

profit of any kind, in lieu of an annual salary, coming from any of such provinces, is attached, or in receipt of a pension from the Government of any such province, can be appointed a Legislative Councillor or be eligible as a member of the Legislative Assembly, or, in either case, sit or vote as such, while holding such office, commission, or employment or receiving such pension.

Canada, &c., to
be eligible for
either House.

5. This act shall come into force on the day of its sanction.

Coming into
force.

CHAP. 9

An Act respecting the election of members of the Legislative Assembly of Quebec

[Assented to 25th April, 1903]

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

SECTION I

Preliminary provisions

- Name of act.** **1.** This act may be cited as “The Quebec Election Act, 1903.” 59 V., (Q), c. 9, s. 1.
- Application thereof.** **2.** This act applies to every election of a member of the Legislative Assembly, whether the same be held at the time of a general election or to fill a vacancy. 59 V., (Q.), c. 9, s. 1.
- Interpretation :** **3.** In interpreting this act, unless it be otherwise provided, or unless there be in the context something which indicates a different sense or requires another interpretation :
- Voting subdivision :** 1. The term “voting subdivision” means, for voting purposes, any municipality or part of a municipality, whereof the number of electors entered on the list then in force does not exceed two hundred ; 59 Vic., (Q.), c. 9, s. 2, § 1.
- Personal expenses ;** 2. The term “personal expenses,” employed in relation to the expenditure of a candidate, respecting any election in which he is candidate, comprises the reasonable travelling expenses of such candidate, his reasonable expenses at

hotels and other places to which he may repair for the purpose of and in regard to such election, the other personal expenses incurred in regard to such election which are not prohibited by law, and necessary petty disbursements made in cash ; 63-64 V. (C.) c. 12, s. 3, § i.

3. The expression "electoral district" means any county ^{Electoral} or other territory or portion of this province, entitled to ^{district} return a member to the Legislative Assembly ; 59 V., (Q.), c. 9, s. 2, § 3 ;

4. The term "contractor" or "public contractor" means ^{Contractor} ; any person who has undertaken or executes, directly or indirectly, alone or with any other person, by himself or by the interposition of any third party, any contract or agreement, expressed or implied, with or for the Government of the Province of Quebec ; Id., § 4.

5. The word "student" means a farmer's son or a pro- ^{Student} prietor's son as defined in the next two paragraphs, who is absent from his father's or mother's house, with his or her consent, with a view of studying an art or profession, or of learning a trade ; Id., § 5.

6. The words "farmer's son" mean any person who, not ^{Farmer's son} being otherwise qualified to vote, is the son of an owner, tenant or occupant of a farm, and include, "grandson," "step-son," and "son-in-law" ; Id., § 6.

7. The words "proprietor's son" mean any person who, ^{Proprietor's} not being otherwise qualified to vote, is the son of an owner, ^{son} tenant or occupant of immoveable property, and include "grandson," "step-son" and "son-in-law" ; Id., § 7.

8. The term "Lieutenant-Governor," wherever employed ^{Lieutenant-} in this act, shall mean the Lieutenant-Governor in Council ; ^{Governor} ; Id., § 8.

9. The word "tenant" means as well the person who ^{Tenant} pays or whose wife pays rent in money as the person who is obliged to give or whose wife is obliged to give to the owner a certain part of the revenues and profits of the immoveable property which he occupies ; and such tenant must there be residing and keeping house, save in the case of the lessee of a shop, work-shop, farm or office ; 59 V., (Q.), c. 9, s. 2, § 9 ; 62 V., (Q.), c. 15, s. 4.

10. The word "municipality" means every municipality ^{Municipality} ; of a parish or part of a parish, of a township or part of a township, of united townships, of a village, of a town existing under the operation of the Municipal Code, and every town or city municipality incorporated by charter or special act ; 59 V., (Q.), c. 9, s. 2, § 11.

- Occupant ; 11. The word "occupant" signifies the person, residing and keeping house, who occupies immoveable property, otherwise than as owner or tenant, as defined in this act, or usufructuary, either in his own right or in the right of his wife, and who derives the revenue therefrom ; 59 Vic., (Q.), c. 9, s. 2, § 12 ; 60 V., (Q.), c. 21, s. 23.
- Election officer ; 12. The term "election officer" means the returning-officer, the election clerk and all deputy returning-officers and poll-clerks, appointed for an election ; 59 V., (Q.), c. 9, s. 2, § 13.
- Father, etc. ; 13. The word "father" includes "grandfather" and "step-father," and the word "mother" includes "grand-mother" and "step-mother" ; Id., § 14.
- Person ; 14. The word "person" comprises any association or assemblage of individuals, whether incorporated or not; and when an act is committed by such association or assemblage of individuals, the members of such association or assemblage, who took part in the commission of the said act, are subject to the penalties and fines enacted by this act ; Id., § 15.
- Owner ; 15. The word "owner" signifies exclusively any one who possesses immoveable property, or whose wife possesses immoveable property, whether as owner or usufructuary.
- Whenever one person has the mere ownership of immoveable property, and another has the enjoyment and usufruct thereof to his own use and benefit, the person who has the mere ownership of such immoveable property shall not be entitled to vote as owner thereof, and the usufructuary shall in such case alone have the right to vote by reason of such immoveable property ; Id., § 16.
- Registrar ; 16. The word "registrar" means the registrar of the registration division which comprises within its limits the electoral district in which the election is held.
- It also means the registrar of the registration division comprised within the limits of such electoral district, or the limits whereof are the same as those of the electoral district ; Id., § 17.
- Secretary-treasurer ; 17. The word "secretary-treasurer" includes the clerk of every town or city municipality ; Id., § 18.
- Farm ; 18. The word "farm" means land actually occupied or worked, not less than twenty acres in extent ; Id., § 19.
- To vote. 19. The words "to vote" mean to vote at the election of a member of the Legislative Assembly of this province. Id., § 20.
- Forms. 4. Any form indicated by a capital letter, in the various provisions of this act, refers to the corresponding form contained in schedule one to this act.

Any of the forms contained in the said schedule is sufficient in the case for which it is intended. Use of forms.

Any other form, having the same meaning, may be employed with equal effect. Other forms.

Any reference to an article indicated in this act, without mention of the act of which such article forms part, is a reference to an article of this act. Reference. Id. ss. 3, 4.

5. If the time fixed by this act for the accomplishment of any proceeding or formality, prescribed by the provisions thereof, expires or falls upon a Sunday or legal holiday, the time so fixed shall be continued to the next juridical day. Delay. Id., s. 5.

6. Any person before whom it is hereby required or intimated by any form in schedule one to this act, that any oath is to be taken or any affirmation made in the manner herein provided, has power to administer it, and shall administer it gratuitously; and the returning-officer at any election has power to administer any oath or affirmation required by this act with respect to such election; and the deputy returning-officer or poll-clerk may administer such oath or affirmation, except such as is required to be administered to the returning-officer. 63-64 (C), c. 12, s. 154; 59 V., (Q.), c. 9, ss. 6, 231. Oath.

7. All the powers and duties, which the Clerk of the Crown in Chancery is called upon to exercise and fulfil in virtue of this act, may with the like effect be exercised and fulfilled by a deputy who is appointed by the Lieutenant-Governor in Council to act in place of the said Clerk of the Crown in Chancery, in cases in which the latter is prevented from acting, owing to illness, absence or other cause. 59 V., (Q.), c. 9, s. 7. Duties of Clerk of the Crown in Chancery, may be performed by deputy appointed by Lieutenant-Governor.

SECTION II

ELECTORS

§ 1.—Qualifications of an Elector

8. No person shall be entitled to vote at the election of a member of the Legislative Assembly, unless, at the time of voting, he is entered upon the list of electors in force, and is not then subject to any legal disqualification declared by this act. 59 V., (Q.), c. 9, s. 8. Entry on list required to give right to vote.

9. The following persons, and no other, being males, and who, at the time of the deposit of the list under articles 25 and 26 of this act, are of the full age of twenty-one years, Persons who may be entered on list.

subjects of His Majesty by birth or naturalization and not otherwise legally disqualified, shall be entered upon the list of electors : 62 V., (Q.), c. 16, s. 1.

Owners or
occupants ;

1. Owners or occupants, in good faith, of immoveable property estimated, according to the valuation roll in force, at a sum of at least three hundred dollars in real value, in any city municipality entitled to return one or more members to the Legislative Assembly, or two hundred dollars in real value or twenty dollars in annual value in any other municipality; 59 V., (Q.) c. 9, s. 9, § 1.

Tenants ;

2. Tenants in good faith, paying an annual rent, for immoveable property, of at least thirty dollars in any city municipality entitled to return one or more members to the Legislative Assembly, or at least twenty dollars in any other municipality; provided such immoveable property be estimated, according to such valuation roll, in real value, at, at least, three hundred dollars in any city municipality entitled to return one or more members to the Legislative Assembly, or two hundred dollars in any other municipality; Id., § 2.

Teachers ;

3. Teachers teaching in an institution under the control of school commissioners or trustees; Id., § 3.

Rentiers ;

4. Retired farmers or proprietors, commonly known as *rentiers* (annuitants), who, in virtue of a deed of donation, sale or otherwise, receive a rent in money or effects of a value of at least one hundred dollars, including lodging and other things appreciable in money; and the names of such electors must be entered in the locality in which they reside; Id., § 4.

Farmers'
sons ;

5. Farmer's sons who have been working for at least one year on their father's farm, if such farm is of sufficient value, if divided equally between the father and son as co-proprietors, to qualify them as electors under this act, or who have been working on their mother's farm, for the same time.

If there are more sons than one, they shall all be entered in so far as the value of the property permits thereof; the eldest being entered first.

These provisions equally apply in cases in which the father or the mother have farms in several municipalities; Id., § 5.

Proprietors'
sons ;

6. Proprietors' sons residing with their father or mother; such sons, and such property being, and the entry being made in accordance with the conditions set forth in paragraph 5 of this article, *mutatis mutandis*; Id., § 6.

Fishermen,
&c ;

7. Navigators and fishermen residing in the electoral district and owners or occupants of real property and owners of boats, nets, fishing gear and tackle, within any such elect-

oral district, or portion of an electoral district, or of a share or shares in a registered ship, which together are of the actual value of at least one hundred and fifty dollars; Id., § 7.

