

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.

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 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.

- 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 discolorations 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

																	<input checked="" type="checkbox"/>					
	10x		12x		14x		16x		18x		20x		22x		24x		26x		28x	30x		32x

BILL.

An Act to repeal certain Acts therein mentioned, and to amend, consolidate, and reduce into one Act, the several statutory provisions now in force for the regulation of Elections of Members to represent the People of this Province in the Legislative Assembly thereof.

Received and read first time,

Second reading,

[500 Copies.]

Honble Mr.

8

BILL.

An Act to repeal certain Acts therein mentioned, and to amend, consolidate, and reduce into one Act, the several statutory provisions now in force for the regulation of Elections of Members to represent the People of this Province in the Legislative Assembly thereof.

2 **W**HEREAS it is expedient to amend, Preamble.
consolidate and reduce into one
4 Act, the several statutory provisions now
in force for the regulation of Elections of
6 Members to represent the people of this
Province in the Legislative Assembly
thereof: Be it enacted, &c

8 That the several Acts of the Parliaments of Certain Acts
the late Provinces of Lower and Upper Ca- repealed.
10 nada and of the Parliament of Canada,
hereinafter in this section mentioned, shall
12 be, and the same are hereby repealed, that is
to say:—the Act of the Parliament of the late
14 Province of Lower Canada, passed in the
fifth year of the reign of His late Majesty,
16 King George the Fourth, chapter thirty-
three, and intituled, “ An Act to repeal
18 “ certain Acts therein mentioned, and to
“ consolidate the Laws relating to the Elec- Act of L. C.
20 “ tion of Members to serve in the Assembly 5 G. 4 c. 33
“ of this Province, and to the duty of Re-
22 “ turning Officers, and for other purposes ;”
and the Act of the same Parliament passed
24 in the Session held in the tenth and eleventh
years of the same reign, chapter fifty, and
26 intituled, “ An Act to amend a certain Act
“ passed in the fifth year of His Majesty’s Act of L. C.
28 “ reign, for the purpose of consolidating 10 & 11 G. 4
“ the Laws relating to Elections ;” and the c. 50
30 Act of the Parliament of the late Province
of Upper Canada, passed in the second Ses-
32 sion held in the fourth year of the reign of
His said late Majesty, chapter three, and
34 intituled, “ An Act to repeal the several

- Act of U. C.
4. G. 4. c. 3. “ Statutes of this Province respecting the
“ Election of Members of the House of As- 2
“ sembly, and the qualification of Voters
“ and Candidates at such Elections, and to 4
“ reduce the provisions thereof, with some
“ amendments, into one Act, and also to 6
“ provide against fraud in obtaining qualifi-
“ cations to vote at Elections;” and the Act 8
of the same Parliament passed in the Session
held in the third year of the reign of His 10
late Majesty King William the Fourth,
chapter eleven, and intituled, “ An Act to 12
make perpetual an Act passed in the thir-
“ ty-third year of the reign of His Majesty 14
“ King George the Third, intituled, ‘ An
“ ‘ Act to provide for the appointment of 16
“ ‘ Returning Officers of the several Coun-
“ ‘ ties of this Province,’ and to make provi- 18
“ sions respecting the duties of Returning
“ Officers, and expenses attending Elec- 20
“ tions; ” and the Act of the same Par-
liament passed in the Session held in the 22
fourth year of the same reign, chapter four-
teen, and intituled, “ An Act to repeal part 24
“ of and amend an Act passed in the fourth
“ year of the reign of His late Majesty 26
“ George the Fourth, intituled, ‘ An Act to
“ ‘ repeal the several Statutes of this Pro- 28
“ ‘ vince respecting the Elections of Mem-
“ ‘ bers of the House of Assembly, and the 30
“ ‘ qualifications of Voters and Candidates
“ ‘ at such Elections, and to reduce the pro- 32
“ ‘ visions thereof, with some amendments,
“ ‘ into one Act, and also to provide against 34
“ ‘ fraud in obtaining qualifications to vote
“ ‘ at Elections; ’” and the Act of the Par- 36
liament of this Province, passed in the Ses-
sion held in the fourth and fifth years of 38
the reign of Her Majesty, chapter fifty-two,
and intituled, “ An Act to compel all Can- 40
“ didates at any future Elections for Mem-
“ bers of the Legislative Assembly to make 42
“ and subscribe detailed declarations of the
“ property by them possessed, and under 44
“ which they qualify;” and the Act of the
same Parliament passed in the Session held 46
in the sixth year of the same reign, chapter
one, and intituled, “ An Act to provide for 48
- Act of U. C.
3. W. 4. c. 11. “ make perpetual an Act passed in the thir-
“ ty-third year of the reign of His Majesty 14
“ King George the Third, intituled, ‘ An
“ ‘ Act to provide for the appointment of 16
“ ‘ Returning Officers of the several Coun-
“ ‘ ties of this Province,’ and to make provi- 18
“ sions respecting the duties of Returning
“ Officers, and expenses attending Elec- 20
“ tions; ” and the Act of the same Par-
liament passed in the Session held in the 22
fourth year of the same reign, chapter four-
teen, and intituled, “ An Act to repeal part 24
“ of and amend an Act passed in the fourth
“ year of the reign of His late Majesty 26
“ George the Fourth, intituled, ‘ An Act to
“ ‘ repeal the several Statutes of this Pro- 28
“ ‘ vince respecting the Elections of Mem-
“ ‘ bers of the House of Assembly, and the 30
“ ‘ qualifications of Voters and Candidates
“ ‘ at such Elections, and to reduce the pro- 32
“ ‘ visions thereof, with some amendments,
“ ‘ into one Act, and also to provide against 34
“ ‘ fraud in obtaining qualifications to vote
“ ‘ at Elections; ’” and the Act of the Par- 36
liament of this Province, passed in the Ses-
sion held in the fourth and fifth years of 38
the reign of Her Majesty, chapter fifty-two,
and intituled, “ An Act to compel all Can- 40
“ didates at any future Elections for Mem-
“ bers of the Legislative Assembly to make 42
“ and subscribe detailed declarations of the
“ property by them possessed, and under 44
“ which they qualify;” and the Act of the
same Parliament passed in the Session held 46
in the sixth year of the same reign, chapter
one, and intituled, “ An Act to provide for 48
- Act of Canada,
4 & 5 V. c. 52. “ didates at any future Elections for Mem-
“ bers of the Legislative Assembly to make 42
“ and subscribe detailed declarations of the
“ property by them possessed, and under 44
“ which they qualify;” and the Act of the
same Parliament passed in the Session held 46
in the sixth year of the same reign, chapter
one, and intituled, “ An Act to provide for 48

“ the freedom of Elections throughout this Province, and for other purposes therein mentioned ;” and all other Acts, enactments or provisions of law repugnant to or inconsistent with this Act: Provided always, that all Acts, enactments and provisions of law repealed by the Acts hereby repealed or any of them, shall remain repealed notwithstanding the repeal of the said last mentioned Acts.

Act of Canada,
6. V c 1

General repeal

Proviso

II. And be it enacted, in and by the present section, which shall have force and effect in Lower Canada only, That the Sheriffs for the time being for the several Districts of that part of the Province, shall be *ex officio* Returning Officers for the respective Cities or Towns over which their authority as such Sheriffs shall extend ; and in case there should be 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 either of them, and the person to whom the Writ of Election shall have been directed, shall alone act as such Returning Officer ; and that the Registrars of deeds and titles, for the time being, for the several Counties in Lower Canada, shall be *ex officio* Returning Officers for the respective Counties over which their authority as such Registrars shall extend ; and in case there should be two or more Registrars in any of the said Counties, according to the several divisions made thereof 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 shall have been directed shall alone act as such Returning Officer.

In L. C.
Sheriffs to be
Returning
Officers for
the Cities and
Towns

And the Registrars of
Deeds, for the
Counties.

III. And be it enacted, in and by the present section, which shall have force and effect in Upper Canada only, That the High Sheriffs for the time being for the several Districts in that part of the Province, shall be *ex officio* Returning Officers for the respective Cities or Towns over which their

In U. C.
High Sheriffs
to be Return-
ing Officers for
Cities and
Towns

Provision as to the Home District authority as such Sheriffs shall extend ; and that the High Sheriff of the Home District in the same part of the Province, shall also be *ex officio* Returning Officer for the South Riding and West Riding of the County of York , and that the Registrars of deeds and titles, for the time being, for the several Counties in Upper Canada, with the exception of the Registrar of the County of York, shall be *ex officio* Returning Officers for the respective Counties over which their authority as such Registrars shall extend, and that the said Registrar for the time being, of the said County of York, shall be *ex officio* Returning Officer for the East Riding and North Riding of the said County.

Writs of Election to be addressed accordingly to the Sheriffs and Registrars IV. And be it enacted, That whenever a Writ of Election is issued for the election of a Member or Members to serve in the Legislative Assembly of this Province for any of the said Counties, Ridings, Cities, or Towns, the same shall be addressed and directed to the said Sheriffs and Registrars respectively, as the case may be, according to the requirements of this Act.

Another Returning Officer to be appointed if the Sheriff or Registrar be incapacitated V. And be it enacted, That in case any of the said Sheriffs and Registrars should be a Member of the Legislative Council of this Province, he shall be, to all intents and purposes, disqualified and incapacitated from acting as Returning Officer ; and in that case, as well as in the case of the death of any Sheriff or Registrar, or of his being absent from this Province, or incapacitated by sickness from performing the duties of Returning Officer, then it shall be lawful for the Governor General of this Province to appoint, as heretofore, any qualified person to be Returning Officer in the place of such Sheriff or Registrar : Provided always, that no person, other than a Sheriff or Registrar as aforesaid, shall be so appointed or act as such Returning Officer for any County, Riding, City or Town in this Province, unless at the time of his appointment, such person be an elector for

Proviso qualification of any person so appointed

such County, Riding, City or Town, then
 2 duly and legally qualified to vote at the
 election of a Member or Members for the
 4 same, nor unless he shall have continually
 resided therein during at least twelve months
 6 immediately preceding his appointment,
 and that any person who shall be so ap-
 8 pointed and shall act as Returning Officer
 for any one of the said Counties, Ridings,
 10 Cities or Towns, without possessing the
 qualifications heremabov^e required, shall
 12 thereby incur a penalty of

Penalty for ac-
 ting without
 qualification.

£50

pounds, current money of this Province.

14 VI. And be it enacted, That none of the
 persons hereinafter designated in this sec-
 16 tion, shall in any case be appointed or act
 as such Returning Officer as aforesaid, or
 18 as Deputy Returning Officer, or as Election
 Clerk, or as Poll Clerk, that is to say :

Certain parties
 excluded from
 serving as Re-
 turning Offi-
 cers, &c

20 1st.—The Members of the Executive
 Council.

The parties

22 2nd.—The Members of the said Legislative
 Council.

24 3rd.—The Members of the said Legislative
 Assembly.

26 4th.—Any Minister, Priest, Ecclesiastic,
 or Teacher, under any form or profes-
 28 sion of religious faith or worship.

5th.—The Judges of the Courts of Superior
 30 Civil and Criminal Jurisdiction, as well
 as the Judges of Circuit Courts and Dis-
 32 trict Courts

6th.—All persons who may have served in
 34 the Parliament of this Province as Mem-
 bers of the said Legislative Assembly, in
 36 the Session next immediately preceding
 the election in question, or in the then
 38 present Session, if the election shall
 take place during a Session of the said
 40 Parliament; and if any one of the per-
 sons above mentioned in this section shall
 42 be appointed to act and shall act as Re-
 turning Officer, or as Deputy returning
 44 Officer, or as Election Clerk, or as Poll
 Clerk, he shall incur a penalty of
 46 Pounds, current money of this Province.

£25

Certain parties
exempted from
serving

VII. And be it enacted, That none of the persons hereinafter mentioned in this section, unless they be such Sheriffs or Registrars, or Town Clerks or Assessors, shall be obliged to act as such Returning Officer, or Deputy Returning Officer, or as such Election Clerk or Poll Clerk, that is to say :

1st.—Physicians and Surgeons.

2nd.—Millers. 10

3rd.—Postmasters.

4th.—Persons being sixty years of age, or upwards. 12

5th.—Persons who shall have previously served as Returning Officers. 14

Penalty on
parties not ex-
empted, refus-
ing to serve as
Returning
Officers

VIII. And be it enacted, That every Sheriff or Registrar, and every other person having the qualifications required by this Act for acting as Returning Officer, who shall refuse 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 currency of this Province, unless such person, not being a Sheriff or Registrar, and having a right to claim the exemption granted by the next preceding section, shall in fact have claimed such exemption within two days next after the receipt of such Writ of Election. 30

£50

Duty of the Re-
turning Offi-
cer on recei-
ving the Writ
of Election

IX. And be it enacted, That each Returning Officer shall on receiving the Writ of Election, forthwith endorse thereon the date of its reception ; and 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 ; and he shall cause such Proclamation to be posted up, in the manner hereinafter prescribed, at least eight days before the day which by such Proclamation he

Proclamation
Its form and
contents

Posting up of
Proclamation

shall have fixed for holding the said Election, which day so fixed shall be called the **Nomination Day**; and the place to be so fixed by the Returning Officer, shall be the public place most central and most convenient for the great body of the Electors in the County, Riding, City or Town for which he shall then be acting as such Returning Officer, and the hour to be fixed shall be between eleven 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; and 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; 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; and if the Election be for a County or Riding, 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 of such County or Riding in which such Election shall 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 County; and if it shall happen that only part of any Parish, Township or extra-parochial place in Lower Canada shall be within such County, he shall cause the said Proclamation to be posted up in such part only, in the manner above prescribed; and

Place of Election.

