under his hand of the delivery of such declaration ;

Returning officer to certify the delivery to him of the declaration, under a penalty of \$200.

5. And every such declaration shall, for all the purposes of such Election, be deemed to have been made on the day on which it has been so delivered to the Returning Officer by the Candidate or by any person on his behalf, whatever be the date of its receipt or of its attestation, and the possession of such declaration shall be *prima facie* evidence of the possessor's having been authorized by the Candidate to deliver it to the Returning Officer. 12 V. c. 27, s. 49,—and 19, 20 V. c. 140, ss. 13, 14.

What shall be deemed the date of any such declaration, and who may deliver it to the Returning Officer.

#### PROCEEDINGS WHEN A POLL IS GRANTED.

38. When at any Election as aforesaid, a Poll has been demanded and granted, such Poll shall be opened and kept separately in each Parish, Township or Union of Townships, or Ward, or part of a Parish or Township, (as the case may be,) which lies within the Electoral Division for which the Election is held ;—that is to say : in Upper Canada—

Proceedings when a Poll is demanded.

2. In Townships forming part of Counties and Ridings and not divided into Wards, in some building at or near the place where the last Township Meeting was held ; and in Cities and Towns, at the most convenient place in each Ward ; 12 V. c. 27, s. 13, *part*.

Where such Poll shall be held in U. C.

3. In Townships divided into Wards, (and every union of Townships divided into Wards, shall be deemed a Township divided into Wards within the meaning of this Act,) such Poll shall be held at the Town Hall in which the Meetings of the Municipal Council of the Township are held, if there be any such Town Hall, and if there be none, then at the place where the Municipal Council of the Township held its first meeting in the year in which such Poll is to be held, or if the said Council has not met during such year, then at the place where it held its last meeting during the next preceding year ;

In Townships divided into Wards in U. C.

Deputy R. O. to appoint the place in certain cases, in U. C.

4. If in any case it happens that there is no place at which, under the provisions of this Act, the Poll ought to be held, then the Deputy-Returning officer shall himself appoint the place, selecting such as he deems most central and convenient for the majority of the Electors; 14, 15 V. c. 108, s. 1.

In Incorporated Villages and Towns, in U. C.

5. A separate Poll shall be held for each Incorporated Village or Incorporated Town not divided into Wards and for the purpose of Representation lying within the Electoral Division for which the election is held, and a separate Poll shall also be held for each Ward in every Incorporated Town lying within such Electoral Division for the purpose of Representation and divided into Wards; and such Village or Town shall not be held for the purpose of Representation to be part of any Township within the local limits whereof it wholly or partly lies; and the Returning Officer shall appoint a Deputy-Returning Officer for each such Village, Town or Ward as aforesaid;

Special provisions as to such Villages and Towns.

This section not to affect qualification of voters.

Exception.

6. But nothing in this section shall be construed to affect the qualification of Voters in any such Incorporated Village or Town, save only that in Towns divided into Wards, they shall vote respectively in that Ward in which the property on which they vote is wholly or partly situate, and not in any other; 16 V. c. 152, s. 6.

Polling places in Lower Canada.

7. In Lower Canada, such Poll shall be opened and kept at the most public and convenient place for the body of the Electors in the Parish, Township or Ward, or part of a Parish or Township, either in the open air or in some building close to the public highway;

No poll to be at a Tavern, and free access to be afforded.

8. But the building in which the Poll is held, whether in Upper or Lower Canada, shall not be a Tavern or place of public entertainment, and there shall be free access thereto to every Elector. *Part of 12 V. c. 27, s. 13.*

At what polling place each elector shall vote.

39. At each Election the Electors shall vote at the Polling place so opened and kept in the Parish or Township or Union of Townships, or Ward, or part of a Parish or Township within the limits whereof the property shall lie, upon which they shall respectively claim the right of voting at such Election, and not at any other Polling place; and if any Elector votes at any other Polling place, he shall thereby incur a penalty of forty dollars. 12 V. c. 27, s. 13—*remainder.*

In certain Wards of Quebec and Montreal, three polling places to be appointed.

40. Three Polling places shall be appointed by the Returning Officer, in each of the following Wards of the City of Montreal:—the Saint Anne's Ward, the Saint Antoine Ward, the Saint Lawrence Ward, the Saint Louis Ward, the Saint James Ward, and the Saint Mary's Ward: and in each of the following Wards of the City of Quebec,—the Saint Roch's Ward and the Saint John's

Ward ; and three Deputy-Returning Officers shall be appointed for each of the said Wards by the Returning Officer for the City in which they respectively lie, and shall have like powers and duties with the other Deputy-Returning Officers to be appointed under this Act ; and the Polling places in each of the said Wards shall be selected by the Returning Officer, in such manner as in his judgment will afford the greatest facility to the Electors residing in different parts of the Ward to give their votes, without going further than is necessary from their respective places of residence ; but each Elector entitled to vote in any Ward may vote at any one of the Polling places in such Ward :

Dep. R. O. to select the places.

Electors may vote at any one.

2. And the said Cities of Quebec and Montreal shall, for all the purposes of this Act, remain divided into Wards, and such Wards shall remain bounded as they were on the 30th day of May, 1849, notwithstanding any change thereafter made in the division of either of the said Cities into Wards, or in the boundaries of such Wards, for municipal or other purposes, unless by the Act establishing such new division or boundaries, it be expressly provided that the same shall be used for the purposes of this Act and of the Election of Members of the Legislative Council and Assembly. 12 V. c. 27, s. 14.

Proviso : Wards in the said Cities to remain as at present for election purposes, though altered for others.

41. For the purpose of voting under the provisions of this Act, in Lower Canada only, the word "Parish" shall be understood wherever it occurs in this Act, to include any tract of land which at the date of the Writ of Election is generally reputed to form a Parish, whether such tract has or has not been wholly or in part originally erected into a Parish, either by the Civil authorities or by a Decree of the Ecclesiastical authorities ;—And when in any County there is an extra-parochial place, every Elector qualified to vote at the Election upon property lying within the limits of such extra-parochial place, may vote at that one of the Polling places in the said County which appears to him most convenient :—And when only part of any Parish or any tract of land reputed to be a Parish within the meaning of this section, or of any Township, lies within the County, no Polling place shall be opened within such part, unless there be therein at least one hundred proprietors of lands or tenements, qualified to vote at such Election ; and when any such part is not entitled to have a Polling place, or where no Polling place shall be therein opened and kept in conformity to this Act, any Elector qualified to vote at the Election, upon any property lying within such part, may vote at such Election at that one of the Polling places opened and kept in the said County, which appears to him most convenient. 12 V. c. 27, s. 15.

Interpretation of the word "Parish" as regards Lower Canada.

As to extra-parochial places.

When part only of a parish lies within any County.

42. When at any Election for any Electoral Division, a Poll has been granted, the Returning Officer, immediately after having

Day of opening the Poll to be

proclaimed  
from the hus-  
tings.

granted such Poll, and before adjourning his proceedings, shall publicly proclaim from the hustings the day previously fixed in and by his first proclamation, and the place at which the Poll shall be so opened separately in each Parish, Township or union of Townships, or Ward, or part of a Parish or Township (as the case may be) for the purpose of then and there taking and recording the votes of the Electors according to law :

Delay between  
election and  
Poll.

2. The Returning Officer shall allow at least six days and not more than ten to elapse between the day so by him fixed for opening the Election, and the day by him fixed for opening the Poll, at separate places as aforesaid ; 12 V. c. 27, s. 16—*part.*

Except in the  
Counties of  
Gaspé, Chicou-  
timi and Sa-  
guenay.

3. Except only that in the County of Gaspé, and in the Counties of Chicoutimi and Saguenay, there shall be at least fifteen days, and not more than thirty days, between the day so fixed by the Returning Officer for opening the election as aforesaid, and the day so fixed by him for opening the Poll in the said Counties respectively ; 14, 15 V. c. 87, s. 2—*part.*

Adjournment  
of the election,  
until, &c.,  
closing day.

4. After having so proclaimed from the hustings the day and the places fixed for opening such Poll as aforesaid (which places shall be then by him specially designated and described), the Returning Officer shall adjourn his proceedings in such Election to another certain day, which shall be called the Day of the Closing of the Election, and which shall be one of the ten days next following that which he has previously fixed as aforesaid for opening the said Poll ; 12 V. c. 27, s. 16—*remainder.*

Except Gaspé,  
Chicoutimi  
and Saguenay.

5. Except only that in the County of Gaspé, and in the Counties of Chicoutimi and Saguenay, the delay between the closing of the Polls and the day of the closing of the Election on which the result of the polling shall be announced by the Returning Officer, may extend to but shall not exceed thirty days. 14, 15 V. c. 87, s. 2.

Poll not to be  
held on Sun-  
days or certain  
holidays.

43. The day to be fixed and proclaimed by the Returning Officer for opening the Poll at separate places as aforesaid, shall not be a Sunday, New Year's day, the Epiphany, the Annunciation, Good Friday, the Ascension, *Corpus Christi*, St. Peter and St. Paul's day, All Saints' day, the Conception, or Christmas day :

Polling days to  
be the same for  
each division  
of the County,  
City, &c.

2. Such day shall be the same for each Parish, Township or union of Townships, or Ward, or part of a Parish or Township (or as the case may be), and the Poll shall be opened and held on that day and the next following lawful day only, so that there be two days polling in each Parish, Township or union of Townships, Ward, or part of a Parish or Township, (as the case may be) ;

3. Such two Polling days shall be two consecutive days, unless one of such days be a Sunday or one of the holidays hereinbefore mentioned, in which case such Poll shall be opened and held on the next following day, in such manner always that there shall be in each Parish, Township or union of Townships, Ward, or part of a Parish or Township, (as the case may be), two days of polling for taking and recording the votes of the Electors according to law ;

And to be two in number, and consecutive days.

Exception.

4. During such two days of polling, the voting shall commence at Nine o'clock in the forenoon, and shall finish at Five in the afternoon of each of the said days. 12 V. c. 27, s. 17.

Hours of voting.

APPOINTMENT OF DEPUTY-RETURNING OFFICERS.

41. For the purpose of taking the votes at any such Election, the Returning Officer shall, by a Commission under his hand and in the form F of the said Schedule, appoint a Deputy-Returning Officer for each Parish, Township or Union of Townships, or Ward, or part of a Parish or Township, (as the case may be), in which a Polling place is to be opened and kept, three Deputy-Returning Officers being appointed for each of certain Wards in the Cities of Montreal and Quebec as hereinbefore provided ;

Deputy-Returning Officers to be appointed to hold the Polls.