8. Farmers' sons exercise the above rights, even if the father or mother are tenants or occupants only of the farm. Rights of farmers' sons when exercised ;

They exercise them in the same manner as if they were proprietors' sons, with this difference, that it is the annual value of the farm which is the basis of the electoral franchise, as in the case, *mutatis mutandis*, of paragraphs 1 and 2 of this article; Id., § 8. How exercised ;

9. Temporary absence from the farm or establishment of his father or mother, during six months of the year in all, or absence as a "student" shall not deprive the son of the exercise of the electoral franchise above conferred; Id., § 9. Temporary absence ;

10. Priests, *curés*, *vicaires*, missionaries and ministers of any religious denomination, domiciled for upwards of two months in the place for which the list is made; Id., § 10. Priests, etc. ;

11. Persons who are domiciled in the electoral district, and who draw, from their salary or wages, in money or in effects, or from some business, employment, trade or profession, or from some investment, a revenue of at least three hundred dollars per annum, or persons who work by the piece in factories and who derive at least three hundred dollars per annum therefrom. 62 V., (Q.) c. 16, s. 2. Electoral franchise of certain persons.

12. The persons who are qualified as electors may be entered on the list of electors upon complaint in conformity with articles 32 to 45 inclusively, without it being necessary for them to be entered on the valuation roll, which is proof only of the value of the immoveable property. 62 V., (Q.) c. 16, s. 3. Who may be entered on list upon complaint.

13. 1. Whenever two or more persons are joint-owners, joint-tenants, or joint-occupants of any immoveable property valued at an amount sufficient for the share of each to confer upon him the electoral franchise, each of such persons is deemed to be an elector in conformity with this act, and shall be entered upon the list of electors. Joint-owners, joint-tenants, and joint-occupants.

He whose share does not amount to the value required for the electoral franchise shall not be entered as an elector.

The share of each joint-tenant depends upon the amount of rent which each pays. 59 V., (Q.), c. 9, s. 11.

2. When two or more persons, who each pay an annual rent sufficient to qualify them as electors, are tenants or sub-tenants, under separate leases, of different portions of the same immoveable property which is valued by a single valu- Tenants of parts of same building.

ation at a sum sufficient for the share of each to confer on him the electoral franchise, each tenant and subtenant is an elector in accordance with this act, and shall be entitled to be entered on the list of electors.

If all are not qualified.

If the amount at which the immoveable is valued is not sufficient to confer upon the share of each tenant or subtenant the electoral franchise, so many, as the amount required to confer such franchise is comprised in the figure of the valuation, shall be entered on the list, commencing with the names of the tenants or subtenants whose leases are the oldest. 62 V., (Q.), c. 16, s. 4.

Corporations. 12. If any immoveable property is owned, occupied or leased by a corporation, no one of the members of the corporation shall be an elector, nor be entered upon the list of electors, by reason of such property. 59 V., (Q.), c. 9, s. 12.

§ 2.—Persons who cannot be Electors

Persons disqualified as electors ; Judges, etc ;

13. The following persons can, in no case, be electors, take part in elections or vote :

1. The judges of the Supreme Court, the Exchequer Court, the Court of King's Bench, the Superior Court, and the Circuit Court, the judges of the sessions, district magistrates and recorders ; 59 V., (Q.), c. 9, s. 13 ; 60 V., (Q.), c. 21, s. 25.

Clerks of the Crown, etc.

2. Clerks of the Crown, clerks of the peace, sheriffs, registrars, Crown lands and Crown timber agents, collectors of provincial revenue, and the officers and men of the provincial police force. 59 V., (Q.), c. 9, s. 13.

Persons who cannot vote : Contractors ;

14. The following persons cannot vote :
1. Contractors having any contracts with the Government of the Province of Quebec ; 59 V., (Q.), c. 9, s. 14, § 1.

Persons who have received money to influence their vote ;

2. Every person who, at any time, either before or during an election, for the purpose or with the effect of influencing his vote, has received or expects to receive, either during or after the election, from any candidate or any other person whatever, any sum of money, fee, compensation, office, place or employment, promise, wages or guarantee whatever to the same effect ; 59 V., (Q.), c. 9, s. 14 § 2 ; 60 V., (Q.), c. 21, s. 26.

Persons owing foreign allegiance ;

3. Those who have taken an oath of allegiance to any foreign power, or have become naturalized elsewhere ; 59 V., (Q.), c. 9, s. 14, § 3.

Persons found guilty of offences under certain acts ;

4. All persons who have been found guilty, by the Legislative Assembly, or by any court for the trial of controverted elections, or other competent tribunal, of any dereliction of duty, offence or infraction of any of the electoral

laws in this province, so long as such incapacity exists under this act ; Id., § 4.

5. Persons, other than proprietors as set forth in paragraph 15 of article 3, who are entered on the lists of electors, but who, for more than a year and a day, have left their domicile in the Province of Quebec to reside out of Canada, unless they have returned to the country with their families one month before the election, with the intention of residing therein. Id., § 5.

Certain other persons.

15. If any of the persons set forth in the two preceding articles votes, save in the case of article 167, he shall incur a penalty of not more than five hundred dollars nor less than one hundred dollars, and imprisonment not exceeding twelve months in default of payment. Id., s. 15.

Penalty for illegal voting.

16. Any person whose disability as an elector or as a voter has ceased, may thereafter, upon application to the judge in the district, and after notice of five days to the secretary-treasurer, upon proof made, obtain the entry of his name upon the list of electors, if there is no other disability. Id., s. 16.

Re-entry upon list of electors how effected.

§ 3.—*Preparation of the List of Electors*

17. The secretary-treasurer of each municipality shall, between the first and fifteenth days of the month of September, in each year, make in duplicate, subdivided for each polling subdivision, a list, in alphabetical order, of all persons who, according to the valuation roll then in force in the municipality for municipal purposes, appear to be electors by reason of the immoveable property possessed or occupied by them in any manner within the municipality, or by reason of being otherwise qualified as set forth in article 9. It is the duty of the council of the municipality to see that at the time named there is such a secretary-treasurer appointed and competent to act.

Electoral lists to be made in duplicate, in September, and how.

In the counties of Gaspé, Magdalen Islands and Bonaventure, however, the secretary-treasurer of each municipality shall, every year, between the first and fifteenth days of the month of July, make the list of electors in duplicate. Id. s. 17.

Electoral lists in Gaspé, Magdalen Islands and Bonaventure to be made in July.

18. The secretary-treasurer, in drawing up the list of electors, shall insert the residence of each and his qualification as such, so that it may appear under what head the elector is entered, and the number under which he is entered.

Duties of secretary-treasurer in making list.

He shall also specify the immoveable property, the revenue in the case of annuitants, as well as the name of the father

or mother, if it is as a farmer's son, or proprietor's son that the name is entered ; the whole, so that such list may, as nearly as possible, be according to form A. Id., s. 18.

Omissions.

19. The secretary-treasurer shall omit from the list of electors every person who, under articles 13, 212 or 215, or any other legal provision whatsoever, is not entitled to vote.

He enters, after having closed the list and at the end thereof, the names of the persons so omitted and the reason for their omission. Id., s. 19.

Case of two lists.

20. If any municipality is situated partly in one electoral district and partly in another, the secretary-treasurer shall prepare, in the same manner, for each of such electoral districts, a subdivided alphabetical list of the persons who are electors therein. Id., s. 20.

Division of the lists.

21. If any municipality is divided into voting subdivisions under articles 63, 64, 65 or 67, the secretary-treasurer shall divide the list into as many parts as there are subdivisions in the municipality.

If it is not so divided, he must notify the council to make such division without delay, and, after such division, he proceeds to divide the list.

Each such part, the title whereof shall be the number of the subdivision to which it relates, shall contain only the alphabetical list of the electors of such division. Id., s. 21.

Name of elector to be entered only once.

22. If a person is an elector in one and the same municipality by reason of more than one parcel of immoveable property or more than one title, his name shall, nevertheless be entered but once on the list of electors of the municipality.

If list drawn up by subdivisions.

If the list is drawn up by subdivisions, and one person appears to be an elector in more than one subdivision, his name shall be inserted in one subdivision only ; and, if such person is an elector in the subdivision of his domicile, his name shall be entered on the list for such subdivision. Id., s. 22.

Case of a person being elector in several electoral districts.

23. In the case of article 20, if a person is an elector in more than one electoral district, his name shall be entered in the list of each electoral district, but in only one voting subdivision in each district in which he is an elector, according to the rule laid down in the preceding article. Id., s. 23.

Attestation of the list.

24. The secretary-treasurer shall certify the correctness of the list of electors by him made under oath, taken before a justice of the peace, notary or commissioner of the Superior Court, and drawn up in accordance with form A.

Each duplicate list must be attested separately under the said oath. *Id.*, s. 24. Attestation of duplicate.

25. One of the duplicates of the list so attested shall be kept in the office of the secretary-treasurer at the disposal and for the information of all persons interested. *Id.*, s. 25. Deposit of the list.

26. The secretary-treasurer, within two days from the day upon which he shall take the oath required by article 24, shall give and publish a public notice, setting forth that the list of electors has been prepared according to law, and that a duplicate thereof has been lodged in his office, at the disposal and for the information of all persons interested. Notice of deposit.

Such notice shall be given and published in the same manner as notices for municipal purposes, in the municipality in which the list has been prepared. *Id.*, s. 26. How given.

27. The list of electors may be drawn up in accordance with form A on uniform printed blanks. *Id.*, s. 27. Form of list.

28. If the secretary-treasurer has not made the alphabetical list of electors, or has not given or published the notice required by article 26, during the first fifteen days of the month of September, 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 any other person entitled to be entered as an elector in the municipality, appoint a clerk *ad hoc* to prepare the alphabetical list of electors. The judge or magistrate, as the case may be, shall ascertain whether the subdivision into polling districts has been made, and order their making when necessary. *Id.*, s. 28. Clerk *ad hoc* to make list in default of secretary-treasurer.

29. 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 clerk *ad hoc*, unless the judge or the district magistrate, for special reasons, deems it advisable to order otherwise, and, in such case, the costs shall be left to their discretion. Responsibility of the secretary-treasurer in such case.