Hour.

Polling days

Place of posting up Proclamation in Cities and Towns

In Counties in U C

In Counties in L C.

Penalty for neglect

any Returning Officer who shall refuse or neglect to cause such Proclamation to be posted up as above required, shall for such neglect or refusal, incur a penalty of currency.

£25

Returning Officer to take in oath of office Justice administering it to grant a certificate

X. And be it enacted, That each Returning Officer shall, before the said day by him fixed for opening the Election, make and subscribe before a Justice of the Peace for the County or District in which he resides, the Oath No. 1, in the Schedule to this Act annexed; and such Justice of the Peace, shall, under a penalty of

£10

Penalty for refusing to take the oath

currency, 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 shall refuse or neglect either to make 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 currency.

£10

Returning Officer to appoint an Election Clerk, who shall be sworn, &c

XI. And be it enacted, That each Returning Officer shall, before the day of nomination, appoint by a Commission under his hand in the form C of the said Schedule, a fit and proper person to be his Election Clerk and to assist him in the performance of his duties as Returning Officer; and such Election Clerk shall make 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 No. 2, in the said Schedule; and of his having taken such Oath, there shall be delivered to him by the person before whom he shall have been sworn, and under his hand, a certificate in the form D of the said Schedule; and any person so appointed as Election Clerk who shall refuse to accept the said Office, or who, having accepted it, shall refuse or neglect to take and subscribe the said Oath hereby above required of him,

Penalty on persons refusing to perform the duty

or to perform the duties of Election Clerk,
 2 shall for such refusal or neglect, incur a
 penalty of _____ currency: Provided
 4 always, that it shall be lawful for the said
 Returning Officer, either before or after the
 6 day of nomination, to appoint in the manner
 above mentioned, another person as his Elec-
 8 tion Clerk, whensoever the case may require,
 either by reason of the death, illness, or
 10 absence of any Election Clerk previously
 appointed, or of his refusal or neglect to act,
 12 or otherwise; and such new Election Clerk
 so appointed shall be bound to perform all
 14 the duties, and comply with all the obliga-
 tions of his Office under the same penalty
 16 in case of refusal or neglect on his part, as
 is hereinbefore imposed in like cases; and
 18 whenever any Returning Officer shall be-
 come unable to perform the duties of his
 20 Office, whether by death, illness, absence or
 otherwise, the Election Clerk so by him ap-
 22 pointed as aforesaid, shall have power and
 is hereby required, under the same penalties
 24 in case of refusal or neglect on his part, as
 are hereinabove imposed in like cases on
 26 the Returning Officer, to act as Returning
 Officer for the said Election, and to perform
 28 all the duties and obligations of that Office,
 (which in such case he is hereby authorized
 30 and required to do), in like manner as if he
 had been duly appointed Returning Officer,
 32 and without being required to possess any
 other qualification, or to take any new Oath
 34 for that purpose; and in any such case the
 Election Clerk shall annex to his Return to
 36 the Writ of Election the said certificate of
 the Oath he shall have taken as Election
 38 Clerk, and also the Oath itself.

£10

Provide
 Another Elec-
 tion Clerk may
 be appointed in
 certain cases

Duty of Elec-
 tion Clerk in
 case the Re-
 turning Offi-
 cer shall be
 unable to per-
 form his duty

What shall be
 annexed to
 the Return in
 such case

XII. And be it enacted, That each Re-
 40 turning Officer shall at the time and place by
 him fixed as aforesaid for opening the Elec-
 42 tion, proceed to the Hustings (which shall
 be held in the open air at such place as that
 44 all the Electors may have free access
 thereto) and shall make or cause to be
 46 made, in the English and French Languages
 in Lower Canada, and in the English Lan-

Proceedings
 of the Retur-
 ning Officer on
 the day of
 Election

Proclamation,
reading of
Commission,
&c

guage in Upper Canada, in the presence of
the Electors there assembled at the Hustings, 2
a Proclamation in the form E of the said
Schedule, and shall then and there read, or 4
cause to be read publicly, in the English
Language in Upper Canada, and in the 6
English and French Languages in Lower
Canada, the Writ of Election, and his Com- 8
mission as Returning Officer when he shall
have been appointed Returning Officer by 10
special Commission for such purpose, and
shall then require the Electors there present 12
to name the person or persons whom they
wish to choose at the said Election to 14
represent them in the said Legislative
Assembly in obedience to the said Writ of 16
Election; and if the Candidates or their
respective Agents, and the Electors then 18
and there present, upon a show of hands
agree in the choice to be so made of the 20
person or persons to represent the said
Electors as aforesaid, and if after such shew 22
of hands, a Poll be not demanded in the man-
ner hereinafter mentioned, the said Return- 24
ing Officer shall forthwith close the Election,
and shall then and there openly proclaim 26
the person or persons so chosen, to be duly
elected a Member or Members to represent 28
in the Legislative Assembly, the County,
Riding, City or Town for which such Elec- 30
tion shall be had; but if a Poll be demanded
(and any Elector present or any Candidate, 32
either in person or by his Agent, shall have
a right to demand a Poll) then it shall be 34
the duty of the Returning Officer, and he is
hereby required to grant such Poll for 36
taking and recording the Votes of the Elec-
tors in the manner prescribed by this Act; 38
and when at any such Election a Poll shall
be demanded as aforesaid, if the Returning 40
Officer shall refuse or neglect to grant the
same, the Election shall be *ipso facto* null, 42
and such Returning Officer shall, for such
refusal or neglect, incur a penalty of 44
currency.

If no Poll be
demanded

If a Poll be
demanded

Penalty for
not granting it
if demanded

£200

Proceedings
when a Poll is
demanded

XIII. And be it enacted, That when at 46
any Election as aforesaid, a Poll shall have

been demanded and granted in the manner
 2 prescribed by this Act, such Poll shall be
 opened and kept separately in each Parish,
 4 Township or union of Townships, or Ward,
 or part of a Parish or Township (as the case
 6 may be) which shall lie within such County,
 Riding, City or Town, that is to say, in Upper
 8 Canada, in Counties and Ridings, in some
 building at or near the place where the last
 10 Township Meeting was held, and in Cities and
 Towns, at the most convenient place in each
 12 Ward; and in Lower Canada, at the most
 public and convenient place for the body of
 14 the Electors in such Parish, Township or
 Ward, or part of a Parish or Township,
 16 either in the open air or in some building
 close to the public highway; provided that
 18 such building, whether in Upper or Lower
 Canada, be not a Tavern or place of public
 20 entertainment, and that there be free access
 thereto to every Elector: And at such Elec-
 22 tion the Electors shall vote at the Polling
 place so opened and kept in the Parish or
 24 Township or union of Townships, or Ward,
 or part of a Parish or Township within the
 26 limits whereof the property shall lie, upon
 which they shall respectively claim the
 28 right of voting at such Election, and not at
 any other Polling place: and if any Elector
 30 (except in the case hereinafter mentioned
 of a Tenant who may have resided in dif-
 32 ferent Wards) shall vote at any other Pol-
 ling place, he shall thereby incur a penalty
 34 of £10 currency.

How and where such Poll shall be had.

In U C in Counties

In Cities and Towns.

In L C

Proviso no Poll to be at a Tavern

At what Polling place each Elector shall vote

Penalty for voting elsewhere

£10

XIV. And be it enacted in and by the
 36 present Section, which shall have force and
 effect in Lower Canada only, That for the
 38 purpose of voting under the provisions of
 this Act, the word "Parish" shall be under-
 40 stood wherever it occurs in this Act, to in-
 clude any tract of land which at the date of
 42 the Writ of Election shall be generally re-
 puted to form a Parish, whether such tract
 44 have or have not been wholly or in part ori-
 ginally erected into a Parish, either by the
 46 civil authorities or by a decree of the eccle-
 siastical authorities; and when in any

Interpretation of the word Parish as regards L C

As to extra-
parochial
places

When part on-
ly of a Parish
lies within any
County

County there shall be an extra-parochial
place, every Elector qualified to vote at the
Election upon property lying within the li-
mits of such extra-parochial place, may vote
at that one of the polling places opened and
kept as aforesaid in the said County, which
shall appear 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 Town-
ship, shall lie within the County, no polling
place shall be opened within such part, un-
less there be therein at least one hundred
proprietors of lands or tenements, qualified
to vote at such Election; and when any
such part shall not be 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 shall to him
appear most convenient. 21

Day of
opening the
Poll to be pro-
claimed from
the Hustings

Delay
between Elec-
tion and Poll

XV. And be it enacted, That when at any
such Election for a County, Riding, City or 26
Town, a Poll shall have been demanded and
granted in the manner provided by this Act, 28
the Returning Officer, immediately after
having granted such Poll and before adjourn- 30
ing his proceedings, shall publicly proclaim
from the hustings the day previously fixed 32
in and by his first proclamation, and the place
at which the Poll shall be so opened sepa- 34
rately in each Parish, Township or Union
of Townships, or Ward, or part of a Pa- 36
rish or Township (as the case may be)
for the purpose of then and there taking 38
and recording the votes of the Electors
according to law; and the said Return- 40
ing Officer shall allow at least six days and
not more than ten to elapse between the day 42
so by him fixed as aforesaid for opening the
Election, and the day by him fixed for open- 44
ing the Poll, at separate places as aforesaid;
and after having so proclaimed from the 46
hustings the day and the places fixed for

opening such Poll as aforesaid (which 2 places shall be then by him specially designated and described) the Returning Officer 4 shall adjourn his proceedings in such Election to another certain day, which shall be 6 called the Day of the Closing of the Election, and which shall be one of the ten days 8 next following that which he shall have previously fixed as aforesaid for opening the 10 said Poll, in the manner hereinbefore mentioned.

Adjournment
of the Election
until after the
Poll

12 XVI. And be it enacted, That the day to
be so fixed and proclaimed by the Returning
14 Officer for opening the Poll at separate
places as aforesaid, shall not be a Sunday,
16 New Year's day, the Epiphany, the Annun-
ciation, Good Friday, the Ascension, *Corpus*
18 *Christi*, St. Peter and St. Paul's day, All
Saints day, the Conception, or Christmas
20 day; and that such day shall be the same
for each Parish, Township or union of
22 Townships, or Ward, or part of a Parish or
Township (as the case may be); and the
24 Poll shall be opened and held on that day
and the two next following days only, so
26 that there be three days polling in each
Parish, Township or union of Townships,
28 Ward, or part of a Parish or Township, (as
the case may be): and such three days
30 shall be three consecutive days, unless one
or more of such three days be a Sunday or
32 one of the holidays hereinbefore mentioned,
in which case such Poll shall be opened and
34 held on the next following day or days, in
such manner always, that there may be in
36 each Parish, Township or union of Town-
ships, Ward, or part of a Parish or Town-
38 ship, (as the case may be), three days of
polling for taking and recording the votes
40 of the Electors according to law; and
during such three days of polling, the voting
42 shall commence at Nine o'clock in the fore-
noon, and shall finish at Four in the after-
44 noon of each of the said days.

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

Polling days
to be the same
for each Divi-
sion of the
County, City,
&c, and to be
three in num-
ber, and con-
secutive unless
Sundays or
holidays inter-
vene

Hours of
Voting

XVII. And be it enacted, That for the 46 purpose of taking the votes at any such

Deputy Re-
turning Offi-
cers to be ap-

pointed to hold
the Polls

Their Oath of
Office, &c

Penalty for re-
fusing to per-
form the duty

125
Proviso in U
C certain
local Off cers
to be appointed
Deputy Re-
turning Offi-
cers

Deputy Re-
turning Offi-
cers to appoint
Poll Clerks
Duties of Poll
Clerks, Oath
of Office, &c

Election as aforesaid, the Returning Officer shall, by a Commission under his hand and 2 in the form F of the said Schedule, appoint a Deputy Returning Officer for each Parish, 4 Township or Union of Townships, or Ward, or part of a Parish or Township, (as the 6 case may be), in which a polling place is to be opened and kept according to 8 law; and each such Deputy Returning Officer shall, before acting as such, take 10 and subscribe, either before a Justice of the Peace for the County or District in 12 which he resides, or before the Returning Officer, the Oath No. 3, in the said Sche- 14 dule, of the taking of which Oath there shall be delivered to him by the Functionary 16 before whom he shall have taken it, a Certificate under his hand in the form G of the 18 said Schedule : and any person so appointed a Deputy Returning Officer who shall re- 20 fuse to accept the said office, or who after having accepted the same shall refuse or ne- 22 glect either to take and subscribe the said Oath hereby required of him, or to perform 24 the duties of a Deputy Returning Officer, shall for such neglect or refusal, incur a pe- 26 nalty of _____ currency : Pro- vided always, that the Returning Officer for 28 every County or Riding in Upper Canada shall, and he is hereby required to appoint 30 as such his Deputy for each Township or Union of Townships in which a polling 32 place is to be opened and kept according to law, the Town Clerk for the time being of 34 such Township or Union of Townships, and in case of the absence, sickness or death of 36 any such Town Clerk, then he shall appoint as such his Deputy as aforesaid, instead of 38 such Town Clerk, the Assessor or Collec- tor of such Township or Union of Town- 40 ships; and every Deputy Returning Officer, as well in Upper as in Lower Canada, shall 42 by a Commission under his hand, and in the form H of the said Schedule, appoint a 44 Poll Clerk to assist him in taking the Poll according to law ; and each Poll Clerk ap- 46 pointed as aforesaid shall, before acting as such, take and subscribe, either before a Jus- 48

tice of the Peace for the County or District
 2 in which he resides, or before the Returning
 Officer, or such Deputy Returning Officer,
 4 the Oath No. 4 in the said Schedule, of the
 taking of which Oath there shall be deliver-
 6 ed to him, by the Functionary before whom
 it shall have been taken, a Certificate under
 8 his hand, in the form J in the said Schedule;
 and any person so appointed a Poll Clerk
 10 who shall refuse to accept the said office, or
 who, after having accepted the same, shall
 12 refuse or neglect either to take and subscribe
 the Oath hereby required of him, or to per-
 14 form the duties of a Poll Clerk, shall, for
 such neglect or refusal, incur a penalty of
 16 currency; Provided always, that
 it shall be lawful for the Returning Officer
 18 to appoint in the manner above provided,
 another person to be Deputy Returning Of-
 20 ficer, when and so often as the case may re-
 quire such appointment, either by reason of
 22 the death, illness or absence of a Deputy
 Returning Officer previously appointed, or
 24 by reason of his refusal or neglect to act in
 that capacity, or otherwise; and such new
 26 Deputy Returning Officer so appointed shall
 be bound to perform all the duties and obli-
 28 gations of the said office under the same
 penalties, in case of refusal or neglect on
 30 his part, as are hereinabove imposed in like
 cases.

