



## CHAPTER 8

An Act respecting the election of members of the  
Legislative Assembly

[Assented to, the 12th of November, 1936]

**HIS MAJESTY**, with the advice and consent of the  
Legislative Council and of the Legislative Assembly  
of Quebec, enacts as follows :

**1.** This act may be cited as *The Quebec Election Act*. Short title.

### DIVISION I

#### PRELIMINARY PROVISIONS

**2.** This act shall apply to every election of a member Application.  
of the Legislative Assembly.

**3.** In the interpretation of this act, unless the Interpre-  
context indicates a different meaning, — tation:

1. The expression "electoral district" means any "Electoral  
territorial division of this Province the electors of district";  
which are entitled to return a member to the Legislative  
Assembly;

2. The word "domicile" means the place where a "Domicile";  
person has his principal abode, which he usually in-  
habits and to which he returns after an absence.

Change of domicile takes place by actual residence Change of  
in another place, coupled with the intention of the domicile;  
person to make it the seat of his principal abode.  
Proof of such intention shall result from the declara-

tions of such person, or from the circumstances of the case. And any person who has, for more than a year and a day, left his domicile in this province to live outside of Canada, is presumed to have changed his domicile.

**Domicile of person appointed to a public office; Living with others;** A person appointed to a temporary or revocable public office retains his former domicile, unless he manifests a contrary intention.

The domicile of persons of the age of majority, who serve or work continuously for others, is at the residence of those whom they serve or for whom they work, if they reside with them.

**Son who is absent;** The son who is absent from his father's or his mother's domicile with his or her consent, to attend a course, or to learn an art or trade, has his domicile with his father or mother as the case may be;

**"Election";** 3. The word "election" applies to the election of a member of the Legislative Assembly;

**"List";** 4. The term "list" or "electoral list" or "voters' list" applies to every electoral list prepared for the purposes of this act;

**"Municipality";** 5. The word "municipality" means every municipality in the Province legally incorporated;

**"Election officer";** 6. The expression "election officer" applies to the returning-officer, the election-clerk and any deputy returning-officer or poll-clerk appointed for the election of a member of the Legislative Assembly;

**"Person";** 7. The word "person" includes any association or assemblage of individuals whether incorporated or not; and when any member of an association or assemblage of individuals, whether incorporated or not, takes part in the commission of any act of such association or assemblage, he shall be liable to the penalties enacted by this act, as if he had acted individually;

**"Registrar";** 8. The word "registrar" applies to the registrar of any registration division which contains within its boundaries an electoral district, or which is contained within the boundaries of an electoral district, as well as to the registrar of a registration division whose boundaries are the same as those of an electoral district;

**"Valuation roll";** 9. The expression "valuation roll" means the valuation roll in force in the municipality for municipal purposes;

**"Secretary-treasurer";** 10. The expression "secretary-treasurer" includes the clerk of every city or town municipality;

11. The expression "polling-subdivision" applies to every territorial division for which a separate electoral list exists, or in which a polling-station may be established; "Polling-subdivision";

12. The expression "to vote" means to vote at the election of a member of the Legislative Assembly; "To vote";

13. Except where persons appointed to represent a candidate in a polling-station are concerned, the word "agent" shall apply to every person who, with the express authorization of a candidate, approaches electors to obtain their vote in favour of such candidate. "Agent";

4. The election period shall begin on the day fixed for issuing writs and end on the day on which the returning-officer declares the candidate or one of the candidates elected under section 183, 185 or 265 or under section 311 if a recount or re-addition before a judge has taken place. Duration of election period.

5. The period for the preparation of a list shall end at the expiration of the delays to file applications for the entering or striking off of names on such list. Period for preparation of list.

6. Any form indicated in this act by one or more numbers, refers to the corresponding form contained in Schedule One to this act. Forms.

Any form contained in the said Schedule shall be sufficient in the case for which it is intended. Any other form having the same meaning may be employed with equal effect. Use of forms.

7. When the last day of a delay falls or expires on a Sunday or holiday, such delay, whatever its nature or object may be, shall *ipso facto* be continued or extended to the end of the first following juridical day. Continuing of delay.

8. Any person required or empowered by this act to take or administer any oath or affirmation in the manner provided may administer the same and shall administer it gratuitously. Administering of oath or affirmation.

The returning-officer or election-clerk at any election, as well as any deputy returning-officer or poll-clerk thereat, may administer any oath or affirmation required by this act with respect to such election, except such as is required to be administered to the returning officer. Idem.

Duties of Clerk of the Crown in Chancery. **9.** Besides the duties imposed upon him by this act, the Clerk of the Crown in Chancery has the general supervision of the carrying out of this act as regards the preparation of the electoral lists.

Acting-Clerk. **10.** In case of the illness, absence or inability to act of the Clerk of the Crown in Chancery, the Lieutenant-Governor in Council may appoint an Acting-Clerk.

His duties. Such Acting-Clerk may exercise all the powers and discharge all the duties conferred or imposed by this act upon the Clerk of the Crown in Chancery.

Annexation of non-organized territory. **11.** The Lieutenant-Governor in Council may, for the purposes of this act, annex any territory not erected into a municipality, or whose council is not organized, to a neighbouring municipality situate in the same electoral district.

Transfer of territory to another municipality. The Lieutenant-Governor in Council may likewise detach from a municipality the territory, or a portion thereof, so annexed, and, for the purposes of this act, may annex it to another municipality of the electoral district within whose boundaries such territory or portion of territory is situated.

Deemed to form part thereof. All territory so annexed to any municipality shall, for all the purposes of this act, be deemed to form part of such municipality, until such territory is erected into a municipality and its council organized.

Coming into force of orders-in-council. Every order-in-council issued under this section shall be published in the *Quebec Official Gazette*, and shall only be effective counting from the thirtieth day following such publication.

DIVISION II

ELECTORS

§ 1—*Qualifications of Electors*

Persons to be entered upon list. **12.** Every person of the male sex who, during the preparation of the list, has his domicile within the limits of the municipality or of the territory annexed thereto under section 11, for which the list is being made and who is of the full age of twenty-one years, a British subject by birth or naturalization and not disqualified under the provisions of this act, must be entered upon the list.

**13.** The following persons may in no case be electors: Persons disqualified as electors:

1. The judges of the Supreme Court of Canada, the Exchequer Court of Canada, the Court of King's Bench, the Superior Court, and the Circuit Court, or the judges of the sessions, district magistrates, recorders, crown prosecutors, the Clerk of the Crown in Chancery, and the revisors appointed under this act; Judges, etc.;

2. Indians and individuals of Indian blood domiciled on land reserved for Indians or for any band of Indians, or held in trust for them, whether or not such reserve be within the boundaries of a municipality; Indians on an Indian Reserve;

3. Any person who has taken an oath of allegiance to any foreign power, or has become naturalized elsewhere; Aliens;

4. Any person who has been found guilty by the Legislative Assembly, or by any court having jurisdiction for the trial of controverted elections, or other competent tribunal, of any dereliction of duty, or offence against any of the electoral laws of this Province, and who is still subject to the disqualification by reason thereof; Offenders against electoral laws;

5. Any person whom a court of competent jurisdiction has declared guilty of an offence punishable by two years' imprisonment or more and who has not fully served the sentence pronounced against him; Persons not having fully served certain sentence;

6. Any person who, under the terms of the Civil Code, is incapable of contracting. Persons incapable of contracting.

§ 2.—*Preparation of the Electoral Lists*

*A.—General Provisions*

**14.** Between the first and fifteenth days of September in each year, the secretary-treasurer of every municipality shall prepare an electoral list for the municipality. Time of preparation of list.

The council of the municipality shall see that at the time named there is a secretary-treasurer appointed and competent to act. Duty of council.

**15.** If the municipality has been divided into polling-subdivisions, the secretary-treasurer shall draw up a list for each of such subdivisions. Drawing up of list for polling-subdivisions.

If municipality in more than one electoral district. **16.** If the municipality is situated partly in one electoral district and partly in another, the secretary-treasurer shall draw up a list for each of such parts or for each polling-subdivision thereof.

Who must be entered on electoral list. **17.** In drawing up an electoral list, the secretary-treasurer must enter all those who, according to the valuation roll in force or (save in cities) according to the electoral lists in force in the municipality, appear to be electors.

Who must be omitted therefrom. He must, however, omit the name of any person who, under the provisions of section 13 or of any other provision of law, cannot be an elector.

List upon which entries to be made. **18.** No one shall be entered on a list other than that for the polling-subdivision or, if there be no polling-subdivision, for the municipality in which he has his domicile.

How list to be drawn up. **19.** Every electoral list must be drawn up in duplicate, not in alphabetical order, but, street by street, range by range, according to the order of the numbers on each street where the houses are numbered, or, if unnumbered, according to the order of the cadastral numbers of each range or street, and, as far as possible, according to form 1.

Entering of names etc. In drawing up a list, the secretary-treasurer must enter at the head of such list the official name of the municipality, and, in the case of a polling-subdivision, the official number and description of such subdivision. He shall also, one after the other, and without blanks or spaces between the lines, insert the Christian names, surname, profession or calling of each elector, placing before his name the number of his lodging in the streets in which the dwellings are numbered, or the cadastral number where the dwellings are not numbered.

Id., of age in certain case. In the case of a list drawn up in a municipality, the population whereof, at the previous decennial census, was ten thousand or over, the secretary treasurer must, as far as possible, enter the age of the elector after his profession or calling.

Attestation of list. **20.** The secretary-treasurer who has drawn up an electoral list shall certify the correctness thereof, under oath drawn up in accordance with form 1, taken before a justice of the peace, notary or commissioner of the Superior Court.

Such certificate must be attached to each duplicate list. Attached to duplicate.

**21.** On the last day of the period contemplated by section 14, the secretary-treasurer must deposit one of the duplicates of the list in his office, where communication may be had of same by all parties interested. Deposit of the list.

**22.** The secretary-treasurer, on the day of depositing the list under the provisions of section 21, shall give and publish a public notice, setting forth that the electoral list has been prepared according to law, and that a duplicate thereof has been lodged in his office, where communication may be had of same by all parties interested. Giving, etc., of public notice.

Such notice shall be given and published in the same manner as public notices for municipal purposes, in the municipality in which the list has been prepared. How notice published, etc.

**23.** If, within the first fifteen days of the month of September, the secretary-treasurer has not made the list of electors, or has not given or published the notice required by section 22, the judge of the Superior Court for the district, or in the event of the absence of the district judge, or of his inability to act, a judge of a neighbouring district or the district magistrate, shall, on summary petition of the mayor, the registrar, or of any other person entitled to be entered as an elector in the municipality, appoint a special clerk to prepare the list of electors. The judge or magistrate, as the case may be, shall ascertain whether the municipality has been divided into polling-subdivisions, and order that it be made when necessary. Special clerk to make list in default of secretary-treasurer.

**24.** The secretary-treasurer shall be personally liable for the costs incurred on such petition, and for those incurred in drawing up the list by the special clerk, unless the judge or the district magistrate, for special reasons, deems it advisable to order otherwise; and, in such case, the judge or magistrate shall adjudge the costs at his discretion. Liability of secretary-treasurer for costs in such case.

**25.** So long as the special clerk has not been appointed, however, the secretary-treasurer may draw up or complete the list. May draw up list meanwhile.

**26.** Within fifteen days after notice of his appointment, the special clerk shall proceed to the preparation of the electoral list. Duties of special clerk.

His powers and responsibilities. He shall be, for such purpose, an officer of the municipal council, and have the same powers and duties as the secretary-treasurer of the municipality, and be liable to the same penalties in case of failure or neglect on his part.

Duty of the mayor, etc. **27.** In so far as may be incumbent upon them, the mayor and the officers of the council shall each be bound to deliver to the special clerk, on his application therefor, the valuation roll which is to serve as the basis of the electoral list to be drawn up, under a penalty against each of not more than two hundred dollars, and, on failure to pay the fine and the costs, of imprisonment for not more than six months.

Duty of councillors. The members of the council shall, under the same penalty, make the polling-subdivisions so that the electoral lists may be prepared and completed in time.

*B.—Special provisions for cities of ten thousand or more inhabitants, other than Quebec and Montreal*

Preparation of lists for certain cities. **28.** The electoral lists for cities other than Quebec and Montreal, the population of which at the last decennial census was ten thousand or over, must be drawn up between the first and the fifteenth of March in each year designated by an even number, in accordance with the provisions of subdivision *A* above.

*C.—Special provisions for the cities of Quebec and Montreal*

Id., for Quebec and Montreal. **29.** The electoral lists for the cities of Quebec and Montreal shall be prepared in accordance with the provisions of subdivision *A* above, *mutatis mutandis*, subject to the following special provisions.

Establishing of Electoral Lists' Offices; **30.** The Lieutenant-Governor in Council may:  
1. Order the establishing for each of the cities of Quebec and Montreal of a permanent office called "Electoral Lists' Office of "Quebec" or "Montreal", as the case may be;

"Office head"; 2. Appoint an officer called "office head" who shall have charge of each of such offices and of the preparing of the electoral list;

Assistants; 3. Appoint such persons as he may deem necessary to assist such office heads;

4. Provide for the remuneration of the office heads <sup>Remunera-</sup> and of the persons whom he has so appointed and of <sup>tion.</sup> those appointed under section 40.

**31.** Before entering upon their duties, the office <sup>Oath of office</sup> heads and their assistants shall take the following oath <sup>and secrecy.</sup> of office and secrecy:

OATH OF OFFICE AND SECRECY

“I swear that I am of the age of majority, a British subject, domiciled at.....and that I will fulfill the duties of my office of..... faithfully and without partiality, fear, favour or affection, and in all respects in accordance with the law, and that I will not reveal nor make known, without being thereunto duly authorized, any matter whatsoever of which I may have cognizance in the performance of such duties. So help me God.”

Such oath shall be administered and the certificate <sup>By whom</sup> of its having been taken shall be given by any person <sup>administer-</sup> authorized to administer oaths in the judicial district <sup>ed.</sup> of Quebec or Montreal, as the case may be.

The certificate of the taking of such oath shall be <sup>Keeping of</sup> kept in the office of the Clerk of the Peace of the dis- <sup>certificate</sup> trict of Quebec or of Montreal, as the case may be. <sup>thereof.</sup>

**32.** The Attorney-General shall place the necessary <sup>Furnishing</sup> premises for the establishment of the permanent offices, <sup>of premises</sup> mentioned in paragraph 1 of section 30, at the disposal <sup>for perma-</sup> of the office heads and their assistants. <sup>nent offices.</sup>

The expenses incurred for establishing and main- <sup>Payment</sup> taining the permanent offices above mentioned shall <sup>therefor.</sup> be paid by the Provincial Treasurer, upon the order of the Attorney-General.

**33.** The permanent offices shall be kept open, on <sup>Office hours.</sup> days other than holidays, from nine o'clock in the morning until five o'clock in the afternoon and from seven-thirty o'clock in the evening until nine o'clock in the evening, except on Saturday when they shall be open from nine o'clock in the morning until one o'clock in the afternoon.

**34.** The office heads and their assistants may ad- <sup>Administer-</sup> minister the oaths required in connection with the <sup>ing of certain</sup> oaths.

making and revising of the electoral lists for the city for which they are appointed.

Attestation  
in certain  
case.

If any person refuses to take the oath required, for the reasons mentioned in section 15 of the Canada Evidence Act, such person shall testify to the truth of his declaration in the manner provided in the said section 15 of the said act.

Notice in  
newspapers.

**35.** During the first fifteen days of May in each odd-numbered year, the head of the Quebec office shall publish in one French newspaper and in one English newspaper of Quebec, and the head of the Montreal office shall publish, in two French newspapers and in two English newspapers of Montreal, a notice calling upon those who possess the qualifications required to be electors in the city in which the notice is given to come to the permanent office to ascertain whether their names are or will be entered on the list of their electoral domicile, and, if need be, personally file an application to be entered.

List open to  
inspection.

**36.** Every person possessing the required qualifications to be an elector in the city may, at any time during the prescribed hours, appear before the office head in his permanent office, in order to ascertain whether his name is or will be entered on the electoral list where he is domiciled, and, if need be, personally present an application to be entered.

Temporary  
offices in  
Montreal.

**37.** In the month of November of each odd-numbered year, the head of the Montreal office shall, after having been authorized by the Lieutenant-Governor in Council, and after having given public notice in the manner hereinafter set forth, open temporary offices at different places in Montreal for the registration of persons qualified to be electors in Montreal.

Notice.  
Publication.

Such notice shall:

1. Be published in two French newspapers and two English newspapers of Montreal, three times at least during the ten days previous to the opening of the offices;

Indication  
of place, etc.

2. Indicate the place where each office will be established, and the days and hours when it will be open;

Application  
for entry.

3. Call upon every person possessing the qualifications required to be an elector in Montreal to come, and, if need be, file an application for entry, at the temporary office nearest to his domicile.

**38.** Such temporary offices shall be opened at central points and as far as possible in the immoveables (fire stations, police stations, etc.) and other public buildings which the city of Montreal may place, wholly or partly, at the disposal of the office head and his assistants.

Location of temporary offices in Montreal.

The city of Montreal may also supply the office head and his assistants with everything necessary for their work in such temporary offices. In the event of its refusing or neglecting so to do the Attorney-General shall provide therefor. In the latter case the expenses incurred shall be paid by the Provincial Treasurer, on the order therefor of the Attorney-General.

Supplying of necessities.

**39.** Each temporary office shall remain open for three consecutive juridical days, from nine o'clock in the forenoon to ten o'clock in the evening.

Hours of temporary offices.

**40.** The persons in charge of the registration of Montreal electors at the temporary offices shall be chosen, as far as possible, from the persons mentioned in paragraph 3 of section 30.

Persons in charge of registration.

The office head, after having been authorized therefor by the Lieutenant-Governor in Council, may appoint, if need be, other persons, but they shall, before entering upon their duties, subscribe and take the oath required by subsection 1 of section 31, before the office head.

Appointing of other persons.

Such oath shall be filed and kept in the office of the Clerk of the Peace of the district of Montreal.

Oath.

**41.** Persons qualified to be electors in Montreal may personally file an application to be entered at one of the said temporary offices, at any time during the hours it is open.

Application for entry.

**42.** Every application for entry made under section 36 or 41 shall be drawn up in writing and show the Christian names, surname, profession or calling, age and address of the person making the same, and be attested under oath by such person himself before one of the persons in charge of registration in the office and be filed by the applicant in such office. It shall, moreover, as the occasion requires, mention the previous electoral domicile of the person making application.

How application to be made.

When the identification card is compulsory in the municipality, no application for entry may be received

When identification card compulsory.

unless the applicant establish his identity by means of his card.

Receipt.

A receipt shall be given for each application for entry regularly filed.

Persons present.

The Government's official candidate and the opposition's official candidate at the last election in the electoral district in which a temporary office is situated shall be authorized to remain therein during the hours it is open, or to delegate representatives to do so; but no candidate shall ever have more than one representative at a time in a temporary office. The role of the candidates or their representatives, at a temporary office, shall be limited to the inscription of electors.

Custody of applications.

**43.** Until after the coming into force of the lists, being drawn up, the office heads shall keep all applications for entry filed, and shall enter, in the order of street numbers for each electoral district, in special registers, the names which are the subject of such applications.

Insertions in valuation roll by Quebec city assessors.

**44.** The assessors of the city of Quebec shall, when making the annual valuation roll, insert therein the Christian names, surname, profession or calling, age and address of every person who appears to possess the qualifications required to be an elector in Quebec.

Obtaining of information.

In order to obtain the information necessary for such purpose, they may require a sworn declaration on the part of any person occupying a house, shop, workshop, store or other establishment, or who is in charge thereof.

Depositing of valuation roll by assessors.

**45.** The assessors of the city of Quebec, after they have certified the correctness thereof under oath before the city clerk or before the head of the Quebec office, shall deposit, in the latter's office, a copy or a duplicate of the valuation roll, before the first of November of the year for which the roll has been prepared.

Assessors to furnish information.

**46.** The assessors of the city of Quebec shall give the head of the Quebec office all the information gathered by them when preparing the valuation roll.

Special record of loss of qualification.

**47.** The office heads shall enter, in special registers, the name of every elector, who, to their knowledge or according to proof obtained by them, has died, left the city, or has, in any other way, lost the qualifications required to be entered on the electoral lists of Quebec

or Montreal, as the case may be, or on the list of his former electoral domicile in Quebec or Montreal, as the case may be.

**48.** All writings, documents or registers connected with or used in the preparation of the lists for Montreal and the lists themselves shall be public and any person interested may consult them during the office hours determined in accordance with section 33. Montreal lists, etc., to be open for inspection.

Any person interested may obtain a certified true copy thereof on paying a remuneration of five-eighths of one cent per elector entered, in the case of a list of electors, or of twelve and one-half cents per hundred words or numbers, in the case of any other document, including the cost of the certificate in both instances. Obtaining of certified copy of such lists.

**49.** In the month of December of each odd-numbered year, the office heads shall draw up an electoral list for each polling-subdivision. When list drawn up.

If a polling-subdivision be situated partly in one electoral district and partly in another, the office heads shall draw up an electoral list for each of such parts. Additional lists.

Such list shall be made in duplicate, and according to the form 1. How made.

**50.** The office heads shall, if there be occasion so to do, alter the limits of the polling-subdivisions, complying, however, with the provisions of this act. Altering of limits.

**51.** In drawing up an electoral list, each office head shall enter therein the names of every person who, by the valuation or collection roll in force in the city for which he was appointed or by the applications for entry filed in his office in accordance with the provisions of this subdivision C, appears to be an elector. How list drawn up.

He shall omit from the list for a polling-subdivision the name of every person who, under the terms of this act, does not possess the qualifications to be an elector in such polling-subdivision, as well as the name of every person entered in the registers mentioned in section 47. Omission of names.

**52.** Each office head, and any person authorized by him for the purpose, shall be entitled to hold an inquiry to ascertain if any person already entered on the lists or anyone applying to be entered thereon, has the electoral qualifications required. Holding of certain inquiry.

**Powers therefor.**            For the purpose of such inquiry, the office head and the person so authorized shall have, *mutatis mutandis*, all the powers conferred upon an inquiry commission by the Public Inquiry Commission Act (Revised Statutes, 1925, Chapter 8) and shall be bound by the provisions of the said act in so far as they are applicable.

**Electoral domicile.**            The office heads shall decide, according to the best evidence obtainable, questions of electoral domicile.

**Access to valuation and collection rolls in force.**            The municipal authorities of the cities of Quebec and Montreal and particularly the chairman of the municipal board of assessors shall, under penalty of a violation of this act, be bound to permit and to facilitate access by the office heads or their assistants, at any time, to the valuation and collection rolls in force.

**Certifying of list.**            **53.** The correctness of each list shall be certified be the office head concerned.

**Erasures, etc.**            Moreover, the office head shall mark the initials of his full name after each erasure or correction made by him.

**Deposit and consultation of lists in Montreal.**            **54.** From and after the first day of February in each even-numbered year, the head of the Montreal office must place at the disposal of the public, in his permanent office, a duplicate of the lists drawn up in the previous months of December and January, and those interested may consult such duplicate of the lists during office hours.

**Notice of same.**            On the same day or the first ensuing day which is not a holiday, the head of the Montreal office shall publish a notice, in two French and two English newspapers of Montreal, to the effect that the electoral lists for use in Montreal at the elections of members for the Legislative Assembly have been prepared, and that a duplicate thereof has been deposited in his permanent office, where those interested may consult same during office hours.

**Deposit and consultation of lists in Quebec.**            **55.** From and after the first day of March of each even-numbered year, the head of the Quebec office shall place in his office, at the disposal of the public, a duplicate of the lists which were drawn up in the preceding months of January and February, and those interested may consult such duplicate during office hours.

**Notice of same.**            On the same day or on the first ensuing day which is not a holiday, the head of the Quebec office shall publish, in one French and one English newspaper of

Quebec, a notice that the electoral lists to be used in Quebec for the election of members of the Legislative Assembly have been prepared and that a duplicate thereof has been deposited in his permanent office, where those interested may consult same during office hours.

**56.** Upon the death of an office head or in the event of his refusal, neglect or inability to act, his place shall be taken by the person appointed by the Lieutenant-Governor in Council for such purpose. Filling of certain vacancy.

So long as the vacancy or hindrance lasts, the substitute for the office head, after having taken oath in accordance with section 31, shall, for the purposes of this act, have the same powers and duties as the office head, for the completion of the operations of the latter. Powers and duties of substitute.

**57.** If no electoral lists have been prepared at the times mentioned in the foregoing provisions, or if, due to any cause, the lists prepared are lost, destroyed or invalid, new ones shall be prepared as if the current year had been designated by an odd-number. Preparation of lists in certain event.

### § 3.—*Examination and Putting into Force of Electoral Lists*

#### *A.—General provisions*

**58.** Any person who believes that his name has been wrongfully entered on or omitted from the list, may, either by himself or through his agent, file in the office of the secretary-treasurer a written application under oath to have his name entered or struck off, as the case may be. Complaint as to omission, etc., of name.

Any elector of the municipality, other than a member of the municipal council, who believes that the name of any person has been wrongfully entered on or omitted from a list, by reason that such person has or has not, as the case may be, the qualifications of an elector, may file in the office of the secretary-treasurer a like application, in writing and under oath, in respect thereof. Complaint as to name of other person.

Every application for the entering of a name made under this section must indicate the surname, Christian names and profession or calling of the person in whose favour the application is made, as well as the number and the street where he has his dwelling, if the dwell- How application for entry to be made.

ings in such street are numbered, or the name of the street or the range where he has his dwelling and the cadastral number of such dwelling.