The secretary-treasurer may, however, draw up and prepare the list, so long as the clerk *ad hoc* shall not have been appointed. *Id.*, s. 29. May draw up list in meantime.

30. Within fifteen days after notice of his appointment, the clerk *ad hoc* shall proceed to the preparation of the list of electors. Duties of the clerk *ad hoc*.

He, for such purpose, becomes an officer of the municipal council; he has the same powers to exercise and the same His powers and responsibilities.

duties to discharge as the secretary-treasurer of the municipality, and shall do so under the same penalties in case of default or neglect on his part. *Id.*, s. 30.

Duties of the mayor, etc.

31. In so far as the same is incumbent upon them, the mayor and the officers of the council shall be bound to deliver to the clerk *ad hoc*, on his demand, the valuation roll, which is to avail as the basis of the list of electors, under a penalty against each not exceeding two hundred dollars, and in default of payment of imprisonment not to exceed six months.

The members of the council are bound, under the same penalty, to make the polling subdivisions so that the lists of electors may be divided and completed within the delays. *Id.*, s. 31.

§ 4.—*Examination and putting into force of the List*

Examination of the list.

32. Upon complaint in writing to such effect, under either of the two following articles and not otherwise, the list of electors may be examined and corrected by the council of the municipality, 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 article 26. 59 V., (Q.), c. 9, s. 32; 63 V., (Q.), c. 11, s. 1.

Complaint for omission, etc., of complainant's name.

33. Any person, who deems himself aggrieved either by the insertion in or omission of his name from the list, may, either by himself or through his agent, file in the office of the secretary-treasurer, a complaint in writing to such effect, within the fifteen 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 fifteen days after the notice given in virtue of article 26. 59 V., (Q.), c. 9, s. 33; 63 V., (Q.), c. 11, s. 2.

Complaint for omission, etc., of names of other persons.

34. Any person, believing that the name of any person entered on the list should not have been so entered, owing to his not possessing the qualifications required for an elector, or believing that the name of any other person not entered thereon should be so entered, owing to his possessing the qualifications required, may file, in the office of the secretary-treasurer, a complaint in writing to such effect, within a like delay of fifteen days. 59 V., (Q.), c. 9, s. 34.

Notice of examination.

35. Before proceeding to any examination or correction of the list of electors, the council shall cause to be given,

by the secretary-treasurer, the clerk *ad hoc*, or any other person, public notice of the day and hour at which such examination shall begin.

Previous to taking into consideration the complaints in writing filed in the office of the council with respect to the list of electors, the council shall also cause a special notice in writing to be given to every person, the insertion or omission of whose name upon the list is demanded. Special notice.

The public notice and the special notice required by this article shall be of five days' duration ; and they shall further be given and published or served in the same manner as notices for municipal purposes in the municipality within which the list has been prepared. Delays on notice.

There is allowed to the secretary-treasurer, at the cost of the party complaining, a fee of twenty-five cents for each special notice by him given to any person whose name shall neither be added to nor struck from the list by the council, or by the judge if there is an appeal, as hereinafter provided. Fees of secretary - treasurer on notice.

The giving of public and other special notices is part of the general duties of the secretary-treasurer. *Id.*, s. 35. Secretary-treasurer's duty to give certain notices. How council proceeds.

36. The council on proceeding to the examination, first verifies the correctness and regularity of the proceedings had in preparing the list, and draws up a minute thereof, then takes into consideration all the complaints in writing, relating to the said list, and hears all persons interested and their proof on oath, if necessary. *Id.*, s. 36.

37. The council, by its decision on each complaint, may confirm or correct each of the duplicates of the list ; then, if necessary, it re-divides the list in consequence thereof, according to the polling subdivisions, keeping the alphabetical order of the electors thereon. *Id.*, s. 37. Decision.

38. If, upon sufficient proof, the council is of opinion that a property has been leased, assigned or made over under any title whatsoever, with the sole object of giving to a person the right of having his name entered on the list of electors, it shall strike the name of such person from the said list, upon complaint in writing and on evidence under oath taken before the mayor or the secretary-treasurer being made to that effect. *Id.*, s. 38. Fraudulent title.

39. Every insertion in, erasure from, or correction of the list, in virtue of the two preceding articles, shall be authenticated by the initials or *paraphe* of the officer presiding the council affixed before the close of the sitting. *Id.*, s. 39. Corrections to be authenticated.

Coming into force and duration of the list.

40. The list of electors comes into force at the expiration of the thirty days following 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 article 26, as it then exists, and remains in force until the month of July following for the counties of Gaspé, Magdalen Islands, and Bonaventure, and until the month of September following for the rest of the province, and, thereafter, in all cases, until a new list is made and put into force under the authority of this act.

List in force, even if appealed from, until decision.

Notwithstanding the appeal to a judge of the Superior Court, or to a district magistrate in districts in which there is no judge of the Superior Court, touching a portion of the list, such portion of the list remains in force until the final decision of the court, before which the said petition in appeal is pending 59 V., (Q.), c. 9, s. 40 ; 63 V., (Q.), c. 11, s. 3.

Value of the list.

41. Saving, nevertheless, any correction made under article 50, every list of electors so put into force, even although the valuation roll which has served as the basis of such list be defective or shall have been quashed or set aside, shall, during the whole period wherein which it remains in force, be deemed the only true list of electors, within the territorial division to which it relates. 59 V., (Q.), c. 9, s. 41.

Certificate of the secretary-treasurer.

42. So soon as the list of electors has come into force, it shall be the duty of the secretary-treasurer to insert at the end of such list, on the duplicates thereof, the certificate set forth in form B. Id., s. 42.

One duplicate remains in the archives, the other is transmitted to the registrar.

43. One of the duplicates of the list of electors shall be kept in the archives of the municipality.

Within eight days following the day upon which such list comes into force, the other duplicate shall be transmitted to the registrar of the registration division in which the municipality is situated, by the secretary-treasurer or by the mayor, under a penalty against each of them, in case of a contravention of this provision, of a fine of one hundred dollars and of imprisonment not exceeding six months in default of payment.

Proviso.

Nevertheless, the transmission of the duplicate of the list to the registrar, after the delay prescribed by this article, or the fact of the same not having been transmitted, shall not have the effect of invalidating such list. Id., s. 43.

If a copy of list is transmitted to registrar.

44. If, in lieu of the duplicate required by the preceding article, a certified copy of the list has been transmitted to the registrar, such copy shall be deemed to be the duplicate

required, and shall have the same effect as if the duplicate had itself been transmitted. *Id.*, s. 44.

45. All duplicates or copies of lists of electors, transmitted to the registrar under the two preceding articles, are preserved by such officer, and remain of record in his office. Duplicate remains of record.

On receipt of the duplicates or copies, the registrar shall enter upon each the date of the reception thereof. *Id.*, s. 45. Date of receipt to be entered.

§ 5.—*Appeal to a Judge*

46. By means of a petition, in which are briefly set forth the reasons of appeal, any elector of the electoral district may, within fifteen days following such decision, appeal from any decision of the council, confirming, correcting or amending the list, to the judge of the Superior Court of the district. Appeal from the decision of the council.

The respondent may, in all such appeals, obtain a suspension of the proceedings, until the appellant has given such security as may be considered necessary in the discretion of the court or judge, or deposited with the clerk of the court such sum as may be specified by the court or judge for the payment of the costs on such appeal. *Id.*, s. 46. Proceedings suspended until security given.

47. In any district, however, in which there is no resident judge of the Superior Court, the appeal may be brought before the district magistrate for such district, in the same manner and with the same effect as before the judge of the Superior Court. *Id.*, s. 47. Districts where there is no resident judge.

48. If, within the time prescribed, the council has neglected or refused to take into consideration a complaint duly filed, any person may appeal to such judge therefrom, in the manner and within the delay of fifteen days after the expiration of the thirty days prescribed in article 32. *Id.*, s. 48. Appeal on refusal, etc., to consider complaints.

49. A copy of the petition in appeal is served, within the delay fixed by the judge, upon the secretary-treasurer of the municipality, who immediately gives special notice thereof to the mayor, and special notice to the parties interested. *Id.*, s. 49. Service of petition in appeal.

50. The judge of the Superior Court shall have full power and authority to hear and decide such appeal in a summary manner, on the day and at the place which he shall fix, and shall proceed without delay, from day to day, in term or in vacation. Hearing and decision of appeal.

Such appeal shall have precedence over other causes. *Id.*, s. 50. Precedence of appeal.

Powers of
judge.

51. The judge may order that further notice be given to any of the parties to the cause, may summon before him and interrogate under oath or affirmation any party or witness, and require the production of any document, paper or thing.

He may *ex-officio* order the correction of any apparent formal irregularity or error found therein, and give any order so that the law on the matter may have its full force and effect.

He shall, for such purpose, possess all the powers conferred upon the Superior Court in relation to matters pending before that court. *Id.*, s. 51.

Defect of
form.

52. No proceedings on such appeal shall be annulled for defect of form. *Id.*, s. 52.

Costs in ap-
peal.

53. The costs of appeal are taxed in the discretion of the judge, for or against such of the parties as he deems advisable, even against the municipality, and shall be recoverable under a writ of execution issued in the usual manner, provided that the said costs do not exceed the costs of a non-appealable Circuit Court case. 59 V., (Q.), c. 9, s. 53; 60 V., (Q.), c. 21, s. 27.

Decision.

54. The decision of the judge is final and without appeal. 59 V., (Q.), c. 9, s. 54.

Correction of
list.

55. The secretary-treasurer and the registrar shall each correct the duplicate of the list of electors in their possession according to the decision of the court immediately upon authentic copies thereof being served upon them. *Id.*, s. 55.

§ 6.—*Miscellaneous*

Case of alter-
ation.

56. If, at any time, it is made to appear to any judge of the Superior Court, in term or vacation, that the secretary-treasurer of any municipality, or the registrar of the registration division or other person, has altered or falsified, or permitted the alteration or falsification of the duplicate of the list in the possession of either, the judge shall require the secretary-treasurer, the registrar and every person having the custody of the valuation roll, which served as the basis of the lists, to appear before him and to produce the rolls and lists in their possession. *Id.*, s. 56.

Correction of
list by order
of the judge.

