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No. 121.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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BILL.

An Act respecting the Prohibition of the  
Importation, Manufacture and sale of  
Intoxicating Liquors.

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First reading, 21st April, 1898.

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Mr. FISHER.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

An Act respecting the Prohibition of the Importation,  
Manufacture and Sale of Intoxicating Liquors.

**H**ER Majesty, by and with the advice and consent of  
the Senate and House of Commons of Canada, enacts as  
follows:—

SHORT TITLE.

1. This Act may be cited as *The Prohibition Plebiscite Act*, Short title.  
5 1898.

INTERPRETATION.

2. In this Act, unless the context otherwise requires,—  
(a.) The expression “Dominion election” means an election  
of a member to serve in the House of Commons ;  
(b.) The expression “electoral district” means any locality  
10 in Canada entitled to return a member or members to the  
House of Commons.

Interpre-  
tation.  
“ Dominion  
election.”  
“ Electoral  
district.”

QUESTION TO BE SUBMITTED.

3. There shall be submitted to the vote of the electors here-  
inafter declared entitled to vote thereon, the following ques-  
tion :—  
15 Are you in favour of the passing of an Act prohibiting  
the importation, manufacture or sale of spirits, wine, ale, beer,  
cider and all other alcoholic liquors for use as beverage?

Question to be  
submitted.

DAY OF POLLING TO BE NAMED.

4. The Governor in Council shall by proclamation name the  
day on which the voting shall take place, in all the electoral  
20 districts.  
2. The proclamation shall be published in at least three  
successive issues of the *Canada Gazette* and of the Official  
Gazette of each province.

Proclamation  
of polling day.

WHO MAY VOTE.

5. The persons entitled to vote shall be all persons who  
25 would be entitled to vote at a Dominion election the day of  
nomination for which was the day appointed for the voting.

Who may  
vote.

## ELECTION AND FRANCHISE ACTS TO APPLY.

Election and Franchise Acts to apply.

6. For the purpose of submitting the question to the electors, obtaining an answer thereto, and ascertaining the result of the vote, the same proceedings, as nearly as may be, shall be had as in the case of a general Dominion election, and *The Dominion Elections Act* and *The North-west Territories Representation Act* and their amendments, and *The Franchise Act*, 1898, shall, subject to the provisions of this Act, and of any regulations, orders or instructions made or given by the Governor in Council thereunder, apply, *mutatis mutandis*, to the conduct of such proceedings, and with respect to the powers to be exercised, and the duties to be performed by, and the rights, obligations, liabilities, qualifications and disqualifications of, judges, officers, electors, and all other persons, and with respect to offences and the penalties which may be incurred.

## REGULATIONS, ETC.

Regulations, etc.

7. The Governor in Council may, from time to time, for the purposes of this Act, make and give all such regulations, orders and instructions, not inconsistent with the provisions of this Act, as are in his judgment necessary or expedient for the effectual carrying out of such purposes, and for the adapting to such purposes of the provisions of *The Dominion Elections Act* and *The North-West Territories Representation Act*, and their amendments, and *The Franchise Act*, 1898.

Ballot papers.

8. The ballot papers for the purpose of the voting under this Act shall be in the following form:—

	YES.	NO.
Are you in favour of the passing of an Act prohibiting the importation, manufacture or sale of spirits, wine, ale, beer, cider and all other alcoholic liquors for use as beverage?		

2. The ballot papers shall be prepared at Ottawa, by the Queen's Printer and Controller of Stationery, and shall be forwarded with the writ, by the Clerk of the Crown in Chancery, to the returning officers in sufficient numbers for each electoral district.

## AGENTS.

Agents to be appointed.

9. Every returning officer appointed for the purpose of this Act shall, by writing under his hand, appoint from among the applicants for such appointment, or on behalf of persons applying to have such appointment made, two agents, to attend at each polling station and at the final summing up of the votes, on behalf of those desirous of obtaining affirmative answers to the questions, and two agents so to attend on behalf

of those desirous of obtaining negative answers, but no such agents shall be entitled to any remuneration from the Public Treasury. Not to be paid.