Penalty for
refusing to
perform the
duty

£10.

Provido
another Depu-
ty Returning
Officer may be
appointed in
certain cases
his duties, &c.

32 XVIII. And be it enacted, That the Re-
 turning Officer shall, by a Warrant under
 34 his hand, in the form K of the said Sche-
 dule, and addressed to any of the Deputy
 36 Returning Officers by him appointed as
 aforesaid, require each such Deputy Return-
 38 ing Officer to open and hold the Poll accord-
 ing to law, at the time and place by him
 40 fixed as hereinbefore provided and set forth
 in his said Warrant, in the Parish, Town-
 42 ship or Union of Townships, or Ward, or
 part of a Parish or Township (as the case
 44 may be), for which such Deputy shall have
 been so appointed, and to take and record
 46 at such Poll, in a book which such Deputy
 shall keep or cause to be kept for that pur-

Returning
Officer to issue
his Warrant
for holding the
Polls, &c., to
each of his
Deputes.

Form of Poll Book, return thereof, &c

pose, in the form L of the said Schedule, the votes of the Electors voting at the said 2 Poll, and to return to him the said Poll Book signed with his hand and sealed with his 4 seal, on or before the said day fixed by the Returning Officer for closing the Election. 6

Mode of recording the Votes in the Poll Book

XIX. And be it enacted, That each Deputy Returning Officer shall, at the polling 8 place kept by him in conformity to this Act, record or cause to be recorded in such 10 Poll Book as aforesaid, and in the order in which they shall have been given, the votes 12 of the Electors voting at such polling places, by entering therein the name, surname, 14 legal addition and residence of each Elector so voting, and by shewing by the insertion 16 of the word "*Proprietor*," or the word "*Tenant*" in the said Poll Book, whether 18 it be as a proprietor or as a tenant that such Elector claims the right of voting at 20 such Poll, and when any elector shall have taken the oath required of him by this Act, 22 the Deputy Returning Officer shall state in the Poll Book that such oath was taken by 24 the Elector, by entering after the name of such Elector in the column for oaths in the 26 said Poll Book, the word "*Suorn*" and nothing more 28

As to Electors sworn

Duty of the Poll Clerk

XX. And be it enacted, That each Poll Clerk shall, at the polling place for which 30 he shall have been appointed, aid and assist in the performance of the duties of his 32 office, the Deputy Returning Officer appointed to open and keep the Poll at such 34 place in conformity to this Act, and shall obey the orders of the said Deputy Re- 36 turning Officer, and in case the Deputy Returning Officer should refuse or neglect 38 to perform the duties of his office, or shall become unable to perform them, either by 40 death, illness, absence or otherwise, and if in any such case no other Deputy Returning 42 Officer duly appointed by the Returning Officer in the place of the former, shall 44 appear at the polling place, then such Poll Clerk is hereby required, (under the same 46

To perform the duty of Deputy Returning Officer in certain cases

penalties as are hereinbefore imposed in
 2 like cases on a Deputy Returning Officer,)
 to act at such Poll as Deputy Returning
 4 Officer, and to perform all the duties and
 obligations of that office, (which he is hereby
 6 in such case authorized and required to do
 in the same manner as if he had been ap-
 8 pointed Deputy Returning Officer by the
 Returning Officer, and without being bound
 10 to take any new oath, for that purpose); and
 whenever any Poll Clerk shall, in the case
 12 hereinbefore provided, act as Deputy Re-
 turning Officer, he shall have power to ap-
 14 point by a commission under his hand in
 the form H of the said Schedule, another
 16 person as Poll Clerk, to aid and assist him
 as aforesaid in the performance of the duties
 18 of his office, and to administer to such per-
 son the oath required of a Poll Clerk by
 20 this Act; and the Poll Clerk so appointed
 in conformity with this section shall have
 22 the same duties and obligations to perform
 as if he had been appointed Poll Clerk by
 24 the Deputy Returning Officer himself; and
 also whenever any Poll Clerk appointed
 26 under the requirements of this Act shall re-
 fuse or neglect to perform his duty as such, or
 28 shall become unable to perform it, either by
 death, illness, absence or other cause, the
 30 Deputy Returning Officer whose Poll Clerk
 he was, may appoint, by a commission
 32 under his hand in the form G. of the said
 Schedule, another person as Clerk at the
 34 said polling place, to aid and assist him as
 aforesaid in the duties of his office, and
 36 may administer to him the oath required of
 a Poll Clerk by this Act.

In such case
 he may appoint
 another Poll
 Clerk.

Deputy Re-
 turning Offi-
 cer may ap-
 point another
 Poll Clerk in
 certain cases

38 XXI. And be it enacted, That every Poll
 Clerk shall, after the closing of the Poll
 40 at which he shall have acted as such, but
 before the Deputy Returning Officer who
 42 shall have kept the same shall have returned
 the Poll Book to the Returning Officer, as
 44 herein required, make and subscribe either
 before a Justice of the Peace for the County
 46 or District in which he resides, or before
 the said Deputy Returning Officer, or before

Poll Clerk to
 take a certain
 oath before the
 Poll Book is
 returned.

And also the Deputy Returning Officer.

When the Poll Book shall be returned, and to whom.

Penalties for non compliance with this section

£50

£20

Proceedings on the day appointed for closing the Election

Counting the votes

Proclamation of the person elected.

the Returning Officer himself, the oath in the form M. of the said Schedule, which 2
 oath shall thereafter be annexed to the said 4
 Poll Book ; and that the Deputy Returning 6
 Officer who shall have kept and closed the 8
 Poll shall, before returning the Poll Book 10
 as aforesaid to the Returning Officer, make 12
 and subscribe either before a Justice of 14
 Peace for the County or District where 16
 he resides, or before the said Returning 18
 Officer, the oath in the form N. of the said 20
 Schedule, which oath shall thereafter be 22
 annexed to the said Poll Book ; and the 24
 Deputy Returning Officer shall then return 26
 the Poll Book to the Returning Officer on 28
 or before the day fixed in the manner above 30
 prescribed for closing the election ; and 32
 any Deputy Returning Officer or Poll Clerk 34
 who shall refuse or neglect to perform any 36
 of the obligations or formalities required of 38
 him by this section, shall, for each such 40
 refusal or neglect, incur the penalty herein- 42
 after mentioned, that is to say : any Deputy 44
 Returning Officer a penalty of 46
 currency ; and any Poll 48
 Clerk a penalty of 50
 currency.

XXII. And be it enacted, That 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 shall have opened the Election and granted a Poll as aforesaid ; 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 the whole County, Riding, City or Town, for which the Election shall have been had ; and as soon as he shall have 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 County, Riding, City or Town in the said Legislative Assembly, the person or persons who shall

have the majority of the total number of 2 votes so counted and added up which shall have been taken and recorded according to 4 law in all the Parishes, or Townships or Unions of Townships, or Wards, or parts 6 of Parishes or Townships (as the case may be,) in such County, Riding, City or Town: 8 Provided always, that the Returning Officer shall not in any case proclaim any such 10 person or persons duly elected, unless all the Poll Books shall have been returned to 12 him by all his Deputy Returning Officers.

Proviso if all the Poll Books have not been returned

XXIII And be it enacted, That if on the 14 day fixed by the Returning Officer for closing the election, it should happen that 16 one or more of the Poll Books shall not have been returned by the Deputy Return- 18 ing Officer or Officers, and it should consequently become impossible for him to ascer- 20 tain the total number of votes as required by the next preceding section of this Act, then 22 such Returning Officer, instead of proceeding on the said day to examine the Poll 24 Books which shall have been previously returned to him, shall again adjourn the 26 proceedings of the Election to the following day, and so from day to day until all the 28 said Poll Books shall have been returned to him: Provided always, That in pro- 30 claiming such adjournment he shall publicly assign the reason thereof, and shall in 32 no case continue the said adjournment to so late a day as to prevent his returning the 34 Writ of Election on the day appointed for that purpose; and provided also, that he 36 shall in no case adjourn such proceedings to a Sunday or to any of the Holidays here 38 inbefore mentioned, but if the case shall occur, he shall adjourn the proceedings to 40 the day next after such Sunday or Holiday.

Proceedings to be adjourned until all the Poll Books shall be returned

Proviso reason of adjournment to be proclaimed

Proviso Adjournment over any Sunday or Holiday

XXIV And be it enacted, That imme- 42 diately after any Election shall be closed, by the Proclamation to be made by the 44 Returning Officer, in manner aforesaid, of the person or persons duly elected as aforesaid, the Returning Officer shall forthwith

Indenture to be executed, and one copy returned with the Writ.

execute under his hand and seal, and the hands and seals of at least three Electors, 2 an indenture of the Election in the form O of the said Schedule; and such indenture 4 shall be in duplicate or in triplicate as the case may require, and one copy shall be 6 delivered by the Returning Officer to each person so elected, and the Returning Of 8 ficer shall transmit one copy thereof to the Clerk of the Crown in Chancery, with the 10 return of the Writ of Election.

Proceedings in case any Poll Book shall be stolen, lost or destroyed

XXV. And be it enacted, That when 12 any Poll Book of any such Election shall be stolen or taken from its lawful place of 14 deposit for the time being, or shall have been lost or destroyed, or shall have been 16 otherwise placed beyond the reach of the Deputy Returning Officer, to whom the 18 custody of such Poll Book for the time being belonged at any time before he shall 20 have made his return of the same to the Returning Officer, it shall be the duty of 22 such Deputy Returning Officer and he is hereby required to attend personally on the 24 Returning Officer, and report to him the fact of such loss of the said Poll Book, and 26 it shall be also the duty of the Poll Clerk of such Deputy Returning Officer, so soon 28 as he shall have been informed of such loss personally or by letter, either by or from 30 such Deputy Returning Officer, or the Returning Officer himself, or shall have 32 had other good reasons for believing that such loss had occurred, forthwith to at 34 tend personally on such Returning Officer, and it shall be the duty of such Returning 36 Officer to examine such Deputy Returning Officer and Poll Clerk upon oath or affir- 38 mation as the occasion may require, as to such loss of the said Poll Book and the 40 contents thereof, which examination shall be taken down by him in writing, and sub- 42 scribed by such Deputy Returning Officer and Poll Clerk, and annexed to the Return 44 in lieu of such Poll Book; and the number of Votes that the said Returning Officer 46 shall by this means find to have been record-

Examination of Deputy Returning Officer and Poll Clerk &c

ed in such Poll Book for each Candidate at
 2 such Election, shall be included in his
 summing up of the Votes of such Election,
 4 as if the same had been taken from such
 Poll Book ; Provided always, nevertheless,
 6 that if either the Deputy Returning Officer
 or the Poll Clerk shall omit to attend on such
 8 Returning Officer as hereby required of
 them, or shall refuse to be sworn or affir-
 10 med by such Returning Officer as aforesaid,
 they shall be each subject to a Penalty of
 12 and in the case
 of such refusal to be sworn or affirmed as
 14 aforesaid, shall and may be committed by
 the said Returning Officer to the common
 16 Gaol of the County or District, until thence
 discharged by an order of the said Legisla-
 18 tive Assembly in that behalf.

Proviso
 Punishment
 of Deputy Re-
 turning Offi-
 cer or Poll
 Clerk refusing
 to attend or be
 sworn

XXVI And be it enacted, That in case
 20 any Returning Officer for any County,
 Riding, City or Town in this Province,
 22 shall wilfully make any false Return of any
 Member to seive in the said Legislative
 24 Assembly for such County, Riding, City or
 Town, or shall wilfully, falsely and mali-
 26 ciously return more persons than are
 required to be chosen by the Writ to him
 28 directed in that behalf, then and in every
 such case such Returning Officer, over and
 30 above all other pains, penalties and forfeit-
 ures to which he may by the law of Par-
 32 liament or otherwise be liable therefor,
 shall forfeit and pay the sum of
 34 £250 Currency, to each of
 the parties grieved by such false or double
 36 return, that is to say, to every person who
 shall have been duly elected and who
 38 ought to have been returned on such Writ,
 which penalty may be sued for and reco-
 40 vered by every such party with full costs of
 suit by action of debt in any of Her Majes-
 42 ty's Courts in this Province having com-
 petent jurisdiction ; and every such party
 44 shall moreover have the like remedy for a
 like sum against any and every person who
 46 shall willingly procure any such false or
 double Return to be so made as aforesaid.