When identification card compulsory.

When the identification card is compulsory in the municipality, the application for the entering or striking off of a name upon the list may only be received if the applicant establishes his identity by means of his card.

Delay for filing applications.

**59.** No application for the entering or striking off of any name shall be taken into consideration unless it has been filed within the fifteen days after the expiration of the delay prescribed for the preparation of the list, or, if the list has been completed after the expiration of the said delay, within the fifteen days after the notice given in virtue of section 22.

Delay for examination and correction of list.

**60.** If any application has been filed for the entering or striking off of any name, in accordance with section 58 or 59, and not otherwise, the municipal council may, within the thirty days next after the expiration of the delay prescribed for the preparation of the list, or, if the list has been completed after the expiration of the said delay, within the thirty days after the notice given in virtue of section 22, examine and correct such list.

Notice of examination.

**61.** Before proceeding to examine or correct the electoral list, the council shall cause to be given, by the secretary-treasurer, the special clerk, or any other person, public notice of the day and hour at which such examination will begin.

Special notice.

The council, before taking into consideration any application for the entering on or striking off from the electoral list of any name, shall also cause a special notice in writing to be given to every person who is the object of any such application.

Delays on notice.

The public notice and the special notice required by this section shall be of at least five days' duration. They shall further be given and published or served in the same manner as municipal notices in the municipality within which the list has been prepared.

Secretary-treasurer.

The giving of public and other special notices shall be part of the general duties of the secretary-treasurer.

His fees on notice.

There shall be allowed to the secretary-treasurer, at the cost of the party making the application, a remuneration of twenty-five cents for each special notice given

by him to any person whose name is neither added to nor struck from the list by the council, or, if there be an appeal, by the judge.

**62.** The council, when it proceeds to the examination of the list, shall first verify the correctness and regularity of the proceedings had in preparing the list, and shall draw up a minute thereof. It shall then take into consideration all the written applications, regularly made, relating to the said list, and hear all persons interested, and, if necessary, their evidence on oath. Proceedings by council.

When, upon an application for the entering or the striking off of any name, the council must decide if a person be a British subject, such person shall himself prove that he is a British subject. British subject.

**63.** The council, by its decision on each application, may confirm or correct each of the duplicates of the list. Decision.

If any new names be entered, they must be entered in such a way as to preserve the order of street numbers or cadastral numbers, as the case may be. The entry must be made by means of references. If new names entered.

**64.** Whenever an application for the striking off of the name of any person from the list is taken into consideration, if it be established that such person is entitled to be entered on any other list of the municipality, the council may correct the lists accordingly; but it may not strike the name of such person from the list without entering it on another list. Correction of lists.

**65.** The officer presiding over the council must, before the close of the sitting, affix his *paraphe* or initials of his full name to every addition, erasure or correction made to the list under sections 63 and 64. Initialing of entries.

**66.** The list as then existing shall come into force on the thirty-first day following the expiration of the delay prescribed for its preparation, or, if it have not been completed within such delay, then on the thirty-first day following the notice given in virtue of section 22, and shall remain in force until a new list is made and put in force under the authority of this act. Coming into force and duration of list.

In case of appeal, the portion of the list in respect of which the appeal is taken shall remain in force until the final decision of the judge. Portion of list to remain.

**67.** When the two duplicates of a list in force are destroyed or lost, or when the list in force is declared invalid or annulled by a court of competent jurisdiction, the list which this one had replaced shall again come into force and remain in force until a new list has been legally prepared and put into force.

List replaced again in force in certain case.

**68.** When a territory annexed to a municipality, in accordance with section 11 of this act, is erected as a municipality, or is annexed to another municipality, either for municipal purposes or for the ends of this act only, the list prepared for such territory shall remain in force, in so far as it is concerned, until another list has been legally prepared and put into force in the new municipality, or in the municipality to which the territory was lastly annexed.

List of an annexed, etc., territory.

**69.** Subject to any correction made under the provisions of sections 108 or 114, every electoral list so put in force, even though the valuation roll which has served as the basis of such list be defective or have been quashed or set aside, shall, so long as it remains in force, be deemed to be the only true electoral list within the polling-subdivision to which it relates.

Effect of the list.

**70.** As soon as the electoral list has come into force, the secretary-treasurer shall insert at the end of such list, on duplicates thereof, the certificate set forth in form 2.

Certificate of secretary-treasurer.

**71.** One of the duplicates of the list shall be kept in the archives of the municipality.

Duplicates.

Within eight days following the day upon which such list comes into force, the secretary-treasurer or the mayor shall forward the other duplicate to the registrar of the registration division in which the municipality is situated, under a penalty against each of them, in case of contravention, of a fine of one hundred dollars, and of imprisonment for not more than six months on failure to pay such fine and costs.

Forwarding of duplicate.

No list shall be invalidated by reason only that no duplicate thereof has been forwarded to the registrar, or that a duplicate has been forwarded to him after the delay prescribed by this section.

Restriction as to invalidation.

**72.** If, in lieu of the duplicate required by section 71, a certified copy of the list has been sent to the regis-

Copy of list.

trar, such copy shall be deemed to be the duplicate required, and shall have the same effect as if the duplicate had itself been sent.

**73.** The registrar, upon receipt of a duplicate or copy of a list, shall enter thereon the date at which it was received. Entry of date of receipt.

The registrar shall preserve and keep on record in his office every duplicate or copy of a list which has been forwarded to him in accordance with sections 71 and 72. To be kept on record.

The registrar, upon receipt of a duplicate or copy of a list, shall draw up a certificate attesting that such list appears to have been prepared according to the provisions of the law and showing the number of electors entered thereon and shall address such certificate to the Clerk of the Crown in Chancery. Drawing up of certificate.

Upon receipt of any such certificate, the Clerk of the Crown in Chancery shall order payment of the cost of the list to the secretary-treasurer who drew it up and the Provincial Treasurer shall pay the secretary-treasurer for such list at the rate of two cents per elector's name entered. Ordering payment on receipt of same.

*B.—Special provisions for cities of ten thousand inhabitants or over*

**74.** There shall be, for each city the population of which at the preceding decennial census numbered ten thousand or over, a board of revision called the "Board of Revisors of (*name of the city*)."  
Board of Revisors for certain cities.

The said board shall be composed of three persons selected and appointed as follows: Composition.

The three revisors shall be chosen from amongst the electors who have not been, for the past ten years, candidates at any federal, provincial or municipal election in the Province of Quebec. No Senator nor Legislative Councillor may be a revisor. From whom chosen.

The Lieutenant-Governor in Council shall appoint two of the revisors, one on the recommendation of the Prime Minister of the Province, and the other on the recommendation of the leader of the official opposition. Appointing of two revisors.

The two revisors appointed by the Lieutenant-Governor shall themselves appoint the third revisor. Id., of third revisor.

The appointment of the first two revisors shall be made at the date fixed for depositing the lists, and that of the third revisor within the ensuing eight days. When appointments to be made.

Appoint-  
ment of third  
revisor in cer-  
tain case.      If the leader of the official opposition fails to recom-  
mend a revisor at the proper time or if the two revisors  
fail to appoint a third within the prescribed delay, the  
Lieutenant-Governor in Council shall make the ap-  
pointment.

Replacing of  
revisors.      **75.** In the event of the death or resignation of one  
of the revisors, he shall be replaced in the same way as  
he was appointed.

Notice.      **76.** Notice of the appointment of the said revisors  
shall be given in the *Quebec Official Gazette*.

Oath of  
office.      **77.** Before entering upon office, every revisor shall  
take oath, before a judge of the Superior Court, to pro-  
perly and faithfully perform his duties.

Remunera-  
tion of revis-  
ors.      **78.** Each revisor shall receive an indemnity of  
two hundred dollars for Montreal, one hundred and  
fifty dollars for Quebec, one hundred dollars for each  
of the cities of Verdun, Three Rivers, Sherbrooke, Hull,  
Lachine, Shawinigan Falls, Outremont and Westmount,  
and seventy-five dollars elsewhere, for each year that  
there shall be a revision. Such indemnity shall be  
paid by the Provincial Treasurer on an order therefor  
of the Attorney-General.

How paid.

Cost of  
notices.      The cost of notices which must be published in the  
newspapers, for carrying out this subdivision, shall be  
paid in the same manner.

Powers of  
revisors *re*  
witnesses,  
etc.      **79.** The board of revisors shall have, for maintain-  
ing order during its sittings, and for the summoning,  
examination and punishment of witnesses, the same  
powers as the Superior Court.

Before whom  
oaths may  
be taken.      **80.** Every oath required by this subdivision *B* may  
be validly taken before the board of revisors, each of  
the members thereof or its clerk.

President  
and vice-  
president.      **81.** At its first sitting the board of revisors shall  
select one of its members as president of the board, and  
another as vice-president.

Quorum.      **82.** Two members of the board shall be a quorum.

Majority  
vote.      **83.** Every question submitted for the decision of  
the board shall be decided by the majority of votes.

In the event of the votes being equally divided, the Casting president or, in his absence, the vice-president, shall have a casting vote.

**84.** The clerk of the city shall be *ex officio* secretary of the board of revisors, and must act as such.

His office shall be the office of the board of revisors.

The secretary of the board of revisors of the city of Quebec and the secretary of the board of revisors of the city of Montreal shall, however, be appointed by the Lieutenant-Governor in Council, and the permanent offices provided for in section 32 shall be the offices of such boards of revisors.

**85.** The municipal council of the city may place at the disposal of the board of revisors proper holdings the sittings of such board, and may supply it with everything needed for its labours.

In the event of the refusal or neglect of the municipal authorities to comply with the provisions of the first paragraph of this section, the Attorney-General shall place at the disposal of the board of revisors the required premises and supply it with everything needed for its labours; and, in such case, the expense incurred for that purpose shall be paid by the Provincial Treasurer on the order therefor of the Attorney-General.

However, in the case of the boards of revisors of the city of Quebec and Montreal, the sittings of the said boards shall be held in the above-mentioned permanent offices or in any other place which the Lieutenant-Governor in Council may determine. The Attorney-General shall supply such boards with everything needed for their labours and the expense incurred therefor shall be paid by the Provincial Treasurer on the order therefor of the Attorney-General.

**86.** Every board of revisors must examine and correct the electoral lists of the city for which it is appointed.

It must also, at the same time, re-arrange the subdivisions established in such city in such manner that there shall be, as nearly as possible, about two hundred and fifty electors in each polling-subdivision, and see that at the head of each list there is entered the number and description of the polling-subdivision to which such list applies.

Examina-  
tion, etc. of  
lists.

Id., for  
Montreal,  
etc.

**87.** The examination and correction of the electoral lists shall take place in every even-numbered year.

In the city of Montreal, the board of revisors must proceed with such examination and correction within ninety days from the notice given under section 54, in the city of Quebec, within sixty days from the notice given in accordance with section 55; and, in other cities, within forty-five days from the notice given under section 22.

When exa-  
mination  
may be  
made.

**88.** No board may proceed with such examination and correction unless an application has been filed in accordance with the provisions of sections 89 and 90.

Applications  
for entering  
or striking  
names.

**89.** Any person who finds that his name is not on the electoral list although he has the qualifications of an elector or has been entered on any electoral list when he has not the qualifications of an elector may, either by himself or through his agent, file with respect thereof, in the office of the board, an application, in writing and under oath, to have his name entered or struck off, as the case may be.

Application  
for another  
person.

Any elector entered on the list for a polling-subdivision, who finds that the name of any person is not entered on such list although such person has the qualifications of an elector, or has been entered on such list when such person has not the qualifications of an elector, may file in respect thereof, in the office of the board, a like application, in writing and under oath, whereby he declares that, to his personal knowledge, the name, for the entering or striking off of which application is made, is that of a person who has or has not, as the case may be, the right to vote.

Particulars  
in applica-  
tion.

Every application for the entering of a name made under this section must indicate the surname, Christian names, profession or calling, age and address of the person in whose favour it is made.

Oath.

The oath, in the cases contemplated by this section, shall be taken before one of the persons mentioned in section 80.

When identi-  
fication card  
compulsory.

In addition, whenever the identification card is compulsory in the municipality, the application for this entering or striking off shall only be admitted if the applicant establishes his identity by means of such card.

**90.** No application for the entering or striking off of any name shall be taken into consideration by revisors unless it be filed in the office of the board within thirty days after the publication of the notice given in conformity with section 54 in the case of Montreal, or within twenty-one days after the publication of the notice given in conformity with section 55 in the case of Quebec, or within fifteen days after the publication of the notice given in conformity with section 22 in the case of other cities.

**91.** Before proceeding to examine and correct the electoral list, every board of revisors shall cause to be given, through its secretary, public notice of the place where, and day and hour when such examination and correction shall begin.

Such notice must be given at least five days in advance.

In the cities of Quebec and Montreal, the notice must be published once in an English newspaper and once in a French newspaper of the city in which the examination is to take place; in other cities it must be given and published in the same manner as municipal notices.

Such notice may specify that the board will proceed on the different days therein mentioned, to examine and correct the lists for each electoral district or each ward of the city in question.

In the city of Quebec, the board of revisors, if it deem expedient to hold sittings in each of the electoral districts in which it must examine and correct the lists, must publish during at least eight days in a French and in an English newspaper of the city, a public notice of the day, the hour and the place when it will commence the examination and correction of the electoral lists of each district.

**92.** Before taking into consideration the applications for the entering or striking off of any names which have been filed in respect of the lists, every board of revisors must also give, through its secretary, a special notice to every person in respect of whom an application for striking off has been made.

Such notice must be given at least five days in advance.

The notice shall be mailed by registered letter to the address where, according to the list, the person in question is deemed to have his domicile.

If notice returned. If the notice be returned by the post office undelivered, there is a presumption that such person should not appear on the list.

Examination of lists and hearing of evidence. **93.** Every board of revisors, when it proceeds with the examination of a list, shall first verify the regularity of the proceedings had in preparing the list, and shall draw up a minute thereof. It shall then take into consideration all the applications, in writing and under oath, regularly made in respect of the said list, and hear all persons interested, and, if necessary, take their evidence on oath.

British subject. When, upon an application for the entering or striking off of any name, the council must decide if a person be a British subject, such person shall himself prove that he is a British subject.

Decision of board. **94.** The board of revisors, by its decision on each application, may confirm or amend each of the duplicates of the list.

Re-arranging of lists. If it re-arrange the polling-subdivisions it must re-arrange the list or lists accordingly, keeping the order of the street numbers.

Entering of new names. If it add new names to any list, it must enter them in such a way as to preserve the order of the street numbers. The entry must be made by means of references.

Corrections in certain case. **95.** Whenever an application for the striking off of the name of any person from the list is taken into consideration, if it be established that such person is entitled to be entered on any other list of the municipality by reason of any qualification whatever, the board of revisors may correct the lists accordingly, but it may not strike the name of such person from the list without entering it on another list.

Initialing of corrections, etc. **96.** Every entry in, erasure from, or correction of the list in virtue of sections 94 and 95 shall be authenticated by the initials of the Christian names and surname of the president of the board of revisors.

Coming into force of list. **97.** The electoral list as it then exists shall come into force at the expiration of the ninety days following the notice given under section 54 in the case of the city of Montreal, at the expiration of the sixty days following the notice given under section 55 in the case of the

city of Quebec, and at the expiration of the forty-five days following the notice given under section 22 in the case of other cities.

It shall remain in force until a new list has been made and put into force under the authority of this act. Duration.

In case of appeal, the list or the portion thereof in respect of which the appeal is taken shall remain in force until the final decision of the judge, and such appeal shall be heard by privilege. Effect of appeal.

**98.** Section 69 shall apply to the lists for the cities mentioned in section 74. Provisions applicable.

**99.** As soon as the list of electors has come into force, the secretary of the board of revisors shall insert at the end of such list, in both duplicates thereof, a certificate according to form 2. Certifying of list.

**100.** Sections 67, 68, 71, 72, and the first and second paragraphs of section 73, shall apply, *mutatis mutandis*, to the lists for the cities mentioned in section 74. Provisions applicable.

**101.** One duplicate of the list must be kept in the permanent office provided for by section 32, in the case of the Quebec or Montreal lists. Keeping of duplicate.

**102.** The third and fourth paragraphs of section 73 shall apply to the lists for the cities mentioned in section 74, other than Quebec and Montreal. Provisions applicable.

#### § 4.—*Appeal to a Judge*

**103.** By means of a petition, in which shall be briefly set forth the reasons of appeal, any elector of the electoral district may, within fifteen days following such decision, appeal to the judge of the Superior Court of the district from any decision of the council or of the board of revisors, confirming, correcting or amending the list, or from any omission or refusal of the board of revisors to take into consideration any application for entering or striking off of any name. Appeal from decision.

In any district in which there is no resident judge of the Superior Court, the appeal may be brought before the district magistrate having jurisdiction in such district, in the same manner and with the same effect as before the judge of the Superior Court. How brought in certain districts.

Appeal on refusal, etc.

**104.** If, within the time prescribed, the municipal council has neglected or refused to take into consideration an application duly filed, any person may appeal to such judge or magistrate therefrom, within the fifteen days after the expiration of such delay.

Service of petition in appeal.

**105.** The appellant must, within the delay fixed by the judge or magistrate, have a copy of the petition in appeal served upon the secretary-treasurer of the municipality, or upon the secretary of the board of revisors, as the case may be; the secretary-treasurer shall immediately give special notice thereof to the mayor and to the parties interested, and the secretary of the board to the members thereof and to the parties interested.

Security for costs.

**106.** The respondent may, in such an appeal, obtain a suspension of the proceedings, until the appellant has given such security or has deposited with the clerk of the court such sum as the judge or magistrate shall, at his discretion, deem necessary to guarantee the payment of the costs of appeal.

Hearing and decision.

**107.** At the time and place fixed by him, the judge or magistrate may hear and decide such appeal in a summary manner. He shall proceed, from day to day, in term or in vacation.

Precedence.

Such appeal shall have precedence over other cases.

Powers of judge.

**108.** The judge or magistrate may order that further notice be given to any party in the case, may summon before him and interrogate under oath or affirmation any party or witness, and may require the production of any document, paper or thing.

Idem.

He may *ex officio* order the correction of any apparent formal irregularity or error found therein, and give any order necessary to enforce this act.

Idem.

He shall, for such purpose, possess all the powers conferred upon the Superior Court in relation to matters pending before it.

Defect of form.

**109.** No proceeding on such appeal shall be annulled for defect of form.

Costs in appeal.

**110.** The judge or the magistrate shall possess the power of taxing, at discretion, the costs of appeal, for or against either party, and even against the municipality.

Such costs shall be recoverable under a writ of execution issued in the usual manner. How recoverable.

Such costs must not exceed the costs of a Magistrate's Restriction Court case.

**111.** The decision of the judge or magistrate shall be final and without appeal. Decision final.

**112.** As soon as an authentic copy of the decision of the judge or magistrate has been served upon him, the secretary-treasurer or the office head of the electoral lists' office as well as the registrar shall each correct, in accordance therewith, the duplicate of the electoral list of which he is the depositary. Correcting of list.

§ 5.—*Miscellaneous provisions regarding the lists*

**113.** If, at any time, either in term or vacation, it be made to appear to any judge of the Superior Court, that the secretary-treasurer of any municipality, or the registrar of the registration division, or any other person, has altered or falsified, or permitted the alteration or falsification of the duplicate of the list of which he is the depositary, the judge shall require the depositaries of the duplicates of the list and every person having the custody of the valuation and collection rolls, and of the former lists, which served as the basis of such list, to appear before him and to produce the rolls and duplicates of the lists in their possession. Alteration, etc., of list.

**114.** At the time and place fixed for the appearance of any such person, the judge, after having examined the valuation and collection rolls, the former lists in the case of any municipality other than a city, and the duplicates of the lists produced by him, shall, with or without further proof, make the alterations or corrections which he shall deem necessary to rectify the duplicate so altered or falsified. Correction of list by judge.

**115.** Every person having the custody of an electoral list shall deliver certified copies thereof to any person applying therefor, and offering to pay for the cost of any such copy, according to the tariff in Schedule Two of this act. Delivering of certified copies.

**116.** The secretary-treasurer of every municipality shall furnish upon application therefor, to every deputy Furnishing of list to deputy returning-officers.

returning-officer acting within the municipality, a certified copy of the electoral list to avail at the election, or of the part of such list relating to the polling-subdivision for which such deputy returning-officer has been appointed.

**Payment.** The cost of such copy shall be paid to him by the Provincial Treasurer, in conformity with the tariff of Schedule Two of this act.

**Offences and penalties.**

**117.** The following are guilty of an infringement of this act and shall be liable to a fine of one hundred dollars to five hundred dollars and to an imprisonment of three months up to two years, and, on failure to pay the fine and costs, to an additional imprisonment of one month to twelve months:

1. Every person who, in preparing a list, knowingly enters a name which should not be entered thereon;

2. Every person who, in preparing a list, knowingly omits a name which should be entered thereon;

3. Every person in charge of the registration of electors in a permanent or temporary office, who knowingly registers a name which should not be registered there;

4. Every person in charge of the registration of electors in a permanent or temporary office, who knowingly omits to register a name which should be registered there;

5. Every person in charge of the registration of electors in a permanent or temporary office, or of the administering of oaths under section 80, who attests the administration of an oath without having administered it according to the forms prescribed by the act;

6. Every person in charge of the registration of electors in a permanent or temporary office, or of the receiving of applications for entering or striking off of names at the office of a municipality or of a board of revisors, who receives and accepts an application to enter a name which he knows to be fictitious;

7. Every person who files at a permanent or temporary office for the registration of electors, or at the office of a municipality or at the office of a board of revisors, any application to enter a name which he knows to be fictitious, or who attempts in any other way to have entered upon a list or registered any name which he knows to be fictitious.

If one or the other of such persons be convicted, before any court of competent jurisdiction, of having committed two of the above-mentioned offences or one of such offences twice, he shall be disqualified, for ten years following the date on which he was declared guilty, from being elected and from sitting in the Legislative Assembly, and from voting at the election of a member for such Assembly and from taking part in any such election and from filling any office or any employment under appointment of the Lieutenant-Governor in Council or of the Lieutenant Governor.

Ten years' disqualification in certain case.

**118.** Any person omitting, neglecting or refusing to do any act or perform any duty which he is obliged to do or perform under the provisions of this act respecting the preparation and revision of the electoral lists shall be guilty of an offence rendering him liable, if not otherwise punishable by this act, to a fine of fifty dollars to two hundred dollars, and, on failure to pay such fine and costs, to an imprisonment of eight days up to six months; and, if the offence be continued for more than two days, to a similar penalty for each additional day it so continues.

Offences and penalties.

**119.** Every person, having the custody of any electoral list and whose duty it is to deliver copies thereof, who knowingly makes any entry or omission, in any copy furnished and certified by him, shall incur a fine of one hundred dollars to five hundred dollars as well as an imprisonment of one month to twelve months, and, on failure to pay such fine and costs, an additional imprisonment of fifteen days up to three months.

Penalty for certain infraction.

### DIVISION III

#### QUALIFICATIONS OF CANDIDATES

**120.** Every person qualified to vote in this Province under this act may be a candidate for election and be elected a member of the Legislative Assembly, if free from all legal disability.

Persons qualified.

**121.** The following persons shall not, however, be eligible to the Legislative Assembly:

Persons not eligible to Legislative Assembly.

1. Any person who has been appointed a revisor under this act, unless he has ceased so to be for at least

two years before the date of his nomination as a candidate;

2. Any person who, for at least twelve consecutive months, has been a member of the staff of the inside or outside services of the Province, unless he has ceased to be a member thereof for at least six months previous to his nomination as a candidate. The provisions of this paragraph shall not apply to persons who teach in schools subsidized, supported, or maintained by the Government of this Province.

Delays.

The delays in the above two cases shall run only from the day on which the former officer, employee or revisor has filed a copy of his resignation or dismissal in the registry office of his ordinary domicile, where it must be registered and kept.

#### DIVISION IV

##### RIGHT TO VOTE

Persons qualified to vote. **122.** The right to vote is conferred upon any person who fulfills the following six conditions, namely:

1. Is of the male sex;
2. Is entered on the voters' list, in force and used at the voting;
3. Was of the full age of twenty-one years during the preparation of such list;
4. Was a British subject by birth or by naturalization during the preparation of such list and is so still;
5. Was domiciled in the Province during the preparation of such list and is so still;
6. Was not, during the preparation of such list, and is not at the time suffering any incapacity declared by law.

Persons disqualified as electors.  
Idem.

**123.** The persons mentioned in section 13 shall not vote nor take part in elections.

Nor may the following persons vote: any person who, before or during the current election, has accepted any gift, payment, compensation, office, place or employment, promise or guarantee made or given to him by any candidate or other person, with intent to influence his vote, or which if he voted would influence his vote; or who expects to receive, either during or after such election, any gift, payment, compensation, office, place

or employment, to be given him in consideration of the vote which he would give.

**124.** Save in the case of a tie, neither the returning-officer nor his election-clerk shall be entitled to vote at an election. Returning-officer, etc.

**125.** Every infringement of the provisions of sections 123 and 124 shall be punishable by a fine of one hundred dollars to five hundred dollars and by an imprisonment of one month up to two years, and, on failure to pay the fine and costs, by an additional imprisonment of fifteen days up to three months. Penalty for illegal voting.