2. Each Deputy-Returning Officer shall, before acting as such, take and subscribe, either before a Justice of the Peace for the County or District in which he resides, or before the Returning Officer, the Oath number Three in the said Schedule, of the taking of which Oath there shall be delivered to him by the Functionary before whom he has taken it, a Certificate under the hand of such Functionary in the form G of the said Schedule ;

Their oath of office, &c.

3. Any person so appointed a Deputy-Returning Officer who refuses to accept the said office, or who after having accepted the same refuses or neglects either to take and subscribe the said Oath hereby required of him, or to perform the duties of a Deputy Returning Officer, shall, for such neglect or refusal, incur a penalty of one hundred dollars. 12 V. c. 27, s. 18—*part.*

Penalty for refusing to perform the duty.

45. The Returning Officer for every County, or Riding or Electoral Division for the Legislative Council, in Upper Canada, shall appoint as such his Deputy for each Township or Union of Townships in which a Polling place is to be opened and kept according to law, the Town Clerk for the time being of such Township or Union of Townships, and in case of the absence, sickness or death of any such Town Clerk, then he shall appoint as such his Deputy, as aforesaid, instead of such Town Clerk, the Assessor or Collector of such Township or Union of Townships ; 12 V. c. 27, s. 18—*remainder.*

In Upper Canada certain local officers to be appointed Deputy-Returning officers.



Any Township attached to a town for electoral purposes, to be considered a Ward of such Town.

2. Any Township or part of a Township in Upper Canada, which is by law made part of a Town for the purpose of Representation, although not otherwise within the limits thereof, shall, for the purpose of holding an Election of a Member of the Legislative Council or Assembly, be dealt with, except as to the qualification of Electors, as if it were a Ward of such Town; and if a Poll be demanded and granted at such Election, a Deputy-Returning Officer shall be appointed for such Township, or part of a Township and all other proceedings shall be had, as if it were a Ward of such Town, except that the Town Clerk of such Township, or in case of his absence, sickness, death or incapacity to act, the Assessor or Collector thereof, shall be appointed Deputy-Returning Officer therefor; 16 V. c. 152, s. 5—*part.*

In case a township is divided into two parts for electoral purposes, &c.

3. And whenever any Township in Upper Canada is divided into two Townships for the purpose of Representation only, then the Town Clerk of the Municipal Township so divided shall be appointed Deputy-Returning Officer for that one of the Representation Townships which is first mentioned in the law so dividing the Township, and the Assessor or Collector of such Municipal Township shall be appointed for the other;

Foregoing provisions to apply to Villages and Towns not divided into Wards in U. C.

4. In incorporated Villages and Towns not divided into Wards in Upper Canada, the foregoing provisions shall apply as regards the person to be appointed Deputy-Returning Officer, and the Clerk of the Village or Town or the Assessor or Collector thereof or other person, as the case may require, shall be appointed accordingly; but in Towns divided into Wards, any person may be appointed Deputy-Returning Officer for any Ward therein; 16 V. c. 152, s. 6—*part.*

In certain cases in U. C. the Returning Officer may choose his Deputy.

5. If in any case in Upper Canada there is more than one person who may by law be appointed Deputy Returning Officer, then the Returning Officer may appoint either of such persons; and if there be no person who ought to be appointed, or the person who ought to be appointed be absent, or from sickness or otherwise be unable to act, the Returning Officer may appoint such person as he thinks proper to be Deputy-Returning Officer. 16 V. c. 152, s. 5—*part.*

And the Deputy Returning Officer may be appointed in certain cases.

46. The Returning Officer may appoint, in the manner above provided, another person to be Deputy-Returning Officer, when and so often as the case may require such appointment, either by reason of the death, illness or absence of a Deputy-Returning Officer previously appointed, or by reason of his refusal or neglect to act in that capacity, or otherwise; and such new Deputy-Returning Officer so appointed shall perform all the duties and obligations of the said office under the same penalties in case of refusal or neglect on his part, as are hereinabove imposed in like cases. 12 V. c. 27, s. 18,—16 V. c. 152, and 14, 15 V. c. 108.

His duties, &c.

**47.** The Returning Officer shall, by a Warrant under his hand, in the form K of the said Schedule, and addressed to each of the Deputy-Returning Officers by him appointed as aforesaid, require such Deputy-Returning Officer to open and hold the Poll according to law, at the time and place by him fixed as hereinbefore provided and set forth in his said Warrant, in the Parish, Township or Union of Townships, or Ward, or part of a parish or Township, or Ward (as the case may be), for which such Deputy has been so appointed, and to take and record at such Poll, in a Book which such Deputy shall keep or cause to be kept for that purpose, in the form L of the said Schedule, the votes of the Electors voting at the said Poll, and to return to him the said Poll Book signed with his hand and sealed with his seal, on or before the said day fixed by the Returning Officer for closing the Election. 12 V. c. 27, s. 19.

Returning Officer to issue his warrant for holding the Polls, &c., to each of his Deputies.

Form of Poll book, return thereof, &c.

#### PROCEEDINGS PRELIMINARY TO POLLING.

##### *Lists of Electors.*

**48.** Every Returning Officer, upon receiving a Writ to hold any Election for a Member to serve in the Legislative Council or Assembly, shall ascertain that every Deputy-Returning Officer is in possession of a certified copy of the then last revised and certified list of voters within the Municipality, part of a municipality, or Ward of a City, for which he is Deputy-Returning Officer:

Returning Officer to see that each of his Deputies is furnished with a proper list of voters.

2. If the Clerk of the Municipality is not the Deputy-Returning Officer, or if the copy in the possession of the Clerk has been lost or destroyed, the Returning Officer shall procure from the Registrar of the County or Registration Division in Lower Canada, or from the Clerk of the Peace in Upper Canada, a copy certified by him to be correct of the then last list of voters for such Municipality, part of a Municipality or Ward, filed in his office, and shall cause the same to be delivered to the Deputy-Returning Officer;

He shall procure such lists when requisite.

3. The Returning Officer shall be authorized to include any charge for obtaining such certified copies in the account of the general expenses of holding such Election, furnished by him to the Government. 22 V. c. 82, s. 9.

And charge for them.

##### *Appointment and general duties of Poll Clerks.*

**49.** Every Deputy-Returning Officer, as well in Upper as in Lower Canada, shall, by a Commission under his hand, and in the form H of the said Schedule, appoint a Poll Clerk to assist him in taking the Poll according to law; and each Poll Clerk appointed as aforesaid shall, before acting as such, take and subscribe, either before a Justice of the Peace for the County or District in which he resides, or before the Returning Officer,

Deputy Returning Officers to appoint Poll Clerks.

Poll Clerks to take oaths of office, &c.

or such Deputy-Returning Officer, the Oath number Four, in the said Schedule, of the taking of which Oath there shall be delivered to him, by the Functionary before whom it has been taken, a Certificate under his hand, in the form J in the said Schedule :

Penalty for refusing to act, &c.

2. Any person so appointed a Poll Clerk who refuses to accept the said office, or who, after having accepted the same, refuses or neglects either to take and subscribe the Oath hereby required of him, or to perform the duties of a Poll Clerk, shall for such neglect or refusal, incur a penalty of forty dollars. 12 V. c. 27, s. 18.

Duty of the Poll Clerk.

50. Each Poll Clerk shall, at the Polling place for which he is appointed, aid and assist, in the performance of the duties of his office, the Deputy-Returning Officer appointed to open and keep the Poll at such place in conformity to this Act, and shall obey the orders of the said Deputy-Returning Officer :

To perform the duty of Deputy Returning officer in certain cases.

2. If the Deputy-Returning Officer refuses or neglects to perform the duties of his office, or becomes unable to perform them, either by death, illness, absence or otherwise, and if in any such case no other Deputy-Returning Officer duly appointed by the Returning Officer in the place of the former, appears at the Polling place, then such Poll Clerk shall, (under the same penalties as are hereinbefore imposed in like cases on a Deputy-Returning Officer), act at such Poll as Deputy-Returning Officer, and perform all the duties and obligations of that office, in the same manner as if he had been appointed Deputy-Returning Officer by the Returning Officer, and without being bound to take any new oath for that purpose ;

In such case he may appoint another Poll Clerk.

3. Whenever any Poll Clerk, in the case hereinbefore provided, acts as Deputy-Returning Officer, he may appoint by a Commission under his hand, in the form H of the said Schedule, another person as Poll Clerk, to aid and assist him as aforesaid in the performance of the duties of his office, and may administer to such person the oath required of a Poll Clerk by this Act ; and the Poll Clerk so appointed shall have the same duties and obligations as if he had been appointed Poll Clerk by the Deputy-Returning Officer himself ;

Deputy Returning Officer may appoint another Poll Clerk in certain cases.

4. And also, whenever any Poll Clerk appointed under the requirements of this Act refuses or neglects to perform his duty as such, or becomes unable to perform it, either by death, illness, absence or other cause, the Deputy-Returning Officer, whose Poll Clerk he was, may appoint by a Commission under his hand in the form H of the said Schedule, another person as Clerk at the said Polling place, to aid and assist him as aforesaid in the duties of his office, and may administer to him the oath required of a Poll Clerk by this Act. 12 V. c. 27, s. 21.

## TAKING AND RECORDING THE VOTES.

**51.** Each Deputy-Returning Officer shall write in full at the head of each page of the Poll Book used by him, the number of such page, and certify the same by his signature as follows: "Page Number One, (or Two, or as the case may be) A. B., Deputy-Returning Officer," and he shall certify in full words at the foot thereof, (before entering any name or vote in the next succeeding page) the first and last name and the total number of names entered thereon, and shall then sign the same, which certificate shall be to the effect following: "I certify that the total number of names entered on this page as of voters is \_\_\_\_\_, whereof the first name is C. D., and the last name is E. F.—Signed, A. B., Deputy-Returning Officer." 22 V. c. 82, s. 14—*part*.

Deputy returning Officer to certify each page of the Poll book.

**52.** Each Deputy-Returning Officer shall, at the Polling place kept by him in conformity to this Act, record or cause to be recorded in such Poll Book as aforesaid, and in the order in which they shall be given, the votes of the Electors voting at such Polling place, by entering therein the name, surname, legal addition and residence of each Elector so voting, and by shewing by the insertion of the word "Owner," or the word "Tenant," or "Occupant," in the said Poll Book, whether it is as a proprietor or as a tenant or occupant that such Elector claims the right of voting at such Poll; and when any Elector has taken the oath required of him by this Act, the Deputy-Returning Officer shall state in the Poll Book that such oath was taken by the Elector, by entering after the name of such Elector, in the proper column in the said Poll Book, the word "Sworn," and nothing more. 12 V. c. 27, s. 20,—22 V. c. 82, s. 10.

