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# LIBERAL-CONSERVATIVE Handbook

# ELECTION LAWS

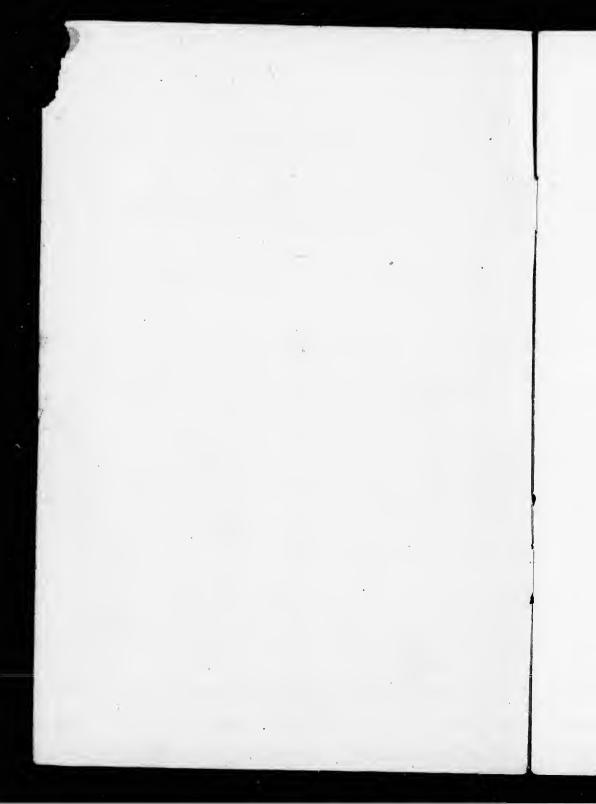
# The Dominion Election, 1900.

Issued for circulation among the Workers and Agents of the Liberal-Conservative Party of Nova Scotia.

JOHN A. MACK'NNON, BARRISTER, Secretary Liberal-Conservative Union of Nova Scotia. METROPOLE BUILDING

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# HINTS

# LIBERAL-CONSERVATIVE AGENTS AND ORGANIZERS, DOMINION ELECTIONS, 1900.

### GENERAL.

A general election is now pending, and the time has arrived when the members and friends of the Liberal-Conservative Party should prepare for the campaign in which they will shortly be engaged. The importance of organization cannot be over-estimated, and it should be the aim of all to make that organization as thorough and effective as possible.

In every polling district in each County the Liberal-Conservative electors should immediately meet and form a committee for the purpose of managing the work in the particular district. A chairman and a secretary should be appointed, and the names of the committee-men and of the chairman and secretary should at once be sent to the secretary of the Central County Organization.

The chairman of the district committee should at once obtain from the secretary of the central organization, copies of the voters list for his district, and should place them in the hands of thoroughly reliable persons so that the district may be carefully canvassed.

As soon as possible after the receipt of the lists they should be carefully gone over for the purpose of classifying the names of the voters thereon as nearly as possible, as follows :

- a. Persons certain to vote for Liberal-Conservative candidates.
- b. Persons certain to vote against our candidates.
- c. Doubtful.
- d. Voters absent from the district.

Be careful not to mark any voter for us without good reason. DO NOT TAKE ANYTHING FOR GRANTED.

Ascertain the present residence and political leanings of all absent voters.

Be most careful that no information regarding your making or classification of voters be given to friends of the other side. Secrecy is essential to success, and, that secrecy may be ensured, it is advisable that NO more than two lists be marked as suggested—that one of these be kept by the secretary for the district and the other sent as soon as possible by registered letter to the secretary of the Central County organization.

The District Committee should have regular meetings for the purpose of comparing notes and seeing that the canvass is being properly and thoroughly conducted.

Committee men should watch very carefully the proceedings of the persons working against our Candidates, and should report to the Central County organization. Any difficulties met with in the canvass or any influences found interfering with the canvass should also be carefully reported.

Chairmen of Committees should make up returns showing the result of their work up to Nomination Day, and should immediately send them to the Secretary of the Central County Organization.

Applications for special agents, or for the transfer of voters should be made to the Secretary of the Central County Organization not later than Nomination Day.