#### DIVISION V

##### POLLING-SUBDIVISIONS

**126.** Whenever in any municipality (including the territory thereto annexed under section 11) the number of electors be greater than two hundred and fifty in a city or town and two hundred in any other municipality, the council of the municipality shall, before the date fixed for the preparation of the lists, by a by-law passed in the ordinary way, divide the municipality (including the territory thereto annexed under section 11) into as many polling-subdivisions as there are two hundred and fifty electors if a city or town be concerned, and two hundred electors if any other municipality be concerned, plus a polling-subdivision for any fraction over such two hundred and fifty or two hundred electors, as the case may be. Nevertheless, no such subdivision shall exceed eight miles in length and eight miles in width. Division of municipality into polling-subdivisions. Restriction.

The by-law so passed shall come into force only for future lists. By-law.

The boundaries of the polling-subdivisions shall be well defined. Boundaries.

In the city of Hull, the polling-subdivisions shall be those, however designated, established for municipal elections. In city of Hull.

**127.** If, at the time fixed for the preparation of the list, the municipality be not divided into polling-subdivisions in accordance with the provisions of section 126, the secretary-treasurer must notify the council Duties of sec.-treas. in certain case.

that it has to proceed forthwith to make a division or a re-division of the municipality.

New divisions upon by-law.

**128.** If, after the preparation of the list, it be evident that the municipality is divided into too great a number of polling-subdivisions, the council shall, within the three months following the preparation of the list, proceed by by-law to re-unite the polling-subdivisions, or to make a new division of the municipality into polling-subdivisions.

Amending, etc., of such by-law.

**129.** For the greater convenience of the electors, the council may, at any time, amend or repeal any by-law made under section 126 or 128, and may make a new division of the municipality as provided by section 126.

Power of returning-officer to re-arrange voting subdivisions.

**130.** If, when the returning-officer receives the writ ordering an election in a electoral district, there be in such district any municipality or part of a municipality (including any territory annexed under section 11) which has not been divided according to the provisions of section 126, or has been divided into a number of polling-subdivisions less than that prescribed by the said section, the returning-officer may himself divide or re-divide the municipality. If any municipality (including any territory annexed under section 11) has been divided into too great a number of polling-subdivisions, it shall then be the duty of the returning-officer to again divide it according to the provisions of section 126, or to unite together such adjacent polling-subdivisions as together do not contain more than two hundred and fifty electors in a city or town and two hundred electors if any other municipality be concerned.

Amending, etc., by council.

Every division or re-division, or union of subdivisions, so made by the returning-officer, may be amended or repealed by the council in the same manner as if made by the council itself.

## DIVISION VI

### HOLDING OF ELECTIONS

#### § 1.—*Writs of Election*

**Form of writ.** **131.** Every election must be instituted by an election writ according to form 3.

Every writ shall bear such date as the Lieutenant-Governor in Council has determined.

It shall be addressed to the person appointed returning-officer, and shall serve as his commission. To serve as commission.

**132.** It shall be addressed and forwarded by the Clerk of the Crown in Chancery to the person appointed by the Lieutenant-Governor in Council under section 136. To whom to be forwarded.

**133.** It shall be forwarded to such person by mail, or given to him in person, unless otherwise ordered by the Lieutenant-Governor in Council. Transmission.

**134.** In the event of the destruction or loss of any writ of election, before the same has been received by the person to whom it has been addressed, or in the event of the latter dying before receiving such writ, or refusing or neglecting to act as returning-officer, or resigning or being dismissed, or in the event of any other occurrence rendering it impossible to hold the election on the day mentioned in the writ, a new writ may be issued and the day of nomination and that of the polling may be changed, as circumstances require. Issuing of new writ in certain case.

**135.** At general elections, all writs of election shall be issued on the same day, and shall bear the same date of issue. General elections.

Whenever a vacancy occurs in the Legislative Assembly, a new writ must be issued so that the election may take place within the four months following the date on which the Clerk of the Crown in Chancery has received a warrant ordering him to issue a new writ of election to fill the vacancy, unless the duration of the current Legislature is to expire within the ensuing six months. If the Legislature is dissolved before the by-election shall have taken place, the writ issued shall be deemed void. Vacancy, and issuing of new writ.

## § 2.—*Election Officers*

**136.** The Lieutenant-Governor in Council may appoint, to fill the office of returning-officer, any suitable person whom he considers competent. Returning-officer.

**137.** In a general election, the Clerk of the Crown in Chancery must publish the list of returning-officers, Publication of list of returning-officers.

when complete, in the *Quebec Official Gazette*. Such list must state the office address of every returning-officer.

**By-election.** In a by-election, the Clerk of the Crown in Chancery shall announce the appointment of the returning-officer for such election as soon as the latter has informed him of the address of his office.

**Who shall not be election officers.** **138.** None of the following persons may be appointed election officers:

1. Persons who have no domicile in the electoral district in which they are to act;

2. Persons who, by virtue of sections 13, 123 and 124, may neither be electors, nor take any part in elections nor vote;

3. Persons who have been found guilty:

a. of any offence punishable by imprisonment for more than two years; or

b. of any corrupt practice, in contravention of the law respecting elections, whether of the Dominion of Canada or of the Province of Quebec or of any municipality.

**Candidate cannot be election officer.** **139.** No person who has been nominated as a candidate at an election shall be appointed an election officer for such election.

**Offence and penalty.** **140.** No person who is, by section 138 or 139, declared to be ineligible to act as election officer shall, in any case, act as such, under a penalty of one hundred dollars to five hundred dollars, and of an imprisonment of one month to three months in default of payment of the fine and costs.

**Penalty upon election officer for refusal, etc., to act.** **141.** Any election officer, who refuses or neglects to perform any of the obligations or formalities required of him by this act, shall, for each such refusal or neglect, be liable to a fine of one hundred dollars to five hundred dollars, in addition to all actual damages thereby occasioned, and, on failure to pay the fine and costs, to an imprisonment of one month to six months.

**Dismissing, etc., of returning-officer.** **142.** The Lieutenant-Governor in Council may, upon the recommendation of the Clerk of the Crown in Chancery, dismiss and replace any returning-officer refusing or neglecting to accomplish any of the duties

or formalities assigned to him by this act, or who, after receipt of the writ addressed to him, has displayed political partisanship, in the accomplishment of his duties or not.

Any returning-officer so displaced shall lose all right to his remuneration and to the repayment of his expenditures. Remuneration, etc., lost.

§3.—*Proceedings between the issue of the writ and the proclamation*

**143.** Immediately after the issue of the writ of election, the Clerk of the Crown in Chancery shall forward to the returning-officer as many copies of this act and of such instructions approved by the Lieutenant-Governor in Council (to which shall be attached a detailed alphabetical index) as will be required by the election officers for the purposes of the election, and as many poll-books and blank forms as will be required by the deputy returning-officers for the different polling-stations. Documents to be forwarded to returning-officer.

Nevertheless, the returning-officer must himself have the necessary ballot-papers printed. Ballot-papers.

**144.** The Clerk of the Crown in Chancery shall also, forthwith, address and forward to every registrar of the electoral district who is not to be a returning-officer, a notice of the issue of the writ, and the name of the returning-officer. Notice to registrars.

**145.** Upon receipt of such notice, the registrar shall, under penalty of a fine of one hundred dollars to two hundred dollars, and, on failure to pay such fine and costs, of an imprisonment of one month to six months, forward, without delay, to the returning-officer, a copy certified by him of each of the electoral lists which have been deposited in his office and which are to serve for the election in the electoral district. Forwarding of list to returning-officer by registrar.

The registrar shall also, under the same penalties, furnish, without charge, to every person nominated as a candidate in the electoral district, a certified true copy in such lists. If the candidate, to whom a copy of the lists has been so furnished free, withdraws, he shall be indebted for the cost of such copy, and the Provincial Treasurer is authorized to pay for the same out of the two hundred dollars deposited with the candidate's nomination-papers. Furnishing of list to candidates.

- Remuneration. The registrar, if not on a salary, shall be entitled, for any copy so forwarded or furnished by him, to the remuneration provided in the tariff of Schedule Two of this act. Such remuneration shall form part of the general expenses of the election and shall be paid direct to the registrar by the Provincial Treasurer.
- Endorsation of writ and taking of oath. **146.** The returning-officer shall, on receiving the writ of election, forthwith endorse thereon the date on which he received it, and, before taking any further action thereon, he shall take the oath of office in the form 4.
- Official office. He shall also acquaint the Clerk of the Crown in Chancery, forthwith, with the address of his official office.
- Election-clerk. **147.** The returning-officer, by a commission under his hand, in the form 5, shall appoint an election-clerk.
- Further appointments. He may, at any time during the election, appoint, in the same manner, another election-clerk, if the one first appointed resigns or refuses or is unable to perform his duties as such clerk.
- Oath of election-clerk. **148.** Every election-clerk shall, before acting as such, take the oath of office in the form 6.
- Duties of election-clerk. **149.** The election-clerk shall assist the returning-officer in the performance of his duties. He shall act in his stead as returning-officer whenever the returning-officer refuses or is disqualified or unable to perform his duties by reason of absence or otherwise, and has not been replaced.
- Continuing in office. In the case of a returning-officer being replaced, the election-clerk shall continue in office, unless he be replaced in the discretion of the new returning-officer, in the manner above prescribed.
- Obtaining of documents by returning-officer: **150.** 1. Upon receipt of the writ of election, the returning-officer shall obtain forthwith from the officers who are the legal custodians of the documents hereinafter mentioned, or of duplicates or duly certified copies thereof:
- Certified copies of certain by-laws; *a.* such certified copies of by-laws describing the several polling-subdivisions situate within the territory comprised in the electoral district for which such election is to be held, as are necessary, or as he deems

necessary, for the performance of the duties of his office; and,

b. such certified copies of or extracts from the electoral lists as he requires. Electoral lists.

2. Every officer who omits or refuses to furnish, within a reasonable time, any such copy of, or extract from any such electoral list, or any such copy of a by-law, demanded by the returning-officer, shall be liable to a fine of one hundred dollars to two hundred dollars and, on failure to pay such fine and the costs, to an imprisonment of one month to six months. Penalty for refusal, etc., to furnish such documents.

**151.** Subject to the provisions of subdivision 4 of this Division VI, no list shall be used for an election except that in force at the date of the issue of the writ for the election. Electoral lists.

The returning-officer shall in no case have the right to decide upon the validity or sufficiency of the electoral list. Validity.

§ 4.—*Making lists for territories without a list*

**152.** If, at the time of the receipt of the writ ordering an election in a district, any municipality, part of a municipality, or territory not erected into a municipality, be inhabited by persons qualified to be electors, but be without electoral lists, the returning-officer shall forthwith draw up a list of all the electors qualified to vote who are domiciled in such municipality, part of a municipality or territory not erected into a municipality. Drawing up of list in certain case.

**153.** Each list shall be drawn up by the two enumerators appointed by the returning-officer, one on the recommendation of the Prime Minister of the Province and the other on the recommendation of the leader of the official opposition. Enumerators.

The recommendations must be handed to the Clerk of the Crown in Chancery within five days from the issue of the writ. On the failure of the Prime Minister or of the leader of the official opposition to recommend an enumerator within the prescribed delay, the returning officer shall himself select such enumerator; but he shall do so in such a way that the two enumerators for the preparation of a list shall belong, the one to the government party and the other to the party in opposition. How appointed.

From whom chosen.      The enumerators, shall, as far as possible, be chosen from among the inhabitants of the municipality, part of a municipality or territory for which the list is to be drawn up.

Preparation of several lists.      The same enumerators may be appointed for the preparation of several lists in the same electoral district.

Oath of enumerator.      **154.** Every enumerator before acting as such must take the following oath of office:

“I swear that I am of the age of majority, a British subject and domiciled at . . . and that I shall fulfil the duties of my office of enumerator, faithfully, without partiality, fear, favour or affection, and in conformity with the law in all respects. So help me God.”

Attached to list.      The oath by the enumerator shall be attached to the list drawn up by them.

Duties of enumerators.      **155.** The two enumerators appointed to draw up a list must, after taking the oath of office, busy themselves daily by house to house visits between eight o'clock in the forenoon and six o'clock in the evening, in drawing up such list according to the provisions of section 19.

To act together.      They must always act together and not separately, both for the preparation of the list and for its attestation. In the event of disagreement between them, they must report the details thereof to the returning-officer upon the handing over or the forwarding of the list to him. The returning-officer shall decide the disputed point and, if need be, correct the list accordingly.

Taking of joint oath as to correctness of list.      **156.** Both the enumerators, before handing over or forwarding the list which they have drawn up to the returning-officer, must certify to its correctness by a joint oath drawn up as in form 1, taken before the returning-officer or the election-clerk, a justice of the peace, a notary or a commissioner of the Superior Court.

Delay for transmission of list.      **157.** The list drawn up by the two enumerators must be handed over or transmitted to the returning-officer not later than the seventh day preceding the day fixed for the nomination of candidates.

Procedure by returning-officer upon receipt of list.      **158.** The returning-officer, upon receipt of the list drawn up by the enumerators, shall:

1. Establish the necessary polling-subdivision or polling-subdivisions in the municipality, part of a municipality or territory for which the list was drawn up;

2. Prepare certified copies of such list, one for the use of the polling-station and one to be given gratuitously to every candidate regularly nominated.

**159.** The enumerators shall receive for their services as likewise the returning-officer for such copies of the list, the remuneration fixed by the tariff in Schedule Two of this act. Remuneration of enumerators.

§ 5.—*Proclamation by the Returning-Officer.*

**160.** Within the shortest possible time after the receipt of the writ, the returning-officer shall, by a proclamation under his hand, in the form 7, issued in the English and French languages, state: Proclamation by returning-officer.

1. The day, hour and place fixed for the nomination of candidates;

2. The day on which the poll for taking the votes of the electors is to be held, in case a poll is necessary;

3. The name, profession or calling and address of the election-clerk who has been appointed.

**161.** The returning-officer must have such proclamation posted up, in his office, at least ten days before the day fixed for the nomination of candidates, neither the day of posting it up nor the day of nomination being reckoned. Posting up of proclamation.

§ 6.—*Nomination of Candidates*

**162.** Saving the provisions hereinafter contained, the Lieutenant-Governor in Council shall fix the day for the nomination of candidates. Fixing of nomination day.

At every general election he shall fix one and the same day for the nomination of candidates in all the electoral districts, except in the electoral districts of Abitibi, the Magdalen Islands and Temiscamingue, where nomination-day is fixed three days earlier than in the other electoral districts. For general election. Exception.

In the electoral districts of Abitibi, the Magdalen Islands and Temiscamingue, the nomination of candidates shall not take place before the twenty-first day following that of the issuing of the writs of election. In Abitibi, etc.

Other elec-      In the other electoral districts, except those of  
toral dis-      Charlevoix and Saguenay, the nomination of candi-  
tricts.            dates shall not take place until the twenty-fourth day  
                      following the issuing of the writs of election.

Naming of      **163.** The nomination-day shall be named in each  
day in writ.      writ of election, except for the electoral districts of  
                      Charlevoix and Saguenay.

Restriction.      **164.** The nomination of candidates shall not take  
                      place upon any holiday.

Nomination      **165.** In the electoral districts of Charlevoix and Sa-  
and polling      guenay, the returning-officer shall fix the day for the  
days in      nomination of candidates, and also the day for holding  
Charlevoix      the polls; the nomination shall take place not less  
and Sague-      than ten days after the proclamation hereinbefore  
nay.              required has been posted up, neither the day of post-  
                      ing it up nor the day of nomination being reckoned.  
                      The day for holding the polls shall be at as early a  
                      date thereafter as possible but not before the four-  
                      teenth day after nomination-day; and, at a general  
                      election, it shall not be prior to the day fixed by the  
                      Lieutenant-Governor in Council for the other electoral  
                      districts.

Changing of      **166.** If, owing to unforeseen delay, accident or  
nomination      other cause, the proclamation cannot be posted up,  
day in cer-      so as to give the time required between the day of  
tain event.      the posting and that which the Lieutenant-Governor  
                      in Council has fixed for the nomination, the return-  
                      ing-officer shall fix another day for the nomination  
                      of candidates.

Other day      Such day shall be the earliest possible after the  
fixed.            expiration of the delay required between the day of  
                      the posting and that of the nomination.

Conduct of      In all other respects the election shall be conducted  
election.        like other elections governed by this act.

Forwarding      The returning-officer, in his return of the election,  
of special      shall forward to the Clerk of the Crown in Chancery  
return.            a special return of the reasons which so occasioned the  
                      postponement of the nomination.

Place of      **167.** The place fixed for the nomination of candi-  
nomination.      dates shall be the court house, or town hall, or some  
                      other public or private building, in the most central

or most convenient place for the majority of the electors of the district.

**168.** The time appointed for the nomination of candidates shall be from the hour of twelve at noon until the hour of two in the afternoon of the day fixed for that purpose, and during that time the returning-officer and election-clerk shall be present at the place indicated in the proclamation to receive the nomination-papers. Hours for nomination.

In the case of a general election when standard time has been advanced in one or more places in the Province, the Lieutenant-Governor in Council may order daylight saving time throughout the rest of the Province for the purposes of this section. Id., in case of daylight saving time. In the case of a by-election, the Lieutenant-Governor in Council may, if standard time has been advanced in one or more places in the electoral district in which the election is being held, order daylight saving time throughout the rest of such district for the purposes of this section.

**169.** Any twenty-five electors of the electoral district for which the election is held may nominate a candidate for such electoral district, by signing a nomination-paper in the form 8, stating therein the name in full, domicile, address if a city or town be concerned, and profession or calling of the person proposed, in such manner as sufficiently to identify such candidate, and by producing or by causing the said nomination-paper to be produced to the returning officer at the time and place indicated in the proclamation, or as hereinafter mentioned. Form of nomination-paper.

**170.** The mark affixed upon the nomination-paper by any elector unable to write shall be deemed to be the signature required, within the meaning of this act. Mark by those unable to write.

**171.** A nomination-paper may also be filed with the returning-officer at his office, at any time between the date of the proclamation and the day of nomination, with the same effect as if produced at the time and place fixed for the nomination. Other period, etc., for filing of nomination-paper.

**172.** At the close of the time for nominating the candidates, the returning-officer shall deliver to every candidate applying therefor a duly certified list of the candidates. Delivering of list of candidates, etc.

names of the several candidates who have been nominated, and a copy of this act.

Consent and deposit requisite for validity of nomination-paper.

**173.** No nomination-paper shall be valid or be given effect to by the returning-officer unless it be accompanied by the consent in writing, according to form 8, of the person therein nominated, nor unless a sum of two hundred dollars, in legal tender or in the bills of any chartered bank doing business in this Province, or a cheque for that sum drawn upon and accepted by any such bank, be deposited in the hands of the returning-officer at the time the nomination-paper is filed with him.

Exception.

Nevertheless, a nomination-paper need not be accompanied by the consent of the person nominated in the case of an election in the electoral district of the Magdalen Islands, or if such person be absent from the Province; and in the latter case mention of such absence shall be made in the nomination-paper.

Receipt deemed evidence.

**174.** The receipt of the returning-officer shall, in every case, be sufficient evidence of the production of the nomination-paper, of the consent of the candidate, and of the deposit required.

How deposit to be dealt with.

**175.** The sum so deposited by any candidate shall not be liable to seizure, and shall be returned to him in the event of his being elected or of his obtaining a number of votes at least equal to one-half the number of votes polled in favor of the elected candidate; otherwise, save in the case provided for by section 186, it shall belong to His Majesty for the public uses of the Province.

Transmission of sums deposited.

The returning-officer shall transmit to the Provincial Treasurer, on the day after nomination-day, the sums deposited by the candidates with their nomination-papers.

Nomination-paper to be attested.

**176.** The returning-officer shall require the person, or one or more of the persons, producing or filing any nomination-paper, to take oath before him:

1. That he knows or they know that the several persons who have affixed their signatures to or made their marks upon the nomination-paper are electors duly entitled to vote;
2. That such electors have signed or have made their marks thereon;

3. That the consent of the candidate has been signed, or that the candidate is absent from the Province, as the case may be.

Such oath may also be taken before a justice of the peace, a notary, or a commissioner of the Superior Court, and may be as in form 9.

The fact of its having been taken shall be stated on the back of the nomination-paper.

**177.** If the nomination-paper be produced by the candidate himself, the returning-officer shall require such candidate to make oath before him, that the signature subscribed to the consent filed is his signature. In such case, the affidavit of another person, as to the consent of the candidate, shall not be required.

An entry thereof shall be made at the end or on the back of the nomination-paper.

**178.** No nomination-paper shall be given effect to by the returning-officer, unless it be made and delivered in conformity with the formalities prescribed by sections 169 to 177.

**179.** The returning-officer, on accepting a nomination-paper, must examine it and must, at once, declare whether he considers it valid or not, and give effect to his declaration by entering thereon under his signature the word "admitted" or the word "rejected" with, in the latter case, the reasons for such rejection.

The returning-officer must not reject any nomination-paper by reason of the ineligibility of the candidate nominated, unless the ineligibility appear on the face of his nomination-paper, of his consent, or of the oath attesting these.

**180.** A rejected nomination-paper may be corrected or replaced by another nomination-paper, so long as the delay for nomination has not expired.

**181.** The returning-officer shall mention, in the receipt given by him under section 174, that the nomination-paper was deemed valid and admitted by him. The receipt must be given forthwith.

**182.** No returning-officer, whenever a nomination-paper and the requisite deposit have been remitted to him before two o'clock of the afternoon of the day

fixed for the nomination of candidates, may reject such nomination-paper for the sole reason that he had not time, before such hour, to examine it, to count the amount of the deposit, or to administer the oath mentioned in section 176.

**Return when only one candidate nominated.** **183.** If only one candidate has been nominated within the time fixed for that purpose, the returning-officer shall forthwith make his return in the form 10 to the Clerk of the Crown in Chancery that such candidate is duly elected.

**Copy, etc.** He must, within forty-eight hours, send to the person elected a duplicate or certified copy of such return.

**Report, etc., to accompany return.** **184.** The returning-officer shall accompany his return to the Clerk of the Crown in Chancery with the writ, the nomination-papers, such other papers as have been used at the election, as well as a report of his proceedings and of any nomination proposed and rejected for non-compliance with the requirements of this act.

**Withdrawal of candidate.** **185.** Any candidate nominated may withdraw by forwarding to the returning-officer a declaration in writing to that effect, signed by himself in the presence of two electors of the electoral district who shall also sign the same as witnesses.

**Validity of withdrawal.** Such withdrawal shall only be valid, however, if it be deposited in the official office of the returning-officer, during ordinary office hours, prior to the third day following that for the nomination of candidates.

**If only one candidate remain.** If, after such withdrawal, there remain but one candidate, the returning-officer shall forthwith return such candidate as duly elected.

**Death of candidate.** **186.** If a candidate die after being nominated and before the closing of the poll, the returning-officer must fix a day for another nomination of candidates. Such day shall be the nearest day possible after allowing the number of days required by section 161 between the posting up of the new proclamation and the new nomination-day.

**Holding of election.** The election must otherwise be held in the same manner as other elections under this act.

**Forwarding of special report.** With his report respecting the election the returning-officer must forward to the Clerk of the Crown in

Chancery a special report of the reasons which occasioned the postponement of the election.

The deposit of the deceased candidate shall be handed over to his legal representatives.

**187.** If more than one candidate be regularly nominated, the returning-officer shall announce that a poll will be held.

§ 7.—*Proceedings between Nomination and Poll*

**188.** When a poll is necessary, the returning-officer shall, on nomination-day, cause to be posted up a notice of the holding of such poll, and showing:

1. The names in full, and professions or occupations, domiciles and addresses of the candidates nominated, in the order in which the whole will be printed on the ballot-papers ;

2. The different polling-stations established by him, and the territorial limits for which they are respectively established, and, in cities and towns, the numbers and names of streets where such polling-stations are established;

3. The time when and place where the returning-officer will add up the number of votes given for the different candidates according to the statements of the deputy returning-officers.

Such notice shall be drawn up according to form 11, and must, as soon as possible after the nomination, be posted up in the office of the returning-officer.

The returning-officer must forthwith remit or address a copy of such notice to each candidate.

**189.** The returning-officer must appoint a deputy returning-officer and a poll-clerk for each polling-station established in the electoral district.

The appointment shall be made by a commission under the signature of the returning-officer drawn up as in form 12 in the case of a deputy returning-officer, and as in form 13 in the case of a poll-clerk.

No person shall be appointed deputy returning-officer or poll-clerk unless he is entered on the electoral list to be used for the voting at such polling-station.

The deputy returning-officers and poll-clerks shall be chosen in the following manner.

Supplying of lists for appointments. On the day following nomination-day, the official candidate of the government may supply the returning-officer with a list of the persons whom he wishes to have appointed deputy returning-officers and the official candidate of the opposition may furnish a list of the persons whom he wishes to have appointed as poll-clerks.

How appointments made in certain event. On the failure of the official candidates or of any of them to furnish the returning-officer, on the day after nomination-day, with a list of the persons suitable to act as deputy returning-officers or poll-clerks, the returning-officer shall himself choose and appoint the deputy returning-officers or poll-clerks; but, unless impossible, he must do so in such manner that the deputy returning-officer at each polling-station shall be an acknowledged partisan of the official candidate of the government, and that the poll-clerk at each polling-station be a partisan of the official candidate of the opposition.

Oath. **190.** Every deputy returning-officer must, before acting as such, take the oath in the form 14, and every poll-clerk, in the form 15.

Documents to be furnished to deputy returning-officer. **191.** The returning-officer must furnish each deputy returning-officer with:

1. A copy of this act;
2. A certified copy of or extract from the electoral list for the polling-subdivision for which he is appointed;
3. A copy of the instructions approved by the Lieutenant-Governor in Council.

Furnishing of ballot-boxes, etc. **192.** The returning-officer must furnish to each deputy returning-officer, two days at least before the polling day, a poll-book, forms of oath to be administered to voters, forms for laying informations of personations and of warrants of arrest, envelopes, gummed sealing paper and a ballot-box.