Penalty on
 any Return-
 ing Officer
 wilfully mak-
 ing any false
 Return, &c

£250

How such
 penalty may
 be recovered.

Parties pro-
 curing a false
 return to incur
 a like penalty.

Returning
Officer to have
copies of the
Poll Books
made, and de-
posit the same

XXVII. And be it enacted, That it shall
be the duty of each Returning Officer to 2
make or cause to be made exact copies of
all the Poll Books which shall have been 4
returned to him by his several deputies,
and within ten days after the closing of the 6
Election, to deposit such copies duly cer-
tified by him in the office of the Registrar 8
of Deeds and Titles for that County or part
of a County within which the place where 10
the nomination of the Candidates at such
Election shall have been made, is situate; 12
and the said Registrar shall be bound to
allow inspection thereof to any person who 14
may demand the same on payment of a fee
of _____ currency, and to allow 16
such person to take copy of the same at his
own expense; and it shall also be the duty 18
of the Returning Officer then to transmit
the originals of the said Poll Books with 20
the Writ of Election and his return there-
upon, to the Clerk of the Crown in Chan- 22
cery, within fifteen days after the closing
of the Election; and the said original Poll 24
Books, with the affidavits and certificates
herein above required, shall in all cases be 26
prima facie evidence of the truth of the
allegations therein contained. 28

To be open to
the public

Originals to be
returned with
the Writ of
Election

Their effect as
evidence

Returning
Officer or De-
puty, not to
grant any
scrutiny

XXVIII. And be it enacted, That here-
after no Returning Officer or Deputy Re- 30
turning Officer shall have power to grant,
make or enter into any scrutiny of the votes 32
given at any such Election, excepting only
such as may be granted and made with re- 34
ference to each vote before it is recorded in
the Poll Book. 36

Any party
may act as the
Agent of any
Candidate

XXIX. And be it enacted, That at any
Election as aforesaid, whether at the Hust- 38
ings on the day of the opening or of the
closing of the Election, or at the Polling 40
places opened and kept for such Election
in conformity to this Act, any person in the 42
interest of any absent Candidate, whether
such person be or be not an Elector, may at 44
any time during the Election, declare him-
self to be and may act as the Agent of any 46

such Candidate without producing any
 2 special authority in writing for that purpose ;
 and that any person who, at any time, either
 4 during the Election or before the Election,
 shall be employed at the said Election or
 6 in reference thereto, or for the purpose of
 forwarding the same, by any Candidate or
 8 by any person whomsoever, as Counsel,
 Agent, Attorney or Clerk, at any polling
 10 place at such Election, or in any other ca-
 pacity whatever, and who shall have re-
 12 ceived or expect to receive, either before,
 during or after the said Election, from any
 14 Candidate or from any person whomsoever,
 for acting in any such capacity as aforesaid,
 16 any sum of money, fee, office, place or
 employment or any promise, pledge or se-
 18 curity whatever, for any sum of money, fee,
 office, place or employment, shall be deem-
 20 ed incompetent to vote at such Election,
 and his vote, if given, shall be null and
 22 void, and such person shall further incur,
 for having so voted, a penalty of
 24 currency.

Nopaid Agent,
 Attorney,
 Counsel, &c
 of any Candi-
 date to vote at
 the Election

Penalty for
 voting
 £25

XXX. And be it enacted, That no
 26 person shall be entitled to vote at any such
 Election, for a County or Riding, unless at
 28 the time of giving his vote he shall be pos-
 sessed, for his own use and benefit as pro-
 30 prietor, by virtue of some legal title vest-
 ing such property in him, either in Fee
 32 Simple or in Freehold under the tenure of
 free and common soccage, or in *fief*, or in
 34 *roture*, or in *franc-aleu*, or by virtue of a
 certificate, derived under the authority of
 36 the Governor and Council of the late Pro-
 vince of Quebec, or by virtue of any Act or
 38 Acts of the Legislature of either the late
 Province of Upper or Lower Canada, or of
 40 the Legislature of Canada, of Lands or
 Tenements lying and being in such County
 42 or Riding, and being of the clear yearly
 value of Forty-four shillings and five
 44 pence and one farthing currency, (equal, at
 the time of the passing of the Act of the
 46 Imperial Parliament passed in the thirty-
 first year of the Reign of His Majesty King

Qualification
 of Electors,
 for Counties or
 Ridings

Imperial Act
31 Geo 3 c
31 cited

During what
time the qual-
fication must
have been
possessed

Exception

Qualification
of Electors in
Cities or
Towns — as
proprietors.

George the Third, commonly called “ The
Constitutional Act,” and intituled, “ An 2
“ Act to repeal certain parts of an Act
“ passed in the fourteenth year of His 4
“ Majesty’s Reign, intituled, ‘ An Act for
“ ‘ making more effectual provision for the 6
“ ‘ Government of the Province of Quebec
“ ‘ in North America;” and to make fur- 8
“ provision for the Government of the said
“ Province,” to forty shillings sterling,) or 10
upwards, over and above all annual rents,
whether ground rents (*rentes foncières*) or 12
constituted rents (*rentes constituées*) or any
other rents and charges payable out of or 14
in respect of the same, nor unless such per-
son be at the time of giving his vote at such 16
Election, and shall have been in actual and
uninterrupted possession of such lands or 18
tenements, or in the receipt of the rents
and profits thereof as proprietor as afore- 20
said, by virtue of and under some such title
as aforesaid, for his own use and benefit, 22
during at least six calendar months next
before the date of the Writ of Election, 24
unless the same shall within the time afore- 26
said have come to him by descent or inheri-
tance, or by devise, marriage or contract of
marriage. 28

XXXI. And be it enacted, That no per-
son shall be entitled to vote as proprietor at 30
any such Election, for any City or Town in
this Province, unless at the time of giving 32
his vote at such Election he shall be posses-
sed for his own use and benefit as proprietor, 34
by virtue of some legal title vesting such
property in him, either in Fee Simple or 36
in Freehold under the tenure of free and
common socage, or in *fief*, or in *roture*, or 38
in *franc-aleu*, or by virtue of a certificate
derived under the authority of the Governor 40
and Council of the late Province of Quebec,
or by virtue of any Act or Acts of the 42
Legislature of either the late Province of
Upper or Lower Canada, or of the Legisla- 44
ture of Canada, of a lot of ground with a
dwelling house thereon, lying and being 46
within the limits of such City or Town or

of the liberties thereof, such lot and dwelling house being of the yearly value of five pounds, eleven shillings, one penny and one farthing currency of this Province, (equal, at the time of the passing of the Imperial Act last above cited, to Five Pounds sterling) or upwards, over and above all annual rents, whether ground rents (*rentes foncières*) or constituted rents (*rentes constituées*) or any other rents and charges payable out of or in respect of the same, nor unless such person be at the time of giving his vote at such Election, and shall have been in actual and uninterrupted possession of such lot and dwelling house, or in the receipt of the rents and profits thereof as proprietor as aforesaid by virtue of and under some such title as aforesaid, for his own use and benefit, during at least six calendar months next before the date of the Writ of Election, unless such lot and dwelling house shall within the time aforesaid, have come to him by descent or inheritance, or devise, marriage or contract of marriage.

During what time the qualification must have been possessed

XXXII Provided always, and it is hereby declared and enacted by the authority aforesaid, That every such person being otherwise duly qualified in that behalf to vote as proprietor as aforesaid, is and shall be entitled to vote at any such election upon or in respect of any such lot and dwelling house, whether such dwelling house shall have been erected upon the said lot by himself or those under whom he claims, or by any tenant or tenants holding under building or other leases, or by any other person or persons whomsoever, and whether there shall be or shall not be any subsisting covenant, contract or agreement between landlord and tenant, either in such lease or separate from it, for the removal of any such dwelling house from such lot during or at the end of any term of years for which it may be let, or for any allowance in money or otherwise in lieu of such removal.

Proprietors of dwelling houses not to be disqualified by certain circumstances or agreements respecting the same.

Qualification
of Electors in
Cities and
Towns, as
Tenants

One year's
Rent must
have been
paid

Proviso what
shall be such
year's Rent

Proviso
Payment of
£11 2s. 2½d.
to be sufficient.

Proviso as to
occupiers of
buildings not
being dwelling
houses.

XXXIII. And be it enacted, That no person shall be entitled to vote as a Tenant at any such Election for any City or Town in this Province, unless at the time of giving his vote at such Election, he shall reside as a Tenant within the limits of such City or Town, or of the liberties thereof, nor unless he shall have so resided as a Tenant during the period of twelve calendar months next before the date of the Writ of Election, nor unless he shall, during the same period, as such Tenant, and separately and not jointly with any other person, have occupied and shall occupy at the time he shall give his vote at such Election, by actual residence therein (*en y tenant feu et lieu*) a dwelling house or dwelling houses, or part or parts of a dwelling house or dwelling houses, lying and being within the limits of such City or Town, or of the liberties thereof, nor unless he shall have really and *bonâ fide* paid one year's rent for such dwelling house or dwelling houses, or part or parts of a dwelling house or dwelling houses, at the rate of eleven pounds, two shillings and two pence half penny currency, (equal, at the time of the passing of the Imperial Act last above cited, to ten pounds sterling) or upwards, a year; Provided always, that the year's rent so required to be paid to entitle such tenant to vote at any such Election shall be the year's rent up to the last yearly, half yearly, quarterly or other day of payment (as the case may be) of such rent, which shall have occurred next before the date of the said Writ of Election; and provided also, that whenever such annual rent shall exceed the said sum of eleven pounds, two shillings and two pence half penny currency, then, in every such case, payment of eleven pounds two shillings and two pence half penny currency, shall be deemed and taken to be a payment of rent within the requirements of this section; and provided also, that any person who shall only hold and occupy within the limits of such City or Town or

the liberties thereof, a shop, a counting house, office or other place of business, and who shall not live and have his actual residence therein, (*n'y tiendra pas feu et lieu*), shall not be entitled to vote at such Election ; and provided also, that a change of residence in any such City or Town, or the liberties thereof, shall not in any case deprive any such tenant of his right to vote at any such Election, provided he be in all other respects qualified to vote thereat ; and in case of such change of residence being from one Ward to another, he shall vote only at the polling place opened and kept in the Ward within the limits whereof he shall reside on the day when he shall vote at such Election.

Proviso as to
change of
residence

XXXIV. Provided always, and it is hereby declared and enacted by the authority aforesaid, That every such person being otherwise duly qualified in that behalf to vote as tenant as aforesaid, is and shall be entitled to vote at any such election upon or in respect of any such dwelling house, whether such dwelling house shall have been erected upon the lot of ground on which the same shall stand, by himself or those under whom he claims, or by any other person or persons whomsoever, and whether there shall or shall not be any subsisting covenant, contract or agreement between landlord and tenant, either in the lease under which he shall hold or separate from it, for the removal of any such dwelling house from such lot during or at the end of any term of years for which the same may be let, or for any allowance in money or otherwise in lieu of such removal.

Tenants not
to be disqualified by certain
circumstances,
or agreements
as to their
dwelling
houses

XXXV. And be it enacted, That any person who, being in the Civil or Military Service of Her Majesty, or of any Corporation, or Incorporated Society or Company, shall occupy within the limits of such City or Town, or the liberties thereof, any dwelling house or part of a dwelling house, belonging to the Crown or to any

Occupiers of
dwellings pro-
vided for them
by Her Majesty,
Government
Departments,
Corporations,
&c
not to be
thereby qual-
ified

Department of Her Majesty's Government, or to such Corporation, Society or Company, or which shall have been provided for such person in any manner whatever by the Crown or any Department of Her Majesty's Government, or by such Corporation, Society or Company, whether it be or be not reckoned as part of the Salary, Wages or pay, which such person, by reason of such service, shall be entitled to receive or shall receive from the Crown, or any Department of Her Majesty's Government, or from such Corporation, Society or Company, shall not be entitled, by reason of his occupying any such dwelling house or part of a dwelling house, to vote at such Election, whatever be the amount of the rent or the value of the occupation (*la valeur du loyer*) of such dwelling house or part of a dwelling house so occupied by such person, and whether he do or do not actually live and have his residence therein (*y tiennent ou non feu et lieu*).

As to lands partly within one county and partly within another

XXXVI. And be it enacted, That whenever at any such Election for a County or Riding, any person shall claim the right of voting as the proprietor of any lands or tenements which lie partly within such County or Riding and partly within another, the part thereof lying within the County or Riding for which the Election shall be had, shall be held to be lands or tenements within the meaning of the twenty-eighth section of this Act, and such person may accordingly vote at such Election, provided he be in all other respects duly qualified to do within the intent of the said twenty-eighth section; and when any lands or tenements, although wholly within the same County or Riding, shall nevertheless lie partly within the limits of one of the polling places opened and kept in such County or Riding, and partly within the limits of another of the said polling places, the person who shall be entitled to vote as the proprietor of such lands or tenements may vote at either of the said polling places at his discretion.