Mode of recording the votes in the Poll books.

As to electors sworn.

**53.** In every case where the vote of any person is objected to by any Candidate or his Agent, the Deputy-Returning Officer shall enter the objection in his Poll Book by writing after the name of the voter, in the column for objections, the words "objected to" only, mentioning at the same time by which Candidate, or on behalf of what Candidate the objection has been made, by adding after the words "objected to" the name only of such Candidate. 12 V. c. 27, s. 40—*part*.

Votes objected to, how to be distinguished in the Poll book.

**54.** The Deputy-Returning Officer, at any Election of a Member of the Legislative Council or Assembly in any part of this Province, shall receive the vote of any person whose name he finds in the proper list of voters furnished to him, or in his possession as aforesaid,—provided that such person shall, if required by any Candidate or the Agent of any Candidate, or by the Deputy-Returning Officer himself, take the following oath or affirmation, which such Deputy-Returning Officer is hereby empowered to administer:

Persons on the list of voters to be allowed to vote on taking a certain oath if required.

The oath.

“ You swear (or solemnly affirm) that you are (name of voter as entered on the list,) whose name is entered on the list of voters now shewn to you (showing the list to the voter) that you are a subject of Her Majesty by birth (or naturalization), that you are of the full age of twenty-one years,—that you have not before voted at this Election, either at this or any other polling place, and that you have not received any thing, nor has any thing been promised to you, either directly or indirectly, in order to induce you to vote at this Election. So help you God.”

No other oath to be taken.

And no other oath or affirmation shall be required of any person whose name is entered on any such list of voters as aforesaid. 22 V. c. 82, s. 10.

Deputy Returning Officer must swear voters in certain cases.

**55.** Whenever any Deputy-Returning Officer has reason to know or believe that frauds and violence are being practised in violation of the rights of Electors, by which undue votes are tendered, or that any voter is not qualified, or has already voted at the said Election and offers to vote again, or tenders his vote under a false name or designation, or personates or represents himself falsely as being on the List of Voters,—such Deputy-Returning Officer, under penalty of two hundred dollars, shall administer the oath authorized by Law to such Voter, whether he be required so to do or not by any party, of which mention shall be made in the Poll Book: 22 V. c. 82, s. 12.

Penalty for not doing so.

Penalty for voting without taking the oath when required.

2. If any voter votes at any such election without having previously taken such oath or made such affirmation, when he has been thereunto required by one of the Candidates or his Agent, such voter shall incur a penalty of forty dollars; 12 V. c. 27, s. 41.

Voter refusing to take the required oath.

3. And when any such voter has been so required by the Deputy-Returning Officer, or by any of the Candidates or his Agent to take such oath or make such affirmation, and refuses to take or make the same, his refusal shall be stated by the Deputy-Returning Officer in his Poll Book, by entering after the name of such voter the word “refused,” and in every such case the vote shall not be taken or recorded in the said Poll Book; and if any vote is in any such case taken and recorded, it shall be *ipso facto* null and void, and the Deputy-Returning Officer shall, for having taken and recorded the same, or for having caused it to be taken and recorded in his said Poll Book, incur a penalty of forty dollars. 12 V. c. 27, s. 41.

Penalty for so refusing.

Deputy Returning Officer may administer the oath of allegiance to persons needing only such oath

**56.** Every Deputy-Returning Officer, during the continuance of his authority as such Deputy, may administer the oath or affirmation of allegiance to any person who, under the authority of any Act or Acts either of the Parliament of this Province, or of either of the late Provinces of Lower or Upper Canada, would,

upon taking such oath or affirmation, become entitled to the privileges of British Birth in this Province without further residence therein, or other formality than the taking such oath or affirmation; which oath or affirmation so taken before such Deputy-Returning Officer shall, to all intents and purposes whatsoever, have a like effect upon the civil and political rights of the party taking the same, as if such oath or affirmation had been administered by any Commissioner or other Public Officer directed by such Acts or any of them. 12 V. c. 27, s. 43.

to become naturalized.

57. Whenever any Elector does not understand the English language, or the French language, or understands neither of the said languages, the Deputy-Returning Officer may make use of an Interpreter to translate the Oath or Affirmation required of such Elector, as well as any lawful questions necessarily put to him and his answers; and such Interpreter shall take before the said Deputy-Returning Officer the Oath, (or if he be one of the persons permitted by law to affirm in civil cases, the Affirmation following :

Interpreter may be employed and sworn in certain cases.

“ I swear (or affirm) that I will faithfully translate such oaths, declarations, affirmations, questions and answers as the Deputy-Returning Officer shall require me to translate at this Election. So help me God.” 12 V. c. 27, s. 47.

His oath.

58. The Deputy-Returning Officer shall, at the close of each day's polling, certify under his signature on the said Book, and in full words, the true state of the votes at such close to the effect following: “ I certify that the number of the votes polled at the close of the first (or second, as the case may be) day's polling is (the total number of votes polled) , whereof G. H. a Candidate has polled ; J. K. a Candidate has polled ; L. M. a Candidate has polled (as the case may be).—Signed, A. B., Deputy-Returning Officer;” of which state of the votes he shall give certified copies to any person demanding the same, before he, the said Deputy-Returning Officer, leaves the polling place for that day. 22 V. c. 82, s. 14—part.

Deputy Returning Officer to certify the state of the Poll after each day's polling.

59. No Returning Officer or Deputy-Returning Officer shall grant, make or enter into any scrutiny of the Votes given at any Election. 12 V. c. 27, s. 28.

Returning Officer or Deputy not to grant any scrutiny.

#### PENALTIES FOR VOTING FRAUDULENTLY.

60. If at the Election of a Member to serve in the Legislative Council or Assembly, any person knowingly personates and falsely assumes to vote in the name of any other person whose name appears on the proper list of voters, whether such other person be then living or dead,—or if the name of the said other person be the name of a fictitious person,—every such person shall be guilty of a misdemeanor, and on being convicted thereof, shall be liable to a fine not exceeding

Punishment for falsely personating a voter on the list.

two hundred dollars, or to be imprisoned for a term not exceeding six months, or both, at the discretion of the Court. 22 V. c. 82, s. 11.

Penalty on unqualified persons voting.

**61.** Any person wilfully voting at any such Election, without having, at the time of his so voting, all the qualifications required by law for entitling him so to vote at such Election, knowing at the time that he was not so entitled, shall, for so doing, incur a penalty of forty dollars, and his vote shall moreover be null and void; and in any action or prosecution instituted as hereinafter provided against any such person for the recovery of the said penalty, the burden of the proof of such person having, at the time of his so voting at such election, all the said qualifications, or good reason for believing so, shall fall upon him and not upon the party instituting such action or prosecution; and any person who votes more than once at the same Election shall for so doing incur a like penalty of forty dollars, and every vote he gives subsequently to his first vote shall be null and void. 12 V. c. 27, s. 44.

Proof of the qualification to be on the person voting.

Penalty for voting more than once at the same election.

Penalty for fraudulently conveying lands in order to give a vote.

**62.** If any lands or tenements are transferred or conveyed to any person, by any title or instrument whatsoever, fraudulently, and for the purpose of giving him the qualification requisite to enable him to vote at any Election, and if such person votes at such Election, upon such lands or tenements, he shall incur a penalty of one hundred dollars; and nevertheless such transfer or conveyance, notwithstanding any agreement to annul or revoke the same, or to reconvey such lands or tenements, shall be valid, and shall transfer such lands or tenements out of and from the person who has so transferred or conveyed the same, and shall vest them in the person to whom they have been so transferred or conveyed, to all intents and purposes whatsoever; and every such agreement to annul or revoke any such transfer or conveyance, or to reconvey such lands or tenements, whether such agreement has been made with the person so transferring or conveying, or with the person to whom such lands or tenements are so transferred or conveyed, or with any person or persons acting for them or on their behalf, shall be null and void to all intents and purposes whatsoever. 12 V. c. 27, s. 45.

But the conveyance shall be valid.

Any agreement to the contrary notwithstanding.

#### PROCEEDINGS AFTER THE CLOSE OF THE POLLS.

Oath to be made by each Poll Clerk before the Poll book is returned.

**63.** Every Poll Clerk shall, after the closing of the Poll at which he has acted as such, but before the Deputy-Returning Officer who has kept the same has returned the Poll Book to the Returning Officer, as herein required, make and subscribe, either before a Justice of the Peace for the county or district in which he resides, or before the said Deputy-Returning Officer, or before the Returning Officer himself, the oath in the Form M of the schedule hereunto annexed, which oath shall thereafter be annexed to the said Poll Book :

2. And the Deputy-Returning Officer who has kept and closed the Poll shall, before returning the Poll Book as aforesaid to the Returning Officer, make and subscribe, either before a Justice of the Peace for the county or district where he resides, or before the said Returning Officer, the oath in the Form N of the said schedule, which oath shall thereafter be annexed to the said Poll Book; and the Deputy-Returning Officer shall then return the Poll Book to the Returning Officer on or before the day fixed for closing the election;

Oath to be made by the Deputy-Returning Officer.

Poll book to be then returned.

3. Any Deputy-Returning Officer or Poll Clerk who refuses or neglects to perform any of the obligations or formalities required of him by this section, shall, for each such refusal or neglect, incur the penalty hereinafter mentioned, that is to say: any Deputy-Returning Officer, a penalty of two hundred dollars, and any Poll Clerk, a penalty of eighty dollars. 22 V. c. 82, s. 15.

Penalties for neglect, &c.

64. The Deputy-Returning Officer shall deliver the said Poll Book personally to the Returning Officer; and if he is unable to do so by sickness or otherwise, he shall deliver such Poll Book under a sealed cover to a person chosen by him, and shall mention on the outside of such cover the name of the person to whom it has been delivered under a sealed cover to be so transmitted, and shall take a proper receipt therefor;—And any Deputy-Returning Officer failing therein, or in any of the obligations or formalities herein prescribed as to the duties of Deputy-Returning Officers, and any person having taken charge of the Poll Book and failing to deliver the same so covered and sealed in the same state in which he received it, in due time and manner, shall be guilty of a misdemeanor, and shall incur a penalty of four hundred dollars, or be imprisoned for a term of not less than six months and not more than one year, or be punished by imprisonment and fine together. 22 V. c. 82, s. 16.

Poll book to be delivered by Deputy in person, unless in case of sickness, &c.

Penalty for neglect.