Id., of ballot-papers, etc. **193.** The returning-officer must furnish each deputy returning-officer with a sufficient number of ballot-papers to supply the number of voters on the list of such polling-subdivision, and a certificate of the number of such ballot-papers, and with the necessary materials for voters to mark their ballot-papers.

No more than one book of twenty-five ballot-papers over and above the number of books necessary for the votes of the electors on the list shall be furnished. Restriction as to number of books.

The books must not be divided under any pretext. No division.

**194.** The returning-officer must furnish each deputy returning-officer with at least five copies of printed directions and notice to electors, as in form 16. Directions for voters.

**195.** The returning-officer must furnish, not later than the third day after nomination-day, to each candidate, a list of all deputy returning-officers and poll-clerks whom he has appointed, with the name or number of the polling-station at which each of them is to act. Lists of deputy returning-officers, etc.

**196.** If the copy of or extract from the list in the possession of any deputy returning-officer has been lost or destroyed, the returning-officer shall see that another certified copy or extract be supplied to such deputy returning-officer. New list if first lost, etc.

**197.** The returning-officer shall establish a polling-station in each polling-subdivision established under section 158 and sections 126 and following, save where there be no elector. Poll in each polling-subdivision.

In the cities of Montreal and Verdun, the returning-officer may group the polling-stations of several polling-subdivisions not exceeding ten, in a public hall, school or other large premises. In such case, he must see that, during voting hours, a municipal constable, or another person whom he has appointed special constable and sworn in, remains in such hall, school or premises to announce the names of the persons presenting themselves there, to show them the station where they wish to vote and to facilitate the circulation of such persons. Grouping of polls in certain cities.

**198.** When, according to the electoral list to be used for the polling, a polling-subdivision contains more than two hundred and fifty electors if a city or town be concerned or two hundred electors if any other municipality be concerned, the returning-officer may establish separate polling-stations therein as near to one another as possible and in the same street, in such a way that there shall be not more than two hundred and fifty or two hundred names of electors, as Separate polls in certain polling-subdivisions.

the case may be, qualified to vote on the list of each polling-station.

Dividing of list.

In such case the returning-officer must divide the list for such polling-subdivision into as many distinct parts as there are polling-stations established.

Marking of polling-stations.

Each polling-station shall be marked by the streets or parts of streets of the electors who are to vote at such polling-station.

Who may vote thereat.

Every elector entered as on the streets or parts of streets designating a polling-station shall vote at such polling-station.

Appointing of deputy returning-officers.

The returning-officer shall appoint a deputy returning-officer for each of such polling-stations, and shall hand to him, two days before the voting, a list attested as being an exact list of all the electors entered as on the streets or parts of streets which designate such polling-station.

Location of polling-stations.

**199.** Every polling-station shall be established in a locality which is central and must be easy of access.

Posting up of list.

**200.** The returning-officer shall, not later than the third day after nomination-day, post up in his office a list of the deputy returning-officers and poll-clerks, showing the profession or calling of each, and the polling-station where each is to act.

Examination of list, etc.

The returning-officer shall, from nine o'clock in the morning until noon and from one o'clock to five o'clock in the afternoon on days which are not holidays, permit free access and afford full opportunity to any candidate or elector to examine and consult, in his office, the notice of the polling and the list of deputy returning-officers and poll-clerks after they have been posted up, and the electoral lists to be used at the voting.

Duties of poll-clerk.

**201.** The poll-clerk shall aid and assist in the execution of his duties the deputy returning-officer at the polling-station for which he has been appointed, and shall obey his orders.

Replacing of poll-clerk.

**202.** Whenever a poll-clerk dies, or refuses or is unable to act, or neglects to discharge the duties of his office, the deputy returning-officer shall appoint another competent person to act as poll-clerk in his place.

The new poll-clerk, before acting as such, shall take Oath. the oath required by section 190.

**203.** Whenever a deputy returning-officer dies or Refusing of refuses or is unable to act, the returning-officer shall appoint another person to act in his place as deputy returning-officer, but in accordance with section 189. Replacing of deputy re- turning-officer.

Until such appointment be made, the poll-clerk, without taking another oath of office, shall act as deputy returning-officer. Poll-clerk to act in mean- time.

**204.** Whenever the poll-clerk acts as deputy re- turning-officer, he shall, by a commission drawn up according to form 17, appoint a poll-clerk to act in his stead, but in accordance with section 189. Appoint- ment by poll- clerk.

The latter, before acting as such, shall take the Oath. oath required by section 190.

**205.** The Clerk of the Crown in Chancery may cause to be made for each electoral district such number of ballot-boxes as are required; or may give to the returning-officers such instructions as he may deem necessary to secure ballot-boxes of a uniform size and shape. Such instructions must first be approved of by the Lieutenant-Governor in Council. Ballot-boxes.

**206.** The sheriff of the judicial district, or the registrar of the registration division, in which the election is held, shall, immediately after a poll has been granted, deliver to the returning-officer the ballot-boxes deposited in his custody in accordance with this act. Delivering of ballot- boxes.

**207.** Whenever the returning-officer fails to furnish the ballot-box to the deputy returning-officer for any polling-subdivision, within the time prescribed by this act, or if the box which he has furnished has been removed or lost, such deputy returning-officer shall have one made. If ballot- box not furnished, etc.

**208.** Every ballot-box shall be made of some durable material, with lock and key, and with a slit or narrow opening in the top, and so constructed that the ballot-papers may be introduced therein, but cannot be withdrawn therefrom unless the box be unlocked. Construc- tion of ballot- boxes.

Form of  
ballot-  
paper.

**209.** The ballot-paper shall be a printed paper on which the names of the candidates, alphabetically arranged in the order of their surnames, shall be printed with the name, profession or calling, domicile and address of each exactly as set out in the nomination-paper. The ballot-paper shall be prepared as in form 18.

Counterfoil  
and stub,  
etc.

The ballot-paper shall be provided with a counterfoil and a stub, with a line of perforation between the ballot and the counterfoil and between the counterfoil and the stub, so that the ballots may be easily detached from each other. The ballot-papers shall be stitched in books of one hundred, fifty or twenty-five, according to the requirements of the polling-stations.

Numbers.

The back of the stub and of the counterfoil of each ballot-paper shall bear the same number, but the numbers of the ballot-papers in a book need not be consecutive.

Paper.

The ballot-paper shall be printed upon writing paper sufficiently thick so that the pencil mark shall not appear through it on the back.

Uniformity  
of ballots.

All the ballot-papers to be used at an election shall be of the same form and as nearly as possible alike.

Furnishing  
of paper.

**210.** The necessary paper for the printing of the ballot-papers shall be furnished at the proper time to the returning-officers by the Clerk of the Crown in Chancery.

Special  
mark, etc.

Such paper must contain a secret thread or special mark which the Clerk of the Crown in Chancery shall not reveal to any person.

Furnishing  
of security  
by maker.

The maker of this paper must furnish security, to the amount fixed by the Lieutenant-Governor in Council, that he will not deliver any of it to any person other than the Clerk of the Crown in Chancery and that he will not reveal to any one, the secret thread or special mark in the paper.

Giving of  
receipt.

Upon receipt of the paper, the Clerk of the Crown in Chancery, after counting the sheets, shall give a receipt therefor to the maker.

Delivering  
of sheets ne-  
cessary for  
printing.

The Clerk of the Crown in Chancery must deliver personally or forward by express, in one or more locked and sealed boxes or bags, to the returning-officer of each electoral district or to the printer designated by the latter, the number of sheets necessary for the printing of the ballot-papers required.

**211.** The printer, on receiving the sheets intended for the printing of ballot-papers, shall count them and send a receipt therefor to the Clerk of the Crown in Chancery.

**212.** The ballot-papers shall bear on the back the name of the printer by whom they are printed.

The printer shall, upon delivering to the returning-officer the printed ballot-papers, file in his hands a sworn declaration containing the description of such ballot-papers, the number of sheets of paper that he has received for the printing of such ballot-papers as well as the number of ballot-papers furnished to such returning-officer, giving the names of all the persons who have worked at the printing, counting, putting into booklets, packing and delivering of the ballot-papers and certifying that there has not been furnished to any person whomsoever other ballot-papers of the same description.

All those who have thus worked at the printing, counting, putting into booklets, packing and delivering of such ballot-papers shall also hand over to the returning-officer a sworn declaration affirming that they have not furnished to any person whomsoever other ballot-papers of the same description.

Such declarations shall be immediately transmitted by the returning-officer to the Clerk of the Crown in Chancery.

**213.** If a candidate retire too late to allow of the printing of new ballot-papers, and it be necessary to proceed with the polling because there remain more than one candidate, the deputy returning-officers shall make use of the ballot-papers on hand after plainly striking out, in a uniform manner by a line in ink, the name of the candidate who has withdrawn, and such ballot-papers shall serve for all the purposes of the election.

**214.** The ownership of the ballot-boxes, paper for the printing of ballot-papers, ballot-papers, envelopes and marking instruments procured for or used at any election, shall be in His Majesty.

### § 8.—Voting

**215.** Except as hereinabove provided, the day for holding the poll in the electoral districts of Abitibi, the

Magdalen Islands and Temiscamingue shall be the tenth day, and, in the other electoral districts, except those of Charlevoix and Saguenay, the seventh day after the day fixed for the nomination of candidates, or, if such tenth or seventh day be a legal holiday, then on the next following juridical day.

Place of polling.

**216.** The polling in each polling-subdivision shall be held in a room or premises of convenient access, with an outside door for the admittance of voters, and having, if possible, another door through which they may leave after having voted.

Secrecy.

The doors and windows of the room where the polling takes place must be closed so that no one on the outside may see what is happening within the said room nor hear what is said therein.

Compartments.

One or two polling-booths shall be made within the room or the premises, so arranged that each voter may be screened from observation, and may, without interference or interruption by any person whomsoever, mark his ballot-paper. There must not be any mirror in a polling-booth.

Table to be provided.

In each polling-booth a table or desk with a hard and smooth surface shall be provided, upon which the voter may mark his ballot-paper; and upon such table or desk a suitable black lead pencil shall be provided and kept properly sharpened throughout the hours of polling.

Pencil.

Instructions to returning-officers.

**217.** The Clerk of the Crown in Chancery may give to the returning-officers such instructions as he may deem necessary as to the mode of making the polling-booths. Such instructions must first be approved by the Lieutenant-Governor in Council.

Hours of polling.

**218.** The polling-stations shall be opened at nine of the clock in the forenoon and kept open until six of the clock in the afternoon of the same day. Each deputy returning-officer shall, during that time, in the polling-station assigned to him, receive, in the manner hereinafter prescribed, the votes of the electors duly qualified to vote at such polling-station.

Daylight saving-time.

In the case of a general election when standard time has been advanced in one or more places in the Province, the Lieutenant-Governor in Council may order daylight saving time throughout the rest of the Province

for the purposes of this section. In the case of a by-election, the Lieutenant-Governor in Council may, if standard time has been advanced in one or more places in the electoral district in which the election is being held, order daylight saving time throughout the rest of such district for the purposes of this section.

**219.** In addition to the deputy returning-officer and the poll-clerk, the only persons who shall be permitted, during the time that the polling-station is open, to remain in the room where the votes are given, shall be the candidates and their agents (who shall not be more than two for each candidate in each polling-station), or, in the absence of agents, two electors (who make application therefor) to represent each candidate, and a special constable if one has been appointed for the purpose. Who may remain in room.

The returning-officer may, however, enter a polling-station at any hour of the polling. Entry.

Any agent bearing a written authorization from the candidate shall always be entitled to represent such candidate in preference to and to the exclusion of any person who might claim the right of representing such candidate merely as elector. Agents authorized in writing.

**220.** Any person producing to the deputy returning-officer, at any time, a written authority from a candidate to represent him at the election or at any proceeding having to do with the election, shall be deemed an agent of such candidate for the purposes of the voting only. Agents for voting only.

**221.** Whenever in this act any expression is used, requiring or authorizing any act or thing to be done, or implying that any act or thing may or ought to be done, in the presence of agents of the candidates, such expression shall be deemed to refer to the presence of such agents of the candidates as are authorized to attend, and as have, in fact, attended at the time and place where such act or thing is being done. Presence of agents, etc.

The non-attendance of any agents or agent at such time and place shall not, if the act or thing be otherwise duly done, invalidate the act or thing done. Absence of agents.

**222.** A candidate may himself undertake the duties which any agent of his, if appointed, might have undertaken, or may assist his agent in the performance of Candidate may act in lieu of agent.

such duties; and may be present at any place at which his agent may, in pursuance of this act, be authorized to attend.

Election officer may not act as agent.

**223.** Every election officer of an electoral district, who acts as agent for any candidate in the management or conduct of his election, shall be guilty of an offence and shall be liable to a fine of fifty dollars to two hundred dollars, and, on failure to pay the fine and costs, to an imprisonment of fifteen days up to one year.

Oath of agents.

**224.** Each agent of a candidate, or, in the absence of such agent, each elector representing such candidate, must, on being admitted to the polling-station, take an oath, according to the form 19, to keep secret the names of the candidates for whom any of the voters has marked his ballot-paper in his presence, and the numbers of the ballot-papers used in the station.

When deputy returning-officer and poll-clerk to arrive at poll.

**225.** The deputy returning-officer and the poll-clerk shall arrive at their polling-station one half-hour at least before the hour fixed for opening the poll, under penalty of losing their rights to any remuneration and of incurring a fine of twenty-five dollars to one hundred dollars and, on failure to pay the fine and costs, of an imprisonment of eight days up to three months.

Inspection of ballot-papers, etc., before opening of poll.

**226.** Agents and electors entitled to be present in the polling-station during polling hours, if they be in the attendance at least fifteen minutes before the hour fixed for opening the poll, shall be entitled to have the ballot-papers intended for use thereat carefully counted in their presence before the opening of the poll, and shall be entitled to inspect such ballot-papers and all other papers, forms and documents relating to the poll.

Posting of instructions to voters.

**227.** The deputy-returning-officer shall, before or at the opening of the poll on the day of polling, cause to be posted up in some conspicuous places outside the polling-station, and also in each polling-booth, at least five copies of the printed instructions and advice for the electors (form 16).

Opening of poll.

**228.** At the hour fixed for opening the poll, the deputy returning-officer and the poll-clerk shall, in

the presence of the candidates, their agents, and such of the electors as are present, open the ballot-box and ascertain that there are no ballot-papers or other papers therein. Opening of ballot-box.

Thereupon the box shall be locked by the deputy returning-officer, who shall keep the key thereof. Locking of box.

The box shall be placed on the table of the polling-station, in full sight of the persons present, and shall so remain there until the close of the poll. Where box to be placed.

**229.** At exactly nine o'clock in the morning, immediately after the ballot-box is locked, the deputy returning-officer shall call upon the electors to vote. Calling upon electors to vote.

**230.** The deputy returning-officer shall facilitate the admittance of every elector into the polling-station, and shall see that he is not impeded or molested in or about the polling-station. Voters not to be impeded.

It is forbidden for any one whomsoever to impede or molest an elector in having access to the polling-station. Free access.

Whosoever impedes freedom in voting around a polling-station shall be liable for each quarter of an hour that such offence lasts to a fine of fifty dollars to two hundred dollars and, on failure to pay the fine and costs, to an imprisonment of eight days up to thirty days. Offence and penalty.

**231.** Saving the provisions of section 219, not more than one elector for each polling-booth shall, at any one time, enter the polling-station. How many to enter room.

**232.** Upon entering the polling-station, each elector shall declare his surname and Christian names and profession or calling, and his age. Elector to declare his name, etc.

The poll-clerk shall enter such particulars in the poll-book, a serial number being prefixed to the name of every person who has thus stated his surname and Christian names. The poll-book shall be kept in accordance with form 20. Entries in poll-book.

In municipalities where the identification card is compulsory, the voter must, in addition, show his card to the election officers and to the agents or representatives of the candidates, in order to establish his identity. Where identification card compulsory.

Every person who enters a polling-station and states therein his surname and Christian names or shows an Deemed as claiming right to vote.

identification card is deemed to be claiming the right to vote in such station.

Right to vote.

The person presenting himself to vote shall be entitled to vote if his name is found on the copy of or the extract from the electoral list to be used for the voting in the polling-station, and if, where the identification card is compulsory, the deputy returning-officer is of opinion that such card has established the voter's identity.

If name of elector omitted on copy of or extract from list.

**233.** If, in making the copy of or the extract from the electoral list to be used for the voting in a polling-station, the name of an elector has been omitted, such elector shall be entitled to vote at such polling-station, provided he delivers to the deputy returning-officer a certificate drawn up in the following form and establishing that his name is entered on one of the original duplicates of the electoral list in use for the election in progress, and provided he takes, if thereunto required by the deputy returning-officer or the poll-clerk, by one of the candidates or one of their agents, or by an elector present, the oaths mentioned in sections 234 and 237.

Restriction.

The foregoing paragraph shall not be interpreted so as to allow any person whose name is not entered on the original of the list to vote at an election.

“FORM OF CERTIFICATE

“I, the undersigned, certify under my oath of office:

1. That I am the legal depository of one of the original duplicates of the electoral list made on the (*insert date of the list*) under The Quebec Election Act, for subdivision No. . . . . of the municipality of . . . . ., in the electoral district of . . . . .;

2. That said electoral list was in force on (*state date*), the date of the issue of the writ ordering the holding of the present election in the said electoral district;

3. That the said original, of which I am the legal depository, contains the following entry: (*street or range*) (No.) (*surname*)

(*Christian names*)

(*profession or calling*) (age)

Given at this day of

19 .

(*Signature*)

Registrar (*or secretary-treasurer, or clerk, or office head of electoral lists' office of* ”).

**234.** Before receiving his ballot-paper, any person presenting himself to vote shall, if thereunto required by the deputy returning-officer, the poll-clerk, one of the candidates, or one of their agents, or by any elector present, take the following oath or affirmation, and answer in the affirmative to questions 1, 2, 4, 5 and 7, and in the negative to questions 3, 6, 8, 9, 10, 11 and 12, of the following form:

“You swear (*or affirm, as the case may be*) to answer the truth and nothing but the truth to the questions which will be put to you. So help you God:

1. Are you the person meant or intended to be meant by the name entered as follows (*read from the list the name of the elector*) on this electoral list?

2. Were you a subject of His Majesty at the time of the preparation of this list?

3. Are you a naturalized subject or citizen of any other country, or have you taken the oath of allegiance thereto?

4. Were you of the full age of twenty-one years at the time of the preparation of this electoral list?

5. Had you your domicile in this polling-subdivision at the time of the preparation of this electoral list?

6. Have you been entered in another polling-subdivision since the preparation of this electoral list?

7. Is your domicile still in the Province of Quebec?

8. Have you already voted at this election in this electoral district, or in any other electoral district?

9. Has any promise been made to you, or to your wife or to any of your relatives, friends or other persons, to induce you to vote or not to vote at this election?

10. Have you received anything, either personally or through your wife or through any member of your family or in any other manner, to induce you to vote or not to vote at this election, or in relation to your vote at this election?

11. Have you been guilty of or participated in any corrupt practice whatsoever disqualifying you from voting at this election?

12. Have you a ballot-paper in your possession which could be used at the present voting?”

**235.** The person, on whose request the oath was administered, may declare that he intends that one

or some only of the questions mentioned in the above form be put to the voter, and, in such case, the deputy returning-officer shall put only the question or questions so indicated.

No ballot to be given to person refusing to be sworn.

Penalty.

**236.** No ballot-paper shall be given to any person who shall have refused to take the oath or affirmation mentioned in section 234 or 235, or who, having taken the same, shall not have answered in the manner prescribed in section 234, under penalty, for such person and for the deputy returning-officer, of a fine of one hundred dollars to five hundred dollars, and of an imprisonment of one month to two years, and, on failure to pay the fine and costs, of an additional imprisonment of fifteen days up to one year.

Oath to be submitted to electors.

**237.** Before receiving his ballot-paper, any person presenting himself to vote shall also, if thereunto required by the deputy returning-officer, the poll-clerk, one of the candidates, or one of their agents, or by any elector present, take the following oath or affirmation and answer the questions contained in the following form:

Form of oath.

“You swear (*or affirm, as the case may be*) to answer the truth and nothing but the truth to the questions which will be put to you. So help you God:

1. Are you of Indian blood?

2. Are you domiciled on land reserved for Indians, or for any band of Indians, or held in trust for them?”

Person refusing to be sworn, etc.

Under the penalties stated in section 236, no ballot-paper shall be given to any person who shall have refused to take the above oath or affirmation, or who, having taken the same, shall have answered in the affirmative to the two questions contained in such oath or affirmation.

Oath for person thought to have already voted, etc.

**238.** Whenever he knows or has reason to believe that any person, presenting himself to vote, has already voted at the election, presents himself to vote under a false name or designation, or falsely gives himself out or represents himself as entered upon the electoral list or that the name of such person is entered on the list of another polling-subdivision or electoral district in which he was domiciled when such list was made, every candidate, agent or elector present, and every election officer present, shall require such person

to take the oath or affirmation authorized by section 234, under penalty of being liable to a fine of one hundred dollars to five hundred dollars and to an imprisonment of one month to two years, and, on failure to pay the fine and costs, to an additional imprisonment of fifteen days up to one year. Penalty.

**239.** The votes shall be given by secret ballot. Secret ballot.

**240.** Before giving a ballot-paper to any person entitled to vote at his polling-station, the deputy returning-officer must mark on the back of the counterfoil a number corresponding to that entered opposite the voter's name in the poll-book and then the deputy returning-officer and the poll-clerk must put the initials of their surnames and Christian names upon the back of the ballot-paper, in such a way that when the ballot-paper is folded such initials shall remain visible. Such initials must be put in a rectangle on the upper side of the back of the ballot-paper and near the dotted line separating the latter from its counterfoil. Initialing, etc., of ballot-papers.

**241.** Only the deputy returning-officer may, and he shall, when required so to do, give to an elector the information necessary to show him how to mark his ballot. He must do so sincerely and openly, and without the slightest indication of preference or suggestion. Giving of information to electors.

**242.** The voter, on receiving the ballot-paper, shall forthwith proceed into one of the polling-booths of the polling-station. He shall there mark his ballot-paper, making a cross with the black lead pencil to be found there, within the white space containing the name of the candidate for whom he intends to vote; he shall then fold up the ballot-paper so that the initials on the back thereof and the number on the counterfoil can be seen without opening it; and he shall then hand it to the deputy returning-officer. Mode of voting and marking ballots, etc.

The latter shall, without unfolding it, ascertain by examining the initials and the numbers marked on the counterfoil that it is the same which he furnished to the voter; and shall then, in full view of those present, including the voter, he shall immediately detach the counterfoil and destroy it and shall place the ballot-paper in the ballot-box. Procedure by deputy returning-officer.

If the ballot-paper is not the same which he furnish-

ed to the voter, the deputy returning-officer shall cancel the ballot-paper marking on it the word "*Null*" with the initials of his surname and Christian names.

Voter spoiling his ballot-paper.

**243.** A voter who has inadvertently marked, defaced or torn the ballot-paper given him, in such manner that it cannot be conveniently used, may, on returning it to the deputy returning-officer, obtain another ballot-paper in its place.

Cancelling of first ballot-paper.

The deputy returning-officer shall cancel the first ballot-paper, by writing thereon the word "null", with the initials of his surname and Christian names.

Elector in whose name another has previously voted.

**244.** If a person, representing himself to be one of the electors whose name appears upon the list, applies to vote, after another person has voted as such elector, the applicant, upon taking the oath in the form 21 and otherwise establishing his identity to the satisfaction of the deputy returning-officer, shall be entitled to receive a ballot-paper, and to vote as any other elector.

Taking of oath in such case.

No ballot-paper shall, under the penalties mentioned in section 236, be given to such person if he refuses to take the oath or make the affirmation of form 21, or, if having taken such oath or made such affirmation, he has answered in the negative.

Entries in poll-book.

Mention shall be made in the poll-book:

1. Of the fact of such elector having voted after another has voted under the same name, and that he has taken the oath according to the form 21;

2. Of any objections made to such vote on behalf of any of the candidates; and of the name of such candidate.

Assisting of elector unable to mark his ballot-paper.

**245.** The deputy returning-officer, on the application of any voter who is unable to read or is incapacitated by blindness or other physical cause from voting in the manner prescribed by this act, shall assist such elector by marking his ballot-paper in the manner directed by such elector, in the presence of the sworn agents of the candidates, or of the sworn electors representing them in the polling-station, and of no other person.

Oath.

The deputy returning-officer shall require the elector making such application, before voting, to make oath, as in the form 22, of his incapacity to vote without such assistance.

Refusal to take oath, etc.

No ballot-paper shall, under the penalties mentioned in section 236, be given to the voter if he has refused to

take the oath or make the declaration of form 22, or if, having taken such oath or made such affirmation, he has answered in the negative.

Whenever a voter has been assisted in marking his ballot, mention thereof shall be made in the poll-book opposite his name, and, in addition to the entries required by section 249, mention shall also be made therein of the reason why such ballot was marked by the deputy returning-officer.

**246.** Whenever the deputy returning-officer does not understand the language spoken by any such person presenting himself to vote, he shall swear an interpreter, who shall be the means of communication between him and such person with reference to all matters required to enable the latter to vote.

If the deputy returning-officer be unable to find an interpreter, such person shall not be allowed to vote.

**247.** Subject to the provisions of section 246, no one shall be authorized to make use of a tongue other than French or English in the polling-stations.