After Nomination Day Committees should make arrangements for getting out every available voter. Nothing should be left to chance. Each committee man should have allotted to him a certain number of voters, and he should be charged with the duty of having such voters brought to the polls.

Arrange for the manning of the polling booths. Two inside and Two outside Agents for *each* candidate should be appointed. Inside Agents must have written authority from the candidates whom they represent. The inside agents should be furnished with a *marked* voters' list, which should show what voters are to be sworn or objected to.

See that arrangements are made for polling the non-resident vote.

Arrange to have on election day, outside the polling booth, an agent with a voters' list, instructed to mark off the names of the voters who have come up, and have also a strong force of active workers to meet electors and instruct them how to mark their ballots.

### ELECTION DAY.

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# (References are to Dominion Elections Act, unless otherwise stated.)

#### INSTRUCTIONS FOR AGENTS.

The poll opens at 9 A. M. and closes at 5 P. M. Every Agent should be present at the booth at least 15 minutes before 9 o'clock, and see that his name as Agent is entered in the poll book by the Deputy returning officer. (Sec 59.)

The Agent, if he is to act in a polling section other than that in which he is registered, should, before election day, obtain from the returning officer a certificate of transfer. (Sec. 54.)

If agents have not written authority, two *electors* may act. (Sec. 53.) But agents with written authority have prior right, (Sec. 53.)

No person is entitled or permitted to be present in any booth other than the officers, candidates or agents authorized to attend at the polling place, except two agents to represent each candidate who has no agent. (Sec. 53.)

Deputy returning officers, poll clerks and agents shall, before the opening of the poll, take and subscribe the oath of secrecy required, which oath may be administered by the returning officer, deputy returning officer, or a Justice of the Peace. Insist on this, make note of agent's name and that he took oath. If oath is not taken make formal protest and note it. (Sec. 58)

It is advisable for agents to take the oath of secrecy before a Justice of the Peace before polling day, and when this is done the oath signed by the agent, and should be handed to the Deputy Returning. Officer, by agent upon entering the booth.

The deputy returning officer, must, immediately before the voting commences, exhibit the ballot box to those present in the booth, so that they may see that it is empty. He must then lock the box and keep it locked until the close of the poll.

Agents are entitled to have the packets of ballots intended for use carefully counted in their presence before opening poll and have the right to inspect them and all other papers and documents if agents are in attendance 15 minutes before the opening of poll. Inspect with utmost care. (Sec. 59.)

Examine the compartment where voters are to mark ballots, see that there is no chance of exhibiting the  $\mathbf{X}$  or of communication by window or otherwise with the outside. Examine the lead pencil, see that it is a black lead pencil (Sec. 72.)

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-If it is a very soft lead pencil, object that in folding or pressing, the ballot may be spoiled by duplicating cross. Demand proper lead pencil. Require the Deputy Returning Officer to make the change, tell outside scrutineer to caution our voters to use only a black lead pencil; if another color found in compartment, voter should demand black lead pencil and a new ballot if he has spoiled one.

Have a Voters' List, carefully prepared with notes, for your guidance, showing each voter you are to object to and to swear; also be prepared to sustain any of your own voters who may be objected to by the opposing Agent.

Check off your list each voter as he votes, and specially note those sworn. If any voter is objected to or sworn, or refuses to be sworn, the deputy returning officer must enter that fact in the poll book opposite his name, recording at the same time by or on behalf of which candidate the objection has been made.

Agents should remain on duty until all proceedings are closed. Do not go to dinner. Take lunch to poll. Do not consent to any adjournment. Object to it and remain at poll. Insist that the ballot box be on the table and kept there all the time in sight of all entitled to be present.

Do not allow yourself to be placed at a distance. Insist firmly on your right to be where you, on behalf of the Candidate you represent, can see that the law is carried out in every particular. Do not allow anything to be neglected. Have everything done strictly according to the statute even though you think it unimportant. Scrutinize every act and every person, including every official, You are entrusted with a very important duty. Be viligant first, last and always.

Remain in polling place until you have seen sections 80, 81, 82, 83 and sub-sections, strictly complied with, and until you have received Deputy Returning Officer's signed certificate, Form AA., of number of votes given for each Candidate and of number of ballots rejected. Very important.