57. At the time and place fixed for the appearance of such persons, the judge, after having examined the duplicates of the list produced by the secretary-treasurer and the registrar, together with the valuation roll, shall, with or

without further proof, make the alterations or corrections which he shall deem necessary, to render the duplicate so altered or falsified, accurate and faithful. *Id.*, s. 57.

58. It shall be the duty of the secretary-treasurer of every municipality and of the registrar of every registration division, having the custody of a list of electors, to deliver certified copies thereof to any person applying therefor, and offering to pay, for the cost of any such copy, at the rate of three cents for every ten electors entered on the list. *Id.*, s. 58.

Secretary-treasurer to deliver copies on payment of fees.

59. The secretary-treasurer of every municipality shall furnish *gratis*, on demand, to every deputy returning-officer acting within the limits of the municipality, a certified copy of the list of electors to avail at the election, or of that part of such list which relates to the locality for which such deputy returning-officer acts. *Id.*, s. 59.

Secretary-treasurer shall furnish the list *gratis* to deputy returning-officers.

60. The cost of all copies of the list of electors given by the registrar, in consequence of the secretary-treasurer having refused or neglected to furnish the same, under article 59, may be recovered from such secretary-treasurer or the corporation whose officer he is, either by the registrar who has given the copies, or by the returning-officer or deputy returning-officer who shall have procured the same. *Id.*, s. 60.

Recourse in case of refusal.

61. Every secretary-treasurer who has refused or neglected to make the alphabetical list of electors as required by this act, or who, in making the list, has knowingly inserted therein or omitted therefrom any name which should not have been so inserted or omitted, and has so furnished it, after having attested it on oath according to law, shall incur a penalty not exceeding five hundred dollars, and, in default of payment, imprisonment not exceeding twelve months. *Id.* s. 61.

Penalty on secretary-treasurer in certain cases.

62. Every person, having the custody of lists of electors and whose duty it is to deliver copies thereof, who shall knowingly make any insertion or omission, in the copies furnished and certified by him, shall also incur the penalty prescribed in article 61. *Id.* s. 62.

Penalty on other persons in certain cases.

§ 7.—Voting subdivisions

63. Whenever the number of electors shall exceed two hundred in any municipality, the council of such municipality shall, before the first of December, in each year, by

Division by the council into voting subdivisions.

a by-law made in the ordinary way, divide the municipality into as many voting subdivisions, as there are two hundred electors, by adding one voting subdivision for each fraction over such number ; provided always that each district shall not exceed in extent eight miles in length and eight miles in width.

To contain
equal number
of names.
Limits how
defined.

The voting subdivisions shall as much as possible contain an equal number of electors.

The limits of these subdivisions shall be well defined, and shall not divide any immoveable property under which an elector is entitled to vote.

Division of
wards.

In municipalities divided into wards the polling subdivisions shall be divided by wards. *Id.*, s. 63.

New divi-
sions.

64. If, after the preparation of the list of electors, any of the voting subdivisions do not contain the number of electors required under the provisions of article 63, it shall be the duty of the council, within the three months following the preparation of the list, to redivide by by-law the municipality into new voting subdivisions. *Id.*, s. 64.

By-law for
such purpose
may be
amended

65. For the greater convenience of the electors, the council may always, and at any time, amend or repeal any by-law made under articles 63 and 64, and may make a new division as provided by article 63. *Id.*, s. 65.

No appeal.

66. No by-law, made under articles 63, 64 or 65, is liable to be appealed to the county council. *Id.*, s. 66.

Division by
returning-
officer in cer-
tain cases.

67. If, when the returning-officer receives the writ ordering an election in an electoral district, there is in such district any municipality which the council has not divided into voting subdivisions, or has divided into a greater number of voting subdivisions than that mentioned in the preceding provisions, the returning-officer shall himself divide the municipality into voting subdivisions in accordance with article 63.

Amending,
&c., of such
division.

The division so made by the returning-officer may be amended or repealed in the same manner as the division made by the council itself.

Old voting
subdivisions.

68. Every municipal by-law dividing a municipality into voting subdivisions or other analogous subdivisions, in force upon the passing of this act, shall so remain until the same is replaced or repealed under the authority of the above articles. *Id.*, s. 67.

SECTION III

HOLDING OF ELECTIONS

§ 1.—*Writs of Election*

69. 1. Every writ for an election is dated and is returnable Date and re- on such days as the Lieutenant-Governor in Council deter- turn of writ. mines, saving the case provided for by article 171.

2. It is addressed and forwarded by the Clerk of the Address. Crown in Chancery to one of the persons who may act *ex-officio* as returning-officer for the electoral district, or, in default of such person, to a person, competent to discharge such office, appointed by the Lieutenant-Governor in Council under paragraph 4 of article 73.

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

4. It shall be in the form C.

Form ;

63-64 V., (C.), c. 12, s. 10 ; 59 V., (Q.), c. 9, ss. 74, 77, 78.

70. In the event of the destruction or loss of any writ of New writs in election, before the same has been received by the return- certain cases. ing-officer, or, in the event of the latter dying before receiving such writ, 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 in which the day of nomination and that of the return may be changed, as circumstances require. 59 V., (Q.), c. 9, s. 73.

71. At the general elections, all writs of election shall be Issue of writs issued upon the same day, and shall bear the same date of at general issue. elections. Id., s. 75.

72. A notice of the issue of the writ, specifying the name Notice to of the returning-officer, shall be at the same time addressed registrar. and transmitted to every registrar of the electoral district who is not to be a returning-officer. Id., s. 79.

§ 2.—*Election of officers and proceedings upon receipt of the writ of election*

73. 1. The following persons may act *ex-officio* as return- Returning- ing-officers : officer ex-offi-

(a) The registrar, for each electoral district wholly or in Registrar. part comprised in the registration division of which he is the officer ;

Sheriff, &c.

(b) The sheriff or the prothonotary, for each electoral district wholly or in part comprised in the judicial district for which he is appointed.

If several persons fill office of sheriff, etc.

2. If two or more persons have been appointed to fill the same office of sheriff or registrar, each of such persons may act *ex-officio* as returning-officer.

If two registry offices in same district.

If, within an electoral district, there are two or more registry offices and a registrar for each of these offices, each such registrar may act *ex-officio* as returning-officer in that electoral district.

Who of several shall act.

3. In all cases the person to whom the writ of election has been addressed and transmitted, shall act alone as returning officer at such election, even if he holds, jointly with one or more other persons, the office entitling him to act *ex-officio*.

Returning-officer appointed.

4. If there is no person in the electoral district authorized to act *ex-officio* as returning-officer, or if those authorized to act in such capacity are prevented from so acting, or refuse to fill such office, the Lieutenant-Governor in Council may appoint a competent person to perform the duties of returning-officer. *Id.*, s. 80.

Who shall not be election officers :

74. The following persons shall not be appointed returning-officers, deputy returning-officers, election clerks or poll-clerks :

Persons mentioned in articles 13 and 14 ;

1. The persons mentioned in articles 13 and 14, saving sheriffs and registrars, and clerks of the Crown when they are at the same time prothonotaries, and their deputies ;

Persons who were members of Legislative Assembly, &c. ;

2. Persons who were members of the Legislative Assembly or Legislative Council, in the session immediately preceding the election, or in the session then being held, if the election take place during a session of the Legislature, unless such person holds at the time of the issue of the writ of election one of the offices mentioned in paragraphs 1 and 2 of article 73 ;

Ministers, &c. ;

3. Ministers, priests and ecclesiastics of any religious creed or denomination ;

Persons guilty :
Of certain offences ;

4. Persons who have been found guilty :

(a) Of any offence punishable by imprisonment for more than two years ; or

Of any corrupt practice.

(b) Of any corrupt practice whatever, in contravention of the law respecting elections, whether of the Dominion of Canada or of the Province of Quebec. *Id.*, s. 81.

Candidate cannot be election officer.

75. No person, who has been nominated as a candidate at an election, shall be afterwards appointed an election officer for such election. *Id.*, s. 223.

76. No person, who is, by articles 74 and 75, declared to be ineligible to act as returning-officer, election clerk, deputy returning-officer or poll-clerk, shall, in any case, act in any such capacity, under a penalty of one hundred dollars, and an imprisonment for three months in default of payment. *Id.*, s. 224. Penalty.

77. None of the following persons, unless they are sheriffs, prothonotaries or registrars, shall be obliged to act in the capacity of returning-officer, election clerk, deputy returning officer or poll-clerk : Who shall not be bound to act as such.

1. The professors of any university, college, seminary, lyceum or academy ;
2. Physicians, surgeons or dentists ;
3. Millers ;
4. Postmasters, custom-house officers or employees in the post-offices or custom-houses ;
5. Persons aged sixty years or over ;
6. Persons who have already served as returning-officers in the preceding election. *Id.*, s. 225.

78. No person shall be bound to act as deputy returning-officer or poll-clerk unless he is domiciled in the municipality within which he is to act. 63-64 V. (C.), c. 12, s. 13 ; 59 V., (Q.), c. 9, s. 226. Domicile of certain election officers.

79. Any person, even the sheriff, prothonotary or registrar, who intends to come forward as a candidate at an election, shall be exempt from acting as returning-officer, election clerk, deputy returning-officer or poll-clerk, at such election. 59 V., (Q.), c. 9, s. 227. Candidates exempt.

80. Whoever is entitled to claim the exemption granted under articles 77, 78 and 79, shall claim such exemption within the two days after receipt of the writ of election or commission, as the case may be, by a letter setting forth the reasons for his claim, addressed to the officer who has given the commission, or transmitted the writ of election. Demand of exemption.

In default of so doing, he shall be debarred from claiming such exemption, and be subject to the penalties prescribed for his refusal to accept. *Id.*, s. 228. Default, &c., so to do.

81. Any person, being competent to discharge the office of returning-officer, election clerk, deputy-returning-officer or poll-clerk, shall, unless he is exempt and has claimed exemption within the prescribed delays, be obliged to accept Persons bound to accept.

such office, under a penalty of two hundred dollars, and of imprisonment for six months in default of payment. *Id.*, s. 229.

Penalty for
refusal or
neglect

82. Any returning-officer, election clerk, deputy returning-officer or poll-clerk, 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 not exceeding five hundred dollars, in addition to the amount of all actual damages thereby occasioned to such person. 63-64 V., (C.), c. 12, ss. 19, 20 ; 59 V., (Q.), c. 9, s. 230.