Whosoever infringes the provisions of this section shall be liable to a fine of fifty dollars to one hundred dollars, and, on failure to pay the fine and costs, to an imprisonment of eight days to thirty days.

If the infringer is an election officer, the penalty shall be double.

**248.** Every elector shall vote without undue delay and shall quit the polling-station as soon as his ballot-paper has been put into the ballot-box.

He must be sent away without having voted if he unduly delays doing so, and his ballot shall be placed among the spoiled ballots and he shall no longer have the right to vote.

**249.** An elector may vote only at the place where his name was last entered on an electoral list.

Every offence or every attempted offence against any provision of this section shall be punishable as provided by section 125.

**250.** The poll-clerk shall enter in the poll-book opposite the name of each elector presenting himself to vote, the word "Voted" as soon as his ballot-paper has been deposited in the ballot-box, the word "Sworn"

or "*Affirmed*", indicating the number of the section of the oath and of the questions to which he has been required to answer, if the oath or affirmation has been administered, and the words "*Refused to be sworn*" or "*Refused to affirm*" or "*Refused to answer*" if he have refused to take any oath or to affirm, when he has been lawfully required so to do, or have refused to answer questions which he has been lawfully required to answer.

Additional entry.

If the person has voted under section 233, the poll-clerk must, in addition, enter in the poll-book, opposite the name of such person, the words "*Voted on the registrar's (or secretary-treasurer's) certificate*".

Penalty.

Every poll-clerk who omits making the entries, required by the act, in the poll-book, in the case of a voter having taken or refused to take any oath, shall be liable to a fine of fifty dollars to two hundred dollars and to an imprisonment of eight days to thirty days, and, on failure to pay the fine and costs, to an additional imprisonment of eight days to thirty days.

Offences.

**251.** Every one who,—

1. forges, counterfeits, fraudulently alters, defaces or fraudulently destroys a ballot-paper or the initials of the deputy returning-officer, or poll-clerk; or—

2. without authority supplies a ballot-paper to any person; or—

3. fraudulently puts into a ballot-box a paper other than the ballot-paper which he is authorized by law to put in; or—

4. fraudulently takes a ballot-paper out of the polling-station; or—

5. spoils a ballot-paper with the intent to cause it to be rejected; or—

6. without due authority destroys, takes, opens or otherwise interferes with a ballot-box or packet of ballot-papers then in use for the purposes of the election; or—

7. fraudulently puts, otherwise than as authorized by section 240, his initials or the initials of a deputy returning-officer or poll-clerk on the back of any paper purporting to be or capable of being used as a ballot-paper at an election; or—

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

9. being authorized by the returning-officer to print the ballot-papers for an election, prints, with fraudulent intent, more ballot-papers than he is authorized to print; or—

10. makes a false declaration to any depository of the electoral list in force in order to obtain a certificate under section 233;

11. forges, counterfeits or fraudulently alters a certificate required to vote at a polling-station under section 233;

12. not being the person mentioned in a certificate delivered under section 233, presents such certificate to a deputy returning-officer in order to obtain a ballot-paper;

13. being legal depository of a list in force, delivers a certificate in the form of section 233 to any person whom he knows to be not entitled to such certificate, or delivers such certificate in blank;

14. being a deputy returning-officer admits, under section 233, a person to vote whom he knows to be not entitled to vote in his polling-station;

15. attempts to commit any offence specified in this section,—

shall be guilty of an offence, and liable to a fine of Penalty. one hundred dollars to five hundred dollars, and to an imprisonment of one month to two years, with or without hard labour, and, on failure to pay the fine and costs, to an additional imprisonment of fifteen days to one year.

If the person who commits any of the above-mention-Special fine for election officer, etc. ed offences be the legal depository of the lists or an election officer, he shall in that case be liable to a fine of three hundred dollars to one thousand dollars, and to an imprisonment of one year to five years, with or without hard labour, and, on failure to pay such fine and costs, to an additional imprisonment of six months to two years.

**252.** No elector, summoned as a witness before Witnesses need not appear on voting day. any court or judge in this Province shall be compelled to be or appear before such court or judge on the day during which voting takes place in the electoral district in which such elector is entitled to vote.

**253.** Within the electoral limits and the wards Closing of factories, etc. of a city where polling is to take place, no person shall

keep open any factory, works, workshop or shop before two o'clock in the afternoon of the polling-day, under penalty of being guilty of an offence and of being liable to a fine of one hundred dollars to five hundred dollars, and to an imprisonment of fifteen days to twelve months, and, on failure to pay the fine and costs, to an additional imprisonment of eight days up to six months.

Id., in case of reduction from wages.        No person shall, without rendering himself liable to the same penalties, make any reduction from the wages of the employees of any factory, works, workshop or shop nor shall he impose any penalty upon them nor exact anything from them for their absence before two o'clock of the afternoon on polling-day.

§ 9.—*Close of the Poll and Subsequent Proceedings*

Close of poll.        **254.** At six o'clock in the afternoon the polling-station and the voting shall be closed.

Entry in poll-book.        An entry thereof shall be made in the poll-book.

Procedure by deputy returning-officer after close of poll.        **255.** Immediately after the close of the poll, the deputy returning-officer shall first place all the spoiled ballots in an envelope and seal it up. He shall then count the number of voters whose names appear on the poll-book as having voted, and make an entry thereof on the line immediately below the name of the voter who voted last, thus: "*The number of voters who voted at this election in the polling-station is..... (stating the number at length)*", and shall sign his name thereto. Then, in the presence and in full view of the poll-clerk and the candidates or their agents—or, if the candidates and their agents or any of them be absent, then in the presence of such, if any, of them as are present and of at least three electors—he shall open the ballot-box and proceed to count the number of votes given for each candidate. Each person present shall have the right to examine each ballot.

Ballots to be rejected.        **256.** In counting the votes, the deputy returning-officer shall reject:

1. Every ballot-paper which has not been supplied by him;
2. Every ballot-paper upon which appears more than one vote;
3. Every ballot-paper upon which there is any writing or mark by which the voter could be identified;

4. Every ballot-paper left in blank or null owing to the intention of the voter not being clearly shown;

5. Every ballot-paper which does not have thereon the initials of the deputy returning-officer and of the poll-clerk;

6. Every ballot-paper by which a vote has been given for a person who has not been nominated, or for a candidate who has withdrawn.

**257.** The deputy returning-officer shall take a note of every objection made by any candidate, or his agent, or any elector present, to any ballot-paper found in the ballot-box, and shall at once decide every question arising out of the objection. His decision shall be final, subject to reversal only on a recount before a judge, or on a contestation of the validity of the election or of the election return.

Each objection to a ballot-paper shall be numbered and a corresponding number placed on the back of the ballot-paper, and initialled by the deputy returning-officer.

An entry at the end of the poll-book shall be made of each objection and of its nature.

**258.** The ballot-papers having been counted and a list drawn up of the number of votes given to each candidate, and of the number of rejected ballot-papers, the deputy returning-officer shall put all the ballot-papers, indicating the votes given for each candidate respectively, into separate envelopes or parcels.

He shall likewise put the ballot-papers rejected, and those unused, into separate envelopes or parcels.

The deputy returning-officer shall seal all such envelopes and parcels and endorse them so as to indicate their contents. The deputy returning-officer and poll-clerk must, and any agent present in the polling-station may if he wishes, write their signatures across the gummed paper bands used to seal such envelopes and parcels.

**259.** The deputy returning-officer and the poll-clerk, immediately after the completion of the counting of the votes, shall take and subscribe respectively the oaths as in the forms 23 or 24, which shall remain attached to the poll-book.

**Statement in triplicate.** The deputy returning-officer shall make out a statement in triplicate, in the form 25, one copy to remain attached to the poll-book, one copy to be retained by the deputy returning-officer, and the third copy to be enclosed by him in a special envelope supplied for the purpose, which envelope he shall seal and deposit in the ballot-box.

**Furnishing of certificate.** **260.** The deputy returning-officer shall, when so requested, deliver to each of the candidates, or to their agents, or, in the absence of the candidates and agents, to the electors present representing the candidates, a certificate in the form 26, of the number of votes given for each candidate, and of the number of rejected ballot-papers.

**Mailing of same.** He shall also, forthwith, after the close of the polling-station, mail to each candidate, by registered letter, to the address stated in the ballot-paper, a like certificate.

**Disposal of poll-book, etc.** **261.** The deputy returning-officer shall place the poll-book, the envelopes containing the ballot-papers, the electoral lists, and all other documents which served at the election, except the statement of the poll, in the large envelope supplied for the purpose. He shall seal such large envelope with gummed paper bands. The deputy returning-officer and the poll-clerk must, and the agents or electors present in the polling-station may if they wish, affix their signature across the gummed paper bands. Then, the deputy returning-officer shall place the large envelope in the ballot-box.

**Locking of ballot-box.** **262.** The ballot-box shall then be locked by the deputy returning-officer and sealed with gummed paper bands. The deputy returning-officer and the poll-clerk must, and the agents or electors present in the polling-station may if they wish, affix their signature across the gummed paper bands.

**Delivery of same.** The deputy returning-officer shall then deliver the box to the returning-officer or to the election-clerk, who shall receive the same, or to one or more persons specially appointed for that purpose by the returning-officer.

**Oath.** Such person or persons shall, on delivering the ballot-boxes to the returning-officer, take the oath as in the form 27.

**Sealing of ballot-boxes.** **263.** The returning-officer, upon the receipt by him of each of the ballot-boxes, shall ascertain whether

it is sealed and, if it be not sealed, he shall seal it with gummed paper bands, across which he shall write his signature in such a way that it cannot be opened without the paper bands being broken.

He shall also take every precaution for its safe-keeping and for preventing any person other than himself and his election-clerk from having access thereto. Precautions for safekeeping.

**264.** After having received all the ballot-boxes, the returning-officer, at the place, day and hour appointed by the notice mentioned in section 188, shall proceed to open them, in the presence of the election-clerk, the candidates or their representatives, if present, or of at least two electors if the candidates or their representatives are not present, and to add together the number of votes given for each candidate, from the statements of the polling, contained in the several ballot-boxes returned by the deputy returning-officers. Addition of votes by returning-officer.

**265.** The candidate who, upon such addition of the votes, is found to have a majority of votes, shall be declared elected. Declaration thereupon.

**266.** Whenever, on the addition of the votes by the returning-officer, it is found that any two or more of the candidates have received an equal number of votes, and that an additional vote would entitle any of such candidates to be declared elected, the returning-officer shall at once give such additional or casting vote, by declaring in a writing, signed by himself, for whom he votes, saving the right to apply for a recount or re-addition by a judge. Casting vote in case of tie.

**267.** If, at the addition of the votes, the returning-officer fail to find a statement of the poll in a ballot-box which has been used for the voting, he may open the large envelope deposited therein by the deputy returning-officer and remove therefrom the statement of the poll which has been placed therein in error. Nevertheless, the returning-officer shall not, for any reason whatsoever, open the envelopes containing the ballot-papers; and, as soon as he has completed his search, he shall replace the contents of the large envelope (except the statement of the poll) in a new envelope. He shall seal such envelope with gummed paper across which he shall write his signature. Any person present may also affix his signature, if he wish. Opening of large envelope in certain event. Prohibition upon opening of envelopes containing ballot-papers.

Adjournment if ballot-boxes are missing.

**268.** If the ballot-boxes be not all returned on the day fixed for adding up the number of votes given to the several candidates, the returning-officer shall adjourn the proceedings to a subsequent day; but such subsequent day must not be more than a week later than the day originally fixed for the addition.

Adjournment for other causes.

**269.** In case any deputy returning-officer have not duly enclosed in the ballot-box the statement of the ballot-papers counted by him as required by this act, or if, for any other cause, the returning-officer cannot, at the day and hour appointed by him for that purpose, ascertain the exact number of votes given for each candidate, he may thereupon adjourn to a future day and hour the adding up of the number of votes given for each candidate, and so from time to time, as required; provided that no such adjournment shall be for more than two weeks altogether.

Loss, etc., of ballot-boxes.

**270.** If any ballot-box have been destroyed or lost, or for any other reason be not forthcoming within the time fixed for the adding up of the votes, the returning-officer shall ascertain the cause of the disappearance of such ballot-box, and shall call on the deputy returning-officer whose ballot-box is missing, or on any other person having them, for the originals or copies of the lists, statements and certificates, required by this act, of the number of votes given to each candidate, the whole verified on oath.

Evidence as to number of votes for each candidate.

If such lists or statements, or any of them, or copies thereof, cannot be obtained, he shall ascertain, by such evidence as he is able to obtain, the total number of votes given to each candidate at such polling-station. For such purpose he may summon any such deputy returning-officer, his poll-clerk, or any other person, to appear before him at a day and hour to be named by him, and order them to bring with them all necessary papers and documents. He shall give due notice of the day and hour of such appearance to each candidate; and on the day and at the hour fixed he may then and there examine on oath such deputy returning-officer or poll-clerk, or any other person, respecting the matter in question.

If statement missing from ballot-box.

**271.** In case of an adjournment by reason of the statement being missing from any ballot-box, the returning-officer shall in the meantime use all reasonable

efforts to ascertain the exact number of votes given for each candidate in the polling-station where such box was used. For such purpose he shall have the powers set out in section 270.

**272.** In any case arising under section 270 or 271, the returning-officer shall return as elected the candidate appearing to have the majority of votes, and shall mention in his report, to be sent with the return, the circumstances accompanying the disappearance of the ballot-box, or the want of any statement as aforesaid, and how he ascertained the number of votes given to each candidate. Return of candidate appearing to have majority.

**273.** Any person refusing or neglecting to attend on the summons of a returning-officer issued under sections 270 or 271 shall be guilty of an offence, and be liable to a penalty of two hundred dollars or to imprisonment for not more than two years, with or without hard labour. Not obeying summons an offence.

**274.** After transmitting his report, the returning-officer shall deposit or cause to be deposited in the custody of the sheriff of the district or of the registrar of the registration division in which the nomination was held, the ballot-boxes used at the election. If he be himself the sheriff or registrar he shall keep them in his possession as such. Deposit of ballot-boxes with sheriff, etc.

Every sheriff or registrar shall, at the next ensuing election, deliver such ballot-boxes to the returning-officer for such election. Subsequent use thereof.

#### § 10.—*Special polling-stations*

**275.** Besides the ordinary polling-stations, special polling-stations shall be established in the cities of Hull, Joliette, Levis, Montreal, Quebec, Rivière-du-Loup, St. Hyacinthe, Sherbrooke, Sorel, Three Rivers, Verdun and Westmount, and in the towns of Farnham and Richmond, and also in the villages of Charny, L'Enfant-Jésus de Beauce and Mont-Joli. Special polling-stations.

**276.** Save in the electoral district of Jacques-Cartier, the returning-officer of each electoral district, the limits of which include the territory or part of the territory of one of the municipalities enumerated in section Establishing thereof.

275, shall establish near his official office as many special polling-stations as he may deem necessary for the purpose of this subdivision.

Posting of notice.

**277.** Every returning-officer who establishes one or more special polling-stations shall, immediately after the nomination of candidates, post up a notice in his office setting forth:

Contents thereof.

1. The place where each of the special polling-stations will be located, as well as the designation of the municipality or part of municipality for which it is established;

2. The days and hours during which such special polling-stations will be open and votes received therein;

3. The days and hours during which the certificate required to vote at such special polling-stations may be procured at the office of the returning-officer.

Furnishing of list by returning-officer.

**278.** On the day following the nomination of candidates, the returning-officer must furnish each candidate with a list giving the names in full and the professions or callings and addresses of all the deputy returning-officers and poll-clerks whom he has appointed to keep the special polling-stations, as well as the name or number of the special polling-station at which each is to act.

Appointments for special polling-stations.

The deputy returning-officers and poll-clerks of special polling-stations shall be appointed in the same way as are the deputy returning-officers and poll-clerks for ordinary polling-stations.

Posting of list of officers for special polling-stations.

**279.** The returning-officer shall post up in his office a list giving the names in full and the professions or callings and addresses of the deputy-returning-officers and clerks of the special polling-stations as well as the name or number of the special polling-station at which each is to act; at the same time and in the same manner as the list of deputy returning-officers and poll-clerks for the ordinary polling-stations.

Hours for voting.

**280.** The special polling-stations shall be opened at two o'clock in the afternoon and remain open until ten o'clock in the evening of the two days, which are not holidays, immediately preceding the general polling date.

Receiving of votes.

During such hours, the deputy returning-officer of each special polling-station shall receive in the polling-

station, in the manner hereinafter prescribed, the votes of the electors entitled to vote at such polling-station.

**281.** Before opening any special polling-station, the deputy returning-officer shall cause to be posted up outside of the building in which such poll is established, near the entrance, a placard bearing, in conspicuous type, the words: *Bureau spécial de scrutin—Special Poll*, and also instructions and notice to electors. Posting of instructions, etc.

This placard and the instructions and notice to electors shall be removed at the closing of the polling-station on the first evening and be again posted up on the following day before reopening the poll. Removal, etc.

**282.** The only persons permitted to vote at a special polling-station are railway, post-office or express companies' employees, navigators, commercial travelers and all other employees whose ordinary employment obliges them to absent themselves from the place of their domicile, who have reason to believe that their ordinary employment will, on the general polling-day, necessitate their absence from the city, town or village in which they have their domicile and consequently prevent them from voting at the then election, and who comply with the following provisions. Persons permitted to vote at special polling-station.

**283.** The returning-officer or the election-clerk of every electoral district in which a special polling-station is established must remain at the official office of the returning-officer from one o'clock in the afternoon until ten o'clock at night of each of the two days during which the special polling-stations are open, and issue *gratis* a certificate in the form following, to every employee mentioned in section 282, and whose name appears on the list of electors for the municipality or part of municipality for which such special polling-station is established, who applies for same in person, who establishes his identity by means of a certificate enabling him to obtain railway or other tickets free or at reduced rates, and who affixes his ordinary signature to such certificate in the presence of the election-officer called upon to sign and deliver it. Issuing of certificate to certain voters.

"I, the undersigned, returning-officer (or, election-clerk) for the electoral district of \_\_\_\_\_ hereby certify: Form of certificate.

"1. That *(insert name in full, profession or calling, domicile, address and age of the employee, as entered on*

*the electoral list*) is an elector whose name appears on the electoral list for polling-subdivision No. of the city (town or village) of in use for the pending election in this district;

“2. That, the said elector having himself come before me on this                      day of                      19                      , and having personally requested of me a certificate enabling him to vote at the pending election in advance of the general polling-day, I, being satisfied that he is entitled thereto pursuant to section 282 of the Quebec Election Act, have signed and issued this certificate after he had signed same with his ordinary signature in my presence.

“(Signature of elector)

“(Signature of election officer).”

**284.** The returning-officer or election-clerk who issues a certificate in pursuance of section 283 shall forthwith enter on the copy of or extract from the electoral list to be used for the ordinary polling, opposite the name of the elector to whom the certificate was delivered, the words: “Special Poll”, and subscribe the initials of his Christian names and surname thereto.

**285.** For the election officers at ordinary polling-stations, the elector who has secured a certificate under section 283 shall be deemed to have already voted at the election.

Nevertheless, if an elector who has obtained a certificate has not voted at a special polling-station, he shall be entitled to vote on general polling-day at the ordinary polling-station at which his name appears on the list of electors. But, before so voting, he shall

Entry as to certain certificate.

Making, etc., of duplicate certificate, etc.

Elector deemed to have voted.

Right to vote upon surrendering of certificate.

surrender his certificate to the deputy returning-officer, who shall mark it "*Used*" and retain it to be deposited in the ballot-box after the counting of the votes.

**286.** No list of electors shall be used in special No list used. polling-stations.

**287.** Every employee mentioned in section 282, Where cer-  
to whom a certificate has been delivered pursuant to tain voters  
section 283 may vote at any one of the special polling- to vote.  
stations established within the electoral district where  
the election officer who issued the certificate is return-  
ing-officer or election-clerk; but he cannot vote in  
another electoral district.

**288.** Every person applying to vote at a special Delivering of  
polling-station shall immediately deliver, to the deputy certificate.  
returning-officer, the certificate obtained by him under  
section 283 and, in presence of the deputy returning-  
officer, sign with his ordinary signature, at the foot of  
the certificate, the following declaration under oath: Oath.

"I, the undersigned, having been duly sworn, declare Form  
as follows: thereof.

"I am the elector mentioned in the above certificate.

"I am a (*railway, post-office or express company's em-  
ployee, etc., as in section 282, as the case may be*), my  
ordinary employment obliges me to be absent from  
my place of domicile, and I have reason to believe that  
my ordinary occupations on general polling-day will  
oblige me to be absent from the city (*town or village*)  
in which I have my domicile and consequently prevent  
me from voting at this election.

"I know that, having voted or applied to vote at a  
special polling-station, I am not entitled to vote or  
attempt to vote at another polling-station during the  
present election.

"And I have signed with my ordinary signature.

(*Elector's signature.*)

Sworn (*or affirmed*) and signed  
before me at  
this

19 .

Deputy returning-officer."

A ballot-paper shall not be given to any person who Ballot-paper  
does not produce a certificate issued pursuant to section to be refus-  
283, or who refuses to sign the declaration under oath ed in certain  
case.

above required, or whose signature, at the foot of the declaration, is different from the signature on the certificate.

Taking of oath.

**289.** Before receiving a ballot-paper, every person applying to vote shall, in addition, if thereunto required by the deputy returning-officer or the clerk of the special polling-station, or by one of the candidates or one of their agents, or by any elector present, take the oath or affirmation prescribed by section 234 (save as to questions 1, 2, 5, 6) and by section 237.

Inscription on certificate.

**290.** The deputy returning-officer shall write the word "*Used*" on every certificate handed him and shall keep it to be deposited in the ballot-box, at the closing of the polling-station.

Closing of special polling-station.

**291.** Every special polling-station shall be closed and the polling terminated at precisely ten o'clock in the evening, each day.

Mention.

Mention thereof shall be made in the poll-book.

Procedure by deputy returning-officer:

**292.** Immediately after the close of the poll, the deputy returning-officer shall, in the presence of the poll-clerk and of any other person entitled to be present at the counting of the ballots and who is present:

Counting of spoiled ballots;

1. Count the spoiled ballots and place them in an envelope marking on the envelope the words "*Spoiled Ballots*" and the number of spoiled ballots it contains and seal it;

Id., of number of electors;

2. Count the number of electors whose names appear in the poll-book as having voted and make an entry thereof immediately below the name of the voter who voted last, thus: "*The number of voters who voted, in this special polling-station for the electoral district of*  
on the 19, is  
(stating the number at length)" and shall sign his name thereto;

Id., of unused ballots;

3. Count the unused ballots, place them in an envelope and endorse on the envelope the words "*Unused ballots*" and the number of unused ballots it contains and seal it;

Id., of certificates;

4. Count the certificates received, place them in an envelope and endorse on the envelope the word "*Certificates*" and the number of certificates it contains and seal it;

5. Open the ballot-box, place the ballots which it contains in an envelope, in such a manner as not to see or allow to be seen in favour of what candidates they are marked and endorse on the envelope the word "Votes" and seal it. Opening of ballot-box;

Any candidate, agent or elector present in the polling-station may, if he so desire, place his signature upon the gummed paper bands used to seal the four envelopes. Placing of signatures;

The deputy returning-officer shall then place these four envelopes and the poll-book in the ballot-box and lock and seal it in such a manner that it cannot be opened nor anything deposited therein nor removed therefrom without breaking the gummed paper bands. Disposal of envelopes, etc.;

Any candidate, agent or elector present in the polling-station may, if he so desire, affix his signature on the gummed paper bands. Additional signatures.

**293.** At the reopening of the poll, on the second day, the deputy returning-officer shall, in presence of the poll-clerk and of any other person entitled to be present and who is in the poll, open the ballot-box and take out the poll-book as well as the envelope containing the ballots not used on the previous evening, and open the said envelope and remove therefrom the said ballots and lock the ballot-box. At reopening of poll.

**294.** The deputy returning-officer, who has kept a special polling-station, shall, at six o'clock in the afternoon of the general polling-day, in presence of his clerk and of such other persons as are entitled to attend at the counting of the votes and are present, proceed at such polling-station to open the ballot-box and the envelopes containing ballots given, and count the votes in accordance with the provisions of subdivision 9 of this division. Counting of votes.

**295.** The following persons shall be guilty of an offence and be liable to a fine of from one hundred to five hundred dollars and to imprisonment for a period of from three months to one year, and, in default of payment of the fine and costs, to an additional imprisonment of from one to six months: Offence and penalty.

1. Any person who makes a false statement to a returning-officer or election-clerk for the purpose of obtaining from such election officer a certificate under section 283;

2. Any person who fraudulently fabricates, forges or alters a certificate required to vote at a special polling-station;

3. Any person who, not being the person named in a certificate issued under section 283, presents any such certificate to a deputy returning-officer, whether at a special polling-station or at an ordinary polling-station, for the purpose of obtaining a ballot;

4. Any person who, for the purpose of voting at a special polling-station, makes a false declaration to the deputy returning-officer of such polling-station;

5. Any person who, after having obtained a certificate under section 283, votes or attempts to vote at any other than a special polling-station, except upon presentation of such certificate;

6. Any returning-officer or election-clerk who delivers a certificate in the form of section 283 to a person whom he knows is not entitled to such certificate;

7. Any deputy returning-officer who allows to vote at a special polling-station any person whom he knows is not entitled to vote at such station;

8. Any deputy returning-officer who allows to vote at a special polling-station any person whom he knows to have already voted at a special polling-station or to have received a certificate authorizing him to vote at a special polling-station, unless such person presents his certificate.

