

Technical and Bibliographic Notes / Notes techniques et bibliographiques

The Institute has attempted to obtain the best original copy available for filming. Features of this copy which may be bibliographically unique, which may alter any of the images in the reproduction, or which may significantly change the usual method of filming are checked below.

- Coloured covers / Couverture de couleur
- Covers damaged / Couverture endommagée
- Covers restored and/or laminated / Couverture restaurée et/ou pelliculée
- Cover title missing / Le titre de couverture manque
- Coloured maps / Cartes géographiques en couleur
- Coloured ink (i.e. other than blue or black) / Encre de couleur (i.e. autre que bleue ou noire)
- Coloured plates and/or illustrations / Planches et/ou illustrations en couleur
- Bound with other material / Relié avec d'autres documents
- Only edition available / Seule édition disponible
- Tight binding may cause shadows or distortion along interior margin / La reliure serrée peut causer de l'ombre ou de la distorsion le long de la marge intérieure.
- Blank leaves added during restorations may appear within the text. Whenever possible, these have been omitted from filming / Il se peut que certaines pages blanches ajoutées lors d'une restauration apparaissent dans le texte, mais, lorsque cela était possible, ces pages n'ont pas été filmées.
- Additional comments / Commentaires supplémentaires: Cover title page is bound in as last page in book but filmed as first page on fiche.

L'Institut a microfilmé le meilleur exemplaire qu'il lui a été possible de se procurer. Les détails de cet exemplaire qui sont peut-être uniques du point de vue bibliographique, qui peuvent modifier une image reproduite, ou qui peuvent exiger une modification dans la méthode normale de filmage sont indiqués ci-dessous.

- Coloured pages / Pages de couleur
- Pages damaged / Pages endommagées
- Pages restored and/or laminated / Pages restaurées et/ou pelliculées
- Pages discoloured, stained or foxed / Pages décolorées, tachetées ou piquées
- Pages detached / Pages détachées
- Showthrough / Transparence
- Quality of print varies / Qualité inégale de l'impression
- Includes supplementary material / Comprend du matériel supplémentaire
- Pages wholly or partially obscured by errata slips, tissues, etc., have been refilmed to ensure the best possible image / Les pages totalement ou partiellement obscurcies par un feuillet d'errata, une pelure, etc., ont été filmées à nouveau de façon à obtenir la meilleure image possible.
- Opposing pages with varying colouration or discolourations are filmed twice to ensure the best possible image / Les pages s'opposant ayant des colorations variables ou des décolorations sont filmées deux fois afin d'obtenir la meilleure image possible.

This item is filmed at the reduction ratio checked below /
Ce document est filmé au taux de réduction indiqué ci-dessous.

10x			14x			18x			22x			26x			30x																				
12x						16x						20x						24x						28x						32x					

No. 25.

3rd Session, 6th Parliament, 23 Victoria, 1860.

BILL.

**An Act to prevent frauds, bribery and corrupt
practices at Elections.**

Received and read, 1st time, Wednesday, 7th
March, 1860.

Second reading, Monday, 12th March, 1860.

Mr. McDougall.

QUEBEC

PRINTED BY THOMSON & CO., ST URSULE STREET.

An Act to prevent frauds, bribery, and corrupt practices at Elections.

5 **W**HEREAS it is expedient to provide that every voter at any election, shall, if required, declare upon oath, that he is legally and justly entitled to vote at such election, in respect of the property described in the Assessment Roll and Voters' List, and not merely that he is the person named on such List, and whereas it is also expedient to make further provision against bribery and corrupt practices at elections.

Preamble.

Therefore, Her Majesty, etc., enacts as follows :

I. The following form of oath shall be substituted for that prescribed in section 54, of chapter 6 of the Consolidated Statutes of Canada :—

New form of oath substituted for that in Sect. 54, of Cap. 6 of Con. Stat. Canada.

10 “ You swear (*or solemnly affirm*—

“ *Firstly*,—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.*)

15 “ *Secondly*,—That at the time your name was entered on the Assessment “ Roll, and on the said list of voters respectively, you were legally and “ justly entitled to have your name so entered, being possessed in good “ faith as (*owner, tenant or occupant, as the case may be,*) of the property “ in respect of which you claim the right to vote.

20 “ *Thirdly*,—That you are a subject of Her Majesty by birth (*or naturali- “ zation,*) and of the full age of twenty-one years.

“ *Fourthly*,—That you have not before voted at this election, either at “ this or any other polling place.

25 “ *Fifthly*,—That you have not received anything, nor has anything been “ promised to you, either directly or indirectly, in order to induce you to “ vote at this election. So help you God.”

II. The following shall be substituted for sub-section 9, of the 97th section of chapter 54 of the Consolidated Statutes of Upper Canada ;—

New provisions substituted for sub-section 9 of sect. 97, chap. 54 of Con. Stat. Upper Canada.