Endorsation
of writ and
oath to be
taken by re-
turning-offi-
cer before
acting.

83. The returning-officer shall, on receiving the writ of election, forthwith endorse thereon the date on which he receives it, and, before taking any further action thereon, he shall take the oath of office in the form D, before a justice of the peace. 63-64 V., (C.), c. 12, s. 15 ; 59 V., (Q.), c. 9, ss. 82, 83.

Appointment
of election
clerk.

84. The returning-officer, by a commission under his hand, in the form E, shall appoint an election clerk, and 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. 63-64 V., (C.), c. 12, s. 16 ; 59 V., (Q.), c. 9, ss. 85, 87.

Oath of elec-
tion clerk.

85. The election clerk shall, before acting as such, take the oath of office in the form F. 63-64 V., (C.), c. 12, s. 17 ; 59 V., (Q.), c. 9, s. 86.

Duties of
election
clerk.

86. The election clerk shall assist the returning-officer in the performance of his duties, and 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 by another. 63-64 V., (C.), c. 12, s. 18.

When to act
in lieu of re-
turning offi-
cer.

If new officer
appointed.

In the case of the change of a returning-officer, the election clerk continues in office, unless he is replaced by another in the discretion of the new returning-officer, in the manner above prescribed. 59 V., (Q.), c. 9, s. 88.

Copies of act
and instruc-
tions to be
sent to return-
ing-officer.

87. Immediately after the issue of the writ of election, the Clerk of the Crown in Chancery shall transmit to the returning-officer a copy of this act and of such instructions approved by the Lieutenant-Governor in Council as are required to carry out the election according to the provisions of this act (with a copious alphabetical index), for the returning-officer himself, one copy for the election clerk, and one for each of the deputy returning-officers ; and also,

for each deputy returning-officer, a blank poll-book and all the blank forms necessary for the purposes of such election, except forms G, K, and R, which the returning-officer shall himself cause to be printed. He shall also transmit copies of the list of electors for such persons as shall become candidates. 63-64 V., (C.), c. 12, s. 21 ; 59 V., (Q.), c. 9, s. 331.

88. Unless he is returning-officer, every registrar shall, under a penalty not exceeding two hundred dollars, and imprisonment not exceeding six months in default of payment, transmit, without delay, upon receipt of the notice given under article 72, to the returning-officer, a copy certified by him of each of the lists of electors in force for the electoral district, which have been deposited in his office. Registrar to transmit list to returning-officer.

The registrar shall be entitled to a fee of three cents for every ten electors entered upon any copy so transmitted, which shall form part of the general expenses of election. Fee of registrar. 59 V., (Q.), c. 9, s. 84.

89. Forthwith after the receipt of the writ of election, the returning-officer shall obtain from the officers who are the legal custodians thereof or of duly certified duplicates or copies thereof, such certified copies of by-laws defining the several polling divisions 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, to the performance of his duties as returning-officer, and such lists of electors or certified copies thereof or extracts therefrom, as he requires ; and every such officer who omits or refuses to furnish, within a reasonable time, any such list of electors, copy thereof, or extract therefrom, or any such copy of a by-law, demanded by the returning officer shall incur a penalty not exceeding two hundred dollars and an imprisonment not exceeding six months in default of payment. Returning-officer to obtain lists of electors, etc. 63-64 V., (C.), c. 12, s. 22 ; 59 V., (Q.), c. 9, s. 124. Penalty for not furnishing them.

90. The returning-officer shall, in no case, have the right to decide upon the validity or sufficiency of the list of electors. Not to decide upon their validity. 59 V., (Q.), c. 9, s. 125.

§ 3.—*Proclamation by the Returning-officer*

91. 1. Within the shortest possible time after the reception of the writ in the electoral districts of Gaspé and Chicoutimi and Saguenay, and within four days after its reception in the other electoral districts, the returning-officer in every electoral district shall, by a proclamation under his hand, issued in the English and French languages indicate— Proclamation by returning-officer and what to contain.

(a.) The place, day and hour fixed for the nomination of candidates ;

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

(c.) The appointment of his election clerk.

Form. 2. Such proclamation shall be in the form G. 63-64 V., (C.), c. 12, s. 24 ; 59 V., (Q.), c. 9, ss. 92, 98.

Posting up proclamation. **92.** The proclamation shall be posted up in all the electoral districts, at least eight days before the day fixed for the nomination of candidates, neither the day of posting it up nor the day of nomination being reckoned. 63-64 V., (C.), c. 12, s. 25 ; 59 V., (Q.), c. 9, ss. 96, 98.

How to be published. **93.** The returning-officer shall cause the said proclamation to be posted up at one of the most prominent and conspicuous places in the electoral district for which the election is to take place. 63-64 V., (C.), c. 12, s. 26 ; 59 V., (Q.), c. 9, s. 96.

§ 4.—*Nomination of Candidates*

Nomination day how fixed. **94. 1.** The Lieutenant-Governor in Council shall, except as hereinafter mentioned, fix the day for the nomination of candidates at the election.

For general election. **2.** At every general election he fixes one and the same day for the nomination of candidates in all the electoral districts, except in the electoral districts of Gaspé, Chicoutimi and Saguenay and the Magdalen Islands. 63-64 V., (C.), c. 12, s. 27 ; 59 V., (Q.), c. 9, ss. 68, 69.

Exception.

Day to be named in the writs. **95.** The day, in cases where fixed by the Lieutenant-Governor in Council, shall be named in the writs of election for the several electoral districts respectively. 63-64 V., (C.), c. 12, s. 28 ; 59 V., (Q.), c. 9, s. 70.

Nomination not to be on a holiday. **96.** The nomination of candidates shall not take place upon any holiday. 59 V., (Q.), c. 9, s. 72.

Nomination and polling days in certain districts. **97.** In the electoral districts of Gaspé, Chicoutimi and Saguenay, and the Magdalen Islands, the returning officers shall fix the day for the nomination of candidates, and also the day and places for holding the polls ; the nomination in the said electoral districts shall take place not less than eight days after the proclamation hereinbefore required has been posted up,—neither the day of posting it up nor the day of nomination being reckoned ; and the day for holding the polls shall be at as early a date thereafter as possible, but

not less than seven days after nomination ; and, at a general election it shall, if possible, be the same day as that fixed by the Lieutenant-Governor in Council for the other electoral districts, but not sooner.

In the electoral district of the Magdalen Islands, however, the nomination and the polling shall be held between the twentieth of May and the fifteenth of December. 63-64 V. (C), c. 12, s. 29 ; 59 V. (Q.), c. 9, s. 71 ; 59 V. (Q), c. 6, s. 4. Nomination, &c., in Magdalen Islands.

98. If, owing to unforeseen delays, accidents or other causes, the proclamation cannot be posted up, so as to allow the period required between the day of the posting and that of the nomination, the returning-officer shall fix another day for the nomination of candidates. Change of nomination day if proclamation not published.

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

In all other respects the whole of such election shall be conducted as other elections governed by this act. Election how conducted.

The returning-officer, in his return of the election, shall transmit to the Clerk of the Crown in Chancery a special return of the reasons which so occasioned the postponement of the election. 59 V., (Q.), c. 9, s. 99. Special return.

99. The place fixed for the nomination of candidates 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 each electoral district. 63-64 V., (C.), c. 12, s. 31 ; 59 V., (Q.), c. 9, s. 93. Place of nomination.

100. 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. 63-64 V., (C.), c. 12, s. 32 ; 59 V., (Q.) c. 9, s. 94. Hours for nomination.

101. 1. Any twenty-five electors may nominate a candidate for the electoral district for which the election is held, by signing a nomination paper in the form H, stating therein the name and surname, residence and addition or description 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 to be filed with the returning-officer as hereinafter mentioned. Form of nomination paper.

Mark by those who cannot write.

2. The mark affixed upon the nomination paper by any elector unable to write, shall be deemed to be the signature required, according to the meaning of this act.

Nomination papers may be filed with returning officer at other places and times.

3. Such nomination papers may also be filed with the returning-officer at any other place, and 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 ; and, at the close of the time for nominating the candidates, the returning-officer shall deliver to every candidate or agent of a candidate applying therefor, a duly certified list of the names of the several candidates, who have been nominated ; and any votes given at the election for any other candidates than those so nominated shall be null and void. 63-64 V. (C.), c. 12, s. 33 ; 59 V. (Q.), c. 9, ss. 100, 101, 103, 104, 117.

Votes for others null.

Consent of candidate

102. 1. No nomination paper shall be valid and acted upon by the returning-officer unless it is accompanied by the consent in writing of the person therein nominated, (form H,) except when such person is absent from the province,—in which case such absence shall be stated in the nomination paper ; and 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, is deposited in the hands of the returning-officer at the time the nomination paper is filed with him. 1 Ed. VII. (C.), c. 16, s. 2 ; 59 V., (Q.), c. 9, ss. 102, 105, § 1, 111.

Deposit by him.

Evidence thereof

2. 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 the deposit hereinabove mentioned.

Deposit, how to be dealt with.

3. The sum so deposited by any candidate is not 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 candidate elected,—otherwise, except in the case provided for by article 109, it shall belong to His Majesty for the public uses of the province ; and the sums so paid and not returned as herein provided shall be applied by the returning-officer towards the payment of the election expenses ; and an account thereof shall be rendered by him to the Provincial Treasurer. 63-64 V., (C.), c. 12, s. 34 ; 59 V., (Q.), c. 9, s. 105 §§ 2, 3.

Nomination paper to be attested.

103. 1. The returning-officer shall require the person, or one or more of the persons, producing or filing as aforesaid any such nomination paper, to make oath before him that

he knows or they know that the several persons who have signed such nomination paper or have made their mark thereon are electors duly entitled to vote, and that they have signed or have made their mark thereon in his or their presence, and that the consent of the candidate had been signed in his or their presence, or that the person named as candidate is absent from the province, as the case may be.

2. Such oath may also be taken before a justice of the peace or a commissioner of the Superior Court, and may be in the form I; and the fact of its having been taken shall be stated on the back of the nomination paper. 63-64 V., (C.), c. 12, s. 35; 59 V., (Q.), c. 9, ss. 106, 107, 108. Form of oath.