Provisions applicable to special polling-stations.

**296.** Under reserve of the foregoing provisions of this subdivision, the provisions of the other subdivisions of division V, saving those of sections 253, 348, 349 and 350, shall apply in the case of special polling-stations, *mutatis mutandis*.

Daylight saving time.

If the Lieutenant-Governor in Council has ordered daylight saving time for the ordinary voting, such time shall apply to the voting held in the special polling-stations.

#### 11.—*Recount and Re-addition of Votes*

Re-addition, etc., of votes.

**297.** There must be a re-addition of the votes if it be made to appear, on the affidavit of a credible witness, that the returning-officer has improperly added up the votes; and there must be a recount if it be made to appear, on the affidavit of a credible witness, that any deputy returning-officer has illegally counted

or rejected any ballot-paper, or has made an incorrect statement of the number of votes cast for any candidate.

**298.** The application for a re-addition or a recount must be made to a judge of the Superior Court to whom is assigned the judicial district in which the electoral district or any part thereof is situated, or, in his absence, to any other judge of the Superior Court. Application for re-addition, etc.

**299.** The application, in order to be received, must be made within four days after that on which the returning-officer, after adding up the votes, has declared one of the candidates elected. Delay for application.

**300.** The application may not be received unless the applicant deposits, within the said time, with the prothonotary of the said Superior Court in the said judicial district, the sum of one hundred dollars, in legal tender or in the bills of any chartered bank doing business in Canada, as security for the costs, in connection with the recount or re-addition, of the candidate elected. Security for costs.

**301.** The judge, in granting the application, shall fix a time, within the next four days, for proceeding with such recount or re-addition. Time to be fixed.

**302.** The judge shall forthwith give notice in writing to the candidates of the day, hour and place at which he will proceed to recount the votes, or to make such re-addition. Notice.

**303.** The judge may, at the time of the application or afterwards, direct that service of the notice upon the candidates may be upon their attorneys, or may be made by mail or by posting, or in such other manner as he thinks fit. Service of notice.

**304.** The judge shall summon the returning-officer and his election-clerk to attend, upon the day and the place indicated, and to bring with them, as the case may be, the ballot-papers used at such election, or the original statements of the deputy returning-officers. Order of judge to returning-officer, etc.

The returning-officer and his election-clerk shall be bound to obey such order, and the returning-officer shall delay making his return to the Clerk of the Crown Delay in making return.

in Chancery until he receives from the judge a certificate of the result of such recount or re-addition.

**305.** Such recount or re-addition shall be made by the judge in the presence of the returning-officer and his election-clerk.

Who may be present at recount or re-addition.

Candidates.

Each candidate shall be entitled to be present, with not more than three agents appointed by him to attend.

Electors.

In case any candidate is not represented, then any three electors may declare their desire to attend in his behalf, and shall be entitled to attend.

Restriction.

Except with the sanction of the judge, no other person shall be present at such recount or re-addition.

Making of re-addition, etc.

**306.** At the day, hour and place appointed and in the presence of the said persons, if in attendance, the judge shall proceed to make such re-addition in the manner prescribed by section 264, or to recount all the votes or ballot-papers returned by the several deputy returning-officers to the returning-officer, as the case may be.

Opening of envelopes, etc.

In the latter case he must open only the envelopes and the sealed packets containing the used ballot-papers which have been counted, the rejected ballot-papers, and the spoiled ballot-papers.

Proceedings on recount, etc., to be continuous.

**307.** The judge shall, as far as practicable, proceed continuously, except on Sunday, with the addition or recount of the votes, allowing only time for refreshments, and excluding (except so far as he and the persons aforesaid agree to the contrary) the hours between six o'clock in the afternoon and nine in the succeeding forenoon.

Sealing of documents during adjournment.

**308.** Before every suspension of the proceedings, the judge shall place the ballot-papers and the other documents relating to the election, in a closed envelope sealed with his own seal and the seal of such other of the said persons present as desire to affix their seals, and shall otherwise take all necessary precautions for the security of such papers and documents.

Rules applicable to recount, etc.

**309.** The judge shall proceed to the recount and re-addition of the votes according to the rules set forth in sections 255 and 256, and shall verify or correct the

counting of the ballot-papers and statements of the number of votes given for each candidate.

In order to ascertain the validity of a ballot-paper, the judge may, by any means he may think fit, assure himself whether such ballot-paper was supplied by the deputy returning-officer of the poll where it was cast, whether such deputy returning-officer was entitled to act in the said poll, or whether the initials on the back of the ballot-paper are those of the deputy returning-officer and of the poll-clerk entitled to act in the said station.

Upon the completion of such recount or re-addition, he shall seal up all the said ballot-papers in separate packets.

**310.** The judge shall also, if necessary or required, review the decision of the returning-officer with respect to the number of votes given for a candidate at any polling-station where the ballot-box used was not forthcoming, or when the proper certificates or papers were not found therein, when the returning-officer made his decision.

For the purpose of arriving at the facts, the judge shall be vested with all the powers of a returning-officer with regard to the attendance and examination of witnesses.

**311.** Upon the completion of the recount or re-addition, the judge shall certify the result of such recount or re-addition and deliver such certificate to the returning-officer.

The latter shall then declare to be elected the candidate having the greatest number of votes.

In case of equality of votes, the returning-officer shall at once give the casting vote in accordance with the provisions of section 266.

**312.** If the recount or re-addition does not so alter the result of the poll as to affect the result of the election, the judge shall order the costs of the candidate appearing to be elected, to be paid by the applicant.

The judge shall tax the costs on giving his decision.

**313.** In taxing the costs the judge shall, as nearly as may be, follow the tariff of costs to be allowed with respect to proceedings in the Superior Court.

**Disposal of security.** **314.** The monies deposited as security for costs shall be paid to the candidate appearing to be elected, on account of or up to the amount of his costs.

**Insufficiency of deposit.** If the amount deposited be insufficient, the party in whose favour costs are allowed shall have his action for the balance.

**Petition upon failure of the judge to act.** **315.** In case of any omission, neglect or refusal of the judge to comply with the provisions of sections 297 to 314, or to proceed with the recount or re-addition therein provided for, any party aggrieved may, within eight days thereafter, by petition, apply to a judge of the Court of King's Bench for an order commanding the judge to comply with such directions, and to proceed with and complete such recount or re-addition.

**Affidavit.** Such petition may be made upon affidavit, setting forth the facts relating to such omission, refusal or neglect on the part of the judge.

**Order of court for hearing, etc.** **316.** The judge of the Court of King's Bench shall, if it appear that there is such omission, refusal or neglect, make an order appointing one of the next eight days, and a place, for the consideration of such petition, and directing the attendance of all parties interested at such time and place, and giving such directions for the service of the order, and of the affidavit or affidavits upon which the order was granted, upon the judge so alleged to be in default, and upon the other parties interested, as he thinks proper.

**Service upon parties.** If the circumstances appear to the judge to warrant it, he may direct that service upon any of such parties may be upon their attorneys, or may be made by mail, or by posting, or in such other manner as he thinks fit.

**Filing, etc., of affidavits.** **317.** The judge complained of, or any of the parties interested, may file in the office of the clerk of the Court of King's Bench, affidavits in reply to those filed by the applicant, and, upon application, shall furnish him with copies thereof.

**Order of judge after hearing.** **318.** At the time and place appointed by the judge of the Court of King's Bench or at any other time and place to which the hearing may be adjourned, after hearing the parties, or such of them as are present, or their counsel, the judge or some other judge of the same court shall make such order as the facts of the case in the opinion of the judge warrant, either dismiss-

ing the petition or commanding the judge in default to take such action as is necessary in order to comply with the directions of sections 297 to 314, and to proceed with and complete such recount or re-addition, as the case may be.

The judge of the Court of King's Bench may also <sup>Costs.</sup> make such order as to costs as he thinks proper.

**319.** A judge so found to be in default shall forth- <sup>Judge to</sup> with carry out the directions of any order so made. <sup>obey order.</sup>

There shall be the same remedies for the recovery of <sup>Costs.</sup> the costs awarded by such order as for that of the costs in ordinary cases in the Court of King's Bench.

### § 12.—*Election Returns*

**320.** The returning-officer shall, immediately after <sup>Return of</sup> the sixth day after the addition by him under section <sup>candidate</sup> 264, or the ascertainment by him, under sections 270 <sup>elected.</sup> and 271, of the number of votes given for each candidate,—unless before that time he receives notice that he is required to attend before a judge for the purpose of a recount or re-addition by such judge of the votes given at the election,—transmit his return, as in form 28, with the writ, to the Clerk of the Crown in Chancery, that the candidate having the largest number of votes has been declared elected.

He shall at the same time address to each of the can- <sup>Duplicate</sup> didates a duplicate or copy of the certificate of election. <sup>for candi-</sup> <sup>dates.</sup>

**321.** Where there has been a recount or re-addi- <sup>Return in</sup> tion by a judge, the returning-officer must make his <sup>case of</sup> return and address it, with the writ, immediately upon <sup>recount, etc.</sup> the completion of such recount or re-addition.

**322.** The returning-officer who neglects to address, <sup>Penalty</sup> in accordance with the provisions of sections 320 and <sup>upon return-</sup> 321, his return to the Clerk of the Crown in Chancery <sup>ing-officer</sup> shall be guilty of an offence and shall be liable, for each <sup>neglecting</sup> day's delay, to a fine of fifty to two hundred dollars, <sup>to make re-</sup> and, in default of payment of the fine and costs, to an <sup>turn.</sup> imprisonment of ten to thirty days.

**323.** The returning-officer shall also address, with- <sup>Report by</sup> in the ensuing three days, to the Clerk of the Crown in <sup>returning</sup> Chancery, a report of his proceedings. In such report <sup>officer.</sup>

the returning-officer shall render an account of the employment of the ballot-papers which he has had printed. He may also make any observations he thinks proper as to the state of the ballot-boxes or ballot-papers received by him.

Documents  
to be sent  
with return.

**324.** The returning-officer shall also transmit to the Clerk of the Crown in Chancery, with his return, all the ballot-papers including those unused, the original statements of the several deputy returning-officers, together with the electoral lists and poll-books used in the several polling-subdivisions, and all other lists and documents used or required at such election, or which have been sent to him by the deputy returning-officers.

How sent.

**325.** Such return and report shall be sent through the post-office, after being registered, or by express, charges paid.

If return is  
irregular.

**326.** In the event of the returning-officer making a return to the Clerk of the Crown in Chancery which does not comply with the provisions of section 304 or section 320, or making a return pending an application under section 315, the Clerk of the Crown in Chancery shall return the said return, together with all ballot-papers received by him, to the returning-officer, on presentation of an order signed by any judge of the Superior Court having jurisdiction under section 298.

Liability of  
returning-  
officer not  
returning  
candidates  
elected.

**327.** If any returning-officer wilfully delay, neglect or refuse duly to return any person who ought to be returned to serve in the Legislative Assembly for any electoral district, and if it have been determined on the hearing of an election petition respecting the election for such electoral district that such person was entitled to have been returned, such person may sue the returning-officer who has so wilfully delayed, neglected, or refused duly to make such return of his election, in the Superior Court for the judicial district in which such electoral district is situate, in whole or in part, and recover from him a sum of five hundred dollars, together with all damages he has sustained by reason thereof, and costs.

Prescription

Nevertheless, every such action must be commenced within one year after the commission of the act on which

it is grounded, or within six months after the conclusion of the proceedings had upon the petition relating to such election.

**328.** The Clerk of the Crown in Chancery shall, on receiving the return of any member elected to the Legislative Assembly, enter it in a book to be kept by him for the entering of such returns, in the order in which such return is received by him, and shall thereupon immediately give notice in the regular issue of the *Quebec Official Gazette* of the name of the candidate so elected, and in the order in which it was received. Publication of name of candidate elected.

No certificate of election shall however be deemed valid before the seventh day following that upon which the returning-officer, after having proceeded with the addition of the votes in accordance with sections 264 to 273, has declared a candidate elected. Validity of certificate of election.

The Clerk of the Crown in Chancery is forbidden to change any election return, except in the cases contemplated by section 326 or on the order of the Legislative Assembly. Changing of election return.

**329.** The Clerk of the Crown in Chancery shall, subject to the provisions of sections 326, 333 and 388, retain in his possession the papers sent to him by a returning-officer, with the return,— Retaining of papers by Clerk of Crown in Chancery.

1. For at least one year, if the election be not contested during that time; and,—

2. If the election be contested, then for one year after the termination of such contestation.

### § 13.—*Secrecy of Voting*

**330.** No candidate, election officer, agent or other person shall interfere with, or attempt to interfere with, an elector when marking his ballot-paper, or otherwise attempt to obtain at the polling-station information as to the candidate for whom any elector at such polling-station is about to vote or has voted. Interfering with voter marking ballot-paper.

**331.** No elector shall, except in the case provided for in section 245, show his ballot-paper, when marked, to any person, so as to allow the name of the candidate for whom he votes to be known. Ballot-paper not to be displayed.

Inducing voter to display ballot-paper.

**332.** No person shall, directly or indirectly, induce or endeavour to induce any elector to show his ballot-paper or allow it to be seen after he has marked it so as to make known to any person the name of the candidate for or against whom he has so marked his vote.

Vote, etc., not to be disclosed.

**333.** No candidate, election officer, agent or other person shall communicate at any time to any person any information obtained at a polling-station as to the candidate for whom any elector is about to vote or has voted, nor as to the number of the ballot-paper given to a voter.

Secrecy respecting counting of votes.

**334.** Every candidate, election officer, agent or representative of a candidate in attendance at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting; and no such candidate, officer, agent or representative shall attempt to obtain at such counting any information or communicate any information obtained at such counting as to the candidate for whom any vote is given in any particular ballot-paper.

Penalty.

**335.** Every one who infringes any of the provisions of sections 330 to 334 shall be liable to a fine of one hundred to two hundred dollars, and, on failure to pay such fine and costs, to imprisonment for one to six months, with or without hard labour.

Secrecy of vote protected.

**336.** No person who has voted at an election shall, in any legal proceeding questioning the election or return, be required to state for whom he voted.

Copies of papers.

**337.** The Clerk of the Crown in Chancery shall deliver, on application therefor and on payment of a fee of twelve and one-half cents per one hundred words, certified copies or extracts of every writ, poll-book, report, return or other document in his possession respecting any election, except the ballot-papers.

Copies *prima facie* proof.

Each copy or extract so certified shall be *prima facie* proof before any judge or tribunal in the Province.

Inspection of ballot-papers prohibited.

**338.** Except as provided by section 326, no person shall be allowed to inspect any ballot-paper in the custody of the Clerk of the Crown in Chancery, except

under the rule or order of the Superior Court or of a Exception judge thereof.

Such rule or order may be granted by such court or Granting of judge, on being satisfied by evidence on oath that the order, etc., inspection or production of such ballot-papers is re- by judge, quired for the purpose of instituting or maintaining etc. a prosecution for an offence in relation to such ballot-papers, or for the purpose of an action which has been filed questioning an election or an election return.

Any such rule or order for the inspection or produc- Conditions. tion of ballot-papers may be made subject to such conditions as to persons, time, place and mode of inspection or production as the court or judge deems expedient.

The Clerk of the Crown in Chancery shall be bound Obligation. to obey such rule or order.

#### § 14.—*Keeping the Peace and Good Order at Elections*

**339.** Each returning-officer and each deputy re- Conserva- turning-officer, from the time he takes the oath of office tors of the until the day after the closing of the election, shall be peace. a conservator of the peace, vested with all the powers appertaining to a justice of the peace.

**340.** Every returning-officer or deputy returning- Requiring officer may require the assistance of justices of the and swearing in of special peace, municipal constables or other persons present, constables. to aid him in maintaining peace and good order at such election. He may also, on a request therefor made by any candidate, or by any two electors, swear in such special constables as he deems necessary.

The special constables shall be selected from the Choosing of electors of the electoral district possessing a well special cons- established reputation as upright and peaceful men. tables.

**341.** Every returning-officer or deputy returning- Arresting of officer may arrest or cause by verbal order to be ar- offenders. rested, and place in the custody of any municipal constables or other persons, any person disturbing the peace and good order at the election. On polling-day he may also, by an order over his signature, cause such person to be imprisoned until an hour not later than the close of the poll.

**342.** The returning-officer or deputy returning- Giving up of officer may, during the nomination-day and polling- arms. day at any election, require any person, in the room

where the nomination of candidates is made, in a polling-station or within half a mile of the place of nomination or of the polling-station, to deliver to him any firearm, sword, stave, bludgeon or other offensive weapon in the hands or personal possession of such person.

Penalty.

Every person who refuses to deliver such weapon shall be guilty of an offence and be liable to a fine of fifty to one hundred dollars, and, upon failure to pay such fine and costs, to imprisonment for a term of one to three months.

Armed strangers not to enter polling-subdivisions.

**343.** Except the returning-officer, the deputy returning-officer, the poll-clerk and the municipal constables and special constables appointed by the returning-officer or the deputy returning-officer for the orderly conduct of the election or poll and the preservation of the public peace thereat, no person, who has not had a fixed domicile in the polling-subdivision for at least six months, shall come during any part of the day upon which the poll is to remain open into such polling-subdivision armed with offensive weapons of any kind, such as firearms, swords, staves, bludgeons or the like.

Carrying arms forbidden.

**344.** Unless called upon so to do by lawful authority, no person being in such polling-subdivision shall arm himself, during any part of the polling-day, with any such offensive weapon, and thus armed approach within the distance of one mile of the place where the polling-station of such polling-subdivision is located.

Flags, etc., not to be furnished.

**345.** No person shall furnish or supply any ensign, standard or set of colors, or any other flag, to or for any person with intent that it shall be carried or used in an electoral district on the day of nomination, or the polling, by any person, as a party flag to distinguish the bearer thereof and those who follow it as the supporters of any candidate, or of the political or other opinions entertained, or supposed to be entertained, by such candidate.

Id., not to be carried, etc.

No person shall, for any reason, carry or use any such ensign, standard, set of colours or other flag, as a party flag within an electoral district on the day of any such nomination, or on the polling-day.

Ribbons, etc., not to be furnished, etc.

**346.** No person shall furnish or supply any ribbon, label or like favour, to or for any person with intent

that it be worn or used within an electoral district on the day of nomination, or on the polling-day, by any person, as a party badge to distinguish the wearer as the supporter of any candidate or of the political or other opinions entertained, or supposed to be entertained, by such candidate.

No person shall use or wear any ribbon, label, or other favour, as such badge, within such electoral district, on the day of any such nomination, or on the polling-day. Ribbons, etc., not to be worn.

**347.** Every one who offends against any of the provisions of sections 343 to 346 shall be liable to a fine of twenty-five to one hundred dollars and costs, or to imprisonment for a term of eight days to three months, or to both, in the discretion of the court. Penalty for infringement.

**348.** Every person who keeps open any bar in a hotel or club, or any brewery, cabaret, shop or store, whether licensed or not, in which spirituous or fermented drinks are ordinarily sold, during the day of voting in any polling-subdivision or ward of a city in which a poll is situated shall be guilty of an offence, and shall be liable to a fine of one hundred dollars and costs, and, on failure to pay such fine and costs, to imprisonment for not more than six months. Closing of bars, etc. Penalty.

**349.** On the day of the polling in cities and on the day of the polling and on the previous day in every other place, no person shall, within the limits of an electoral district where an election is held, under penalty of being guilty of an offence and being liable to a fine of one hundred dollars and imprisonment for not more than six months upon failure of payment of such fine and costs, either sell for a price in money or in exchange for any article whatsoever, or lend or deliver, or gratuitously supply any quantity whatever of spirituous or fermented liquor, except for the use of the sick. And in the case of such exception, the burden of proof shall be upon the accused; and moreover, such liquor may only be sold, lent, delivered or supplied upon the certificate of a physician, or of a priest or minister of some religious denomination. Liquor not to be supplied during certain days. Exception.

Whosoever shall give or deliver a false certificate in respect thereof shall be guilty of an offence and be liable to a fine of one hundred dollars, and, on failure Penalty for false certificate.

to pay such fine and costs, to imprisonment for not more than three months.

Certain transportation of liquor forbidden during certain period.

**350.** During the days mentioned in section 349, and under the same penalties, but subject to the same exception in case of sickness, it is forbidden to cause to be brought or transported, or to bring or transport, within the limits of the electoral district within which an election is held, or from one place to another within the said limits, any quantity whatever of spirituous or fermented liquor.

Exception.

This prohibition shall not affect the sale, transport, delivery or purchase of spirituous or fermented liquor, made in good faith and in the ordinary course of business by a merchant or trader; provided that the cases, casks, bottles or envelopes containing the said liquor be not opened, broken or unclosed during the days above mentioned.

Committee rooms, etc.

**351.** Every person who leases or lets, as a place of assembly for an election committee or election meeting, any house, part of a house or place, in which are retailed spirituous or fermented liquors or drinks and in which food and drink are ordinarily supplied for payment, or makes use of any such places for that purpose, shall be guilty of an offence, and shall be liable to a fine of not more than one hundred dollars, and, on failure to pay such fine and costs, to imprisonment for not more than three months.

Penalty.

#### § 15.—*Corrupt Practices and other Illegal Acts*

“Bribery”:

**352.** The following persons shall be guilty of an offence against this act, therein referred to as “bribery”:

Gift, loan, etc., to induce to vote or refrain from voting;

1. Every person who, directly or indirectly, by himself or by any other person on his behalf, gives, lends or agrees to give or lend, or offers or promises any money or valuable consideration, or promises to procure or to endeavour to procure any money or valuable consideration, to or for any elector, or to or for any person whether acting on behalf of any elector or not, in order to induce any elector to vote or refrain from voting, or corruptly does any such act on account of such elector having voted or refrained from voting at any election;

2. Every person who, directly or indirectly, by himself or by any other person on his behalf, gives or procures, or agrees to give or procure, or offers or promises, any office, place or employment, or promises to procure or to endeavour to procure any office, place or employment, to or for any elector or to or for any other person, in order to induce such elector to vote or refrain from voting, or corruptly does any such act as aforesaid on account of any elector having voted or refrained from voting at any election;

Gift or promise of office, etc., with same intent;

3. Every person who, directly or indirectly, by himself or by any other person on his behalf, makes any gift, loan, offer, promise, procurement or agreement as aforesaid to or for any person in order to induce such person to procure or endeavour to procure the return of any person to serve in the Legislative Assembly, or the vote of any elector at any election;

Same act to promote an election;

4. Every person who, upon or in consequence of any such gift, loan, offer, promise, procurement or agreement, procures or engages, or promises or endeavours to procure the return of any person to serve in the Legislative Assembly, or the vote of any elector at an election;

Work at such election by reason of such acts;

5. Every person who advances or pays or causes to be paid any money to or for the use of any other person, with intent that such money or any part thereof shall be expended in bribery or corrupt practices at any election, or who knowingly pays or causes to be paid any money to any person in discharge or repayment of any money wholly or in part expended in bribery or corrupt practices at any election;

Person advancing, etc., money for certain use;

6. Every elector who, before or during any election, directly or indirectly, by himself or by any other person on his behalf, receives, agrees or contracts for any money, gift, loan or valuable consideration, office, place or employment, for himself or any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting at any election;

Person receiving, etc., such monies, etc.;

7. Every person who, after an election, directly or indirectly, by himself or by any other person on his behalf, receives any money or valuable consideration for having voted or refrained from voting, or for having induced any other person to vote or refrain from voting at any election;

Person receiving monies, etc., after election;

8. Every person who, to induce a person to allow himself to be nominated as a candidate, or to refrain

Gift, loan, etc., to induce to withdraw, etc.;

from becoming a candidate, or to withdraw if he has become a candidate, gives or procures, or agrees to give or procure, or offers or promises to procure, or endeavours to procure any money, valuable consideration, office, place or employment for such person or any other person;

Penalty.

Every person so offending as aforesaid shall be guilty of an offence and shall be liable to a fine of one hundred dollars to two hundred dollars and to imprisonment for one month to twelve months, and in default of payment of the fine and costs, to an additional imprisonment of fifteen days to six months.

Certain expenses to be held lawfully incurred.

**353.** Nevertheless the actual reasonable travelling and lodging expenses of any candidate on the occasion of an election, his expenses for professional services actually rendered, and *bona fide* payments for the fair costs of printing and advertising, and the other expenses incurred by reason of the election which are not prohibited by law, shall be held to be expenses lawfully incurred, and the payment thereof shall not be an infringement of this act.

"Treating" by candidate, etc.

**354.** Every candidate who corruptly, by himself or by or with any other person, or by any other ways or means on his behalf, at any time during any election, directly or indirectly gives or provides, or causes to be given or provided, or is accessory to the giving or providing, or pays wholly or in part any expenses incurred for any meat, drink, refreshment or provisions to or for any person, in order to be elected or for being elected, or for the purpose of corruptly influencing such person or any other person to give or refrain from giving his vote at such election, shall be guilty of an offence against this act, therein referred to as "treating".

Penalty.

Every candidate who is guilty of such offence shall be liable, in addition to any other penalty to which he is liable therefor under any other provision of this act, to a fine of two hundred dollars, and, in default of payment of such fine and costs, to an imprisonment of not more than six months.

Striking off of votes.

Upon the trial of an election contestation, there shall be struck off from the number of votes given for such candidate one vote for every person who has so voted and is proved on such trial to have corruptly accepted or taken any such meat, drink, refreshments or provisions.

**355.** Every elector who, with a corrupt motive, <sup>Penalty on</sup> accepts or takes any such meat, drink, refreshments or <sup>elector guilty</sup> provisions, shall also be guilty of the offence of "treat-<sup>ty of "treat-</sup>ing", and liable to a fine of not more than fifty dollars nor less than ten dollars, and, on failure to pay such fine and costs, to imprisonment for three months.