#### CLOSING THE ELECTION, AND PROCEEDINGS THEREAFTER.

65. On the day so fixed as aforesaid by the Returning Officer for closing the Election, the said Returning Officer shall proceed at the appointed hour to the same place at which he opened the Election and granted a Poll; and he shall then and there, in the presence of the electors assembled, proceed to ascertain the state of the General Poll at the Election, by counting and adding up from each Poll Book the total number of votes taken and recorded at the Election in all the Parishes or Townships or Unions of Townships or Wards, or part of Parishes or Townships in such Electoral Division for which the Election has been had; and as soon as he has so ascertained the total number of votes, he shall then and there openly proclaim, as being duly elected a member or members to represent such Electoral Division in the Legislative Council

Proceedings on the day appointed for closing the election.

Counting the votes.

Proclamation of the person elected.



But if all the Poll books have not been returned.

or the Legislative Assembly, the person or persons having the greatest number of the votes so counted and added up ; but the Returning Officer shall not in any case proclaim any such person or persons duly elected, unless all the Poll Books have been returned to him by all his Deputy-Returning Officers. 12 V. c. 27, s. 23, and 16 V. c. 7.

Proceedings to be adjourned till all the Poll books are returned.

**66.** If on the day fixed by the Returning Officer for closing the Election, it happens that one or more of the Poll Books have not been returned by the Deputy-Returning Officer or Officers, and it is consequently impossible for him to ascertain the total number of votes as required by the next preceding section, then such Returning Officer, instead of proceeding on the said day to examine the Poll Books which have been previously returned to him, shall again adjourn the proceedings of the Election to the following day, and so from day to day until all the said Poll Books have been returned to him :

Reason of adjournment to be proclaimed.

2. In proclaiming such adjournment he shall publicly assign the reason thereof, and shall in no case continue the said adjournment to so late a day as to prevent his returning the Writ of Election on the day appointed for that purpose ; and he shall in no case adjourn such proceedings to a Sunday or to any of the Holidays hereinbefore mentioned, but if the case occurs he shall adjourn the proceedings to the day next after such Sunday or Holiday. 12 V. c. 27, s. 24.

Adjournment not to be to any Sunday or Holiday.

Indenture to be executed and one copy returned with the writ.

**67.** Immediately after any Election is closed by the Proclamation to be made by the Returning Officer as aforesaid, of the person or persons duly elected, the Returning Officer shall forthwith execute under his hand and seal, and the hands and seals of at least three Electors, an Indenture of the Election in the form O of the said Schedule ; and such Indenture shall be in duplicate or in triplicate, as the case may require, and one copy shall be delivered by the Returning Officer to each person so elected, and the Returning Officer shall transmit one copy thereof to the Clerk of the Crown in Chancery, with the return of the Writ of Election. 12 V. c. 27, s. 25.

Proceedings in case any Poll Book is stolen, lost or destroyed.

**68.** In case any Poll Book is stolen or taken from its lawful place of deposit for the time being, or has been lost or destroyed, or otherwise placed beyond the reach of the Deputy-Returning Officer to whom the custody of such Poll Book for the time being belonged, at any time before he has made his return of the same to the Returning Officer, such Deputy-Returning Officer shall attend personally on the Returning Officer and report to him the fact of such loss of the said Poll Book, and the Poll Clerk of such Deputy-Returning Officer, so soon as he is informed of such loss personally or by letter, either by or from such Deputy-Returning Officer, or the Returning Officer himself, or has other good reasons for believing that such loss has occurred, shall forthwith attend personally on such Returning Officer :

2. The Returning Officer shall examine such Deputy-Returning Officer and Poll Clerk upon oath or affirmation, as the occasion may require, as to such loss of the said Poll Book and the contents thereof, which examination shall be taken down by him in writing, and be subscribed by such Deputy-Returning Officer and Poll Clerk, and annexed to the Return in lieu of such Poll Book ; And the number of votes which the said Returning Officer shall by this means find to have been recorded in such Poll Book for each Candidate at such Election, shall be included in his summing up of the Votes of such Election, as if the same had been taken from such Poll Book ;

Examination of Deputy Returning Officer and Poll Clerk, &c.

3. If either the Deputy-Returning Officer or the Poll Clerk omits to attend on such Returning Officer as hereby required, or refuses to be sworn or affirmed by such Returning Officer as aforesaid, he shall be subject to a penalty of two hundred dollars, and in the case of such refusal to be sworn or affirmed as aforesaid, shall and may be committed by the said Returning Officer to the common Gaol of the County or District, until thence discharged by an order in that behalf made by that House of the Legislature for a Member of which the Election was had. 12 V. c. 27, s. 26.

Punishment of Deputy Returning Officer or Poll Clerk refusing to attend or be sworn.

69. When the Returning Officer having received any Poll Book, or any document connected with the Election, has reason to believe that the same has been altered, injured or obliterated, or that additions have been made thereto, he shall adjourn proceedings and establish the true facts in the manner above provided in case of the loss of any Poll Book. 22 V. c. 82, s. 19.

Duty of Returning Officer believing any Election Documents to be altered, &c.

70. Each Returning Officer shall make or cause to be made exact copies of all the Poll Books returned to him by his several Deputies, and within ten days after the closing of the Election, shall deposit such copies duly certified by him in the Office of the Registrar of deeds and titles for that County or part of a County within which the place where the nomination of the Candidates at such Election was made, is situate ; and the said Registrar shall allow inspection thereof to any person who may demand the same on payment of a fee of twenty cents ; and shall allow such person to take copy of the same at his own expense :

Returning Officers to have copies of the Poll Books made and deposit the same.

To be open to the public.

Fee.

2. The Returning Officer shall also then transmit the originals of the said Poll Books, with the Writ of Election and his return thereupon, to the Clerk of the Crown in Chancery, within fifteen days after the closing of the Election ; and the said original Poll Books, with the affidavits and certificates hereinabove required, shall in all cases be *prima facie* evidence of the truth of the allegations therein contained. 12 V. c. 27, s. 27.

Originals to be returned with the writ of Election.

Their effect as evidence.

Copies of the lists of voters used to be sent to Clerk of the Crown with the writ.

**71.** The Returning Officer shall forward to the Clerk of the Crown in Chancery, with his return to the Writ of Election, copies of the lists of voters used at that election, duly certified as such by him. 22 V. c. 82, s. 18.

KEEPING THE PEACE AND GOOD ORDER AT ELECTIONS.

Returning Officer and his Deputies to be Conservators of the Peace, during a certain time.

**72.** From the time when any Returning Officer or Deputy-Returning Officer has taken and subscribed the Oath of Office as such, until the day next after the final closing of such Election, such Returning Officer or Deputy-Returning Officer, respectively, shall be a Conservator of the Peace, and invested, for the maintenance of the peace, for the arrest, detention or admission to bail, trial and conviction of any person or persons who break the law or trouble the peace, with the same powers with which Justices of the Peace are invested in this Province :

They may require the aid of Justices of the Peace, Constables, &c., and swear in Special Constables.

2. And for the maintenance of the peace and of good order at such Election, each such Returning Officer or Deputy-Returning Officer, respectively, may require the assistance of all Justices of the Peace, Constables, and other persons present at the Election, whether at the Hustings or at any Polling place, to aid him in so doing, and may also swear in so many Special Constables as he deems necessary ;

May arrest disturbers, or order them to be arrested for a certain time.

3. And each such Returning Officer or Deputy-Returning Officer, respectively, may arrest or cause to be arrested by verbal order, and may place in the custody of one or more Constables or other persons, for such time as in his discretion he deems expedient, any person disturbing the peace and good order, or may cause such person to be imprisoned for any such offence, under an order signed by him, until any period not later than the final closing of the Election or of the Poll, respectively ; which order, whether given verbally or in writing, all persons shall obey without delay, under a penalty, for any refusal or neglect so to do, of twenty dollars ;

Such detention not to prevent other punishment.

4. And no such arrest, detention or imprisonment shall in any manner exempt the person so arrested, detained, confined or imprisoned, from any pains or penalty to which he has become liable by reason of any thing by him done contrary to the true intent and meaning of this Act or otherwise. 12 V. c. 27, s. 50.

Special Constables to be sworn in certain cases.

**73.** On a requisition in writing made by any Candidate or by his Agent, or by any two or more Electors, any Returning Officer or Deputy-Returning Officer shall swear in such Special Constables. 12 V. c. 27, s. 51.

Returning Officer or his Deputy, may demand the surrender of all arms.

**74.** Any Returning Officer or Deputy-Returning Officer may, during any part of the days whereon any such Election is to be begun, holden or proceeded with, or on which any Poll for such Election is to be begun, holden or proceeded with,

demand and receive from any person whomsoever, any offensive weapon, such as fire-arms, swords, staves, bludgeons, or the like, with which any such person is armed, or which any such person has in his hands or personal possession :

2. And every such person, who upon such demand, declines or refuses to deliver up to such Returning Officer or Deputy-Returning Officer, any such offensive weapon as aforesaid, shall be deemed guilty of a misdemeanor, punishable by fine not exceeding twenty dollars, or imprisonment not exceeding three months, or by both, in the discretion of the Court whose duty it is to pass the sentence of the law upon such person, upon his conviction. 12 V. c. 27, s. 52.

Penalty for refusing to surrender the same.

75. Every person convicted of a battery committed during any part of the days whereon any such Election is to be begun, holden, or proceeded with, or on which any Poll for such Election is to be begun, holden, or proceeded with, within the distance of two miles of the place where such Election or such Poll is to be begun, holden, or proceeded with, shall be deemed guilty of an aggravated assault, and shall be punished accordingly. 12 V. c. 27, s. 53.

Certain batteries during election time to be deemed aggravated assaults.

76. No Candidate for the representation of any Electoral Division shall with intent to promote his Election, nor shall any other person, with intent to promote the Election of any such Candidate, either provide or furnish entertainment at the expense of such Candidate or other person, to any meeting of Electors assembled for the purpose of promoting such Election, previous to or during the Election at which he is a Candidate, or pay for, procure or engage to pay for any such entertainment ;

Entertainment not to be furnished to electors.

2. Except only that nothing herein contained shall extend to any entertainment furnished to any such meeting of Electors, by or at the expense of any person or persons at his, her or their usual place of residence. 12 V. c. 27, s. 57.

Except at the residence of the party furnishing it.