And as to lands partly within one polling place and partly within another

XXXVII. And be it enacted, That whenever at any such Election for any City or Town in this Province, any person shall claim the right of voting under the provisions of the twenty-ninth section of this Act, as the Proprietor of a lot of ground lying partly within and partly without the limits of such City or Town, or the liberties thereof, such person shall not be entitled to vote at such Election upon the said lot of ground, unless the dwelling house erected on such lot shall be wholly upon that part thereof which shall lie within the said limits, nor unless such person be in all other respects duly qualified within the meaning of the said twenty-ninth section, to vote at such election

As to lands partly within and partly without any City or Town

XXXVIII. And be it enacted, in and by the present section which shall have force and effect in Lower Canada only, That whenever any person shall have the mere right of property in any lands or tenements in a County, or in any lot of ground having a dwelling house thereon in any City or Town, and some other person shall have the usufructuary enjoyment (*la jouissance et l'usufruit*) of the same for his own use and benefit, the person who shall have the mere right of property therein shall not have the right of voting upon such lands or tenements, or lot of ground, 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.

As to lands, &c. in L. C. of which one person shall have the right of property and another the usufructuary enjoyment

XXXIX. And be it enacted, That whenever the right of property in any lands or tenements in any County or Riding, or in any lot of ground having a dwelling house thereon in any City or Town, shall be vested undividedly (*par indivis*), whether as joint tenants or tenants in common, in any two or more persons, each of such persons shall have the right of voting at any such election upon his undivided part or share of such property, Provided always, that

Joint tenants, or tenants in common, may vote.

Proviso.

Each undivided part must be of the proper value

Shareholders in incorporated companies or societies, excepted

Senior resident partner to vote on lands, &c. belonging to any partnership

No vote to be refused except by consent of all the candidates

Votes objected to how to be distinguished in the Poll Book.

such part or share be of the yearly value of at least two pounds four shillings and five pence and one farthing currency, as required by the twenty-eighth section of this Act, if such lands or tenements be situate in any County or Riding, or of the yearly value of at least five pounds, eleven shillings and one penny and one farthing currency, as required by the said twenty-ninth section, if such lands or tenements be situate in any of the Cities or Towns aforesaid, over and above all annual rents, whether ground rents (*rentes foncières*,) or constituted rents (*rentes constituées*) or any other rents and charges payable out of or in respect of such part or share, and not otherwise; but whenever any such lands or tenements shall be vested in any incorporated Company or Society, no one of the shareholders or partners in such Company or Society shall in any case be entitled to vote upon such property at any such election; Provided always, that whenever any such lands or tenements shall be vested in any unincorporated Company or Society, the right of voting in respect of the same shall belong to the senior resident partner of such Company or Society. 28

XL. And be it enacted, That no Deputy Returning Officer or person assisting him as Poll Clerk, shall have power to refuse to take and record in his Poll Book the vote of any person claiming the right of voting at his polling place as an Elector duly qualified under the provisions of this Act, unless all the Candidates or their Agents shall agree that such person is not qualified to vote at such election; and in every case where the vote of any person shall be objected to by any Candidate or his Agent, the Deputy Returning Officer shall enter the objection in his Poll Book by writing or causing to be written 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 Candidates or on behalf of

what Candidate or Candidates the objection
 2 shall have been made, by adding after the
 words "objected to" the name only of such
 4 Candidate or Candidates ; and whenever
 any Elector shall be thereunto required by
 6 the Deputy Returning Officer or by any
 one of the Candidates or his Agent, such
 8 Elector shall, before his vote be taken and
 recorded in the Poll Book, declare the
 10 local situation of the lands or tenements on
 which he claims to vote, and such declara-
 12 tion shall be made verbally by such Elector,
 by his merely mentioning either the street
 14 or streets, public square or squares on or
 to which such lands or tenements front or
 16 are adjacent, or the names of his neighbours
 so far as they may be known to him, if such
 18 lands or tenements be situate in any one of
 the said Cities or Towns, or by his merely
 20 mentioning the street or square, range or
 concession, in or on which such lands
 22 or tenements are situate, or the names of
 his neighbours so far as they may be
 24 known to him, if such property be in
 any County or Riding ; and whenever such
 26 Deputy Returning Officer shall be there-
 unto required by any Candidate or his
 28 Agent, and not in any other case, he shall
 state in his Poll Book the situation of such
 30 lands or tenements by merely entering or
 causing to be entered therein, after the name
 32 of the voter in the column of "description,"
 either the name of the street or streets, or
 34 of the square or squares, lot, range or con-
 cession in which such lands or tenements
 36 are situate, or the names of the neighbours
 thereof in so far as they shall be known to
 38 the voter, (as the case may be), the whole
 according to the declaration of the situation
 40 of such lands or tenements as given by the
 voter.

Situation of
 the property
 voted upon,
 may be asked
 of any voter

And the
 answer shall
 be noted in the
 Poll Book if
 required by
 any candidate

42 XLI. And be it enacted, That when-
 ever any person who shall have or claim
 44 to have the right of voting at any election,
 shall be thereunto required by one of the
 46 Candidates or his Agent, and not otherwise,
 he shall take before the Deputy Returning

Oaths to be
 taken by the
 voters, if re-
 quired

Officer at the Polling place at which he shall offer to vote and before his vote shall be taken and recorded in the Poll Book, one of the Oaths or Affirmations respectively marked numbers five, six, seven, eight, nine, ten, eleven, twelve, thirteen and fourteen, in the said Schedule, that is to say: if the election be for a County or Riding, such a person shall take, in Lower Canada, the oath or affirmation number five or six, (as the case may be), and, in Upper Canada, the oath or affirmation number ten or eleven; if the election be for a City or Town, he shall take, in Lower Canada, the oath or affirmation number seven or eight, (as the case may be), and, in Upper Canada, the oath or affirmation number twelve or thirteen, (as the case may be), if he votes as a proprietor, or the oath or affirmation number nine, in Lower Canada, and number fourteen, in Upper Canada, if he votes as a Tenant, which said oaths or affirmations the Deputy Returning Officer is hereby authorized and required to administer, under a penalty, for any refusal or neglect so to do, of

What oaths may be required of any voter, at a County election, at a City or Town Election in L. C.
in U. C.
in L. C.
in U. C.
Penalty for refusing to administer such oaths
£10
Or for administering any oaths without being required
£10
Or for voting without taking the Oath if required
£10
Voter refusing to take the required Oath.

2
 4
 6
 8
 10
 12
 14
 16
 18
 20
 22
 24
 26
 28
 30
 32
 34
 36
 38
 40
 42
 44
 46
 48

be entered after the name of such voter the
 2 word "refused," and in every such case the
 vote shall not be taken or recorded in the
 4 said Poll Book; and if any vote be in any
 such case taken and recorded, it shall be
 6 *ipso facto* null and void, and the Deputy
 Returning Officer shall, for having taken
 8 and recorded the same, or for having caused
 it to be taken and recorded in his said Poll
 10 Book, incur a penalty of currency. £10

Penalty for
 recording such
 votes

12 XLII. And be it enacted, That no
 person shall be entitled to vote at any such
 14 election, unless at the time of his voting at
 such election he shall be a British subject
 16 by birth or naturalization, and shall have
 attained the full age of twenty-one years.

None but
 British Sub-
 jects of full
 age to vote

18 XLIII. And be it enacted, That any
 person who shall have voted at any such
 20 election, without having, at the time of his so
 voting all the qualifications required by law
 22 for entitling him so to vote at such election,
 shall for so doing incur a penalty of £10
 24 currency, and his vote shall more-
 over be null and void; and in any action or
 26 prosecution brought or instituted as hereinafter
 provided against any such person for
 28 the recovery of the said penalty, the burden
 of the proof of such person having, at the
 30 time of his so voting at such Election, all
 the said qualifications, shall fall upon him
 32 and not upon the party bringing or institut-
 ing such action or prosecution; and any per-
 34 son who shall vote more than once at the same
 election shall for so doing incur a like
 36 penalty of currency, and every
 vote he shall have given subsequently to
 38 his first vote shall be null and void.

Penalty on
 unqualified
 persons voting

Proof of quali-
 fication to lie
 on the person
 voting.

Penalty for
 voting more
 than once at
 the same
 election
 £10

XLIV. And be it enacted, That if any
 40 lands or tenements shall be transferred or
 conveyed to any person, by any title or in-
 42 strument whatsoever, fraudulently and for
 the purpose of giving him the qualification
 44 requisite to enable him to vote at any
 election, and if such person shall vote at

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

£10

But the conveyance shall be valid.

Any agreement to the contrary notwithstanding

such election upon such lands or tenements, his vote shall be void, and he shall more- 2
 over incur a penalty of currency; 4
 and nevertheless such transfer or convey- 4
 ance, notwithstanding any agreement to an- 6
 nul or revoke the same, or to reconvey such 6
 lands or tenements, shall be valid and shall 8
 transfer such lands or tenements out of and 8
 from the person who shall have so trans- 8
 ferred or conveyed the same, and shall vest 10
 them in the person to whom they shall have 10
 been so transferred or conveyed, to all intents 12
 and purposes whatsoever; and every such 12
 agreement to annul or revoke any such 14
 transfer or conveyance, or to reconvey such 14
 lands or tenements, whether such agreement 16
 have been made with the person so trans- 16
 ferring or conveying or with the person to 18
 whom such lands or tenements are so trans- 18
 ferred or conveyed, or with any person or 20
 persons acting for them or on their behalf, 20
 shall be null and void to all intents and pur- 22
 poses whatsoever 22

No Woman shall vote

XLV. And be it declared and enacted, 24
 That no woman is or shall be entitled to 24
 vote at any such Election, whether for any 26
 County or Riding, City or Town. 26

28

Interpreter may be employed and sworn, in certain cases

XLVI. And be it enacted, That whenever 30
 any Elector shall not understand the Eng- 30
 lish language, or the French language, or 30
 shall understand neither of the said lan- 32
 guages, it shall be lawful for any Deputy 32
 Returning Officer to make use of an Inter- 34
 preter to translate any Oath or Affirmation 34
 which shall be required of such Elector, as 36
 well as the questions which shall be put to 36
 him and his answers; and such Interpreter 38
 shall take before the said Deputy Returning 38
 Officer the Oath, or if he be one of the per- 40
 sons permitted by law to affirm in civil ca- 40
 ses, the Affirmation following: 42

His oath

“ I swear (*or affirm*) that I will faithfully 44
 “ translate such oaths, declarations, affir- 44
 “ mations, questions and answers as the De- 46
 “ puty Returning Officer shall require me 46

“ to translate at this Election. So help me
2 “ God.”

XLVII. And whereas by the twenty-
1 eighth Section of the said Act of the Parlia-
ment of the United Kingdom of Great Britain
6 and Ireland, intituled *An Act to re-unite the*
Provinces of Upper and Lower Canada, and
8 *for the Government of Canada*, it is enacted,
“ That every Candidate at such Election,
10 “ before he shall be capable of being elect-
“ ed, shall, if required by any other Candi-
12 “ date, or by any Elector, or by the Return-
“ ing Officer, make the following declara-
14 “ tion :

Union Act
cited. Section
23.

“ I, A. B., do declare and testify that I
16 “ am duly seized at law or in equity, as of
“ freehold, for my own use and benefit, of
18 “ lands or tenements held in free and com-
“ mon soccage, (or duly seized or possessed
20 “ for my own use and benefit of lands or te-
“ nements held in fief, or in roture, as the
22 “ case may be) in the Province of Canada,
“ of the value of Five hundred pounds of
24 “ sterling money of Great Britain, over and
“ above all rents, mortgages, charges and in-
26 “ cumbrances charged upon or due and pay-
“ able out of or affecting the same, and that
28 “ I have not collusively or colourably ob-
“ tained a title to or become possessed of
30 “ the said lands and tenements or any part
“ thereof, for the purpose of qualifying or
32 “ enabling me to be returned a Member of the
“ Legislative Assembly of the Province of
34 “ Canada” :

Be it therefore, declared and enacted,
36 That every such Candidate, when he shall
be personally required as aforesaid to make
38 the said declaration, shall, before he shall be
elected as aforesaid, give and insert at the
40 foot of the declaration hereinabove required
of him as aforesaid, a correct description of
42 the lands or tenements aforesaid on which
he shall claim to be qualified according to
44 law to be so elected, and of their local situ-
ation, by adding immediately after the word
46 “ Canada,” (which is the last word in the
said declaration) the following words : .

Candidate to
add to his
declaration
under the said
Section, a
description of
the property
forming his
qualification

“ And I further declare that the lands or
 “ tenements aforesaid consist of, &c.” 2
(here insert the description above required) ;
 and any person who in giving the description 4
 of such lands or tenements as above required,
 shall knowingly and wilfully make any 6
 false statement relative to the situation, po- 8
 sition, extent or bounds of such lands or te-
 nements, shall be deemed guilty of a mis-
 demeanor, and shall, on being duly convict- 10
 ed thereof, incur the same pains and penal-
 ties as may by law be inflicted on persons 12
 guilty of wilful and corrupt perjury.

Wilfully false
 statement in
 such descrip-
 tion to be a
 misdemeanor.