Every person who, directly or indirectly, with the <sup>Deemed</sup> same intent, gives, delivers, procures or distributes <sup>guilty of</sup> such meat, drink, refreshments or provisions, between <sup>same offence.</sup> the beginning of the day on which is posted the proclamation prescribed by section 161 and the end of the day of the polling, shall be guilty of the same offence and liable to the same penalty.

Every person who, directly or indirectly, with the <sup>Idem.</sup> same intent, gives, supplies, procures, delivers or distributes money or anything of value, to acquire or pay for meat, drink, refreshments or provisions, which he knows to be intended to influence an elector or electors, with reference to the election, shall also be guilty of the same offence and liable to the same penalty.

**356.** It shall be forbidden to give or cause to be <sup>Treating of</sup> given to any elector on the nomination-day or polling-<sup>voters on</sup> day, on account of such elector having voted or being <sup>certain days.</sup> about to vote, any meat, drink or refreshment, or provisions, or any money or ticket to enable such elector to procure meat, drink, refreshments or provisions.

Any person so offending shall, for each offence, be <sup>Penalty.</sup> liable to a fine of two hundred dollars, and, in default of payment of the fine and costs, to an imprisonment for not more than six months.

**357.** 1. Every one who, directly or indirectly, by <sup>"Undue</sup> himself or by any other person on his behalf,— <sup>influence".</sup>

- a. makes use of, or threatens to make use of any force, violence or restraint, or inflicts or threatens the infliction, by himself, or by or through any other person, of any injury, damage, harm or loss, or in any manner practises intimidation upon or against any person, in order to induce or compel such person to vote or refrain from voting, or on account of such person having voted or refrained from voting at any election; or,
- b. by abduction, duress or any fraudulent device or contrivance, impedes, prevents or otherwise

interferes with the free exercise of the franchise of any elector; or,

- c. by the same means compels, induces or prevails upon any elector either to give or refrain from giving his vote at any election,—

shall be deemed to have committed an offence against this act, therein referred to as “undue influence”.

Penalty.

2. Every person so offending shall, in addition to any other penalty thereby incurred, be liable to a fine of five hundred to one thousand dollars and to imprisonment for six months to three years, and, failing payment of the fine and costs, to an imprisonment of three months to twelve months.

Usurping  
rights of  
election  
officer, etc.

Penalty.

**358.** Whoever usurps any right or function of an election officer or of a special constable shall be guilty of an offence against this act and shall be liable to an imprisonment of one to three years, and to be deprived for a period of ten years of his political rights and of the right to occupy any office or employment in the appointment of the Lieutenant-Governor in Council or of the Lieutenant-Governor.

“Personation”.

**359.** Every person who, at an election,—

1. applies for a ballot-paper in the name of some other person, whether such name be that of a person living or dead, or of a fictitious person; or—
2. having voted once at any such election, applies at the same election or at an election held on the same day in another electoral district for a ballot-paper in his own name,—

Penalty.

shall be guilty of an offence against this act, therein referred to as “personation” and liable to a fine of not more than five hundred dollars nor less than one hundred dollars, and to imprisonment for not more than two years nor less than six months, and, failing payment of the fine and costs, to an additional imprisonment of three months to one year.

Aiding  
personation.

Penalty.

**360.** Every person who aids, abets, counsels or procures the commission by any person of the offence of “personation”, or who rewards the committing of such offence, shall be liable, in addition to any other penalty, to a fine of five hundred to one thousand dollars, and to an imprisonment of one year to five

years, with or without hard labour, and, on failure to pay the fine and costs, to an additional imprisonment of six months to two years.

**361.** Every candidate who corruptly, by himself Subornation of perjury, etc. or by or with any other person on his behalf, compels or induces or endeavours to induce any person to personate any elector, to take any false oath in any matter wherein an oath is required under this act, shall, in addition to any other penalty, be liable to a fine of five hundred to one thousand dollars, and to an imprisonment of one to five years, and on failure to pay the fine and costs, to an additional imprisonment of six months to two years.

**362.** Except the cases contemplated in sections Voting, etc., 125 and 249, every person who votes, attempts to when not qualified. vote or induces or procures any person to vote at an election, knowing that he or such person is not entitled to vote thereat, shall be guilty of an unlawful act and liable to a fine of one hundred to five hundred dollars, Penalty. and to an imprisonment of six months to two years, and, on failure to pay the fine and costs, to an additional imprisonment of three months to one year.

In any suit for the recovery of such fine, the burden Burden of proof. of proof as to such person being entitled to vote at the election shall be upon the defendant and not upon the person suing.

**363.** Any person who, during an election, know- Publication of certain false statement. ingly publishes a false statement of the withdrawal of a candidate at such election, for the purpose of promoting or procuring the election of another candidate, shall be guilty of an unlawful act, and liable to a fine of one hundred to five hundred dollars, Penalty. and, on failure to pay the fine and costs, to an imprisonment of one to three months.

**364.** Every printed advertisement, prospectus, Printed matter to bear name and address of printer. placard, poster, pamphlet, handbill or dodger having reference to any election shall bear upon its face or upon its back the name and address of its printer, and any person printing, publishing, distributing or posting up, or causing to be printed, published, distributed or posted up, any such document, unless it bears upon its face or back such name and address, shall be guilty of an unlawful act and shall be liable to a fine of not less Penalty.

than one hundred nor more than five hundred dollars, and, upon failure to pay such fine and costs, to imprisonment for not less than one nor more than three months.

Liability for acts of agents.

**365.** No candidate shall be liable, nor shall his election be annulled, for any unlawful act under sections 362, 363 or 364, committed by an agent.

“Corrupt practice”.

**366.** Any wilful offence, mentioned in any of sections 352, 354, 356, 357, 358, 359, 360, 361, 362, 363 and 364, shall be a “corrupt practice” within the meaning of this act.

To be void in law.

**367.** Every executory contract, promise, or undertaking, in any way referring to, arising out of or depending upon any election under this act, even for the payment of lawful expenses, or the doing of some lawful act, shall be void in law.

Striking off of votes in certain event.

**368.** If, at the trial of an election contestation claiming the seat for any person, a candidate be proved to have been guilty, by himself or by any person on his behalf, of bribery, treating, or undue influence with respect to any person who voted at such election, the judgment shall strike off, from the number of votes appearing to have been given for such candidate, one vote for every person who voted at such election, and who is proved to have been so bribed, treated or unduly influenced, as aforesaid.

Corrupt practice to void election.

**369.** If it be found by the report of any court, judge or other tribunal for the trial of election contestations, that any corrupt practice has been committed by a candidate at an election, the election of such candidate, if he has been elected, shall be void, saving the provisions of section 372.

Election voided on certain engaging of certain agent.

**370.** If, at the trial of an election contestation, a candidate be proved to have personally engaged any person at the election to which such contestation relates, as an agent, knowing that such person so engaged has, within three years previous, been found guilty of any corrupt practice by any competent legal tribunal or by the report of any judge or other tribunal for the trial of election contestations, the election of such candidate, if he has been elected, shall be void.

**371.** If, at the trial of an election contestation, it be proved that any corrupt practice has been committed by or with the actual knowledge and consent of a candidate at an election, or if he be convicted before any competent court of bribery or undue influence, he shall be held guilty of corrupt practices, and his election, if he has been elected, shall be void; and he shall, during the six years next after the date of his being so proved or found guilty, be disqualified from being elected to or sitting in the Legislative Assembly, or from voting at any election of a member of that House, or from holding any office or employment in the nomination of the Lieutenant-Governor in Council or of the Lieutenant-Governor.

Effect of corrupt practice, etc., by candidate.

The election shall not, however, be annulled and the candidate shall not be so disqualified unless such corrupt practice be established by at least two witnesses.

Evidence required.

**372.** If it be established that the act committed by such candidate or with his knowledge and consent, and which, under the letter of the law, is a corrupt practice, was so committed through ignorance or inadvertence, without any corrupt intent, involuntarily, and was excusable, and the offence or offences are of no great gravity, and could not have affected the result of the election, and if it be proved that the candidate had, in good faith, as far as possible, taken all reasonable precautions to honestly carry out the election according to the requirements of the law, such candidate shall not be liable to any penalties enacted by section 371, and the election of such candidate shall not by reason of such offence be annulled.

If corrupt practice committed inadvertently, etc.

**373.** If, at the trial of an election contestation, a candidate or other person be found by the report of the judge, by himself or his agent with his actual knowledge and consent, to have aided, abetted, counselled or procured or rewarded the commission of the offence of personation by any person, his election, if he has been elected, shall be declared null and void; and moreover such candidate or such other person shall be disqualified, during the ten years next after the date of his being so proved or found guilty, from being elected to or sitting in the Legislative Assembly, or from voting at any election of a member of that House, or from holding any office or employment in the nomi-

Disqualification of candidate, etc., found guilty of aiding personation.

nation of the Lieutenant-Governor in Council or of the Lieutenant-Governor.

Election not annulled in certain event.

**374.** The election of a candidate shall not be annulled by reason of infringements of this act, if the court concludes that such infringements could not have changed or materially affected the result of the election.

Disqualification of persons other than candidates for corrupt practices.

**375.** Every person, other than a candidate, found guilty of any corrupt practice in any proceeding in which, after notice of the charge, he has had an opportunity of being heard, shall, during the six years next after the time at which he is found guilty, be disqualified from being elected to or sitting in the Legislative Assembly, or from voting at any election of a member of that House, or from holding any office or employment in the nomination of the Lieutenant-Governor in Council or of the Lieutenant-Governor.

Removal of disqualification procured by perjury.

**376.** If, after a person has become disqualified under this act, any witness, on whose testimony such person has so become disqualified, be convicted of perjury with respect to such testimony, such person may, by petition, apply to the court, before which such conviction took place, to order that such disqualification shall thenceforth cease and terminate.

Ceasing of disqualification.

The court, upon being satisfied that such disqualification was procured by reason of such perjury, shall grant such application, and such disqualification shall cease and terminate accordingly.

## DIVISION VII

### CIVIL AND PENAL PROCEDURE

Recovery of penalties.

**377.** Except in the cases provided for in section 382, every penalty imposed by this act shall be recoverable or imposable with costs by any person who sues therefor by action in the Superior Court of the judicial district in which the offence was committed.

Affidavit with *præcipe*.

**378.** No such action shall be instituted, however, unless, with the *præcipe* or demand of summons, there be produced an affidavit of the plaintiff, drawn up in accordance with form 29.

**379.** It shall be sufficient for the plaintiff, in any action under this act, to allege in his declaration the particular offence with respect to which the action is brought, and that the defendant has acted contrary to this act, and pray that the defendant be condemned to pay him the fine imposable; with costs, and, if need be, be imprisoned for the term prescribed by law; it shall not be necessary to mention the writ of election or the return thereof.

Allegations  
in actions  
under this  
act.

**380.** The defendant in any such action may, before pleading, obtain a stay of proceedings until the party prosecuting furnishes such security as may be deemed necessary, in the discretion of the court or judge, or deposits with the clerk of the court such sum of money as shall be fixed by the court or judge, to pay the costs to be incurred in such suit.

Prosecutor  
to furnish  
security for  
costs.

**381.** If the offender fail to pay the amount which he has been condemned to pay, within the period fixed by the court, and if there be no imprisonment prescribed by the provisions of this act in virtue whereof the fine has been imposed, the offender shall be imprisoned in the common gaol of the district for any term less than two years, and shall not be discharged before the expiration of such term, unless such fine and costs be sooner paid.

Imprison-  
ment in de-  
fault of pay-  
ment.

**382.** 1. Whenever any person is charged at a polling-station with having committed the offence of personation, the deputy returning-officer at such polling-station may, and if requested so to do by the poll-clerk or on behalf of a candidate shall, take the information on oath of the person making the charge. Such information may be in accordance with the form 30.

Proceedings  
in case of  
personation.

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

Detention of  
alleged per-  
sonator.

3. Upon receiving the information, the deputy returning-officer may, on the polling-day, but not afterwards, issue his warrant, as in the form 31, for the arrest of the person charged, in order that he may be

Warrant of  
arrest.

brought before the magistrate or one of the magistrates therein named, to answer to the said information and to be further dealt with according to law.

Trial before what magistrate.

4. The magistrate named in the warrant shall be any judge of the sessions, district magistrate, police magistrate, recorder or other functionary or court vested with the power of accomplishing alone those acts which should ordinarily be accomplished by two or more justices of the peace, and acting within his territorial jurisdiction, and the nearest available within the electoral district.

Provisions applicable.

5. The provisions of the Quebec Summary Convictions Act (Revised Statutes, 1925, chapter 165) shall apply to all proceedings under this section.

Authority of warrant.

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

If name of alleged personator is unknown.

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

Constables.

8. Every poll-clerk shall have the authority of a constable for the purpose of carrying out the provisions of this section; and every deputy returning-officer may appoint such special constables as he deems necessary for the like purpose. Such persons shall have full power to act as constables without taking any oath.

Accomplice and penalty therefor.

9. Every deputy returning-officer who refuses to receive an information or to issue a warrant of arrest according to the provisions of this section becomes an accomplice of the person who is accused of being guilty of personation and shall become liable to the same penalties as the latter.

Competent witnesses.

**383.** In any action brought under this act, the parties thereto shall be competent witnesses and may be compelled to give evidence to the same extent and subject to the same exceptions as any other witness in other civil suits.

Such evidence, however, shall not thereafter be Proviso. used in any accusation or proceeding under this act against the person giving it.

**384.** Except that no elector shall be obliged to Answering to state for whom he voted at any election, no person shall certain ques- be excused from answering any question put to him in tions obliga- any prosecution or in any civil action or proceeding, tory. in any court, or before any judge or magistrate, touching or concerning any election, or the conduct of any person thereat, or in relation thereto.

Nevertheless, no answer given by any person claim- Protection of ing to be excused on the ground of privilege shall be witnesses. used in any prosecution, or in any action or civil proceeding against such person, if the judge, magistrate or president of the tribunal gives to the witness a certificate that he claimed the right to be excused on such ground, and made answers which, in the opinion of the court, judge or magistrate, were full and true answers.

**385.** Unless, for special reasons mentioned in the Costs. judgment, the court, judge or magistrate deem it advisable to order otherwise, the party failing in any such prosecution, action or proceeding shall bear the costs thereof, and, if such party be the defendant, the costs shall be payable over and above the penalty imposed.

If, however, the prosecution, action or proceeding be Double withdrawn or abandoned, and the court, judge or costs. magistrate be of opinion that the same was maliciously brought for the purpose of harassing and annoying the defendant, and without a reasonable knowledge of the facts alleged, the court, judge or magistrate may, on dismissing the same, condemn the plaintiff to pay double costs to the other party.

**386.** In any prosecution, action or proceeding for a Allegation corrupt practice it shall be sufficient to allege that the and evidence defendant was, at the election at or in connection with of corrupt which the offence is intended to be alleged to have practice. been committed, guilty of a corrupt practice, describing it by the name given to it by this act, or otherwise, as the case requires.

In any such prosecution, action or proceeding, the Deemed certificate of the returning-officer or the admission of evidence. the defendant shall be sufficient evidence of the due

holding of the election and of the nomination thereof of any person named in such certificate, or mentioned as such in the admission.

**387.** It shall not be necessary, on the trial of a prosecution, action or proceeding under this act, to produce the writ of election or the return thereof, or the authority of the returning-officer founded upon such writ of election; but general evidence of such facts shall be sufficient evidence.

**388.** If the original ballot-papers or other papers are required at the trial of an election contestation, the court, judge or magistrate having cognizance of the contestation may, at the instance of any of the parties thereto, notify the Clerk of the Crown in Chancery to produce them on the day fixed for the trial; and the Clerk of the Crown in Chancery shall, on or before the said day, deposit them at the place indicated, taking a receipt therefor.

**389.** Whenever it appears to the court or judge trying an election contestation that any person has infringed any of the provisions of this act, such court or judge may order that such person shall be summoned to appear before such court or judge, at the place, day and hour fixed in such summons for hearing the charge.

If, on the day so fixed by the summons, the person summoned does not appear, he shall be condemned, on the evidence already adduced on the trial of the election contestation, to such penalty as he is liable to for such infringement.

If, on the day so fixed, the person summoned does appear, the court or judge, after hearing such person and such evidence as is adduced, shall give such judgment as to law and justice appertains.

No penalty shall be imposed under this section if it appear to the court or judge that the person has already been proceeded against and convicted or acquitted with respect to the same offence.

Nor shall any such fine or penalty be imposed for any offence proved only by the evidence or admission of the person committing it.

All fines recovered under this section shall belong to His Majesty for the public uses of the Province.

**390.** Every action or prosecution brought in virtue of this act shall be instituted within four months next after the declaration of election of the candidate, for offences committed up to that time, and, for subsequent offences, within four months from the date of their commission. After such delay, no action shall be taken, unless the defendant have withdrawn himself from the jurisdiction of the court.

Such action or prosecution, once begun, shall be continued and prosecuted without wilful delays.

It shall be deemed to be summary matter and shall have precedence over other summary matters.

#### DIVISION VIII

##### REMUNERATION AND EXPENSES OF ELECTION OFFICERS

**391.** The sum fixed in Schedule Two to this act, and no other, shall be allowed to the persons mentioned, respectively, for their services and disbursements at any election.

**392.** The Lieutenant-Governor in Council may, if he be of opinion that the fees and allowances mentioned in Schedule Two to this act are not sufficient for the services required in the electoral districts of Charlevoix and Saguenay, authorize the payment of such additional sums as he shall deem just.

**393.** The Lieutenant-Governor in Council may, if he deems the tariff prescribed by section 391 not suitable or sufficient, make a new tariff of fees, costs and expenses to be paid.

He may also, from time to time, revise and amend such tariff. Such amended tariff shall be substituted that contained in Schedule Two to this act, and shall apply to every subsequent election.

A copy of every new tariff, and of any amendment to any tariff, shall be submitted to the Legislative Assembly at the next session of the Legislature.

**394.** The returning-officer shall forward to the Provincial Treasurer detailed accounts, with vouchers, of all costs incurred at the election at which he presided. Such accounts, after having been audited, shall be paid out of the consolidated revenue fund, directly to the persons entitled thereto.

No fees for going to take oath. **395.** No election officer shall be entitled to the costs or expenses incurred by him in going to the person before whom he must take any oath required of him by this act.

Fees, etc., not transferable. **396.** The fees and costs mentioned in this division, and in Schedule Two to this act, shall be non-transferable.

#### DIVISION IX

##### GENERAL PROVISIONS

Public notices. **397.** When a returning-officer or a deputy returning-officer is by this act required or authorized to give a public notice, and no special mode of giving it is mentioned therein, he may give it by advertisement, placards, handbills, circulars or such other means as he thinks best calculated to bring the facts to the knowledge of the electors.

Validity of election in certain case. **398.** No election shall be declared invalid by reason of any want of qualification in the persons signing a nomination-paper received by the returning-officer, under the provisions of this act.

When nomination or polling cannot be held on day fixed. **399.** In case, through accident or irresistible force, riot, removal of documents, or other similar cause, the nomination cannot be held, or the voting cannot commence at the hour fixed, or is interrupted by similar causes or by insufficiency of ballot-papers, the returning-officer and the deputy returning-officer, in so far as it concerns either, shall adjourn to the following day to begin anew, and day by day if necessary until the nomination of candidates and the voting may be freely held. In the case of the polling it shall be resumed by commencing at the hour fixed by section 218, and be continued until it has lasted nine hours, so that all the electors who wish to vote may have had time so to do.

Mistakes of form only not to void elections. **400.** No election shall be declared invalid by reason of non-compliance with the provisions of this act as to the taking of the poll, counting of the votes, or of any mistake in the use of the forms contained in Schedule One to this act, if it appear to the court having cognizance of the question that the election was conducted

in accordance with the principles laid down in this act and that such non-compliance or mistake did not affect the result of the election.

**401.** No election shall be declared invalid by reason of non-compliance with the provisions of this act regarding delays, unless it appear to the court that such non-compliance may have affected the result of the election. As to non-observance of delays.

**402.** No election shall be declared null because the returning-officer did not comply with the provisions of section 152, if, on account of the distance or the means of communication, it was impossible so to do before the day fixed for the voting. As to certain failure of returning-officer.

**403.** Any person who wrongfully makes an accusation of personation or grants a warrant of arrest against any person accused wrongfully of personation or executes a warrant of arrest issued against a person wrongfully accused of personation, shall incur no liability if he acts in good faith. Certain action done in good faith.

If he be in bad faith, he shall be liable for the penalties enacted by section 357, in addition to the penalties and damages for which he may be liable under this act or any other law. If done in bad faith.

**404.** The expenses, incurred by the Government and by its officers, and the salary and expenses of the Clerk of the Crown in Chancery and his assistants, in the carrying out of this act, shall be paid by the Provincial Treasurer out of the consolidated revenue fund. Payment of expenses.

**405.** Whenever an election of a member to represent the electoral district of the Magdalen Islands in the Legislative Assembly is about to be held, and it appears to the Lieutenant-Governor in Council that communication by water between such islands and the mainland will probably be interrupted during such election by the severity of the weather, he may direct that the English or French text, or both together, of all documents and papers that the Clerk of the Crown in Chancery has to send to the returning-officer, as well as all necessary instructions and information relating to such election, be transmitted by telegraph by the Clerk of the Crown in Chancery to the returning-officer, and that the latter make his return in the same manner to the Clerk of the Crown in Chancery. Exceptional provisions for the Magdalen Islands.

Discretion of Lt.-Gov. in Council.      The Lieutenant-Governor in Council may authorize the use of ballot-papers prepared with a typewriter instead of printed ballot-papers, and make such order as to the details of the proceedings at or relating to such election to be so transmitted by telegraphic communication as he may think best fitted to attain the purpose of this enactment.

DIVISION X

REPEAL

Provisions repealed.      **406.** Chapter 4 of the Revised Statutes, 1925, and all acts amending the same are repealed and replaced by this act.

DIVISION XI

COMING INTO FORCE

Coming into force.      **407.** This act, except section 57, shall come into force on the first day of February, 1937.  
Id., of s. 57.      The provisions of section 57 shall come into force on the first day of January, 1938.

## SCHEDULE ONE

### FORMS

1—(Sections 5, 19, 20, 49)

*Electoral List for the Legislative Assembly*

PROVINCE OF QUEBEC, }  
 District of }  
 Municipality of }

\*POLLING SUBDIVISION N<sup>o</sup>. 2 CONSISTING OF THE PART OF THE VILLAGE SITUATED TO THE EAST OF THE CENTRE OF THE STATION ROAD, THE PART OF THE GRAND-COTE RANGE SITUATED TO THE EAST OF THE VILLAGE, RANGE III, AND LOTS 32 TO 60 OF RANGE IV.

Street or cadastral Number	Name	Profession or calling	**Age
<i>Church Street</i>			
54	Labrie, Pierre snr. . . . .	Merchant. . . . .	53
	Labrie, Pierre jnr. . . . .	Clerk. . . . .	24
	Labrie, Louis. . . . .	Student. . . . .	21
55	Bédard, Henri. . . . .	Plumber. . . . .	35
56	Marchand, Félix. . . . .	Notary. . . . .	43
57	Lalumière, Elie. . . . .	Blacksmith. . . . .	29
58	Larose, Jean-Baptiste. . . . .	Beadle. . . . .	61
59	Clément, Norbert. . . . .	Saddler. . . . .	36
60	Labelle, abbé Thomas. . . . .	Priest. . . . .	52
<i>Grand Cote Range</i>			
335	Laframboise, Hector. . . . .	Farmer. . . . .	
336	Héroux, Léon. . . . .	Farmer. . . . .	
Part 337	Archambault, François. . . . .	Blacksmith. . . . .	
Part 337	Normand, Jean-Louis. . . . .	Farmer. . . . .	
338	Lebeau, Louis-Arthur. . . . .	Farmer. . . . .	
	Lebeau, Joseph. . . . .	Farmer. . . . .	
	Lebeau, Paul. . . . .	Apprentice. . . . .	
339	Bruneau, Léonard. . . . .	Farmer. . . . .	
	Delâge, Martin. . . . .	Farm hand. . . . .	

Made in duplicate this \_\_\_\_\_ day of the month of \_\_\_\_\_, nineteen hundred and \_\_\_\_\_

I, the undersigned, swear that, to the best of my knowledge and belief, the foregoing electoral list is correct, and that nothing has been entered therein or omitted therefrom, unduly or by fraud. So help me God.

Sworn at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, before me the undersigned.

P. P.,  
Secretary-Treasurer.

F. F.,  
(Justice of the peace (or as the case may be).

*\*In the case of a list of a polling-subdivision, the number and description of the subdivision must be given.*

*\*\*The age of the elector need not be entered in this column except on the lists for cities having a population of ten thousand or over, according to the last decennial census.*

*The electoral list shall be made in duplicate, that is to say, the secretary-treasurer, having correctly prepared and made a clean copy of the list, shall make another exactly similar to the first.*

*The secretary-treasurer shall take two distinct oaths, one oath on one duplicate and the other oath on the other duplicate. The two oaths shall be taken on the same day.*

*The secretary-treasurer shall give the notice required by section 22, in the manner ordinarily in use for municipal matters, and, upon the coming into force of the list in accordance with section 66, shall place at the end of the list on each duplicate the certificate given in the form 2.*

## 2—(Section 70)

*Certificate of the coming into force of the List*

I, the undersigned, P. P., secretary-treasurer, certify on my oath of office:

1. That I have given the notice required by section 22 of The Quebec Election Act on the *(date of the giving of such notice)*;

2. That, ever since the date of such notice, one of the duplicates of the electoral list has been in my office always at the disposal of all persons interested;

3. That the said list has been examined (and corrected, *if it has been corrected*) by the council of this municipality, at its sittings held on the *(dates on which the sittings were held)*, and that the corrections *(if any)* were initialed by B. B., mayor *(or C. C., councillor, presiding over the council in the absence of the mayor, as the case may be)*;

*(or if the list has not been examined)*

That the said list has not been examined by the council of this municipality within the delay prescribed by section 60;

4. That the above electoral list containing *(number)* names, thus came into force on the day of the month of \_\_\_\_\_, nineteen hundred and \_\_\_\_\_, being the thirty-first *(or forty-sixth, if a city other than Quebec or Montreal be concerned)* day after the expiration of the delay prescribed for making the said list *(or if the list has not been made within the delay, after the date of the publication of the notice given in conformity with section 22)*.