77. Except the Returning Officer for such Election, or his Deputy for such Parish, Township or Union of Townships, or Ward, or the Poll Clerk for such Parish, Township or Union of Townships, or Ward, or one of the Constables or Special Constables appointed by such Returning Officer or his Deputy, for the orderly conduct of such Election or Poll, and the preservation of the public peace thereat, no person who hath not had a stated residence in such Parish, Township or Union of Townships, or Ward, for at least six months next before the day of such Election, shall come during any part of the days upon which such Poll is to remain open, into such Parish, Township or Union of Townships, or Ward, armed with offensive weapons of any kind, as fire-arms, swords, staves, bludgeons, or the like ; nor shall any person whomsoever being in such Parish, Township, Union of Townships or

With certain exceptions, no stranger shall come armed into any parish, &c., while the Poll is open therein.

Nor shall any armed person

approach with-  
in two miles of  
the Poll.

Ward, arm himself during any part of either of such days with any such offensive weapons, and thus armed approach within the distance of two miles of the place where the Poll for such Parish, Township or Union of Townships, or Ward is held, unless called upon to do so by lawful authority. 12 V. c. 27, s. 58.

Party ensigns,  
flags, &c., not  
to be carried  
during any  
election or  
within eight  
days before it.

**78.** No Candidate for the representation of any Electoral Division, 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 Division, on the day of Election, or within eight days before such day or during the continuance of such Election, by such person or any other, as a party flag, to distinguish the bearer thereof and those who might 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 Division on the day of any such Election, or within eight days before such day, or during the continuance of such Election. 12 V. c. 27, s. 59.

Party badges,  
&c., not to be  
used during a  
like time.

**79.** No Candidate for the representation of any Electoral Division, or any other person, shall furnish or supply any ribbon, label, or the like favor, to or for any person whomsoever, with intent that the same should be worn or used within such Electoral Division on the day of Election, 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 favor, as such badge, within such Electoral Division, on the day of any such Election, or within eight days before such day, or during the continuance of such Election. 12 V. c. 27, s. 60.

Punishment  
for contra-  
vening the  
four next pre-  
ceding sections.

**80.** 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 six months, or by both, in the discretion of the Court passing the sentence of the law upon such person upon his conviction. 12 V. c. 27, s. 61.

All taverns,  
&c., to be  
strictly closed  
during the  
polling days.

**81.** Every hotel, tavern, and shop in which spirituous or fermented liquors or drinks are ordinarily sold, shall be closed during the two days appointed for polling in the wards or municipalities in which the polls are held, in the same manner as it should be on Sunday during Divine Service, and no spirituous or fermented liquors or drinks shall be sold or given

during the said period,—under a penalty of one hundred dollars against the keeper thereof if he neglects to close it, and under a like penalty if he sells or gives any spirituous or fermented liquors or drinks as aforesaid. 22 V. c. 82, s. 13.

PREVENTION OF CORRUPT PRACTICES AT ELECTIONS.

**82.** No Candidate at any Election shall, directly or indirectly, employ any means of corruption, by giving any sum of money, office, place, employment, gratuity, reward, or any bond, bill, or note or conveyance of land, or any promise of the same, nor shall he either by himself or his authorized Agent for that purpose, threaten any Elector of losing any office, salary, income or advantage, with the intent to corrupt or bribe any Elector to vote for such Candidate, or to keep back any Elector from voting for any other Candidate, nor shall he open and support, or cause to be opened and supported at his costs and charges, any house of public entertainment for the accommodation of the Electors; And if any Representative returned to Parliament is proved guilty before the proper Tribunal, of using any of the above means to procure his Election, his Election shall thereby be declared void, and he shall be incapable of being a Candidate, or being elected or returned during that Parliament. 12 V. c. 27, s. 54.

Provisions against bribery and corruption

Punishment of members against whom bribery or corruption is proved.

**83.** Any person who gives or causes to be given, or loans any sum of money, or gives any office, place or employment, gratuity or reward, or any bond, bill or note, or conveyance of land, or other property, or promise of the same to any Elector, in consideration of or for the purpose of corrupting him to give his vote for any Candidate, or to forbear to give his vote to any Candidate, or as a compensation to any Elector for his loss of time or expenses in going to or returning from voting, or on any other pretence whatsoever, and any voter who accepts the same for the aforesaid purpose, shall forfeit and pay a sum not less than twenty dollars nor more than two hundred dollars, in the discretion of the Court having jurisdiction of the same, with costs of suit, and which may be sued for and recovered by action or plaint in any Court of Record in this Province, having competent jurisdiction. 12 V. c. 27, s. 55.

Penalty on parties giving or receiving corruptly any consideration for voting.

How recoverable.

**84.** Upon its being proved before the proper Tribunal of the Legislative Council or Assembly, at the trial of any contested Election, that any Elector voting at the said Election was bribed to give his vote, the name of such voter shall be struck from the Poll Book. 12 V. c. 27, s. 56.

Votes corruptly given to be struck off the Poll Book.

PENALTIES AND PUNISHMENTS.

**85.** If any person steals, or unlawfully or maliciously, either by violence or stealth, takes from any Deputy-Returning Officer or Poll Clerk, or from any other person having the

Persons stealing or unlawfully taking or falsifying docu-

ments relating to elections, &c.

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 stealing, taking, destroying, injuring or obliterating, or in making any erasure, addition of names, or interlineation of names, in, to or upon, any List of Voters or any Writ of Election, or any Return to a Writ of Election, or any Indenture, Poll Book, Certificate, or Affidavit, or any other 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 being convicted thereof, shall be liable at the discretion of the Court to be imprisoned in the Provincial Penitentiary, for any term not exceeding seven years nor less than two years, or to be imprisoned in any other place of confinement for any term less than two years, or to suffer such other punishment by fine or imprisonment or both as the Court shall award; And it shall not, in any indictment for any such offence, be necessary to allege that the article in respect of which the offence is committed is the property of any person, or that the same is of any value. 22 V. c. 82, s. 17, *and also* 12 V. c. 27, s. 62.

To be guilty of felony, &c., how punishable.

Certain averments not requisite in the indictment.

Abettors punishable as principals.

**§6.** Every person who aids, abets, counsels, or procures the commission of any misdemeanor under this Act, shall be liable to be indicted and punished as a principal offender. 22 V. c. 82, s. 21.

How penalties under this Act shall be recoverable.

**§7.** All penalties 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 this Province having competent jurisdiction; and in default of payment of the amount which the offender is condemned to pay, within the period to be fixed by such Court, such offender shall be imprisoned in the Common Gaol of the place until he has paid the amount which he has been so condemned to pay, and the costs:

Payment thereof how enforced.

What it shall be sufficient to state in the declaration.

2. 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 had acted contrary to this Act, without mentioning the Writ of Election or the Return thereof;

And in any indictment under this Act.

3. It shall be sufficient in any indictment or information for any offence committed contrary to this Act, to allege the particular offence charged upon the defendant, and that the defendant is guilty thereof, without mentioning the Writ of

Election or the Return thereof, or the authority of the Returning Officer founded upon any such Writ of Election ;

4. 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 ;

On the trial, writ, &c., need not be produced.

5. Every action, suit or information given by this Act, shall be commenced within the space of nine months next after the fact committed, and not afterwards. 12 V. c. 27, s. 64.

Limitation of suits under this Act.

88. Every person taking any Oath or Affirmation under this Act, who wilfully swears or affirms falsely, shall be deemed guilty of perjury. 22 V. c. 82, s. 20.

False swearing to be perjury.

#### FEES AND EXPENSES.

89. The Fees hereinafter mentioned, and no other, 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 at Elections.

#### TO THE RETURNING OFFICER.

For attendance on the day of opening the Election, eight dollars ;

Returning Officer.

For attendance on the day of closing the Election, when polls have been taken, eight dollars ;

For an Election Clerk, for each of those two days when attendance is required, four dollars ;

For two Constables, on each of those two days, each *per diem* one dollar ;

For each Copy of Proclamation or Notification of Election, required by law to be posted, whether in English and French, or in English only, fifty cents ;

For each Commission appointing Deputy-Returning Officers and an Election Clerk, fifty cents ;

For each Warrant to Deputy-Returning Officer to take the Poll, fifty cents ;

For each Indenture, one dollar ;



For each mile actually and necessarily travelled for attending the place of Election, for posting Proclamations or Notifications, and for transmitting Commissions to Deputies, and Election Clerk, and Poll Books, ten cents ;

For each Poll Book furnished to Deputies, one dollar ;

For each copy of the same, (and when such Copy is furnished by him to any Elector to be paid for by such Elector), at five cents per folio of a hundred words ;

Certain disbursements allowed.

The Returning Officer to be allowed the actual reasonable expenses incurred by him in providing Hustings or places for holding Elections, and such reasonable expenses as are incurred in transmitting Poll Books and Returns to the Clerk of the Crown in Chancery.

TO EACH DEPUTY-RETURNING OFFICER.

Deputy Returning Officer, &c.

For each day of holding the Poll, four dollars ;

For the Commission appointing a Poll Clerk, fifty cents ;

For a Poll Clerk, each day, two dollars ;

To the Deputy and Clerk respectively, for each mile actually and necessarily travelled to and from the place of polling for the purpose of taking the oaths required by law, ten cents ;

For two Constables, each *per diem*, one dollar ;

For each mile actually and necessarily travelled for transmitting Poll Books and Returns to the Returning Officer, ten cents ;

The reasonable and actual expenses incurred in providing Hustings or Polling places to be allowed ;

Mileage to Justices of the Peace in certain cases.

When the attendance of any Justice of the Peace is required to administer the oaths to be taken in a public manner by the Deputy-Returning Officer and Polling Clerks, such Justice of the Peace to be allowed for each mile actually and necessarily travelled by him, in going and returning, (to be charged in the account of the Returning Officer,) ten cents ;

How the said allowances shall be paid and accounted for.

Which said fees, allowances and disbursements shall be paid over to the Returning Officer, by Warrant of the Governor, directed to the Receiver General, out of the Consolidated Revenue Fund of the Province, 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 of the Province through the Provincial Secretary thereof. 12 V. c. 27, s. 66.

## MISCELLANEOUS PROVISIONS.

90. Any person before whom it is hereby required that any oath be taken, or any affirmation made in the manner herein provided, shall administer such oath or affirmation gratuitously. 12 V. c. 27, s. 63.

Oaths, &c., under this Act, to be administered gratuitously.

91. One copy 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 and every Returning Officer throughout Canada. 12 V. c. 27, s. 67.

To whom copies of this Act shall be sent.

92. The expression "Electoral Division" in this Act, means any County, or other place or portion of this Province, entitled to return a Member to either House of the Provincial Parliament, unless the context shows that it applies only to an Electoral Division for the Legislative Council. 19, 20 V. c. 140.