Declaration
 may be volunt-
 arily made
 before hand

How con-
 strued in such
 case

In what cases
 only a Candi-
 date may be
 called upon to
 make the same

When it may
 be made, if
 required

XLV III. And be it enacted, That it shall 14
 be lawful for any person, with a view to his
 becoming a Candidate at any such Election, 16
 to make, at any time, as well before as after
 the date of the Writ of Election, voluntarily 18
 and without waiting to be required so to do,
 any such declaration as is mentioned in 20
 the next preceding Section ; and that any
 such declaration so made voluntarily as 22
 aforesaid, shall to all intents and purposes
 have the same force and effect as if it had 24
 been made after his being thereunto required
 according to law ; but no such declaration, 26
 when any Candidate shall be required to
 make the same by any other Candidate, or 28
 by any Elector, or by the Returning Officer,
 in the manner hereinabove provided, need 30
 be so made by such Candidate, unless the
 same shall have been personally required 32
 of him on or before the day of nomination
 of Candidates at such Election, and before 34
 a Poll shall have been granted, and unless
 he shall not have already made the same 36
 voluntarily as he is hereinabove allowed to
 do, and not in any other case ; and when any 38
 such declaration shall have been so required
 according to law, the candidate called upon 40
 to make the same may do so at any time
 during such Election, provided always that 42
 it be made before the proclamation to be
 made by the Returning Officer at the closing 44
 of the Election, of the person or persons
 elected at such Election ; and when such 46
 declaration shall be so made by any candi-

date, whether voluntarily or in consequence
 2 of his being thereunto so required as afore-
 said, it shall be made either before the
 4 Returning Officer or before some Justice of
 the Peace, or the Mayor, or one of the
 6 Aldermen of some City or Town in this
 Province, and such Returning Officer, Jus-
 8 tice of the Peace, Mayor or Alderman shall
 take the same and shall attest it by writing
 10 at the foot thereof, the words "taken and
 acknowledged before me," or other words
 12 to the like effect, and by dating and signing
 such attestation; and any candidate who
 14 shall deliver or cause to be delivered such
 declaration so made and attested to the
 16 Returning Officer at any time before the
 proclamation made by him at the closing of
 18 the Election as above mentioned in this
 section, shall be deemed to have complied
 20 with the law to all intents and purposes as
 regards such declaration; and any Re-
 22 turning Officer who shall be thereunto so
 required, shall be bound (under a penalty
 24 of _____ currency, in case of
 refusal,) to give forthwith, after such decla-
 26 ration shall be delivered to him, to the
 candidate or other person who shall have
 28 delivered the same, an acknowledgment
 under his hand of the delivery of such de-
 30 claracion: Provided always, that every such
 declaration shall for all the purposes of
 32 such Election, be deemed to have been
 made on the day on which it shall have
 34 been so delivered to the Returning Officer
 by the candidate or by any person on his
 36 behalf, whatever be the date of its receipt
 or of its attestation, and the possession of
 38 such declaration shall be *prima facie* evi-
 dence of the possessor's having been au-
 40 thorized by the candidate to deliver it to
 the Returning Officer.

Before whom
 it may be made,
 and how at-
 tested.

Returning
 Officer to cer-
 tify the delive-
 ry to him of
 the declaration
 under a penal-
 ty of £50

What shall be
 deemed the
 date of any
 such declara-
 tion and who
 may deliver it
 to the Return-
 ing Officer

42 XLIX. And be it enacted, That from
 the time when any Returning Officer or
 44 Deputy Returning Officer shall have taken
 and subscribed the Oath of Office as
 46 such, until the day next after the final
 closing of such election, such Return-

Returning
 Officer and his
 Deputies to be
 Conservators
 of the Peace,
 during a cer-
 tain time

ing Officer or Deputy Returning Officer, respectively, shall be and is hereby declared 2 to be a Conservator of the Peace, and invested, for the maintenance of the Peace, 4 the arrest, detention or admission to Bail, trial and conviction of any person or persons 6 who shall break the law or trouble the Peace, with the same powers with which 8 Justices of the Peace are invested in this Province ; and for the maintenance of the 10 peace and of good order at such election, it shall and may be lawful for each such 12 Returning Officer or Deputy Returning Officer, respectively, to require the assistance 14 of all Justices of the Peace, Constables, and other persons present at the election, whether 16 at the Hustings or at any Polling place, to aid him in so doing, and also to swear in so 18 many Special Constables as he shall deem necessary ; and it shall be lawful for each 20 such Returning Officer or Deputy Returning Officer, respectively, to arrest or cause 22 to be arrested by verbal order, and to place in the custody of one or more Constables or 24 other persons, for such time as in his discretion he shall deem expedient, any person 26 who shall disturb the peace and good order, or to cause such person to be imprisoned 28 for any such offence under an order signed by him, until any period not later than the 30 final closing of the Election or of the Poll, respectively ; which order, whether given 32 verbally or in writing, all persons shall be bound to obey without delay, under a 34 penalty for any refusal or neglect so to do, of currency : Provided always, 36 that no such arrest, detention or imprisonment shall in any manner exempt the person 38 so arrested, detained, confined or imprisoned, from any pains or penalty to which 40 he may have become liable by reason of anything by him done contrary to the true 42 intent and meaning of this Act, or otherwise. 44

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

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

Such order to be obeyed under a penalty of £5

Proviso such detention not to prevent other punishment

Special Constables to be sworn if required by any Candidate, &c

L. And be it enacted, That on a requisition in writing made by any Candi-46 date or by his Agent, or by any two or

more Electors, any Returning Officer or
 2 Deputy Returning Officer shall be and is
 hereby bound to swear in such Special
 4 Constables.

L.I. And be it enacted, That it shall
 6 and may be lawful for any Returning Offi-
 cer or Deputy Returning Officer, during
 8 any part of the days whereon any such
 Election shall be to be begun, holden, or
 10 proceeded with, or on which any Poll for
 such Election shall be to be begun, holden,
 12 or proceeded with, to demand and receive
 from any person whomsoever, any offensive
 14 weapon, such as fire-arms, swords, staves,
 bludgeons, or the like, with which any such
 16 person shall be armed, or which any such
 person shall have in his hands or personal
 18 possession ; and every such person, who,
 upon such demand, shall decline or refuse
 20 to deliver up to such Returning Officer or
 Deputy Returning Officer, any such offen-
 22 sive weapon as aforesaid, shall be deemed
 guilty of a Misdemeanor, punishable by
 24 fine not exceeding pounds, currency,
 or imprisonment not exceeding three calen-
 26 dar months, or by both, in the discretion of
 the Court whose duty it shall be to pass the
 28 sentence of the law upon such person, upon
 his conviction

Returning
 Officer or his
 deputies may
 demand the
 surrender of
 all arms

Penalty for
 refusing to
 surrender the
 same

£5

30 LII. And be it enacted, That every
 person who shall be convicted of a battery
 32 committed during any part of the days
 whereon any such Election shall be to be
 34 begun, holden, or proceeded with, or on
 which any Poll for such Election shall be
 36 to be begun, holden, or proceeded with,
 within the distance of two miles of the
 38 place where such Election or such Poll
 shall be to be begun, holden, or proceeded
 40 with, shall be deemed guilty of an aggra-
 vated assault, and shall be punished accor-
 42 dingly.

Certain bat-
 teries during
 election time
 to be deemed
 " aggravated
 assaults "

LIII. And be it enacted, That it shall
 44 not be lawful for any Can'date at any
 Election, directly or indirectly to employ

Provisions
 against bribery
 and cor-
 ruption.

Punishment
of members
against whom
bribery or
corruption
shall be
proved

any means of corruption, by giving any
sum of money, office, place, employment, 2
gratuity, reward, or any bond, bill, or note
or conveyance of land, or any promise of 4
the same, or to threaten any Elector of
losing any office, salary, income, or advan- 6
tage, either by himself or his authorized
Agent for that purpose, with the intent to 8
corrupt or bribe any Elector to vote for
such Candidate, or to keep back, any 10
Elector from voting for any other Candidate,
nor to open and support, or cause to be 12
opened and supported at his costs and
charges, any house of public entertainment 14
for the accommodation of the Electors,
within the County, Riding, City or Town, 16
for which he is a Candidate; and in case
any Representative returned to Parliament 18
shall be proved guilty of using any of the
above means to procure his Election before 20
the proper Tribunal, his Election, shall
thereby be declared void, and he be inca- 22
pable of being a Candidate, or being elected
or returned during that Parliament. 24

Penalty on
parties giving
or receiving
corruptly any
consideration
for voting

LIV. And be it enacted, That any person
who shall give, or cause to be given, or 26
loan any sum of money, or give any office,
place or employment, gratuity or reward, 28
or any bond, bill or note, or conveyance of
land, or other property, or promise of the 30
same to any Elector, in consideration of or
for the purpose of corrupting him to give 32
his vote for any Candidate, or to forbear to
give his vote to any Candidate, or as a com- 34
pensation to any elector for his loss of time
or expenses in going to or returning from 36
voting, or by any other pretence whatso-
ever, and any voter who shall accept the 38
same for the aforesaid purpose, shall forfeit
and pay a sum not less than 40

£5

nor more than

£50

How recover-
able

in the discretion of the 42
Court having jurisdiction of the same, with
costs of suit, and which may be sued for 44
and recovered by action or plaint in any
Court of Record in this Province, having 46
competent jurisdiction.

LV. And be it enacted, That upon it
 2 being proved before the proper Tribunal of
 the Legislative Assembly, at the trial of
 4 any contested Election, that any Elector
 voting at the said Election had been bribed
 6 to give his vote, the name of such voter
 shall be struck from the Poll Book.

Votes corruptly
 given to be
 struck off the
 Poll Book

8 LVI. And be it enacted, That it shall not
 be lawful for any Candidate for the repre-
 10 sentation of any County, Riding, City or
 Town, in this Province, with intent to pro-
 12 mote his Election, or for any other person
 with intent to promote the Election of any
 14 such Candidate, either to provide or furnish
 entertainment at his expense to any Meet-
 16 ing of Electors, assembled for the purpose
 of promoting such Election, previous to or
 18 during the Election at which he shall be a
 Candidate, or to pay for, procure or engage
 20 to pay for any such entertainment; Pro-
 22 vided always, that nothing herein contain-
 ed shall be construed to extend to any en-
 24 tertainment furnished to any such Meeting
 of Electors, by or at the expense of any
 person or persons at his, her, or their usual
 26 place of residence.

Entertainment
 not to be fur-
 nished to Elec-
 tors

Except at the
 residence of
 the party fur-
 nishing it

LVII. And be it enacted, That except for
 28 the Returning Officer for such Election, or
 his Deputy for such Parish, Township or
 30 union of Townships, or Ward, or the Poll
 Clerk for such Parish, Township or union of
 32 Townships, or Ward, or one of the Consta-
 bles or Special Constables appointed by such
 34 Returning Officer or his Deputy, for the or-
 derly conduct of such Election or Poll, and
 36 the preservation of the public peace thereat,
 it shall not be lawful for any person who
 38 hath not had a stated residence in such Pa-
 rish, Township or union of Townships, or
 40 Ward, for at least six calendar months next
 before the day of such Election, to come
 42 during any part of the days upon which such
 Poll shall be to remain open, into such
 44 Parish, Township or union of Townships, or
 Ward, armed with offensive weapons of any
 46 kind, as fire arms, swords, staves, bludgeons,

With certain
 exceptions, no
 stranger shall
 come armed
 into any
 Parish, &c
 while the Poll
 shall be open
 therein

Nor shall any armed person approach within 2 miles of the Poll

or the like, or for any person whomsoever being in such Parish, Township or Ward, 2 to arm himself during any part of either of such days with any such offensive weapons, 4 and thus armed to approach within the distance of two miles of the place where the 6 Poll for such Parish, Township or union of Townships, or Ward shall be held, unless 8 called upon to do so by lawful authority.

Party Ensigns, Flags, &c not to be carried on the day of Election or within 8 days before it

LVIII. And be it enacted, That it shall not 10 be lawful for any Candidate for the representation of any County, Riding, City or 12 Town in this Province, or for any other person, to furnish or supply any ensign, stan- 14 dard, or set of colours, or any other flag, to or for any person or persons whomsoever, 16 with intent that the same should be carried or used in such County, Riding, City or 18 Town, on the day of Election, or within eight days before such day, by such person 20 or any other, as a party flag, to distinguish the bearer thereof and those who might fol- 22 low the same, as the supporters of such Candidate, or of the political or other opinions 24 entertained or supposed to be entertained by such Candidate, or for any reason to carry 26 or use any such ensign, standard, set of colours or other flag, as a party flag, within 28 such County, Riding, City or Town, on the day of any such Election, or within eight 30 days before such day.

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

LIX And be it enacted, That it shall 32 not be lawful for any Candidate for the representation of any County, Riding, City, 34 or Town in this Province, or for any other person, to furnish or supply any ribbon, 36 label, or the like favor, to or for any person whomsoever, with intent that the same 38 should be worn or used within such County, Riding, City, or Town, on the day of 40 Election, or within eight days before such day, by such person or any other as a 42 party badge to distinguish the wearer, as the supporter of such Candidate, or of the 44 political or other opinions entertained or supposed to be entertained by such Candi- 46

date, or for any person to use or wear any
 2 such ribbon, label, or other favor, as such
 badge, within such County, Riding, City or
 4 Town, on the day of any such Election, or
 within eight days before such day.

6 LX And be it enacted, That every per- Punishment
for contrave-
ning the four
next preceding
sections
 8 son offending against any of the provisions
 of the next four preceding Sections of this
 Act, shall be deemed guilty of a misdemea-
 10 nor, punishable by fine not exceeding £25
 12 pounds, or imprisonment not exceed-
 14 ing six calendar months, or by both, in the
 discretion of the Court whose duty it shall
 be to pass the sentence of the law upon
 such person upon his conviction.