30 “ The following oaths or affirmations may be required of any person appearing by the last revised Assessment Roll, (if any,) to have the necessary property qualification and claiming the right to vote at any election or at any public vote in respect of a By-Law which requires the assent of the electors :—

“ You swear (*or solemnly affirm*)—

“ *Firstly*,—That you are (*name of voter as entered on last revised As-*

“ *assessment Roll,*) whose name is entered on the last revised Assessment Roll for this municipality, a copy of which is now shewn to you, (shewing him the copy of *Roll.*)

“ *Secondly,*—That at the time your name was entered on the said Assessment Roll, you were legally and justly entitled to have your name so entered, being possessed in good faith (as owner, or householder) of the property in respect of which you claim the right to vote. 5

“ *Thirdly,*—That you are of the age of twenty-one years; that you are a natural-born or naturalized subject of Her Majesty, and have not before voted at this election. 10

“ *Fourthly,*—That you have not directly or indirectly received any reward, nor do you expect to receive any reward for your vote at this election.”

“ If he votes as a householder, he may be required to swear further as follows:— 15

“ *Fifthly,*—That you have been a resident within this Municipality for one month next before this election.”

“ In case of an election in a new Municipality in which there has not yet been any Assessment Roll, the elector may be required to swear to the facts specified in the above clauses, *Thirdly* and *Fourthly*, and also as follows: 20

“ That you are a resident freeholder or householder in this Municipality and entitled to vote at this election in respect of (*naming the property in respect of which he claims the right of voting.*)”

And the said oaths shall be administered at the request of any candidate or elector; and no inquiries shall be made of any elector except with respect to the facts specified in such oaths or affirmations. 25

Sections 82,
83 of chap. 6
of Con. Stat.
Canada
repealed.

III. Sections 82 and 83, chapter 6 of the Consolidated Statutes of Canada are hereby repealed, and the following provisions substituted therefor:— 30

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

Giving money
to voters.

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 to 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. 35 40

Procuring of-
fice, &c., for
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 or promise to procure, or to 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 45

act as aforesaid on account of any voter having voted, or refrained from voting at any election.

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

Or for persons who can influence 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.

Corruptly influencing voters.

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.

Advancing money for bribery purposes.

And any person so offending shall be guilty of a misdemeanour, and shall also be liable to forfeit the sum of \$ to any person who shall sue for the same with full costs of suit: Provided always that the aforesaid enactment shall not extend or be construed to extend to or for any money paid for or an account of any legal expenses *bona fide* incurred at or concerning any election.

Offence to be a misdemeanour. Penalty.

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

Certain acts by the voters to be bribery.

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.

Contracting to vote for money, etc.

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.

Receiving money to vote.

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

Penalty on bribes.

V. Every candidate at an election who shall corruptly by himself, or by or with any person, or by any other ways or means on his behalf at any time, either before, during, or after any election, directly or indirectly, give or provide, or cause to be given or provided, or shall be accessory to the giving or providing, or shall pay wholly or in part, any expenses incurred for any meat, drink, entertainment or provision, to or for any person in order to be elected, or for being elected, or for the purpose of corruptly influencing such person or any other person, to give or refrain from giving his vote at such election, or on account of such person having voted or refrained from voting, or being about

Penalty on candidates bribing, treating, &c.

to vote or refrain from voting at such election, shall be deemed guilty of the offence of *treating*, and shall forfeit the sum of dollars to any person who shall sue for the same with full costs of suit; and every voter who shall corruptly accept or take any such meat, drink, entertainment or provision, shall be incapable of voting at such election, and his vote if given, shall be utterly void and of none effect. 5

Persons using violence, or intimidation at elections, to be guilty of undue influence. Penalty.

VI. 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 practice 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 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 dollars to any person who shall sue for the same, together with full costs of suit. 10 15 20

Persons not excused from answering before Committees, etc., on the ground that answers may criminate them.

VII. 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 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, 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. 25 30

Hiring vehicles to convey voters to be unlawful. Penalty.

VIII. 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 paying for any team, carriage, cab, or vehicle, by any candidate, or by any person on his behalf, to convey voters to or from the Poll 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 \$30 for each offence, to any person who shall sue for the same, together with full costs of suit. 35 40

Non-bribery declaration to be made by Candidates.

IX. Every candidate at any Election of a Member or Members to serve in Parliament shall, on or before the day of nomination, make and subscribe before a Justice of the Peace, or before the Returning Officer, a solemn declaration in the form of schedule A to this Act. 45

Refusal to be a disqualification.

X. Every candidate who shall neglect or refuse to make and deliver, or cause to be delivered the said declaration to the Returning Officer on or before the day of nomination as aforesaid, shall be deemed to be disqualified and incapable of being elected or returned at such election, 50

and shall be ineligible to sit or vote in Parliament by reason of such election.

XI. Every candidate who shall, after having made the said declaration, be convicted before any Court of competent jurisdiction, of the offence of bribery, treating, or undue influence, shall be deemed to have committed perjury in making such declaration. Perjury on such declaration.

SCHEDULE A.

Declaration to be made by every Candidate.

I A. B., a candidate at the election about to be held of a member to serve in Parliament for the (*County, City, Riding, or Division, as the case may be,*) do solemnly declare that I have not, directly nor indirectly, committed the offence of Bribery, Treating, or Undue influence, for the purpose of aiding or procuring my election; and I also solemnly declare that I will not commit, and will not attempt to commit, directly nor indirectly, by myself or by any other person, either of the said offences of Bribery, Treating, or Undue influence at or during the said election.

Taken and subscribed before me }
 at 18 , this day } A. B.,
 of