Meaning of term "Electoral Division."

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## SCHEDULE.

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### 1.

FORM A, REFERRED TO IN THE THIRTY-FIRST SECTION OF THIS ACT.

*Proclamation of the Returning Officer fixing the time and place for the opening of the Election, and also the day for opening the Poll.*

### PROCLAMATION.

County (Riding, City, Town or Electoral Division, as the case is) of \_\_\_\_\_, to wit :

Public Notice is hereby given to the Electors of the County, (or as the fact is) of \_\_\_\_\_, that in obedience to Her Majesty's Writ to me directed, and bearing date the \_\_\_\_\_ day of the month of \_\_\_\_\_, I require the presence of the said Electors at \_\_\_\_\_ in the Parish (or Township, or in the City or Town) of \_\_\_\_\_ (here describe the place distinctly, whether the Election be for a County or for any other Electoral Division), on the \_\_\_\_\_ day of the month of \_\_\_\_\_, at \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon, for the purpose of electing a person (or persons, as the case may be), to represent them in the Legislative Council (or Legislative Assembly) of this Province; 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 Parish of \_\_\_\_\_, (or in the Township of \_\_\_\_\_ or in the \_\_\_\_\_ Ward, or in the part of the Parish of \_\_\_\_\_, or in the part of the Township of \_\_\_\_\_, as the case requires. (*Here, mention each of the Parishes, Townships, Wards, parts of Parishes or Townships, in which a Polling place is to be opened and kept according to law.*) Of all which every person is hereby required to take notice and to govern himself accordingly.

Given under my hand, at \_\_\_\_\_, this \_\_\_\_\_ day of the month of \_\_\_\_\_, in the year \_\_\_\_\_

(Signature) A. B.

Returning Officer.

2.

OATH NO. 1, REFERRED TO IN THE THIRTY-SECOND SECTION OF THIS ACT.

*Oath of the Returning Officer.*

I, the undersigned, A. B., Returning Officer for the County (Riding, or as the fact is) 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 County (Riding, or as the fact is) of \_\_\_\_\_, and that I will act faithfully in that capacity, without partiality, fear, favor or affection. So help me God.

(Signature) A. B.

Returning Officer.

3.

FORM B, REFERRED TO IN THE THIRTY-SECOND SECTION OF THIS ACT.

*Certificate of the Returning Officer having taken the Oath of Office.*

I, the undersigned, hereby certify that on the \_\_\_\_\_ day of the month of \_\_\_\_\_, A. B., the Returning Officer for the County (or as the fact is) of \_\_\_\_\_ took, and subscribed before me the Oath (or affirmation) of office in

such case required of a Returning Officer by the thirty-second Section of the sixth chapter of the Consolidated Statutes of Canada.

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

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

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4.

FORM C, REFERRED TO IN THE THIRTY-THIRD SECTION OF THIS ACT.

*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 County (*or as the fact is*) 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 County (*or as the fact is*) of \_\_\_\_\_, which Election will be opened by me on the day of the month of \_\_\_\_\_

Given under my hand, at \_\_\_\_\_, this \_\_\_\_\_ day of the month of \_\_\_\_\_, in the year \_\_\_\_\_

(Signature) A. B.  
Returning Officer.

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5.

OATH NO. 2, REFERRED TO IN THE THIRTY-THIRD SECTION OF THIS ACT.

*Oath of the Election Clerk.*

I, the undersigned, E. F., appointed Election Clerk for the County (*or as the fact is*) of \_\_\_\_\_, solemnly swear, (*or, if he be one of the persons permitted by law to affirm, 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, favor or affection. So help me God.

(Signature) E. F.  
Election Clerk.

## 6.

FORM D, REFERRED TO IN THE THIRTY-THIRD SECTION OF THIS ACT.

*Certificate of the Election Clerk having taken the Oath of Office.*

I, the undersigned, hereby certify that on the day of the month of \_\_\_\_\_, E. F., Election Clerk for the County (or as the fact is) of \_\_\_\_\_, took and subscribed before me the Oath (or affirmation) of office required in such case of an Election Clerk, by the thirty-third Section of the sixth chapter of the Consolidated Statutes of Canada.

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.

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## 7.

FORM E, REFERRED TO IN THE THIRTY-FOURTH SECTION OF THIS ACT.

*Proclamation which the Returning Officer is to cause to be read, at the Hustings, on the day of the opening of the Election.*

OYEZ. OYEZ. OYEZ.

All persons are commanded and strictly enjoined to keep silence while Her Majesty's Writ for the present Election is publicly read, under the pains and penalties in such case provided.

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## 8.

FORM F, REFERRED TO IN THE FORTY-FOURTH SECTION OF THIS ACT.

*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 County (or as the fact is) of \_\_\_\_\_ I have appointed and do hereby appoint you to be Deputy-

Returning Officer, (*or* one of the Deputy-Returning Officers, *as the fact is*) for the Parish of \_\_\_\_\_, *or*, for the Township of \_\_\_\_\_, *or*, for the \_\_\_\_\_ Ward, *or* for part of the Parish of \_\_\_\_\_, *or*, for part of the Township of \_\_\_\_\_, *as the fact is*, in the said County, (*or as the fact is*), there to take and record the Votes of the Electors according to law, at the Polling place to be by you opened and kept for that purpose.

Given under my hand, at \_\_\_\_\_, this \_\_\_\_\_ day of the month of \_\_\_\_\_, in the year \_\_\_\_\_

(Signature,) A. B.  
Returning Officer.

## 9.

OATH NO. 3, REFERRED TO IN THE FORTY-FOURTH SECTION OF THIS ACT.

*Oath of Deputy-Returning Officer.*

I, the undersigned, G. H., appointed Deputy-Returning Officer (*or*, one of the Deputy-Returning Officers, *as the fact is*) for the Parish of \_\_\_\_\_, *or*, for the Township of \_\_\_\_\_, *or*, for the \_\_\_\_\_ Ward, *or*, for part of the Parish of \_\_\_\_\_, *or*, for part of the Township of \_\_\_\_\_), in the County (*or as the fact is*) 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, favor, or affection. So help me God.

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

## 10.

FORM G, REFERRED TO IN THE FORTY-FOURTH SECTION OF THIS ACT.

*Certificate of the Deputy-Returning Officer (or, one of the Deputy-Returning Officers, as the fact is,) 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 Parish of \_\_\_\_\_, (*or*, for

the Township of \_\_\_\_\_, *or*, for the  
 Ward, *or*, for part of the Parish of \_\_\_\_\_,  
*or*, for part of the Township of \_\_\_\_\_), in the  
 County (*or as the fact is*) of \_\_\_\_\_ took  
 and subscribed the oath (*or* affirmation) of Office required in  
 such case of a Deputy-Returning Officer, by the forty-fourth  
 Section of the sixth chapter of the Consolidated Statutes of  
 Canada.

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.

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11.

FORM H, REFERRED TO IN THE FORTY-NINTH AND FIFTIETH  
 SECTIONS OF THIS ACT.

*Commission of a Poll Clerk.*

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

Know you, that in my capacity of Deputy-Returning Officer  
 (*or*, one of the Deputy-Returning Officers, *as the fact is*,)  
 for the Parish of \_\_\_\_\_, (*or*, for the Township of \_\_\_\_\_  
 the Parish of \_\_\_\_\_, *or*, for the \_\_\_\_\_ Ward, *or*, for part of  
 the Parish of \_\_\_\_\_, *or*, for part of the Township of \_\_\_\_\_  
 \_\_\_\_\_), in the County (Riding, City *or* Town) of \_\_\_\_\_  
 I have appointed and do hereby appoint you  
 to be Poll Clerk for the said Parish of \_\_\_\_\_ (*or*, for the  
 said Township of \_\_\_\_\_, *or*, for the said Ward, *or*,  
 for the said part of the Parish of \_\_\_\_\_, *or*, for the  
 said part of the Township of \_\_\_\_\_).

Given under my hand, at \_\_\_\_\_, this \_\_\_\_\_ day  
 of the month of \_\_\_\_\_, in the year \_\_\_\_\_

(Signature,) G. H.

Deputy-Returning Officer.

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## 12.

OATH NO. 4, REFERRED TO IN THE FORTY-NINTH SECTION OF THIS ACT.

*Oath of a Poll Clerk.*

I, the undersigned, I. J., appointed Poll Clerk for the Parish of \_\_\_\_\_, (or, for the Township of \_\_\_\_\_, or, for the \_\_\_\_\_ Ward, or, for part of the Parish of \_\_\_\_\_, or, for part of the Township of \_\_\_\_\_), in the County (Riding, City or Town) 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.

## 13.

FORM J, REFERRED TO IN THE FORTY-NINTH SECTION OF THIS ACT.

*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 Parish of \_\_\_\_\_ (or, for the Township of \_\_\_\_\_, or, for the \_\_\_\_\_ Ward, or, for part of the Parish of \_\_\_\_\_, or, for part of the Township of \_\_\_\_\_), in the County (or as the fact is) of \_\_\_\_\_, took and subscribed before me the oath (or affirmation) of office required of a Poll Clerk in such cases by the forty-ninth Section of the sixth chapter of the Consolidated Statutes of Canada.

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.,  
Deputy-Returning Officer.



## 14.

FORM K, REFERRED TO IN THE FORTY-SEVENTH SECTION OF THE ACT.

*Warrant of the Returning Officer to each of his Deputies, for opening and holding the Polls.*

County (or as the fact is) of .

To G. H. Deputy-Returning Officer (or, one of the Deputy-Returning Officers, as the fact is,) for the Parish of , (or, for the Township of , or for the Ward, or for part of the parish of , or for part of the Township of ), in the County (or as the fact is) of , to wit :

Whereas by Her Majesty's Writ to me directed, and bearing date the day of the month of , I am commanded to hold an election of Member (or Members) to represent the County (or as the fact is) of in the Parliament of this Province ; And whereas a Poll having been demanded, was granted by me according to law ; These are therefore to authorize and require you to open and hold the Poll of such Election for the Parish (or Township or Union of Townships, or Ward, or part of the Parish or Township) aforesaid, on the day of the month of , at nine o'clock in the forenoon, (*here, describe particularly the place at which the Poll is to be held*), and there to keep the said Poll open during the days and at the hours prescribed by law, and to take and record at the said Polling place, in a Book which you shall keep for that purpose in the manner by law provided, the votes of the Electors voting at the said Polling place, and to return to me the said Poll Book, signed with your hand and sealed with your seal, together with this Warrant, on or before the day of the month of

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

(Signature,) A. B.

Returning Officer.

15.