See that the deputy returning officer and clerk both sign and swear to the affidavits "X" and "Y" of Dominion Elections Act, 1900, which are also attached to the poll book. This is important. ing or Deurning aution color pencil

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### WHO MAY VOTE.

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The right to vote at elections for the House of Commons of Canada is governed by the Dominion Franchise Act of 1898 and the Dominion Elections Act of 1900.

Section 5 of the Dominion Franchise Act 1898 contains the following provisions :

(a.) The qualifications necessary to entitle any person to vote at an election for the House of Commons in any Province shall be those established by the laws of that Province as necessary to entitle such person to vote in the same part of the Province at a provincial election;

(b.) The polling divisions shall be those established by or under the laws of that province for the purpose of provincial elections within the territory comprised in the electoral district for which such election is held;

(c.) The voters' lists shall be those prepared for the several polling divisions so established and which on the sixtieth day next preceding the day fixed for the nomination of candidates for such Dominion election were in force or were last in force under the laws of that province for the purposes of provincial elections.

Section 5 sub-paragraph (F) enacts that the provisions of the law of the province as to the place where non-resident electors shall vote shall supply the Dominion elections. Sections 64 and 65 of the Nova Scotia Elections Act provide that no elector shall be permitted to vote in more than one polling district or division in this province on the same day and that no elector having a right to vote in the County in which at the date of the election writ he resided shall be permitted to vote in any other County.

Apparently the effect of these provisions is that an elector can vote at Dominion elections in only one County on the same day in the Province of Nova Scotia.

At elections for the House of Assembly for this Province, certain persons holding Dominion offices are disqualified by section 67 of the Provincial Act above referred to. These disqualifications do not apply to elections for the House of Commons, as section 6 of the Dominion Franchise Act of 1898 contains the following provisions:

"No person possessed of the qualifications generally re-"quired by the provincial law to entitle him to vote at a pro-"vincial election, shall be disqualified from voting at a Dominion "election merely by reason of any provision of the provincial "law disqualifying from having his name on the list or from "voting."

## PERSONS DISQUALIFIED.

The following persons are disqualified by the Dominion Franchise Act of 1898, from voting at any Dominion election :

1. Judges of every Court whose appointment rests with the Governor General.

2. Persons disfranchised for corrupt practice under Sections 126 and 129 of the Dominion Election Act 1900.

3. Persons disfranchised for taking bribes under Chapter 14 of the Acts of 1894.

4. Returning Officers and Election Clerks, but not Deputy Returning Officers, Poll Clerks, or Constables. The Returning Officers may, however, vote in case of an equality between two candidates.

5. Any person who at any time, either before or during the election, has been or is employed at the same election or in reference thereto by any person as counsel, attorney, solicitor, agent or clerk at any polling place at any such election, or in any other capacity, and who has received or expects to receive, either before, during or after the said election from any person for acting in such capacity as aforesaid, any sum of money, fee, office, place or employment, or any promise, pledge or security for any sum of money, fee, office, place or employment.

# QUALIFICATION OF VOTERS ABSENT ON MILITARY SERVICE.

If otherwise qualified to vote, no person shall be disqualified by reason only of absence from Electoral District serving with or attached to any corps sent from Canada on military service, or performing such service within Canada, or acting as war correspondent.—Sec. 69. See form of oath Sub. Sec. 2. If owing to such absence his name is not on list, he may vote.—

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## OATHS OF QUALIFICATION.

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An Elector, if required by the deputy returning officer, poll clerk, candidates or agents, shall before receiving his ballot take such oath of qualification as by the law of the Province he may in like case at a Provincial Election be required to take, such changes having been made in the form of oath as are necessary to make it applicable to the election being held, and shall also, if so required take the oath in Form U. (See 65.)

The following are the Provincial Affidavits referred to :

#### OATH NUMBER ONE.

"I, A. B., do swear that I am qualified to vote at this election, that I am of the full age of twenty-one years, and am a British subject, that I reside at....., that I am the person named in the register as " (here recite the name as written or spelt in the register) " as I verily believe, and that I have not hefore given my vote at this election. So help me God."