Done on both duplicates of the list, at this \_\_\_\_\_ day of the month of \_\_\_\_\_ 19 .

P. P.,  
Secretary-treasurer.

## 3—(Section 131)

*Writ of Election*

CANADA, }  
 Province of Quebec }

EDWARD VIII, By the Grace of God, of Great Britain, Ireland and the British Dominions beyond the seas, King, Defender of the Faith, Emperor of India,

To Mr.....

Returning-officer for the electoral district of

GREETING:

WHEREAS, by the advice of Our Executive Council for Our Province of Quebec, We have ordered a Legislative Assembly to be holden at Quebec on the day of  
*(omit this preamble in the case of a by-election):*

We command you that, notice of the time and place of election being duly given, you do cause election to be made according to law of a Member to serve in the Legislative Assembly of Our said Province of Quebec, for the aforesaid electoral district *(in case of a by-election, insert here, in the place of deceased, or otherwise stating the cause of vacancy)* and *(except in the electoral districts mentioned in section 184),* that you do cause the nomination of candidates at such election to be held on the day of , and the polling on the day of ; and do cause the name of such member when so elected, to be certified to our Clerk of the Crown in Chancery at Quebec, as soon as possible.

In testimony whereof, We have caused these Our Letters to be made Patent, and the Great Seal of our said Province of Quebec to be hereunto affixed.

Witness: Our Trusty and Well Beloved *(name)*, Lieutenant-Governor *(or Administrator of the Govern-*



## 5—(Section 147)

*Commission of an Election-Clerk*

To E. F., (*profession and residence*).

Know you that, in my capacity of returning-officer for the electoral district of \_\_\_\_\_, I have appointed and do hereby appoint you to be my election-clerk, to act in that capacity, at the election for the aforesaid electoral district.

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

A. B.,  
Returning-Officer.

## 6—(Section 175)

*Oath of Election-Clerk*

I, the undersigned, E. F., appointed election-clerk for the electoral district of \_\_\_\_\_, solemnly swear (*or, if one of the persons permitted by law to affirm in civil cases, solemnly affirm*) that I will act faithfully in my said capacity as election-clerk, and also that of returning-officer if required to act as such, according to law, without partiality, fear, favour or affection: So help me God.

E. F.,  
Election-Clerk.

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

I, the undersigned, hereby certify that on the \_\_\_\_\_ day of the month of \_\_\_\_\_, 19\_\_\_\_, E. F., election-clerk for the electoral district of \_\_\_\_\_, took and subscribed before me the oath (*or affirmation, as the case may be*) of office, required in such case of an election-clerk.

Given under my hand, at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

C. D.,  
Justice of the Peace.  
*or* A. B.,  
Returning-Officer.

## 7—(Section 160)

*Proclamation of the Returning-Officer*

*Declaring the time and place for the nomination of Candidates, the Day for opening the Poll, and the Appointment of the Election-Clerk*

## PROCLAMATION

## ELECTORAL DISTRICT OF

In obedience to His Majesty's writ, to me directed, and bearing date the \_\_\_\_\_ day of the month of \_\_\_\_\_, 19\_\_\_\_, I give notice to the electors of the aforesaid electoral district that the nomination of candidates for the office of member to represent this district in the Legislative Assembly of the Province of Quebec will be held at (*describe the place where the nomination is to take place*), in the municipality (*or in the city or town, or other locality, as the case may be*) of \_\_\_\_\_, on the \_\_\_\_\_ day of the month of \_\_\_\_\_, in the year 19\_\_\_\_, from noon until two of the clock in the afternoon, and that, in case a poll become necessary and be held in the manner by law prescribed, such poll will be opened on the \_\_\_\_\_ day of the month of \_\_\_\_\_, in the year nineteen hundred \_\_\_\_\_, from the hour of nine in the morning till six of the clock in the afternoon, in each of the polling-subdivisions;

And that I have appointed (*name, profession or calling, and address*) as my election-clerk.

Of which present Proclamation, all persons are hereby required to take notice, and to govern themselves accordingly.

Given under my hand, at \_\_\_\_\_, this \_\_\_\_\_ day of the month of \_\_\_\_\_, 19\_\_\_\_.

A. B.,  
Returning-Officer.

8—(Sections 169, 173)

*Nomination-Paper*

We, the undersigned, electors of the electoral district of \_\_\_\_\_, hereby nominate (*name in full, profession or calling, domicile of the person nominated, as well as address if a city or town be concerned*) as a candidate at the election of a member to represent the said electoral district in the Legislative Assembly of the Province of Quebec.

(*Signatures or marks, with profession or calling, domicile, as well as address if a city or town be concerned.*)

*Consent of Candidate*

I, the said \_\_\_\_\_, nominated in the foregoing nomination-paper, consent to such nomination.

Witness my hand at \_\_\_\_\_, this  
day of \_\_\_\_\_, 19 \_\_\_\_ .  
(*Signature.*)

## 9—(Section 176)

*Oath of Attestation of the Nomination-Paper and of the Consent of the Candidate*

I, A. B., (*profession or calling, domicile as well as address if a city or town be concerned*) swear (*or, if one of the persons permitted by law to affirm in civil cases, solemnly affirm*) that I know the (*mentioning the number*) signers of the attached nomination-paper and that they are duly qualified to vote at an election of a member to serve in the Legislative Assembly of the Province of Quebec representing the electoral district of

, and that they respectively signed the annexed nomination-paper, with their signatures (*or marks, as the case may be*); and further (*if such is the case*) that I know the said thereby nominated as a candidate and that he signed his consent to the nomination.

A. B.,

Sworn ( <i>or affirmed</i> ) before me,	}
at this	
day of , 19	

J. P.,

Justice of the Peace (*or Notary, or Commissioner of the Superior Court for the District of* ).

*This form may be varied according to circumstances, provided the intent of the act be complied with.*

## 10—(Section 183)

*Return to be made when there is only one Candidate*

I, the undersigned, hereby certify that the member elected for the electoral district of , in pursuance of the annexed writ, is (*name, profession or calling, domicile and address as in the nomination-paper*), no other candidate having been nominated (*or the other candidate or other candidates having withdrawn, as the case may be*).

A. B.,  
Returning-Officer.

## 11—(Section 188)

*Notice of Polls being granted and of Candidates nominated, with Territorial Limits of Polls*

## NOTICE

Electoral district of

Public notice is hereby given to the electors of the electoral district aforesaid that a poll is necessary for the election now pending for the said electoral district and that such poll will be in consequence opened; and, further, that the persons duly nominated as candidates at such election, and for whom alone votes shall be received, are:

1. JEAN BUREAU, advocate, at Belœil, No. 5 Chambly street;
2. JOSEPH MEUNIER, physician, at Montreal, No. 10 Fontaine street.
3. ANTOINE RICHARD, farmer, at St. Henri.

And that polls have been established by me at the following places, to wit:

For polling-subdivision No. 1 (*or other designation*), consisting of (*or bounded as follows, or otherwise describing it clearly*), at (*describing the poll*).

(*And so continuing for all the other polling-subdivisions and polls in the electoral district*).

The counting of the votes and the declaring of the result of the voting will be on the \_\_\_\_\_ day of \_\_\_\_\_, at \_\_\_\_\_ o'clock A.M., at my office, at \_\_\_\_\_.

Of all of which all persons interested are hereby required to take notice and govern themselves accordingly.

Given under my hand, at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

A. B.,  
Returning-Officer.

## 12—(Section 189)

*Commission of a Deputy Returning-Officer*

To G. H., (*profession or calling and domicile*).

Know you that, in my capacity of returning-officer for the electoral district of \_\_\_\_\_, I have appointed and do hereby appoint you to be deputy returning-officer for the polling-subdivision of (*description of the polling-subdivision*) in the aforesaid electoral district, there to take the votes of the electors by ballot, according to law, at the poll to be by you opened and held for that purpose; and you are hereby authorized and required to open and hold the poll for such election, for the said polling-subdivision, on the \_\_\_\_\_ day of the month of \_\_\_\_\_

instant (*or next*) at nine of the clock in the forenoon, at (*detailed description of the place where the poll must be held*), and there hold such poll during the hours required by law, and there take by ballot, in the manner by law provided, the votes of the electors voting at the said poll, and, after counting the votes given and performing the other duties required of you by law, to return to me forthwith the ballot-box, sealed, and enclosing the ballots, electoral lists and other documents required by law, together with this commission.

Given under my hand, at \_\_\_\_\_, this \_\_\_\_\_ day of the month of \_\_\_\_\_, 19 .

A. B.,  
Returning-Officer.

13—(Section 189)

*Commission of a Poll-Clerk*To I. J., (*insert profession or calling and domicile*).

Known you that, in my capacity of returning-officer  
for the electoral district of

I have appointed and hereby appoint you to be poll-  
clerk for the said polling-subdivision of (*description of  
the polling-subdivision*), in the aforesaid electoral dis-  
trict.

Given under my hand, at \_\_\_\_\_, this \_\_\_\_\_  
day of the month of \_\_\_\_\_, 19 .

G. H.,  
Returning-Officer.

## 14—(Section 190)

*Oath of Deputy Returning-Officer*

I, the undersigned, G. H., appointed deputy returning-officer for the polling-subdivision of (*description of the polling-subdivision*) in the electoral district of \_\_\_\_\_, solemnly swear (*or, if one of the persons permitted by law to affirm in civil cases, solemnly affirm*) that I will act faithfully in my said capacity, without partiality, fear, favour or affection: So help me God.

G. H.

*Certificate of Deputy Returning-Officer having taken the Oath of Office*

I, the undersigned, hereby certify that, on the \_\_\_\_\_ day of the month of \_\_\_\_\_ 19\_\_\_\_, G. H., deputy returning-officer for the polling-subdivision of (*description of the polling-subdivision*), in the electoral district of \_\_\_\_\_ took and subscribed before me the oath (*or affirmation, as the case may be*) of office required.

Given under my hand, at \_\_\_\_\_ this  
day of \_\_\_\_\_ 19\_\_\_\_.

C. D.,  
Justice of the Peace.

*or* A. B.,  
Returning-Officer.

## 15—(Section 190)

*Oath of a Poll-Clerk*

I, the undersigned, I. J., appointed poll-clerk for the polling-subdivision of (*description of polling-subdivision*), in the electoral district of \_\_\_\_\_, do solemnly swear (*or, if one of the persons permitted by law to affirm in civil cases, do solemnly affirm*) that I will act in my said capacity of poll-clerk, and also in that of deputy returning-officer, if required to act as such, according to law, faithfully, without partiality, fear, favour, or affection: So help me God.

I. J.

*Certificate of the Poll-Clerk having taken the Oath*

I, the undersigned, hereby certify, that, on the \_\_\_\_\_ day of the month of \_\_\_\_\_, 19\_\_\_\_, I. J., poll-clerk for the polling-subdivision of (*description of polling-subdivision*), in the electoral district of \_\_\_\_\_, took and subscribed before me the oath (*or affirmation as the case may be*) of office required.

Given under my hand, at \_\_\_\_\_ this \_\_\_\_\_ day of the month of \_\_\_\_\_, 19\_\_\_\_.

C. D.,  
Justice of the Peace.

*or* A. B.,  
Returning-Officer.

*or* B. A.,  
Election-Clerk.

*or* G. H.,  
Deputy Returning-Officer.

## 16—(Section 194)

*Directions for the Guidance of Electors in Voting*

The elector shall vote only for one candidate.

The elector shall enter one of the polling-booths, and, with a pencil there provided, place a cross on the ballot-paper opposite the name of the candidate for whom he votes.

The elector shall then fold the ballot so as to show only the portion of the back having the initials of the election officers, and he shall then deliver the ballot-paper so folded to the deputy returning-officer, who shall place it in the ballot-box. The elector shall then forthwith quit the poll.

If an elector inadvertently spoil a ballot-paper, he may return it to the deputy returning-officer, who, on being satisfied of the fact, shall give him another.

If the elector vote for more than one candidate, or place any mark on the ballot-paper by which he can be afterwards identified, his vote shall be void and shall not be counted.

*Notice*

The following are liable to a fine of \$100.00 to \$500.00 and imprisonment for 1 month to 2 years: any person who:

Votes or attempts to vote at a place other than that where his name was last entered;

Hands in or attempts to hand in a ballot-paper other than that which was delivered to him by the deputy returning-officer;

Carries away or attempts to carry away the ballot-paper which was delivered to him by the deputy returning-officer.

The following persons are liable to a fine of \$100.00 to \$200.00 besides imprisonment of 6 months to 2 years: any person who:

Votes or attempts to vote without being entitled to do so;

Votes or attempts to vote more than once;

Votes or attempts to vote in the name of another.

## 17—(Section 204)

*Commission of a Poll-Clerk, by Poll-Clerk acting as Deputy Returning-Officer*

To X. Y., (*insert his profession or calling and domicile*).

Know you that, in my capacity of acting deputy returning-officer for the polling-subdivision of \_\_\_\_\_, in the electoral district of \_\_\_\_\_, in consequence of the decease (*or incapacity to act, as the case may be*) of the deputy returning-officer for the said polling-subdivision, whose poll-clerk I was, I have appointed and do hereby appoint you to be a poll-clerk for the polling-subdivision of (*description of polling-subdivision*), in the electoral district of \_\_\_\_\_.

Given under my hand, at \_\_\_\_\_ this  
day of \_\_\_\_\_, 19 \_\_\_\_.

I. J.,

Poll-Clerk, acting as Deputy Returning-Officer.

*The oath and the certificate of its having been taken shall be the same as in the case of a Poll-Clerk appointed by the Deputy Returning-Officer.*



*Ballot-paper (Verso)*

N° 23953

N° 23953

Poll-Book

No. ....

*Initials of  
officers*

[Empty rectangular box for initials]

Electoral district of.....

October, 23rd, 1936

*Printer :*

Lucien LAMOTHE,  
117 Notre-Dame St. (East)  
Montreal.



	Numbers of the voters
	NAMES OF THE VOTERS
	Profession or calling
	Domicile and address
	Age
	Section respecting which oath sworn
	Section with respect to which voter refused the oath
	State if voter did vote
	State whether another voted in his name
	Ballot-papers prepared with the aid of the deputy returning-officer
	Remarks

20.—(Section 232)  
Poll-Book

## 21—(Section 244)

*Oath of identity by Elector receiving a Ballot-Paper  
after another has voted in his Name*

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

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## 22—(Section 245)

*Oath of Elector unable to mark his Ballot-Paper*

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

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## 23—(Section 259)

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

I, the undersigned, deputy returning-officer for the polling-subdivision of \_\_\_\_\_, in the electoral district of \_\_\_\_\_, do solemnly swear (*or, if one of the persons permitted by law to affirm in civil cases, do solemnly affirm*) that, to the best of my knowledge and belief, the poll-book kept for such polling-subdivision, under my direction, has been so kept correctly and that it contains a true and exact record of the votes given at the poll in this polling-subdivision, as the said votes were taken thereat; that the total number of votes entered in the poll-book is \_\_\_\_\_; that I have faithfully counted the votes given for each candidate, in the manner by law provided, and performed all duties required of me by law, and that the statement of the poll, packets of ballot-papers and other documents required by law to be returned by me to the returning-officer, have been faithfully and truly prepared and placed within the ballot-box, as this oath (*or affirmation*) will be, to the end that the said ballot-box, being first carefully sealed with my signature, be transmitted to the returning-officer according to law.

G. H.,  
Deputy Returning-Officer

Sworn (*or affirmed*, before me, )  
at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

X. Y.,  
Justice of the Peace.  
*or* A. B.  
Returning-Officer.  
(*or* Election-Clerk).  
*or* I. J.  
Poll-Clerk.

## 24—(Section 259)

*Oath of the Poll-Clerk after the Closing of the Poll*

I, the undersigned, poll-clerk for the polling-subdivision of \_\_\_\_\_, in the electoral district of \_\_\_\_\_, do solemnly swear (or, if one of the persons permitted by law to affirm in civil cases, do solemnly affirm) that the poll-book in and for this polling-subdivision, kept under the direction of G. H., who has acted as deputy returning-officer therein, has been so kept by me correctly and to the best of my skill and judgment; that the total number of votes polled in this poll-book is \_\_\_\_\_ and that, to the best of my knowledge and belief, it contains a true and exact record of the votes given at the poll in this polling-subdivision, as the votes were taken at this poll by the deputy returning-officer.

I. J.,  
Poll-Clerk.

Sworn (or affirmed) before me,  
at \_\_\_\_\_, this \_\_\_\_\_ day of the month  
of \_\_\_\_\_, in the year 19 \_\_\_\_\_.

X. Y.,  
Justice of the Peace.  
or A. B.,  
Returning-Officer.  
(or Election-Clerk).  
or G. H.,  
Deputy Returning-Officer.

25—(Section 259)

*Statement of the Poll, after counting the Ballots*

*Polling-Subdivision No.*.....

*Electoral District of*.....

Number of Ballot-Papers received from the Returning-Officer.....		
Number of Ballot-Papers cast for.....		
“ “ “.....		
“ “ “.....		
“ “ “.....		
“ “ “.....		
“ “ “.....		
“ “ spoiled, soiled or torn.....		
“ “ rejected.....		
“ “ not used and returned.....		
Totals.....		

I hereby certify that the above statement is correct.

Given under my hand, at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

G. H.,  
Deputy Returning-Officer.

26—(Section 260)

*Certificate to be delivered to Candidates, etc.*

I, the undersigned, deputy returning-officer for polling-subdivision No. , in the electoral district of , hereby certify that, at the election held this day for a member to serve in the Legislative Assembly of Quebec, the hereinafter-mentioned candidates received the number of votes set opposite their respective names, viz:—

NAMES OF CANDIDATES	NUMBER OF VOTES
.....	.....
.....	.....
.....	.....
.....	.....
.....	.....
.....	.....

and also that ballot-papers were rejected.

Given under my hand, at , this  
 day of , 19 .

G. H.,  
 Deputy Returning-Officer.

## 27—(Section 262)

*Oath of Messenger sent to collect the Ballot-Boxes*

I, the undersigned, J. B., of \_\_\_\_\_, messenger appointed by A. B., returning-officer for the electoral district of \_\_\_\_\_, do solemnly swear (or affirm, as the case may be) that the several ballot-boxes, to the number of \_\_\_\_\_, now delivered by me to such returning-officer have been handed to me by the several deputy returning-officers at the present election for this electoral district (or by, here insert the names of the deputy returning-officers who have delivered said boxes); that they have not been opened by me, or by any other person, and that they are in the same state as they were when they came into my possession.

*(Should any change have taken place, the deponent shall vary his deposition by fully setting forth the circumstances.)*

J. B.

Sworn (or affirmed) and signed  
before me at \_\_\_\_\_, this \_\_\_\_\_ day of  
\_\_\_\_\_, in the year 19 \_\_\_\_\_.

X. Y.,  
Justice of the Peace.  
or A. B.,  
Returning-Officer.  
(or Election-Clerk).

## 28—(Section 320)

*Certificate of Election*

I certify that, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, I declared as elected to represent the electoral district of \_\_\_\_\_ in the Legislative Assembly of Quebec, C. D., (*indicate the name in full, profession or calling, domicile and address of the candidate elected as they are entered in the nomination-paper*), seeing that he is the candidate who received the greatest number of lawful votes.

Given under my hand, at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

A. B.,  
Returning-Officer.



## 30—(Section 382)

*Information for Personation*

Canada, }  
 Province of Quebec, }  
 District of }

The information of P. Q., of \_\_\_\_\_, taken this \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_, before the undersigned, a deputy returning-officer at a polling-station in the \_\_\_\_\_ of \_\_\_\_\_ for an election being held for the electoral district of \_\_\_\_\_ of a member of the Legislative Assembly of Quebec.

The said informant says that he believes that T. U., (or that a person whose name is to the informant unknown but who is now detained in the said polling-station under the order of the deputy-returning-officer), on this day at the said polling-station, did commit the offence of personation by (*describing the offence*).

P. Q.,

Taken and sworn before me at }  
 the said polling-station, the day }  
 and year above mentioned. }  
 G. H., }  
 Deputy Returning-Officer. }

## 31—(Section 382)

*Warrant for Arrest of Person charged with Personation*

Canada,  
Province of Quebec, }  
District of

To all or any of the constables and other peace officers in the district of

Whereas, before the undersigned, a deputy returning-officer at a polling-station in the of for an election being held for the electoral district of of a member of the Legislative Assembly of Quebec, T. U., (*or as the case may be*), of , has this day been charged upon oath with having committed the offence of personation on this day and at the said polling-station by (*describing the offence*).

These are therefore to command you in His Majesty's name forthwith to apprehend the said T. U. (*or, as the case may be*), and to bring him before to answer unto the said charge and to be further dealt with according to law.

Given under my hand, in virtue of the Quebec Election Act, at this day of , 19 .

G. H.,  
Deputy Returning-Officer.

## SCHEDULE TWO

### FEES AND EXPENSES

(Section 391)

#### I.—RETURNING-OFFICER, ELECTION-CLERK, CONSTABLES

1. For all the personal services of the returning-officer:

If a poll be held, two cents per elector entered on the lists (minimum, one hundred dollars; maximum, four hundred dollars;)

If no poll be held, two-thirds of the remuneration above-mentioned;

2. For all the personal services of the election-clerk:

If a poll be held, one-half cent per elector entered on the lists (minimum, twenty-five dollars; maximum, one hundred dollars);

If no poll be held, two-thirds of the above remuneration.

3. For use of an office, including furniture, light, heat and telephone, the actual expense, provided that it do not exceed fifty dollars in cities and twenty-five dollars elsewhere;

4. For services of one constable, if considered necessary, two dollars;

5. For printing of ballot-papers, actual cost according to the Quebec Government tariff;

6. For making or repairing ballot-boxes, if necessary, the actual cost;

7. For each mile necessarily travelled together by the returning-officer and election-clerk, in going and returning from the place of nomination of candidates, actual cost, not exceeding fifteen cents per mile necessarily travelled;

8. For going to arrange for polling-stations, appointing and swearing the deputy returning-officers and poll-clerks and furnishing them with ballot-boxes, ballot-papers, electoral lists, directions and notices to electors, etc. (all of which must be done in one trip): in cities and towns, fifty cents per polling-station necessarily

established; and elsewhere, the actual cost, not exceeding fifteen cents for each mile necessarily travelled;

9. For copies of an electoral list, with certificate, five-eighths of one cent per name;

10. For collecting the ballot-boxes after the close of the polling, in cities and towns, fifty cents per polling-station, and elsewhere, actual cost, not exceeding fifteen cents for each mile necessarily travelled;

11. For use, when a public building is not obtainable, of a private building, for nomination of candidates, actual cost, not exceeding five dollars;

12. For any other articles absolutely required and not hereinbefore provided for, actual outlay;

13. For the services of the returning-officer in assisting at the recounting or re-addition of the votes before a judge, under sections 297 to 319, five dollars per day;

14. For the services of the election-clerk at the recounting or re-addition of the ballot-papers, as above, two dollars per day;

15. In the cases mentioned in paragraphs 13 and 14, the returning-officer and the election-clerk shall each be further entitled to three dollars per day for their hotel expenses, in addition to their actual railway, autobus or steamer fares;

## II.—DEPUTY RETURNING-OFFICER, POLL-CLERK, CONSTABLES AND LESSORS OF ORDINARY POLLING-STATIONS

16. For all the services of each deputy returning-officer, including the swearing of the poll-clerk before and after the polling, and transportation, six dollars and fifty cents;

17. For all the services of a poll-clerk, including transportation, three dollars and fifty cents;

18. For services of a constable, if considered necessary, two dollars; payable only upon the sworn declaration of the deputy returning-officer that the services of such constable were necessary for the maintenance of order during the polling;

19. Actual expenses incurred for the use of polls, not exceeding ten dollars in cities, seven dollars in towns or five dollars in other municipalities, such expenses to include heat, light, furniture and the partition or screen, if the same be required.

III.—DEPUTY RETURNING-OFFICER, POLL-CLERK, CONSTABLES AND LESSORS OF SPECIAL POLLING-STATIONS

20. For all the services of each deputy returning-officer including the swearing of the poll-clerk before and after the polling, and transportation, twelve dollars;

21. For all the services of a poll-clerk, and transportation, six dollars;

22. For services of a constable, if considered necessary, four dollars; payable only upon the sworn declaration of the deputy returning-officer that the services of such constable were necessary for the maintenance of order during the polling;

23. Actual expenses incurred for the use of special polls, not exceeding fifteen dollars in cities or ten dollars in other municipalities, such expenses to include heat, light, furniture and the partition or screen, if the same be required.

IV.—ENUMERATORS

24. For all the services of each enumerator appointed under section 153, including his expenses of every nature, three cents per name entered.