104. If the nomination paper is produced by the candidate himself, the returning-officer shall require such candidate to make oath before him, that the signature subscribed to the consent is his signature, and an entry thereof is made at the end or on the back of the nomination paper; and, in such case, the affidavit of another person, in relation to the consent of the candidate, shall not be required. 59 V., (Q.), c. 9, s. 109. Oath of candidate.

105. No nomination paper shall be valid or carried into effect by the returning-officer, unless it is made and delivered in conformity with the formalities prescribed by articles 101 to 104 inclusively. Validity of nomination papers.

But, on accepting and having examined the same, the returning-officer, must, at once, declare whether he considers it valid, 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. Declaration of returning-officer.

The nomination paper may then be corrected or replaced by another nomination paper, so long as the delay has not expired. New nomination paper.

The returning-officer shall mention, in the receipt given by him under paragraph 2 of article 102, that the nomination paper was deemed valid and admitted by him. *Id.*, s. 110. Contents of receipt.

106. Whenever only one candidate has been nominated within the time fixed for that purpose, the returning-officer shall forthwith make his return to the Clerk of the Crown in Chancery that such candidate is duly elected for the said electoral district,—of which return he shall send, within forty-eight hours, a duplicate or certified copy to the person elected; and such return shall be in the form J. 63-64 V., (C), c. 12, s. 36; 59 V. (Q), c. 9, ss. 113, 114. Return when only one candidate nominated.

Report to
accompany
return.

107. The returning-officer shall accompany his return to the Clerk of the Crown in Chancery with a report of his proceedings and of any nomination proposed and rejected for non-compliance with the requirements of this act. 63-64 V. (C), c. 12, s. 37; 59 V. (Q), c. 9, s. 115.

Withdrawal
of candidate.

108. Any candidate nominated may withdraw at any time after his nomination, and before the closing of the poll, by filing with the returning-officer a declaration in writing to that effect, signed by himself in presence of two electors who sign the same as witnesses; and any votes cast for the candidate who has so withdrawn shall be null and void; and if, after the withdrawal, there remains but one candidate, the returning-officer shall return as duly elected the candidate so remaining, without waiting for the day fixed for holding the poll, or for the closing of the poll if such withdrawal is filed on the polling day. 63-64 V. (C), c. 12, s. 38; 59 V. (Q), c. 9, ss. 118, 119.

Death of can-
didate.

109. 1. If a candidate dies after being nominated and before the closing of the poll, the returning-officer may fix another day for the nomination of candidates,—which day shall be the nearest day possible after allowing the number of days required by article 92 between the posting up of the proclamation and the nomination day.

Deposit, how
to be dealt
with.

2. In such case the candidate's deposit shall be returned to his legal representatives.

Election how
to be carried
on.

3. The election, in the case of this article, must otherwise be held in the same manner as other elections under this act.

Return to be
made in such
cases.

4. In 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. 63-64 V., (C.), c. 12, s. 39; 59 V., (Q.), c. 9, s. 99.

Granting of
poll.

110. If more candidates than the number required to be elected for the electoral district are nominated in the manner required by this act, the returning-officer shall grant a poll for taking the votes of the electors. 63-64 V., (C.), c. 12, s. 40; 59 V., (Q), c. 9, s. 116.

§ 5.—*Qualification of Candidates*

Qualification
of members.

111. No person shall be elected a member of, or vote, or sit as such in the Legislative Assembly who is not at least twenty-one years of age, of the male sex, a subject of His Majesty by birth or naturalization, free from all legal disability, and in the enjoyment of his civil and political rights. 59 V., (Q), c. 9, s. 120.

§ 6.—*Proceedings between Nomination and Poll*

112. When polling is necessary, the returning-officer shall : Duties of re-
turning-offi-
cer :

(a). Cause to be posted up notices of his having granted such poll, including the names, residences and occupations of the candidates nominated in the order in which they are to be printed on the ballot papers hereinafter mentioned ; the names, occupations, residences and addresses of their agents ; the different polls established by him, and the territorial limits to which they respectively apply ; and the time when and place where the returning-officer shall add up the number of votes given for the different candidates. Notice of
poll.

Such notices shall, as soon as possible after the nomination, be placarded at all the places where the proclamation for the election was posted up, and shall be in the form K ; 63-64 V., (C.), c. 12, s. 41 (a) ; 1 Ed. VII (C.), c. 16, s. 3 ; 59 V., (Q.), c. 9, ss. 122, § 1, 123. Posting of
notices and
form thereof.

(b). Appoint, by a commission under his hand, in the form L, a deputy returning-officer for each polling division in the electoral district, who shall, before acting as such, take the oath of office in the form M ; 63-64 V., (C.), c. 12, s. 41 (b) ; 59 V., (Q.), c. 9, ss. 126, 128. Deputy re-
turning offi-
cer.

(c). Furnish each deputy returning-officer with a copy of this act and a copy of the list of electors, if there is one, for the polling division for which he is appointed,—such copy of the list of electors, being first certified by himself,—and a copy of the instructions approved by the Lieutenant-Governor in Council, as provided in article 87 of this act ; 63-64 V., (C.), c. 12, s. 41 (c) ; 59 V., (Q.), c. 9, s. 129. Copies of act
and of list of
electors.

(d). Deliver to each deputy returning-officer, one day at least before the polling day, a blank poll book, forms of oaths to be administered to voters, envelopes, sealing wax and a ballot box, and also a screen if one is required ; 63-64 V., (C.), c. 12, s. 41 (d) ; 59 V., (Q.), c. 9, s. 131, § 1. Ballot boxes,
forms, &c.

(e). Furnish each deputy returning-officer with a sufficient number of ballot papers (all being of the same description and as nearly as possible alike) to supply the number of voters on the list of such polling division, and a certificate of the number of such ballot papers, and with the necessary materials for voters to mark their ballot papers ; 63-64 V., (C.), c. 12, s. 41 (e) ; 59 V., (Q.), c. 9, s. 133. Ballot-
papers.

(f). Furnish each deputy returning-officer with at least ten copies of printed directions, in the form N, for the guidance of voters in voting, — which printed directions the deputy-returning-officer shall, before or at the opening of the poll, on the day of polling, cause to be posted up in Directions for
voters.

some conspicuous places outside of the polling station, and also in each compartment of the polling station ; 63-64 V., (C.), c. 12, s. 41, (f) ; 59 V., (Q.), c. 9, s. 139.

Lists of deputy returning-officers.

(g.) Furnish, at least two days before the day fixed for polling, to each candidate or his agent, a list of all deputy returning-officers appointed to act in such election, with the name or number of the poll at which each of them is to act and also a copy of the Election Act. 63-64 V., (C.), c. 12, s. 41, (g).

New list if first lost.

113. If the list, copy or extract in the possession of any deputy returning-officer has been lost or destroyed, it shall be the duty of the returning-officer to provide that another certified list, copy or extract be supplied to such deputy returning-officer. 59 V., (Q.), c. 9, s. 130.

Poll to be in each voting subdivision.

114. The returning-officer shall establish a poll in each voting subdivision established under articles 63, 64, 65 and 67. ~~Id.~~ Id., s. 89.

Where poll to be established.

115. The polls shall be established in central and commodious localities. Id., s. 90.

Poll-clerk.

116. Each deputy returning-officer shall forthwith appoint, by commission under his hand, in the form O, a poll-clerk who, before acting as such clerk, shall take the oath in the form P.

Information as to deputies and poll-clerks.

117. Each deputy returning-officer shall, if practicable, furnish to the returning-officer, not later than nine o'clock in the morning of the day prior to the day fixed for polling, the name and occupation or addition of such poll-clerk ; and the returning-officer shall, not later than twelve o'clock noon of the day prior to the day fixed for polling, post up in his office a list of the deputy returning-officers and poll-clerks, with the occupation or addition of each, showing the poll where each is to act, and shall permit free access to and afford full opportunity for inspection of such list, as well as the list of electors, by any candidate, agent or elector up to at least six o'clock of the evening of the same day. 63-64 V., (C.), c. 12, s. 42 ; 59 V., (Q.), c. 9, ss. 140, 142.

Duties of poll-clerks.

118. The poll-clerk, at the poll for which he shall have been appointed, shall be bound to aid and assist in the execution of his duties the deputy returning-officer appointed to keep the poll at such place, and to obey the orders of such deputy returning-officer. 59 V., (Q.), c. 9, s. 143.

119. If the poll-clerk dies, is unable to act, or if he refuses to accept such office, or neglects to discharge the duties thereof, the deputy returning-officer shall appoint another person competent to act as poll-clerk, who shall take the oath prescribed by article 116. *Id.*, s. 141.

New poll-clerk in certain cases. and his oath.

120. 1. Whenever a deputy returning-officer dies or refuses or is unable to act, the returning-officer may appoint another person to act in his place as deputy returning-officer; and, if no such appointment is made, the poll-clerk, without taking another oath of office, shall act as deputy returning-officer.

Poll-clerk to act as deputy returnin-officer in certain cases.

2. Whenever the poll-clerk acts as deputy returning-officer, he shall, by a commission in the form Q, appoint a poll-clerk, to act in his stead, who shall take the oath required by article 116. 63-64 V., (C.), c. 12, s. 43; 59 V., (Q.), c. 9, ss. 127, 144, 145.

Appoint poll-clerk under him.

121. 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 are deemed necessary to secure ballot boxes of a uniform size and shape,—such instructions being first approved of by the Lieutenant-Governor in Council. 63-64 V., (C.), c. 12, s. 44; 59 V., (Q.), c. 9, s. 332.

Furnishing of ballot boxes by Clerk of the Crown in Chancery, &c.

122. The sheriff of the district or the registrar of the registration division, in which the nomination has been held, shall, immediately after it has been declared that a poll is necessary, deliver to the returning-officer the ballot boxes deposited in his custody in accordance with this act. 63-64 V., (C.), c. 12, s. 45.

Ballot-boxes, &c., furnished by sheriff and registrar.

123. Whenever the returning-officer fails to furnish the ballot box and screen, or either of them, to the deputy returning-officer for any polling division, within the time prescribed by this act, or if either has or both have been removed or lost, such deputy returning-officer shall cause them, or whichever of them is wanting, to be made. 63-64 V., (C.) c. 12, s. 46; 59 V., (Q.), c. 9, s. 132.

If ballot-box or screen is not furnished.