16 LXI And be it enacted, That if any Persons steal-
ing or destroy-
ing &c, the
Writ, Return,
Indenture, &c
relating to any
Election, to be
guilty of felo-
ny
 18 person shall steal or unlawfully or mali-
 20 ciously, either by violence or stealth, take
 from any Deputy Returning Officer or Poll
 22 Clerk, or from any other person having the
 lawful custody thereof, or from its lawful
 24 place of deposit for the time being, or shall
 unlawfully or maliciously destroy, injure or
 26 obliterate, or shall aid, counsel or assist in
 so stealing, taking, destroying, injuring or
 28 obliterating any Writ of Election, or any
 Return to a Writ of Election, or any Inden-
 30 ture, Poll Book, Certificate or Affidavit, or
 any other document or paper, made, prepa-
 32 red or drawn out according to, or for the
 purpose of meeting the requirements of this
 Act or any of them, every such offender
 34 shall be guilty of felony, and being convict-
 ed thereof shall be liable, at the discretion
 of the Court, whose duty it shall be to pass
 36 the sentence of the law upon such offender,
 to be imprisoned at hard labour in the Pro-
 38 vincial Penitentiary, for any term not ex-
 ceeding seven years nor less than three
 40 years, or to be imprisoned in any other place
 of confinement for any term not exceeding
 42 two years, or to suffer such other punish-
 ment by fine or imprisonment, or by both,
 44 as the Court shall award ; and it shall not
 in any indictment for any such offence be
 46 necessary to allege that the article in re- Punishment
of such per-
sons.
What need
not be stated in
the Indict-
ment.

spect of which the offence is committed is the property of any person, or that the same is of any value. 2

Oaths, &c.,
under this Act
to be adminis-
tered gratui-
tously.

LXII. And be it enacted, 'That any person before whom it is hereby required that any oath or oaths shall be taken, or any affirmation or affirmations made, in the manner herein provided, shall be and is hereby authorized and required to administer such oath or oaths, affirmation or affirmations gratuitously. 4 6 8 10

How penalties
under this Act
shall be re-
coverable.

LXIII. And be it enacted, That all penalties hereby imposed shall be recoverable, with full costs of suit, by any person who shall sue for the same by action of debt, bill, plaint or information, in any of Her Majesty's Courts in this Province having competent jurisdiction; and that in default of payment of the amount which the offender shall be condemned to pay, within the period to be fixed by such Court, such offender shall be imprisoned in the Common Gaol of the District until he shall have paid the amount which he shall have been so condemned to pay and the costs; and 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 unto 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 hath acted contrary to this Act, without mentioning the Writ of Election or the Return thereof; and 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: Provided always, that every action, suit or information, given by this Act, shall be commenced within the space of nine calendar months next after the fact committed, and not afterwards. 12 14 16 18 20 22 24 26 28 30 32 34 36 38 40 42 44 46

Payment
thereof, how
enforced.

What it shall
be sufficient
to state in the
declaration.

And in any
indictment
under this
Act.

Limitation of
time for suits
and informa-
tions.

For each Commission appointing Deputy Returning Officers and an Election Clerk 2 shillings.

For each Warrant to Deputy Returning Officer to take the Poll 6 shillings.

For each Indenture shillings.

For each mile necessary to be travelled for attending the place of Election, for posting Proclamations or Notifications, and for transmitting Commissions to Deputies, and Election Clerk, and Poll Books 12 pence

For each Poll Book furnished to Deputies, 14

For each Copy of the same, 16

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 may be incurred in transmitting Poll Books and Returns to the Clerk of the Crown in Chancery. 22

TO EACH DEPUTY RETURNING OFFICER.

For each day of holding the Poll, 24

For the Commission appointing a Poll Clerk, shillings. 26

For a Poll Clerk, each day.

To the Deputy and Clerk respectively, for each mile travelled to and from the place of polling for the purpose of taking the oaths required by law, pence. 30

For two Constables, each *per diem* shillings. 32

For each mile travelled for transmitting Poll Books and Returns to the Returning Officer, pence. 34

Certain disbursements allowed

The reasonable and actual expenses incurred in providing Hustings or Polling places to be allowed 36

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 travelled by him, in going and returning, to be charged in the account of the Returning Officer, pence.

Mileage to Justices of the Peace in certain cases.

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.

How the said allowances shall be paid

LXVI. And be it enacted, That one copy of this Act 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.

To whom copies of this Act shall be sent

LXVII And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of the Provincial Parliament.

Act may be amended in this Session

SCHEDULE.

1.—FORM A

Referred to in the Ninth 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 or Town*), of

to wit:

Public Notice is hereby given to the Electors of the County, (*Riding, City or*

Town), of _____ that in obedience
to Her Majesty's Writ to me directed, and 2
bearing date the _____ day of the
month of _____, I require the pre- 4
sence of the said Electors at _____ in
the Parish (or Township, or in the City or 6
or Town) of _____. (*Here*
describe the place distinctly, whether the 8
Election be for a County or Riding, or for
a City or Town,) on the _____ day 10
of the month of _____ at _____ o'clock
in the _____ noon, for the purpose of 12
electing a person (or persons, *as the case*
may be), to represent them in the Legisla- 14
tive Assembly of this Province; and that
in case a Poll shall be demanded and al- 16
lowed in the manner by law prescribed,
such Poll will be opened on the _____ 18
day of the month of _____ in the
Parish of _____ (or in the Township 20
of _____ or in the _____ Ward,
or in the part of the Parish of _____, 22
or in the part of the Township of _____
(as the case may be.) (*Here mention each 24*
of the Parishes, Townships, Wards, parts
of Parishes or Townships, in which a Pol-
ling place is to be opened and kept accord-
ing to law.) Of all which every person 28
is hereby required to take notice and to
govern himself accordingly. 30

Given under my hand, at _____ this 32
_____ day of the month of _____
in the year _____.

(Signature)

A B,
Returning Officer.

2.—OATH No. 1

*Referred to in the Tenth Section of this
Act*

OATH OF THE RETURNING OFFICER.

I, the undersigned, A. B, Returning Offi- 34
cer for the County (Riding, City or Town),
of _____, solemnly swear, (*or, if he 36*
be one of the persons permitted by law to

affirm in civil cases, solemnly affirm) that I
 2 am legally qualified according to law to act
 as Returning Officer for the said County,
 4 (Riding, City or Town,) of
 and that I will act faithfully in that capacity,
 6 without partiality, fear, favor, or affection:
 So help me God.

(Signature)

A. B.,
Returning Officer.

3.—FORM B

Referred to in the Tenth Section of this Act.

CERTIFICATE of the Returning Officer
 having taken the Oath of office.

8 I, the undersigned, hereby certify that
 on the day of the month of A.
 10 B, the Returning Officer for the County,
 (Riding, City or Town), of ,
 12 took and subscribed before me the Oath (*or*
affirmation) of office in such case required
 14 of a Returning Officer by the Tenth Sec-
 tion of the Act of the Parliament of this
 16 Province, intituled, *An Act, &c.*, (*Title of*
this Act.)

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

(Signature)

C D.,
Justice of the Peace.

4.—FORM C

Referred to in the Eleventh Section of this
Act.

COMMISSION OF AN ELECTION CLERK.

To E. F. (*set forth his legal addition and*
residence.)

20 Know you, that in my capacity of Re-
 turning Officer for the County, (Riding,
 22 City or Town), of I have
 appointed and do hereby appoint you to be
 24 my Election Clerk, to act in that capacity

according to law at the approaching Election for the said County, (Riding, City or Town), 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.

5.—OATH No. 2

Referred to in the Eleventh Section of this Act.

OATH OF THE ELECTION CLERK.

I, the undersigned E. F., appointed Election Clerk for the County, (Riding, City or Town), 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 Eleventh 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 20 E. F., Election Clerk for the County, (Riding, City or Town), of 22 took and subscribed before me the Oath (*or affirmation*), of office required in 24 such case of an Election Clerk, by the

Eleventh Section of the Act of the Parliament of this Province, intituled, *An Act, &c.*, (*Title of this Act*).

4 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.

7.—FORM E

Referred to in the twelfth 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 ;

6 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
10 case provided.

8.—FORM F

Referred to in the seventeenth 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, (Riding, City or Town) of

14 I have appointed and do hereby appoint you to be Deputy Returning Officer, for the
16 Parish of

(*or, for the Township of*

18 *or, for the*

or, for part of the Parish of

Ward,

or, for part of the Township of _____ as the case may be) in the said County, (Riding, City or Town), 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 seventeenth section of this Act.

OATH OF DEPUTY RETURNING OFFICER.

I, the undersigned G. H. appointed 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, (Riding, City or Town) 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, favour, or affection: So help me God.

(Signature)

G. H.
Deputy Returning Officer.

10.—FORM G

Referred to in the seventeenth section of this Act.

CERTIFICATE of the Deputy Returning Officer having taken the Oath of Office.

I, the undersigned, hereby certify that on
 2the _____ day of the
 month of _____, G. H. the Deputy
 4Returning Officer for the Parish of
 (or for the Township of
 6 _____ or for the
 Ward, or for part of the Parish
 8of _____ or for part of
 the Township of _____)
 10in the County, (Riding, City or Town) of _____
 took and
 12subscribed the oath (or affirmation) of
 Office required in such case of a Deputy
 11Returning Officer, by the seventeenth
 section of the Act of the Parliament of this
 16Province, intituled, "An Act," &c. (*Title of
 this Act*)

18 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.

 11.—FORM H

Referred to in the seventeenth and twentieth sections of this Act.

COMMISSION OF A POLL CLERK.

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

20 Know you, that in my capacity of Deputy
 Returning Officer, for the Parish of
 22 _____ (or, for the Township of
 or for the
 24 _____ Ward, or for part of

the Parish of *or for*
part of the Township of) 2
 in the County. (Riding, City or Town) of
, I have 4
 appointed and do hereby appoint you to be
 Poll Clerk, for the said Parish of 6
(or for the said Township
of *or for the said Ward, 8*
or for the said part of the Parish of
or for the said part 10
of the Township of)

 Given under my hand at 12
 this day
 of the month of in 14
 the year

(Signature)

G. H.

Deputy Returning Officer.

12.—OATH No. 4

Referred to in the seventeenth section of this Act.

OATH OF A POLL CLERK.

I, the undersigned, I. J., appointed Poll 16
 Clerk for the Parish of
(or for the Township of 18
or for the
Ward 20
or for part of the Parish of
or for part of the 22
Township of) in the
 County (Riding, 24
 City or Town) of
 do solemnly swear *(or if he 26*
be one of the persons permitted by law to
affirm in civil cases, do solemnly affirm) 28
 that I will act faithfully in my capacity of
 Poll Clerk, and also in that of Deputy 30
 Returning Officer, if required to act as
 such according to law, without partiality, 32
 fear, favour, or affection: So help me God. 34

(Signature)

I. J.

Poll Clerk.

in the County (Riding, City or Town) of _____
to wit: _____ 2

Whereas by Her Majesty's Writ to me
directed and bearing date the _____ 4
day of the month of _____

I am commanded to hold an election of 6
Member (or Members)
to represent the County (Riding, City or 8
Town,) of _____ in the Parliament
of this Province; and whereas a Poll, 10
having been demanded, was granted by me
according to law; These are therefore to 12
authorize and require you to open and hold
the poll of such election for the Parish (or 14
Township or union of Townships, or Ward,
or part of the Parish or Township) afore-16
said, on the _____ day
of the month of _____, at nine 18
o'clock in the forenoon, (*here describe parti-
cularly the place at which the Poll is to be 20
held,*) and there to keep the said Poll open
during the days and at the hours prescribed 22
by law, and to take and record at the
said Polling-place, in a book which you 24
shall keep for that purpose in the manner
by-law provided, the votes of the Electors 26
voting at the said Polling-place, and to
return to me the said Poll-Book, signed with 28
your hand and sealed with your seal, toge-
ther with this Warrant, on or before the 30
day of the month of _____

Given under my hand at _____ this 32
day of the month of _____
in the year _____ 34

(Signature)

A. B.
Returning Officer.

16.—FORM M

*Referred to in the Twenty-first 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 2
of _____ or the union of Townships of
_____ or for the _____ Ward, or for 4
part of the Parish of _____ or for part of
the Township of _____) in the County, 6
(Riding, City or Town) of _____
do solemnly swear (or if he be one of the 8
persons permitted by law to affirm in civil
cases, do solemnly affirm) that the Poll Book 10
kept in and for the said Parish of _____
(or as above, as the case may require) under 12
the direction of G. H., who hath acted as
Deputy Returning Officer therein, hath 14
been so kept by me under his direction as
aforesaid, correctly, and to the best of my 16
skill and judgment, and that to the best of
my knowledge and belief it contains a true 18
and exact record of the votes given at the
Polling place in the said Parish of _____ 20
(or as above, as the case may be) as the said
votes were taken at the said Poll by the 22
said Deputy Returning Officer.

(Signature) I. J.
Poll Clerk.

Sworn (or affirmed) and subscribed before 24
me at _____ this _____ day of _____
the month of _____ in the year _____

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

or A. B.
Returning Officer.

or G. H.
Deputy Returning Officer.