#### OATH NUMBER TWO.

"I, A. B., do swear that I have not received by myself or another, or any person in trust for me, or to my use directly or indirectly, any sum of money, office, place, or emolument, or gift, reward, or any promise or security for any money, office, or employment, or gift, in order to give my vote at this election. So help me God."

#### OATH NUMBER THREE.

"I, A. B., do swear that I have not within twelve calendar months next before this day received aid as a pauper under any poor law of this Province, or aid as a poor person from any public grant of government money. So help me God."

## DOMINION FORM U.

You swear (or solemnly affirm)-

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

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

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

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

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

# Additional Clauses of Oaths for Special Cases.

### T.-(Section 64.)

### Oath of voter whose name omitted on account of Provincial Disqualifications.

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

### V.-(Section 74.)

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

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

### W.-(Section 75.)

Oath of voter unable to mark his ballot paper.

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

No voter who refuses to take any of the foregoing oaths shall receive a ballot or be admitted to vote. (Sec. 68.)

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#### VOTING.

The deputy returning officer on application of any voter, who is unable to read, or is incapacitated by blindness or other physical cause, from voting in the manner prescribed by the Act, shall permit him to vote only upon his taking the oath in the form W. (Sec. 75.)

The agent should insist on this oath being administered before a voter's ballot is marked for him. The deputy returning officer and one agent of each candidate should retire with the voter, after he has taken the above oath, to the voting compartment. The deputy returning officer should then ask the voter for whom he votes and mark the ballot accordingly in the presence of the agents, and should then forthwith deposit the ballot in the ballot, and also cause to be marked opposite the voter's nan. the reason why his ballot was marked for him. (Sec. 75.)

When a voter applies for a ballot in the name of a person who has already voted he shall be entitled to vote upon taking the oath "V," but the Deputy Returning Officer is to put his initials and the number opposite the elector's name in the poll book, and is to make a note of such second voting in the poll book. (Sec. 74.)

Each elector (if entitled to vote) shall receive from Deputy Returning Officer a ballot paper, on back of which Deputy Returning Officer has previously put his initials, so placed that when ballot is folded they can be seen,—and on counterfoil of which Deputy Returning Officer has placed a number corresponding to number placed opposite voter's name in poll book (not the number on voter's list). Sec. 70.

The Deputy Returning Officer shall instruct elector how and where to affix his mark, and how to fold his ballot paper, but without inquiring or seeing for whom he intends to vote, except in case of illiterates, etc. (Sec. 71.)

Be watchful that voter is not directed so as to vote for a particular candidate.

The elector, on receiving ballot paper, shall go into compartment and there mark his ballot paper making a X with a black lead pencil within the white space containing the name of Candidate for whom he votes. He shall then fold the paper so that the initials and stamp and counterfoil number can be seen without opening it. He shall so hand it to the Deputy Returning Officer, who shall, without unfolding it, ascertain by examining his initials, and the stamp and number, that it is the same he furnished the elector. The Deputy Returning Officer shall then, IN FULL VIEW of those present, including elector, remove the counterfoil AND-DESTROY IT, and place the ballot paper in ballot box, which box shall be placed on table in full view of those present. (Sec. 72).

Voter who has spoiled ballot paper given him may return it to Deputy Returning Officer, who shall deface it, and the voter shall obtain another ballot paper in its place (Sec. 73). (See that the spoiled paper is properly preserved and returned, so that the count may be right).

Every officer, clerk and agent in attendance at a polling place, or in counting the votes, shall maintain and assist in maintaining the secrecy of the voting at the polling place.

No officer, clerk, or agent, or other person, shall interfere with or attempt to interfere with a voter when marking his ballot; nor attempt to obtain at the polling place information as to the candidate for whom any voter at such polling place is about to vote or has voted.

No officer, clerk, agent, or other person, shall communicate at any time, to any person, any information obtained at a polling place as to the candidate for whom any voter at such polling place is about to vote or has voted, unless required to do so by a court of law.

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

### COUNTING BALLOTS.

At close of poll, 5 p. m., the Deputy Returning Officershall proceed thus. (Sec. 80.)

1st. He shall take all ballots *spoiled*, count them, put them in an envelope and seal it up. (Agent should fill in number in form, page 15.)