FORM L, REFERRED TO IN THE FORTY-SEVENTH SECTION OF THIS ACT.

FORM OF A POLL BOOK.

|                       |                      |                       |                           |         |                       |                                                                             |             |        |                                   |                      |
|-----------------------|----------------------|-----------------------|---------------------------|---------|-----------------------|-----------------------------------------------------------------------------|-------------|--------|-----------------------------------|----------------------|
| Number of the Voters. | NAMES OF THE VOTERS. | Their legal addition. | Their place of residence. | Owners. | Tenants or Occupants. | Description of Lots and Range, or Concession, or otherwise, as the fact is. | Objections. | Sworn. | Voters refusing to take the Oath. | NAMES OF CANDIDATES. |
|-----------------------|----------------------|-----------------------|---------------------------|---------|-----------------------|-----------------------------------------------------------------------------|-------------|--------|-----------------------------------|----------------------|

FORM M, REFERRED TO IN THE SIXTY-THIRD SECTION OF THIS ACT.

*Oath of the Poll Clerk after the closing of the Poll.*

I, the undersigned, Poll Clerk for the Parish of \_\_\_\_\_, (or for the Township of \_\_\_\_\_, or the Union of Townships of \_\_\_\_\_, or for the \_\_\_\_\_ Ward, or for part of the Parish of \_\_\_\_\_, or for part of the Township of \_\_\_\_\_), in the County (Riding, City or Town) 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 Poll Book kept in and for the said Parish of \_\_\_\_\_ (or as above, as the case may require,) under the direction of A. B., 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: and that the total number of voters polled in such Poll Book is the number of \_\_\_\_\_, whereof C. D., a Candidate, has polled \_\_\_\_\_ votes, E. F., a Candidate, has polled \_\_\_\_\_ votes (and so on, as the case may be), and that to the best of my knowledge and belief it contains a true and exact record of the votes given at the Polling Place in the said parish of \_\_\_\_\_, (or as above, as the case may be) as the said votes were taken at the said Poll by the said Deputy-Returning Officer.

(Signature,) J. J.

*Poll Clerk.*

Sworn (or affirmed) and subscribed before me, at \_\_\_\_\_, this \_\_\_\_\_ day of the month of \_\_\_\_\_, in the year \_\_\_\_\_,

(Signature,) X. Y.

Justice of the Peace.

or

T. V.

Returning Officer.

or

A. B.

Deputy-Returning Officer.

## 17.

FORM N, REFERRED TO IN THE SIXTY-THIRD SECTION OF THIS ACT.

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

I, the undersigned, Deputy-Returning Officer, (or one of the Deputy-Returning Officers, as the case may be) for the Parish of (or for the Township of , or for the Ward, or for part of the Parish of , or for part of the Township of ), in the County (Riding, City or Town) 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 Poll Book kept for the said Parish of , (or as aforesaid, as the case may be) under my direction, hath been kept so correctly: and that the total number of votes polled in such Poll Book is the number of , whereof C. D., a Candidate, has polled votes, E. F., a Candidate, has polled votes, (and so on as the case may be), and that to the best of my knowledge and belief, it contains a true and exact record of the votes given at the Polling Place in the said Parish of , (or as above, as the case may be), as the said votes were taken at the said Polling Place.

(Signature,)

A. B.,

Deputy-Returning Officer.

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

(Signature,)

X. Y.

Justice of the Peace.

or

T. V.

Returning Officer.

or

A. B.

Deputy-Returning Officer.





ANNO VICESIMO-TERTIO

VICTORIÆ REGINÆ.

CAP. XVII.

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

[Assented to 19th May, 1860.]

**W**HEREAS corrupt and demoralizing practices are frequently resorted to at elections by candidates, their agents and others; and whereas the laws at present in force intended for the prevention of such practices have not been found effectual, and it is expedient that more stringent enactments be adopted: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

1. Sections eighty-two and eighty-three of chapter six of the Consolidated Statutes of Canada, are hereby repealed, and the following provisions substituted therefor:

Section 82 and 83 of Con. Stat. of Canada, repealed.

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

Certain acts to be bribery by Candidates, &c.

1. Every person who shall, directly or indirectly, by himself or by any other person on his behalf, give, lend, or agree to give or lend, or shall offer, promise, or promise to procure or endeavour to procure any money, or valuable consideration to or for any voter, or to or for any person on behalf of any voter, or to or for any other person, in order to induce any voter to vote or refrain from voting, or shall corruptly do any such act as aforesaid, on account of such voter having voted or refrained from voting at any election;

Giving money &c., to voters.

2. Every person who shall, directly or indirectly, by himself or by any other person on his behalf, give or procure, or agree to give or procure or offer, promise or promise to procure, or to

Procuring office, &c., for or to voters.

endeavour to procure any office, place or employment to or for any voter or to or for any person on behalf of any voter, or to or for any other person, in order to induce such voter to vote or refrain from voting, or shall corruptly do any such act as aforesaid, on account of any voter having voted or refrained from voting at any election ;

Or to or for persons, who can influence voters.

3. Every person who shall, 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 parliament, or the vote of any voter at any election ;

Corruptly influencing voters.

4. Every person who shall, upon or in consequence of any such gift, loan, offer, promise, procurement or agreement, procure or engage, promise or endeavour to procure the return of any person to serve in parliament or the vote of any voter at any election ;

Advancing or paying money for bribery purposes.

5. Every person who shall advance or pay or cause 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 at any election, or who shall knowingly pay or cause to be paid any money to any person in discharge or re-payment of any money wholly or in part expended in bribery at any election ;

Offence to be a misdemeanor.

Penalty.

Proviso.

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 *bond 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.

Certain acts by voters to be bribery.

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

Contracting to vote for money, &c.

1. Every voter who shall, before or during any election, directly or indirectly, by himself or by any other person on his behalf, receive, agree, or contract for any money, gift, loan or valuable consideration, office, place, or employment, for himself or for any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting at any election ;

Receiving money to vote, &c.

2. Every person who shall, after any election, directly or indirectly, by himself or by any other person on his behalf, receive any money or valuable consideration, on account of any

person having voted or refrained from voting, or having induced any other person to vote or to refrain from voting at any election ;

And any person so offending shall be guilty of a misdemeanour, 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. Penalty on bribers.

3. And whereas doubts may arise as to whether the hiring of teams and vehicles to convey electors 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 voters to or near or from the Poll or from the neighborhood thereof, at any election, or the payment by any candidate or by any person on his behalf of the travelling or other expenses of any voter in going to or returning from any election, shall be illegal acts, and the person so offending shall forfeit the sum of thirty dollars for each offence, to any person who shall sue for the same, together with full costs of suit;—And any elector who shall hire any horse, cab, cart, waggon, sleigh, carriage, or other conveyance, to any candidate or to any agent of a candidate for the purpose of conveying electors 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 thirty dollars to any person who shall sue for the same. Hiring vehicles to convey voters to poll, &c., to be illegal.  
And in Electors as well as Candidates.

4. Every person who shall, directly or indirectly, by himself or by any other person on his behalf, make use of or threaten to make use of any force, violence or restraint, or inflict, or threaten the infliction by himself or by or through any other person, of any injury, damage, harm or loss, or in any manner practise 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 shall, by abduction, duress, or any fraudulent device or contrivance, impede, prevent, or otherwise interfere with the free exercise of the franchise of any voter, or shall thereby compel, induce, or prevail 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 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. Persons using violence or intimidation at elections to be guilty of undue influence.  
Penalty.

5. 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 Select Committee, touching or concerning any election, or the conduct Persons not excused from answering before Committees, etc., on



the ground that answers may criminate them.

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 him, shall be used in any criminal proceeding against such person, other than an indictment for perjury, if the Judge, Commissioner, or Chairman of the Committee 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 Committee.

Contracts arising out of elections to be void.

6. Every executory contract or promise or undertaking, in any way referring to, arising out of, or depending upon any Parliamentary Election, 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.

Short Title of this Act.

7. This Act may be called and cited as "The Corrupt Practices Prevention Act, 1860."

QUEBEC :—Printed by S. DERBISHIRE & G. DESBARATS,  
Law Printer to the Queen's Most Excellent Majesty.

# SYNOPSIS

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| Holidays, poll not to be held on certain.....                                                                                                                                                       | 43   | 1      | 30       |
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| Lists of voters, their preparation, U. C. <i>And see</i> Registration of Votes, U. C.—                  |      |        |       |
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| When lists to be considered finally revised and corrected . . . . .                                     | 18   | 1      | 15    |
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| Chancellor and Vice Chancellor, U. C.....                                                                                                                                                                                                                                                                                                                                          | 1    | 1      | 3     |
| Judges Queen's Bench, L. C.....                                                                                                                                                                                                                                                                                                                                                    | 1    | 1      | 3     |
| Judges Queen's Bench and Common Pleas, U. C.—Judges Superior Court, L. C.—Judges Vice Admiralty Court, L. C.—Judge of any Court of Escheats—County and Circuit Judges—Commissioners of Bankrupts—Recorders of Cities—Officers of Customs—Clerks of the Peace—Registrars—Sheriffs—Deputy Sheriffs—Deputy Clerks of the Crown—Agents for Sale of Crown Lands—officers of Excise..... | 1    | 1      | 3     |
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| Returning Officer—Deputy Returning Officer—Election Clerk—<br>Poll Clerk—all persons acting for candidate under promise of reward..... | 2    | —      | 3     |
| Women.....                                                                                                                             | 3    | —      | 4     |
| Place and hour of Election.....                                                                                                        | 31   | 4      | 21    |
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| In townships not divided into wards—in cities and towns.....                                                                           | 38   | 2      | 27    |
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| Six days at least and not more than ten to elapse between day of opening election, and day of opening poll.....                        | 42   | 2      | 30    |
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| Not to be held on Sundays and certain Holidays.....                                                                                    | 43   | 1      | 30    |
| Day of opening to be the same in each division of County, City, &c.....                                                                | 43   | 2      | 30    |
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| To take oath of office—certificate thereof.....                                                                                        | 49   | 1      | 33    |