124. The ballot box shall be made of some durable material, with lock and key, and 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 is unlocked. 63-64 V., (C.), c. 12, s. 47; 59 V., (Q.), c. 9, s. 131, § 2.

Construction of ballot-boxes.

- Form of ballot papers.** **125.** 1. The ballot of each voter shall be a printed paper, in this act called a ballot paper, on which the names of the candidates, alphabetically arranged in the order of their surnames, shall be printed exactly as they are set out in the nomination paper; and the ballot paper shall also be provided with a counterfoil, and there shall be a line of perforations between the ballot and the counterfoil, the whole as in form R. 1 Ed. VII, (C.), c. 16, s. 4; 59 V., (Q.), c. 9, s. 134.
- Description of paper to be used.** 2. The ballot shall be printed upon writing paper sufficiently thick so that the pencil mark shall not appear through it on the back. 63-64 V., (C.), c. 12, s. 48, § 3; 59 V., (Q.), c. 9, s. 137, § 1.
- Name of printer to be placed thereon.** 3. The ballot papers shall bear the name of the printer who prints them. 63-64 V., (C.), c. 12, s. 48, § 6.
- Printer's affidavit.** 4. The printer shall, upon delivering the ballot papers to the returning-officer, file in his hands an affidavit setting forth the description of the ballot papers so printed by him, the number of ballot papers supplied to such returning-officer, and the fact that no other ballot papers have been supplied by him to any one else. 63-64 V., (C.), c. 12, s. 48, § 7.
- Use of ballots with name of retired candidate thereon.** **126.** If a candidate retires too late to allow of the printing of new ballot papers, and polling is proceeded with for other candidates, the deputy returning-officer makes use of the ballot papers in 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. 59 V., (Q.), c. 9, s. 138.
- Property of ballot-boxes, &c.** **127.** The property of the ballot boxes, ballot papers, envelopes and marking instruments procured for or used at any election shall be in His Majesty. 63-64 V., (C.), c. 12, s. 49; 59 V., (Q.), c. 9, s. 218.

§ 7.—Voting

- Polling day.** **128.** Except as hereinbefore provided, the day for holding the poll shall be the seventh day next after the expiration of the day fixed for the nomination of candidates, that is on the same or corresponding day of the week next after that on which the nomination has taken place, or if such seventh day is a statutory holiday, then on the next following juridical day. 63-64 V., (C.), c. 12, s. 50; 59 V., (Q.), c. 9, s. 76, § 1.

129. The poll shall be held in each polling division in a room or building 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 ; and one or two compartments shall be made within the room, so arranged that each voter may be screened from observation, and may, without interference or interruption, mark his ballot paper ; and a table or desk with a hard and smooth surface shall be provided, upon which the voter may mark his ballot paper ; and a suitable black lead pencil shall be provided and kept properly sharpened throughout the hours of polling for the use of the voters in marking their ballots. 63-64 V., (C), c. 12 s. 51, § 1 ; 59 V., (Q.), c. 9, ss. 146, 147, 137, §§ 2, 3.

Where the poll shall be held.

Compartments.

Table to be provided.

130. The Clerk of the Crown in Chancery may give to the returning-officers such instructions as are deemed necessary as to the mode of making the compartments,—such instructions being first approved by the Lieutenant-Governor in Council. 63-64 V., (C), c. 12 s. 51, § 2.

Instructions by Clerk of the Crown in Chancery.

131. The poll shall be opened at the hour of nine of the clock in the forenoon and kept open until five of the clock in the afternoon of the same day ; and 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. 63-64 (C.), c. 12 s. 52 ; 59 V., (Q.), c. 9, s. 148.

Hours for polling.

132. In addition to the deputy returning-officer and the poll-clerk, the candidates and their agents (not exceeding two in number for each candidate in each polling station), or, in the absence of agents, two electors to represent each candidate on the request of such electors, and no others, shall be permitted to remain in the room where the votes are given, during the time the poll remains open.

Who may remain in the room.

Provided always, that 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 two electors who might otherwise claim the right of representing such candidate under this article. 63-64 V., (C.), c. 12, s. 53 ; 59 V., (Q.), c. 9, s. 150.

Agents authorized in writing.

133. Any person producing to the returning-officer or deputy returning-officer, at any time, a written authority from a candidate to represent him at the election or at any proceeding of the election, shall be deemed an agent of such candidate for the purposes of the voting only. 63-64 V., (C.), c. 12, s. 54 ; 59 V., (Q.), c. 9, s. 219.

Who may act as agent for candidates.

As to provisions requiring presence of agents, &c.

134. Whenever in this act any expressions are used, requiring or authorizing any act to be done, or implying that any act or thing is to be done, in the presence of agents of the candidates, such expressions 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 ; and the non-attendance of any agents or agent at such time and place shall not, if the act or thing is otherwise duly done, invalidate in any wise the act or thing done. 63-64 V., (C.), c. 12, s. 55 ; 59 V., (Q.), c. 9, s. 221.

Candidate may act in lieu of agent.

135. 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 such duties, and may be present at any place at which his agent may, in pursuance of this act, be authorized to attend. 63-64 V., (C.), c. 12, s. 56 ; 59 V., (Q.), c. 9, s. 220.

Who may not act as agents.

136. Every returning-officer or deputy returning-officer of an electoral district, who acts as agent for any candidate in the management or conduct of his election for such electoral district, is guilty of an offence which may be summarily tried and is liable to a fine of two hundred dollars. 63-64 V., (C.), c. 12, s. 57 ; 59 V., (Q.), c. 9, s. 232.

Oath of agents.

137. One of the agents of each candidate, and, in the absence of such agent, one of the electors representing each candidate, if there is such elector, on being admitted to the polling station, shall take an oath to keep secret the names of the candidates for whom any of the voters has marked his ballot paper in his presence, as hereinafter required,—which oath shall be in the form S. 63-64 V., (C.), c. 12, s. 58 ; 59 V., (Q.), c. 9, s. 151.

Inspection of ballot-papers, &c., before opening of poll.

138. Agents and electors entitled to be present in the room of the polling station during polling hours 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 ; provided such agents or electors are in attendance at least fifteen minutes before the hour fixed for opening the poll. 1 Ed. VII, (C.), c. 16, s. 5.

Provision as to election officers or agents entitled to vote.

139. 1. The returning-officer, on the request of any elector entitled to vote at one of the polling stations, who is appointed deputy returning-officer or poll-clerk, or who is named the agent of any of the candidates for a polling sta-

tion other than the one where he is entitled to vote, shall give to such elector a certificate that such deputy returning-officer, poll-clerk or agent is entitled to vote at such election at the polling station where such elector is stationed during the polling day ; and, on the production of such certificate, such deputy returning-officer, poll-clerk or agent shall have the right to vote at the polling station where he is placed during the polling day, instead of at the polling station where he would otherwise have been entitled to vote ; Proviso. provided that no such certificate shall entitle any such elector to vote at such polling station unless he has been actually engaged as such deputy returning-officer, poll-clerk or agent during the day of polling ; Proviso provided also that no more than two agents of any candidate shall have the right to vote at any one polling place under such certificates.

2. The returning-officer shall not grant such certificate for Limitation. more than two agents for each candidate at or for each polling station.

3. Every person so appointed deputy returning-officer, Oath and poll clerk or agent, and claiming to vote by virtue of such form thereof. certificate, shall, if required, before voting, take the oath in the form T.

4. Such oath, with the corresponding certificate of the Oath to be returning-officer, shall be filed with the deputy returning- filed. officer at the polling station where the person taking it has voted. 63-64 V., (C.), c. 12, s. 61 ; 59 V., (Q.), c. 9, s. 165.

140. At the hour fixed for opening the poll, the deputy Opening the returning-officer and the poll clerk shall, in the presence poll ; showing of the candidates, their agents, and such of the electors as and locking are present, open the ballot box and ascertain that there ballot-box. are no ballot papers or other papers therein, after which the box shall be locked, and the deputy returning-officer shall keep the key thereof. 63-64 V., (C.), c. 12, s. 62 ; 59 V., (Q.), c. 9, s. 152.

141. 1. Immediately after the ballot box is locked, as Calling upon above provided, the deputy returning-officer shall at nine electors to o'clock precisely call upon the electors to vote. vote.

2. The deputy returning-officer shall secure the admittance of every elector into the polling station, and shall see that he is not impeded or molested at or about the polling station. 63-64 V., (C.), c. 12, s. 63 ; 59 V., (Q.), c. 9, ss. 153, 154. Voters not to be impeded.

142. 1. Not more than one elector for each compartment shall, at any one time, enter the room where the poll is held, and each elector upon so entering shall declare his name Elector to declare his name, &c.

and addition, which particulars shall be entered in the poll-book by the poll clerk, a number being prefixed to the name.

Poll-book.

2. The poll-book shall be kept in the form U.

If name is on list.

3. If the elector's name is found on the list of electors for the polling subdivision of the polling station, he shall be entitled to vote. 63-64 V., (C.), c. 12, s. 64, §§ 1, 2, 3 ; 59 V., (Q.), c. 9, s. 156.

Oath to be submitted to electors.

143. Any elector presenting himself to vote, shall, before receiving his ballot paper, 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, under such oath or affirmation, answer in the affirmative to questions numbers 1, 2, 4 and 10, and in the negative to questions 3, 5, 6, 7, 8 and 9 of the following form :

How questions to be answered.

FORM OF OATH OR AFFIRMATION

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 the person meant or intended to be meant by the name entered as follows (*name of the elector entered on the list*) on the list of electors for this polling subdivision ?

2. Are you a subject of His Majesty ?

3. Have you been naturalized in any other country or taken thereto the oath of allegiance ?

4. Are you of the full of age twenty-one years ?

5. Have you voted before to-day at this election for this electoral district, at this or any other poll ?

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

7. 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 ?

8. Have you been guilty of, or participated in any corrupt practice whatever which disqualifies you from voting at this election ?

9. Have you been remunerated or paid or been promised the payment of anything, or do you expect that you will be paid anything for your having come to vote, or to remuner-

ate you in any way for the services rendered at this election for one of the candidates, except as carter for conveying such candidate or his agent ?