2nd. He shall then count the number of voters whose names on poll book as having voted (take care not to count those who refuse oath, etc.,) and he will enter that number in poll book beneath name of last voter and sign his name (fill in this number in form, page 15).

3rd. Then, and not till then, he shall unlock and open box, in presence of poll clerk and agents and proceed to count the number of votes for each Candidate. giving full'opportunity to those present to examine each ballot—(a) He shall reject all ballot papers not supplied by the Deputy Returning Officer —(b) All those by which votes have been given for more ANDbox 72). rn it oter (See so

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er re Candidates than are to be elected—(c) And all those uponwhich there is any writing or mark by which the voter could be identified—other than the numbering by the Deputy Returning Officer in cases provided for. (Illiterate men, etc.)

4th. See that the Deputy Returning Officer makes written note of every objection you make<sup>\*</sup> to ballot. He must number the note of objection and must place the same number and his initials on the ballot objected to.—Sec. 81.

5th. The Deputy Returning Officer shall put the spoiled, rejected and unused ballots, respectively in separate envelopes or parcels, endorse to show their contents, and all the other ballot papers being counted, and a list kept of the number of votes given to each candidate (and of the number rejected), he shall put the votes given for each Candidate in separate envelopes—all envelopes or parcels to be endorsed to indicatecontents sealed by Deputy Returning Officer. Agents wishing to do so may write their signatures across the flaps and fix their seal; if they desire (Sec. 82). Do so.

6th. Deputy Returning Officer and poll clerks shall make affidavits "X" and "Y," attached to poll book (Sec. 83).

7th. Deputy Returning Officer shall then fill up, in triplicate, statement of poll-form "Z" (Sec. 83).

8th. Deputy Returning Officer shall then deliver to agent of each Candidate a certificate of result, showing :

(a) Number of votes for each caudidate;

(b) Number of ballot papers rejected as voting for more candidates than are to be elected;

(c) Number of ballot papers rejected for having a writing or mark by which the voter could be identified;

(d) Number of ballot papers rejected as unmarked or void for uncertainty;

(e) Number of tendered ballot papers deposited in the box. See that the total number of ballots deposited and spoiled ballots corresponds with the number taken from the stubs, and at once telegraph or send results to headquarters—form AA. Sec. 83 (2).

9th. The poll book envelopes, voters' lists, and all documents used shall be placed in a large envelope, which shall be sealed and put in ballot box—Sec. 83 (3).

10th. The ballot box shall then be locked and sealed with Deputy Returning Officer's seal, and be *forthwith* delivered by Deputy Peturning Officer to Returning Officer or Election Clerk—Sec. 83 (4).

### BALLOTS NOT TO BE COUNTED ARE:

1. Those whose have not been supplied by the Deputy Returning Officer.

2. Those by which votes have been given for more Candidates than are to be elected.

3. Those upon which there is any writing or mark by which the voter can be identified, other than the numbering by the Deputy Returning Officer in special cases provided for.

### FOLLOWING IRREGULARITIES HELD FATAL TO VOTE:

1. A single stroke instead of a cross.

2. A mark which in itself is a means of identification, such as initial or some other mark known as used by the voter.

3. Two single strokes not crossing.

### FOLLOWING HELD NOT FATAL TO VOTE :

1. Irregular mark in the figure of a cross, so long as it does not lose the form of a cross. (You will observe that allowance is made for inexpert people, who intend to make a cross and do so roughly.)

2. A cross with a line before it. (The line may have been made by an inexpert in the attempt to make a cross.)

3. Inadvertent marks in addition to the cross.

- 4. Ballot paper inadvertently torn.
- 5. A cross made with double lines.