17.—FORM N

*Referred to in the Twenty-first Section of
this Act.*

OATH OF THE DEPUTY RETURNING OFFICER
after the closing of the Poll.

I, the undersigned, Deputy Returning
2 Officer for the Parish of (or
for the Township of or for
4 the Ward, or for part of the
Parish of or for part of the
6 Township of) in
the County, (Riding, City or Town)
8 of do solemnly
swear (or, if he be one of the persons per-
10 mitted by law to affirm in civil cases, do
solemnly affirm) that to the best of my
12 knowledge and belief the Poll-book kept for
the said Parish of (or as afore-
14 said, as the case may be,) under my direc-
tion, hath been so kept correctly, and con-
16 tains a true and exact record of the votes
given at the said Polling-place in and for
18 the said Parish of (or as afore-
said, as the case may be,) as the said votes
20 were taken at the said Polling-place.

(Signature) G. H.
Deputy Returning Officer.

Sworn (or affirmed) and subscribed be-
22 fore me, at the day
of the month of in the
24 year

(Signature) C. D.
Justice of the Peace.
or A. B.
Returning Officer.

18.—FORM O

*Referred to in the Twenty-fourth Section of
this Act.*

INDENTURE.

This Indenture made this
26 day of in the year of Our Lord,

one thousand eight hundred and
 between A B., Returning Officer for the 2
 County, (Riding, City or Town,) of
 in the Province of Canada, of the one part, 4
 and C. D., E. F., and G. H., Electors of
 the said County, (Riding, City or Town) 6
 of of the other part, witnesseth,
 that in obedience to Her (or His) Majesty's 8
 Writ, bearing date the day of
 the month of last (or instant,) 10
 and after the notice and formalities pres-
 cribed by law had been given and observed, 12
 they, the said C. D., E. F., G. H., and
 other Electors of the said County, (Riding, 14
 City or Town) of have chosen D. E.,
 Esquire, (or D. E. and F. G. Esquires) 16
 to represent the said County, (Riding, City
 or Town) of in the Legislative 18
 Assembly of this Province, during the next
 (or present) Parliament, and they, the said 20
 Electors have given and do hereby give to
 the said D. E. (and F. G.) ample and suffi- 22
 cient power for them, the said Electors and
 the Commons of the said County, (Riding, 24
 City or Town) of to do and con-
 sent to such matters and things as in the 26
 said Parliament by the Common Council of
 the said Province, shall by the favor of 28
 God be ordained.

In testimony whereof, the said parties 30
 have to these presents, made and executed
 in two (or in three) parts, severally set and 32
 subscribed their respective names, and
 affixed their respective seals on the day and 34
 in the year first above mentioned.

(Signature) A. B. [L. S.]
Returning Officer.

Electors { C. D. [L. S.]
 E. F. [L. S.]
 G. H. [L. S.]

19—OATHS Nos. 5, 6, 7, 8, 9, 10, 11,
12, 13 & 14, referred to in the *Forty-first*
Section of this Act.

LOWER CANADA.

No. 5.—OATH OF AN ELECTOR voting at the
Election for any County in Lower Cana-
da, upon an Estate to him belonging in
virtue of a legal title, other than derived
from descent, inheritance, devise, mar-
riage or contract of marriage.

You swear, (*or if he be one of the persons*
2 *permitted by law to affirm in civil cases,*
you solemnly affirm), that you are actually
4 possessed, and that you have been *bonâ fide*
possessed, in virtue of a legal title, during
6 the six calendar months immediately pre-
ceding the _____ day
8 _____ (*here, mention is to be*
made of the date of the Writ of Election),
10 for your own use and benefit, as Proprietor,
of the Estate which you have just described
12 as giving you the right to vote at this
Election; that the said Estate is of the
14 clear yearly value of forty-four shillings
and five pence and one farthing currency,
16 or more, over and above all annual rents
and charges payable out of or in respect of
18 the same; that you are of the full age
of twenty-one years; that you have not
20 already voted at this Election; and that
you have not received any thing, nor has
22 there any thing been promised to you,
either directly or indirectly, in order to
24 induce you to give your vote at this Elec-
tion: So help you God.

No. 6—OATH OF AN ELECTOR voting at
the Election for any County in Lower
Canada, upon an Estate to him belong-
ing by descent or inheritance, devise,
marriage or contract of marriage.

26 You swear, (*or if he be one of the per-*
sons permitted by law to affirm in civil ca-
28 *ses,* you solemnly affirm,) that you are ac-

tually *bonâ fide* possessed, for your own use and benefit, as proprietor, by descent or inheritance, (or by devise, marr age, or contract of marriage, as the case imay be) of the estate which you have just described as giving you the right to vote at this Election, that the said estate is of the clear yearly value of forty-four shillings and five pence and one farthing currency, or more, over and above all annual rents and charges payable out of or in respect of the same; that you are of the full age of twenty-one years; that you have not already voted at this Election; and that you have not received any thing, nor has there any thing been promised to you, either directly or indirectly, in order to induce you to give your vote at this Election: So help you God.

No 7.—OATH OF AN ELECTOR voting as proprietor at the Election for any City or Town, in Lower Canada, upon an Estate to him belonging in virtue of a legal title, other than derived from descent, inheritance, devise, marriage or contract of marriage.

You swear, (or if he be one of the persons permitted by law to affirm in civil cases, you solemnly affirm), that you are actually possessed, and that you have been *bonâ fide* possessed, in virtue of a legal title, during the six calendar months immediately preceding the day of (here, mention is to be made of the date of the Writ of Election), for your own use and benefit, as Proprietor, of the Estate which you have just described, with a dwelling house thereupon, as giving you the right to vote at this Election; that the said Estate is of the clear yearly value of five pounds, eleven shillings and one penny farthing currency, or more, over and above all annual rents and charges payable out of or in respect of the same; that you are of the full age of twenty-one years; that you have not already voted at

this Election; and that you have not received any thing, nor has there anything been promised to you either directly or indirectly, in order to induce you to give your vote at this Election: So help you God.

No. 8.—OATH OF AN ELECTOR voting as *Proprietor*, at the Election for any City or Town, in Lower Canada, upon an Estate to him belonging by descent or inheritance, devise, marriage or contract of marriage.

6 You swear, (or if he be one of the persons permitted by law to affirm in civil cases, you solemnly affirm) that you are actually *bonâ fide* possessed, for your own use and benefit, 8 as Proprietor, by descent or inheritance, (or by devise, marriage or contract of marriage, 10 as the case may be), of the Estate which you have just described, with a dwelling house 12 thereupon, as giving you the right to vote at this Election; that the said Estate is of 14 the clear yearly value of five pounds, eleven shillings and one penny farthing currency, or more, over and above all annual rents and charges payable out of or in respect of 16 the same; that you are of the full age of twenty one years; that you have not already voted at this election; and that you have not received any thing, nor has there any 22 thing been promised to you, either directly or indirectly, in order to induce you to 24 give your vote at this Election: So help you God.

No. 9.—OATH OF AN ELECTOR voting as a *Tenant* at the Election for any City or Town in Lower Canada.

28 You swear, (or if he be one of the persons permitted by law to affirm in civil cases, 30 you solemnly affirm), that you actually reside and have so resided as a Tenant within 32 the limits of the City, (or Town, as the case may be) of or the li-

berties thereof, during the period of twelve
 calendar months next before the day 2
 of (here, mention
is to be made of the date of the Writ 4
of Election) at the rate of Eleven Pounds,
 Two Shillings and two pence, half penny 6
 currency, of rent, a year, or upwards, that
 you have, as such Tenant, really and *bonâ 8*
fidè paid eleven pounds, two shillings, and
 two pence half penny currency of such rent 10
 for the year ending at the last yearly (or half
yearly, quarterly or other day of payment, 12
as the case may be) day of payment of such
 rent, which occurred next before the said 14
 day of (date
of the said Writ) ; that you are of the full 16
 age of twenty-one years ; that you have not
 already voted at this Election ; and that 18
 you have not received any thing, nor has any
 thing been promised to you, either directly 20
 or indirectly, in order to induce you to give
 your vote at this Election : So help you 22
 God.

UPPER CANADA.

No 10.—OATH OF AN ELECTOR voting at
 the Election, for a County or Riding, in
 Upper Canada, upon an Estate derived by
 conveyance.

You swear, (or if he be one of the persons
permitted by Law to affirm in civil cases, 24
 you solemnly affirm) that the Estate which
 you have just described as giving you the 26
 right to vote at this Election, is a Freehold,
 which you hold by Deed of conveyance ; 28
 that you have been in the actual possession
 of such Estate, or in the receipt of the rents 30
 and profits thereof, under and by virtue of
 such conveyance for upwards of six calendar 32
 months, immediately preceding the
 day of (here, 34
mention is to be made of the date of
the Writ of Election), that the said Es- 36
 tate is of the clear yearly value of forty-four
 shillings and five-pence, and one farthing, 38

currency, or more, over and above all annual
 2rents and charges, payable out of or in
 respect of the same; that you are of the
 1full age of twenty-one years; that you
 have not already voted at this Elec-
 6tion; and that you have not received
 any thing, nor has there any thing been pro-
 9mised to you, either directly or indirectly,
 in order to induce you to give your vote at
 10this Election: So help you God.

No. 11 — OATH OF AN ELECTOR voting at
 the Election for a County or Riding in
 Upper Canada, upon an Estate derived
 by inheritance, devise or marriage.

You swear, (*or if he be one of the persons*
 12*permitted by law to affirm in civil cases,*
 you solemnly affirm,) that you are actually
 14possessed to your own use and benefit of the
 estate which you have just described as
 16giving you the right to vote at this Election,
 which is a Freehold Estate and which you
 18hold by inheritance, (*or by descent or mar-*
riage, as the case may be); and that the same
 20is of the clear yearly value of forty-four
 shillings and five pence and one farthing
 22currency, or more, over and above all an-
 nual rents and charges payable out of or in
 24respect of the same; that you are of the
 full age of twenty-one years; that you have
 26not already voted at this Election, and
 that you have not received any thing, nor
 28has there any thing been promised to you,
 either directly or indirectly, in order to in-
 30duce you to give your vote at this Election:
 So help you God.

No. 12.—OATH OF AN ELECTOR voting as a
 Freeholder in any City or Town in Up-
 per Canada, upon an Estate derived by
 conveyance.

32 You swear, (*or if he be one of the persons*
permitted by law to affirm in civil cases, you
 34solemnly affirm,) that the estate which you

have just described as giving you the right to vote at this Election is a Freehold, upon 2 which a dwelling house is erected and which you hold by deed of conveyance ; that 4 you have been in the actual possession of such estate, or in the receipt of the rents 6 and profits thereof, under and by virtue of such conveyance, for upwards of six calendar 8 months immediately preceding the

day of (here, 10
mention is to be made of the date of the Writ of Election) ; that the said estate is of 12 the clear yearly value of five pounds, eleven shillings and one penny farthing currency, 14 or more, over and above all annual rents and charges payable out of or in respect of 16 the same ; that you are of the full age of twenty-one years ; that you have not al- 18 ready voted at this Election ; and that you have not received any thing, nor has there 20 any thing been promised to you, either directly or indirectly, in order to induce 22 you to give your vote at this Election : So help you God. 24

No 13 — VOTE OF AN ELECTOR voting as a Freeholder in any City or Town in Upper Canada, upon an Estate derived by inheritance, devise or marriage.

You swear, (or if he be one of the per- 26
sons permitted by law to affirm in civil ca-
ses, you solemnly affirm,) that you are ac- 28
 tually possessed to your own use and bene-
 fit of the Estate which you have just de- 30
 scribed as giving you the right to vote at this
 Election, which is a Freehold Estate, upon 32
 which a dwelling house is erected, and
 which you hold by inheritance (or by 34
 descent or marriage, *as the case may be*) ;
 and that the same is of the clear yearly va- 36
 lue of five pounds, eleven shillings and one
 penny farthing currency, or more, over and 38
 above all annual rents and charges payable
 out of or in respect of the same ; that you 40
 are of the full age of twenty-one years ; that
 you have not already voted at this Election ; 42

and that you have not received any thing, nor
 2 has there any thing been promised to you,
 either directly or indirectly, in order to in-
 4 duce you to give your vote at this Election:
 So help you God.

No. 14.—OATH OF AN ELECTOR voting as
 a Tenant at the Election for any City or
 Town in Upper Canada.

6 You swear, (*or if he be one of the persons*
permitted by law to affirm in civil cases, you
 8 solemnly affirm), that you actually reside
 and have so resided as a Tenant within the
 10 limits of the City (*or Town, as the case may*
be) of _____ or the
 12 liberties thereof, during the period of twelve
 calendar months, next before the
 14 day of _____ (*here, mention*
is to be made of the date of the Writ of
 16 *Election*) at the rate of eleven pounds, two
 shillings and two pence half penny cur-
 18 rency, of rent, a year, or upwards; that you
 have, as such Tenant, really and *bonâ fide*
 20 paid eleven pounds two shillings and two
 pence half penny currency, of such rent,
 22 for the year ending at the last yearly (*or half*
yearly, quarterly, or other day of payment,
 24 *as the case may be*) day of payment of such
 rent, which occurred next before the said
 26 day of _____ (*date of*
the said Writ); that you are of the full age
 28 of twenty-one years; that you have not
 already voted at this Election; and that you
 30 have not received any thing, nor has there any
 thing been promised to you, either directly
 32 or indirectly, in order to induce you to give
 your vote at this Election: So help you
 34 God