10 **10.** Before any person so appointed, enters upon his duty as agent, he shall make and subscribe before the returning officer or any deputy returning officer, a declaration to the effect that he is interested in and desirous of obtaining an affirmative or negative answer, as the case may be, to the question, which declaration may be in the form A in the schedule to this Act. To make declaration.

**11.** Every person so appointed, before being admitted to the polling station, or to the final summing up of the votes, as the case may be, shall produce to the deputy returning officer his written appointment. To produce appointment.

15 **12.** In case no person has been appointed as aforesaid, to attend at any polling station, or at the final summing up of the votes, or in the absence of any person so appointed, any electors, not exceeding two in the same interest, may, upon making and subscribing a declaration to the above effect, before the deputy returning officer or the returning officer, as the case may be, be admitted to the polling station, or to the final summing up of the votes, as agents on behalf of that interest. Substitutes for agents.

20 **13.** Wherever it is provided in *The Dominion Elections Act* that anything may or shall be done in the presence of or by the candidates or their agents or any of them, such provision shall, as applied to proceedings under this Act, be taken to refer to agents appointed in the manner aforesaid. Application of Elections Act to substitutes.

#### MANNER OF MARKING BALLOT PAPER.

30 **14.** An affirmative vote on the question submitted shall be made by placing a cross (thus ×) in the column headed "Yes" and a negative vote by placing a similar cross in the column headed "No." Marking of ballot paper.

#### DECLARATION OF RESULT.

35 **15.** After summing up the votes in the manner provided by *The Dominion Elections Act*, the returning officer shall declare the total number of votes given for the affirmative and the negative respectively with respect to the question submitted. Declaration of result.

#### RETURNS AND PUBLICATION OF RESULTS.

40 **16.** Every returning officer shall, immediately after the sixth day after the final addition by him, or the ascertainment by him under section 63 of *The Dominion Elections Act*, of the numbers of votes given in the affirmative and in the negative respectively, unless before that time he receives notice that he is required to attend before a judge for the purpose of a final addition or recount of the votes, and where there has been a final addition or recount by the judge, immediately thereafter,—  
45 (a.) transmit, by post and duly registered, to the Clerk of the Crown in Chancery, his return as to the results of the Return by returning officer.

polling in his electoral district, in the form B in the schedule to this Act, together with all unused ballot papers and the report, ballot papers, statements, lists of voters, poll books, lists and documents, which under section 65 of *The Dominion Elections Act* he is required so to transmit; and 5

(b.) prepare two certified copies of the return, and deliver them respectively to agents representing the opposing interests.

2. The report of the returning officer shall account for all the ballot papers received by him from the Clerk of the Crown in Chancery, showing what has become of those, if any, which are not transmitted by him. 10

Notice in  
*Canada*  
*Gazette.*

17. Immediately upon receipt of the return from each electoral district, the Clerk of the Crown in Chancery shall in the ordinary issue of *The Canada Gazette* give notice with respect to that electoral district of— 15

(a.) The total number of affirmative answers to the question, and

(b.) The total number of negative answers to the question.

Publication of  
summary  
of returns.

18. The Clerk of the Crown in Chancery shall also in the ordinary issue of *The Canada Gazette* in which any such notice is given, publish a summary of all the returns then received, classifying the totals in each particular according to provinces, and in the North-West Territories by provisional districts. 20 25

Form of  
summary.

2. This summary shall be so arranged, and contain such further particulars based upon the returns, as the Governor in Council sees fit to order.

## SCHEDULE.

### A.

#### *Form of Declaration by Agent.*

*In the matter of the Prohibition Plebiscite Act, 1898.*

I , do solemnly declare that I am interested in and desirous of obtaining an affirmative (or a negative, as the case may be,) answer to the question stated in the ballot paper.

Solemnly declared at  
this            day of            189 . } (Agent to sign here.)  
Before me

A. B.,  
Returning Officer or Deputy Returning Officer, as case may be.

### B.

#### *Return by Returning Officer.*

I hereby certify that at the polling of votes held in pursuance of the within writ in the electoral district of there were polled affirmative votes and negative votes in answer to the question.

A. B.,  
Returning Officer.