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| His duty.....                                                                                                                                         | 50   | 1      | 34    |
| To perform duty of Returning Officer in certain cases.....                                                                                            | 50   | 2      | 34    |
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| Oath to be taken by, at close of poll.....                                                                                                            | 63   | 1      | 38    |
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| Qualification of electors in cities and towns.....                                                                                                    | 4    | 1      | 4     |
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| Questions of, not to be raised at elections—exception.....                                                                                            | 6    | 5      | 7     |
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| Quebec, provision respecting polling places in city of.....                                                                                           | 40   | 1      | 28    |
| Wards in, to remain as now for election purposes, though altered for others.....                                                                      | 40   | 2      | 29    |
| Queen's Bench, Judges of Courts of, disqualified from voting.....                                                                                     | 1    | 1      | 3     |
| Recorders of cities disqualified from voting.....                                                                                                     | 1    | 1      | 3     |
| Registrars disqualified from voting.....                                                                                                              | 1    | 1      | 3     |
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| L. C., to be <i>ex officio</i> Returning Officers L. A. in the counties.                                                                              | 21   | 1      | 17    |
| U. C., to be Returning Officers L. A. where no sheriffs.....                                                                                          | 22   | 1      | 18    |
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| In cities and towns, clerks to make a separate list for each ward                                                                                     | 6    | 1      | 6     |
| How lists to be made when municipalities is partly in one electoral division and partly in another.....                                               | 6    | 1      | 6     |
| Clerk to certify by oath correctness of lists, and deliver a duplicate to Clerk of Peace—period within which lists to be completed and delivered..... | 6    | 2      | 7     |
| Failure to complete and deliver lists not to render them void—penalty in case clerk omits to deliver lists on day fixed.                              | 6    | 3      | 7     |
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| Description of all properties, their value, and the names of owners or tenants to be entered on Assessment Roll....                           | 9    | 2      | 8     |
| Payments in produce, &c., to be deemed part of rent.....                                                                                      | 9    | 3      | 9     |
| Roll to be certified on oath—form of oath.....                                                                                                | 9    | 4      | 9     |
| Rolls to be revised annually and delivered to Secretary-Treasurer of Municipality.....                                                        | 10   | —      | 9     |
| Clerk or Secretary-Treasurer to make voters' lists in accordance with Roll—as regard cities' clerk to make a separate list for each ward..... | 11   | 1      | 10    |
| When municipality partly in one electoral division and partly in another.....                                                                 | 11   | 2      | 10    |
| Clerk or Secretary-Treasurer to certify correctness of lists on oath, to file them, and deliver certified copies to Registrar of County.....  | 11   | 3      | 10    |
| Clerk or Secretary-Treasurer to revise lists annually.....                                                                                    | 11   | 4      | 10    |
| And keep a copy posted in his office.....                                                                                                     | 11   | 5      | 10    |
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| How revised in cities.....                                                                                                                    | 12   | 2      | 11    |
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| Where no one <i>ex officio</i> , or where one otherwise authorized is disqualified, Governor may appoint.....                                 | 21   | 3      | 17    |
| For Legislative Assembly, Sheriffs to be <i>ex officio</i> , U. C. in Counties, Union of Counties and Towns.....                              | 22   | 1      | 18    |
| Where no Sheriff Registrar to be, U. C.....                                                                                                   | 22   | 1      | 18    |
| If more than one <i>ex officio</i> Returning Officer, writ may be directed to either, U. C.....                                               | 22   | 3      | 18    |
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| Qualification of person so appointed.....                                                                                                     | 25   | 1      | 19    |
| Penalty for acting without qualification.....                                                                                                 | 25   | 2      | 19    |
| Certain persons excluded from serving as Returning Officers, Deputy Returning Officers, Election Clerk or Poll Clerk.....                     | 26   | —      | 20    |
| Certain persons not obliged to act as Returning Officers, Deputy Returning Officer, Election Clerk or Poll Clerk.....                         | 27   | —      | 20    |
| Penalty on refusing to act as, when not exempt.....                                                                                           | 28   | —      | 20    |
| On receipt of writ to endorse thereon date of reception.....                                                                                  | 31   | 1      | 21    |
| Within eight days of receipt to fix the place, hour and day of Election by Proclamation.....                                                  | 31   | 2      | 21    |
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| To take an oath of office—Penalty on neglecting.....                                                                                          | 32   | —      | 22    |
| To appoint Election Clerk.....                                                                                                                | 33   | 1      | 23    |
| May appoint another in certain cases.....                                                                                                     | 33   | 4      | 23    |
| His duty on nomination day.....                                                                                                               | 34   | 1      | 24    |
| If no Poll demanded, to close Election and proclaim person chosen by show of hands elected.....                                               | 34   | 2      | 24    |
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| Penalty for refusing.....                                                                                                                     | 37   | 4      | 27    |
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| May in U. C. select his deputy in certain cases.....                                                                            | 45   | 5       | 32    |
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| To see that his deputies are furnished with proper lists of voters                                                              | 48   | 1       | 33    |
| To procure such lists when requisite.....                                                                                       | 48   | 2       | 33    |
| And charge for them.....                                                                                                        | 48   | 3       | 33    |
| On closing day, to ascertain the state of the poll, and proclaim the person having the majority of votes, elected.....          | 65   | —       | 39    |
| But if all the poll books are not returned he must adjourn the proceedings.....                                                 | 66   | 1       | 40    |
| How he shall proclaim adjournment.....                                                                                          | 66   | 2       | 40    |
| After close of election to execute an Indenture, and return one copy with Writ.....                                             | 67   | —       | 40    |
| If poll books be lost, to examine his deputy as to number of votes                                                              | 68   | 2       | 41    |
| What he shall do if poll books be injured, &c.....                                                                              | 69   | —       | 41    |
| To deposit copies of poll books with Registrar.....                                                                             | 70   | 1       | 41    |
| And transmit originals with Writ of Election.....                                                                               | 70   | 2       | 41    |
| To forward with Writ copies of voters' lists.....                                                                               | 71   | —       | 42    |
| To be a conservator of the peace.....                                                                                           | 72   | 1       | 42    |
| May require aid of Justices of the Peace.....                                                                                   | 72   | 2       | 42    |
| May swear in special constables.....                                                                                            | 72   | 2       | 42    |
| May arrest and imprison disturbers of the peace.....                                                                            | 72   | 3       | 42    |
| When shall be bound to swear in special constables.....                                                                         | 73   | —       | 42    |
| May demand surrender of offensive weapons.....                                                                                  | 74   | 1       | 42    |
| Revision of voters' lists, L. C., Board of, how constituted.....                                                                | 12   | 1-2     | 10    |
| Powers of Board.....                                                                                                            | 12   | 3       | 11    |
| Forms of proceeding.....                                                                                                        | 13   | 4       | 12    |
| May hear evidence on oath, and compel attendance of witnesses.....                                                              | 13   | 5       | 12    |
| Proceedings to be summary.....                                                                                                  | 13   | 6       | 12    |
| Lists to be deemed finally revised after revision by Board.....                                                                 | 18   | 1       | 15    |
| in U. C. by proper authority or County Judge.....                                                                               | 6    | 6-8     | 7-8   |
| Saguenay, Writs of Election for County of, may be made returnable 90 days from their date.....                                  | 30   | —       | 21    |
| Proclamation of Election in county of, to be posted 20 days before day fixed for election.....                                  | 31   | 9       | 22    |
| Delay between opening of election and poll in county of.....                                                                    | 42   | 3       | 30    |
| Delay between closing of poll and closing of election in county of                                                              | 42   | 5       | 30    |
| Scrutiny of votes not to be allowed by Returning Officer.....                                                                   | 59   | —       | 37    |
| Secretary-Treasurer of Municipality, L. C., his duty as regards voters' lists—to make lists in accordance with assessment roll. | 11   | 1       | 10    |
| To certify their correctness, file them and deliver copies to Registrar.....                                                    | 11   | 3       | 10    |
| To revise lists annually.....                                                                                                   | 11   | 4       | 10    |
| And keep copies posted in his office.....                                                                                       | 11   | 5       | 10    |
| To furnish copies of lists as finally revised to deputy returning officers in municipality.....                                 | 16   | 1       | 14    |
| Failing to complete lists a Clerk <i>ad hoc</i> to be appointed—powers and liabilities of such Clerk.....                       | 17   | 3       | 15    |
| <i>And see</i> Registration of Voters, L. C.                                                                                    |      |         |       |
| Sheriffs and their deputies disqualified from voting.....                                                                       | 1    | 1       | 3     |
| In what cases to be <i>ex officio</i> returning officers of members of L. A. in L. C. for cities and towns.....                 | 21   | 1       | 17    |
| And in U. C.....                                                                                                                | 22   | 1, 4, 5 | 18-19 |
| Special Constables, may be sworn in.....                                                                                        | 72   | 2       | 42    |
| May be sworn in, on requisition of candidate or two electors..                                                                  | 73   | —       | 42    |
| Stealing documents relating to Election to be felony.....                                                                       | 85   | —       | 45    |
| Strangers not to come armed into any parish, &c., while poll is open.                                                           | 77   | —       | 43    |
| Penalty in such case.....                                                                                                       | 80   | —       | 44    |

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| Suits under this Act, Writ of Election need not be produced in . . . .                                      | 87   | 4      | 47    |
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| Sundays, poll not to be held on . . . . .                                                                   | 43   | —      | 30    |
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| Taverns, to be closed during polling days . . . . .                                                         | 81   | —      | 44    |
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| Town Clerks in U. C. to act as deputy returning officers . . . . .                                          | 45   | 1      | 31    |
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| Towns and villages not divided into wards, as to deputy returning officers in . . . . .                     | 45   | 4      | 32    |
| Townships, U. C. attached to towns for representation purposes to be deemed wards thereof . . . . .         | 45   | 2      | 32    |
| In divided, who to be deputy returning officers . . . . .                                                   | 45   | 3      | 32    |
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| Union of townships in U. C., divided into wards to be deemed a township divided into wards . . . . .        | 38   | 3      | 27    |
| Usufructier of property in L. C., may vote as owner . . . . .                                               | 5    | 5      | 6     |
| <br>                                                                                                        |      |        |       |
| Valuators in L. C. appointed by the Governor neglecting to make valuation, others to be appointed . . . . . | 17   | 2      | 15    |
| Period allowed them for making valuation . . . . .                                                          | 17   | 2      | 15    |
| Vice-Chancellor, U. C., disqualified from voting . . . . .                                                  | 1    | 1      | 3     |
| Vice-Admiralty Court, L. C., Judge of, disqualified from voting . . . .                                     | 1    | 1      | 3     |
| Voters, qualification of. <i>See</i> Electors.                                                              |      |        |       |
| To be sworn in certain cases . . . . .                                                                      | 55   | 1      | 36    |
| Penalty for voting without taking oath when required . . . . .                                              | 55   | 2      | 36    |
| Refusal to take oath to be recorded . . . . .                                                               | 55   | 3      | 36    |
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| No stranger bearing, to come into parish while poll open . . . . .                                          | 77   | —      | 43    |
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