### PENALTIES.

Every one who:

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

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

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

(d.) fraudulently takes a ballot paper out of the poiling station, or—

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

(f.) forges or counterfeits any stamp for the stamping of ballot papers as provided by paragraph (e.) of section 41 of this Act, or uses any such stamp for any purpose other than the stamping of ballot papers pursuant to the said paragraph, or not being a returning officer, has in his possession any such stamp or any counterfeit or imitation thereof, or—

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(g.) being a deputy returning officer, fraudulently puts, otherwise than as authorized by section 70 of this Act, his. initials on the back of any paper purporting to be or capable of being used as a ballot paper at an election, or—

(h.) with fraudulent intent, prints any ballot paper or what purports to be or is capable of being used as a ballot paper at an election, or—

(*i.*) being authorized by the returning officer to print the ballot papers for an election, with fraudulent intent prints more ballot papers than he is authorized to print, or—

(j.) attempts to commit any offence specified in this section,—is guilty of an indictable offence, and shall be liable, if he is a returning officer, deputy returning officer or other officer engaged at the election, to a fine not exceeding one thousand dollars and not less than three dollars, or to imprisonment for a term not exceeding five years and not less than one year, with or without hard labour, in default of paying such fine,—and it he is any other person, to a fine not less than one hundred dollars and not exceeding five hundred dollars, or to imprisonment for any term not exceeding two years and not less than six months, with or without hard labour, in default of paying such fine. (Sec. 79.)

#### SUMMARY PROCEDURE AGAINST PERSONATORS.

"If a person is charged at a polling place with having committed the offence of personation, the deputy returning officer at such polling place may, and if requested so to do on behalf of a candidate shall, take the information on oath of the person making the charge; and such information may be in the form. DD."

2. "If the person against whom it is proposed to lay the information has not left the polling place, the deputy returning officer may, either on his own motion or at the request of any one proposing forthwith to lay an information against such person, detain or direct the detention of such person until an information can be drawn up."

3. "Upon receiving the information the Deputy Returning Officer may, on the polling day, but not afterwards, issue his warrant, in the form EE, for the arrest of the person charged, in order that he may be brought before the magistrate or one of the magistrates therein named, to answer to the said information and to be further dealt with according to law." 4. "The magistrate or magistrates named in the warrant shall be such as defined by section 782 of *The Criminal Code*, 1892, as amended, and the nearest available within the county."

5. "The provisions of part LV of the said Code shall apply to all proceedings under this section."

6. "Such warrant shall be sufficient authority for any peace officer (as defined by *The Criminal Code*, 1892,) to detain such person until he is brought before the magistrate."

7. "If the correct name of the person charged is unknown to the informant, it shall be sufficient in the information and other proceedings to describe the person charged as a person whose name is to the informant unknown, but who is detained under the order of the deputy returning officer; or the person charged may be described in such other manner as will suitably identify him; and when the name of the person so charged is ascertained, it shall be stated in any subsequent warrant or proceeding."

8. "Every poll clerk shall have the authority of a constable for the purpose of carrying out the provisions of this section; and every Deputy Returning Officer may appoint such special constables as he deems necessary for the like purpose; and such person shall have full power to act without taking any oath." (Sec. 132.)

### BEWARE OF THE MACHINE.

No doubt an attempt will be made by the Grits to introduce the Ontario Election Machine or its methods into Nova Scotia. This machine is worked by skilled and unscrupulous workers especially instructed and sometimes imported into a district for the purpose. All strangers, therefore, who, during the contest or on election day appear in the district should be closely watched and their movements noted. Dangerous men belonging to the polling district should also be watched.

#### THEIR DEVICES.

They place in the hands of voters ballots worked for the Grit Candidates, induce the voter to conceal the ballot given by the presiding officer and then hand to the presiding officer the bogus ballot already marked.

Another device is for an unscrupulous Presiding Officer when a Liberal-Conservative voter hands him a ballot to be deposited in the box, instead of so depositing it to substitute one marked for the Grit Candidate in its place. This is called Switching Ballots.

In the event of the appointment of a presiding officer in whom the agents have not the utmost confidence a constant watch should be kept to prevent the operation of these devices. This is to be carefully filled in by Scrutineer, in addition to getting Certificate from Deputy Returning Officer.

## AGENT'S STATEMENT OF THE POLL.

Polling Division No.

Electoral District of .....

Counting ballot papers before 9 a.m.

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Total - - -

Total number of electors who have voted, as entered after name of last vote, .....

 Number of Ballot Papers in hands of Deputy Returning Officer at 9 a.m.

 Number of Ballot Papers cast for Mr.

 Number of Ballot Papers spoiled 

 Number of Ballot Papers rejected

 Number of Ballot Papers not used and returned 

 Totals 

Date.....

Signatures of Conservative	
Agents.	*****

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