10. Not being a proprietor and residing out of Canada for over a year, have you returned to this country with your family, at least one month before the election, with the intention of remaining therein ?” 63-64 V., (C.), c. 12, s. 65 ; 59 V., (Q.), c. 9, s. 157 ; 60 V., (Q.), c. 21, ss. 28, 29 ; 61 V., (Q.), c. 13, ss. 1, 2.

144. The person requiring the oath may declare that he intends that one or some only of the questions mentioned in the above form be put to the elector, and, in that case, the deputy returning-officer puts only that or those questions so indicated. Some of the questions only may be required to be put.

145. No ballot-paper shall be given to any elector who shall have refused to take the oath or affirmation mentioned in article 143 or 144, when thereunto required, or who having taken the same, shall not have answered in the manner prescribed in such articles. 59 V., (Q.), c. 9, s. 159. No ballot to be given to person who has refused to be sworn.

146. Whenever any deputy returning-officer has reason to know or believe that any person presenting himself to vote has already voted at the election and presents himself with the view of voting again, or that such person desires to vote under a false name or designation, or falsely gives himself out or represents himself as entered upon the list of electors, such deputy returning-officer, whether he be required so to do or not, shall administer to such person the oath or affirmation authorized by law, under penalty of being guilty of an offence which may be summarily tried and of being liable to a fine of two hundred dollars ; and, in that case, mention is made of such formality by adding after the word “ *Sworn* ” these words : “ *in virtue of article 146.* ” 59 V., (Q.), c. 9, s. 160. Oath exacted by deputy returning-officer.

147. The votes shall be given by ballot, and each elector who is entitled to vote shall receive from the deputy returning-officer a ballot paper, on the back of which such deputy returning-officer has previously put his initials, so placed that when the ballot is folded they can be seen without opening it, and on the back of the counterfoil of which he has also placed his initials. 1 Ed. VII, (C.), c. 16, s. 7 ; 59 V., (Q.), c. 9, s. 156, § 3. Ballot-paper to be initialed by deputy returning-officer.

148. The deputy returning-officer only can and shall, when required so to do, sincerely and openly give to an elector the information necessary to show him how to make Information to be given to electors.

his mark, but without the slightest indication of preference or suggestion. 63-64 V., (C.), c. 12, s. 71 ; 59 V., (Q.), c. 9, s. 155.

Mode of
voting and
marking bal-
lots, &c.

149. The elector, on receiving the ballot-paper, shall forthwith proceed into one of the compartments of the polling station and there mark his ballot-paper, making a cross with a black lead pencil within the white space containing the name of the candidate for whom he intends to vote, and shall then fold up the ballot paper so that the initials on the back of it and on the counterfoil can be seen without opening it, and hand it to the deputy returning-officer, who shall, without unfolding it, ascertain by examining his initials that it is the same which he furnished to the voter, and shall then, in full view of those present, including the elector, remove the counterfoil and destroy it and place the ballot paper in the ballot box, which box shall be placed on a table in full view of those present. 63-64 V., (C.), c. 12, s. 72 ; 59 V., (Q.), c. 9, s. 161.

Elector spoil-
ing his ballot-
paper.

150. A voter who has inadvertently dealt with the ballot paper given him in such manner that it cannot be conveniently used shall,—on returning it to the deputy returning-officer, who shall cancel it, by writing thereon the word “null” with his initials—obtain another ballot paper in its place. 63-64 V., (C.), c. 12, s. 73 ; 59 V., (Q.), c. 9, s. 166.

Elector in
whose name
another has
previously
voted.

151. If a person, representing himself to be an elector whose name appears upon the list, applies for a ballot paper, after another person has voted as such elector, the applicant, upon taking the oath in the form V and otherwise establishing his identity to the satisfaction of the deputy returning-officer, shall be entitled to receive a ballot paper, on which the deputy returning-officer shall put his initials, and he shall thereupon be entitled to vote as any other elector.

Entry in poll
book in such
cases.

Mention shall be made in the poll-book of the fact of the elector having voted on a second ballot paper issued under the same name, and that, on demand, he had taken the required oath or affirmation mentioned in article 143 or 144, and also of any objection made to such vote on behalf of any of the candidates, and of the name of such candidate. 63-64 V., (C.), c. 12, s. 74 ; 59 V., (Q.), c. 9, s. 167.

Elector un-
able to mark
his ballot-
paper.

152. 1. The deputy returning-officer, on the application of any elector 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, and by placing such ballot paper in the ballot box; and the deputy returning-officer shall require the elector making such application, before voting, to make oath of his incapacity to vote without such assistance, in the form W.

2. Whenever the deputy returning-officer does not understand the language spoken by any such elector claiming to vote, he shall swear an interpreter, who shall be the means of communication between him and such elector with reference to all matters required to enable such elector to vote; and, in case no interpreter is found, such elector shall not be allowed to vote.

Interpreter to be sworn in certain cases.
If interpreter cannot be found.

3. The deputy returning-officer shall enter in the poll-book opposite the names of the voters whose ballot papers have been so marked, in addition to what is required by article 155, the reason why such ballot was marked by him. 63-64 V., (C.), c. 12, s. 75; 59 V., (Q.), c. 9, ss. 163, 164, 168.

Deputy to enter reasons for marking by him.

153. Every elector shall vote without undue delay, and shall quit the poll 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 in doing so, and his ballot is placed among those to be rejected. 59 V., (Q.), c. 9, s. 169.

No delay in voting.

154. No person shall vote more than once in the same electoral district at the same election. 63-64 V., (C.) c. 12, s. 77; 59 V., (Q.), c. 9, s. 279, § 1.

Voting more than once in same electoral district forbidden.

155. The poll-clerk shall enter in the poll-book to be kept by him as aforesaid, opposite the name of each elector voting, the word "*Voted*," as soon as his ballot paper has been deposited in the ballot box, and he shall enter in the same book the word "*Sworn*" or "*Affirmed*," indicating the number or numbers of the paragraph or paragraphs of the form to which he had been required to answer, opposite the name of each elector to whom the oath or affirmation has been administered, and the words "*Refused to be sworn*" or "*Refused to affirm*" or "*Refused to answer*" opposite the name of each elector who has refused to take any oath or to affirm, when he has been legally required so to do, or has refused to answer questions which he has been legally required to answer. 63-64 V., (C.), c. 12, s. 78; 59 V., (Q.), c. 9, s. 162.

Entries in poll-book.

Offences.

156. Every one who—

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

(b.) without authority supplies a ballot paper to any person ; or—

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

(d.) fraudulently takes a ballot paper out of the polling station ; or—

(e.) 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—

(f.) being a deputy-returning-officer, fraudulently puts, otherwise than as authorized by article 147, his initials on the back of any paper purporting to be or capable of being used as a ballot paper at an election ; or—

(g.) 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—

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

(i.) attempts to commit any offence specified in this article,—

Penalty.

is guilty of an offence summarily triable, and shall be liable, if he is a returning-officer, deputy returning-officer or other officer engaged at the election, to a fine not exceeding one thousand dollars and not less than three hundred dollars, and to imprisonment for a term not exceeding five years and not less than one year, with or without hard labour, in default of paying such fine,—and, if he is any other person, to a fine of from one hundred dollars to five hundred dollars, and to imprisonment for any term not exceeding two years and not less than six months, with or without hard labour, in default of paying such fine. 63-64, V., (C.) c. 12, s. 79 ; 59 V. (Q.), c. 9, s. 179.

Witnesses
need not ap-
pear on
voting day.

157. No elector, summoned as a witness before any judge or tribunal whatever in this province, shall be compelled to be or appear before such judge or tribunal on the day during which voting takes place in the electoral district in which such elector is entitled to vote. 59 V., (Q.) c. 9, s. 179.

Factories,&c.,
to be kept
closed during
afternoon of
polling day.

158. No person shall keep open any factory, works, workshop or shop during the whole time comprised between one and six o'clock in the afternoon of the polling day, in

the divisions or wards of a city in which polls are held, under a penalty of being guilty of an offence summarily triable and of being liable to a fine of one hundred dollars.

Penalty

159. In case, through accident or irresistible force, riot, removal of documents, or other cause of a similar nature, the nomination could not be had, or the voting could not commence at the hour fixed or was interrupted by similar causes or an insufficiency of ballot-papers before being closed, the returning-officer and the deputy returning-officer, in so far as it concerns either, shall adjourn to the following day to recommence the operation, and day by day if necessary until the nomination of candidates may be freely held ; and, in the case of the polling, it is resumed by commencing at the hour fixed by article 131, until it has lasted eight hours so that all the electors who wish to vote may have had the opportunity of so doing. 59 V., (Q.), c. 9, s. 173.

Provisions if nomination or polling could not be held on day fixed.

§ 8.—*Close of the poll and proceedings thereafter*

160. 1. At five o'clock the poll is closed and the voting is closed ; an entry thereof is made in the poll-book. Close of poll.

2. Immediately thereafter, the deputy returning-officer shall first place all the spoiled ballots in an envelope and seal it up, and 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 this polling division is (stating the number),*” and he shall sign his name thereto ; then, in the presence of and in full view of the poll-clerk and the candidates or their agents—and, if the candidates and their agents or any of them are 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, giving full opportunity to those present to examine each ballot. Counting the ballot papers.

3. In counting the votes, he shall reject all ballot papers which have not been supplied by the deputy returning-officer,—all those by which more than one vote has been given,—all those upon which there is any writing or mark by which the voter could be identified, other than the numbering by the deputy returning-officer in the cases herein-after provided for,—all those left in blank or null as uncertain,—all other ballot papers which may have been presented to him and which do not have his initials thereon, saving the case of article 161. 63-64 V., (C.), c. 12, s. 80 ; 59 V., (Q.), c. 9, ss. 181, 183. Rejecting the ballots.

rejected, those spoiled, and those unused shall be put respectively into separate envelopes or parcels, and all such envelopes or parcels shall be endorsed so as to indicate their contents, and shall be sealed by the deputy returning-officer; they shall also be marked with the signatures of any agents present in the polling station who are willing to do so, by writing their signatures across the flap thereof, such agents affixing their seals on the flap if they desire so to do. 63-64 V., (C.), c. 12, s. 82; 59 V., (Q.), c. 9, s. 184.

164. 1. 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 in the forms X and Y, which shall remain attached to the poll-book; after which the deputy returning-officer shall make out a statement in triplicate, in the form Z, 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.

Oaths by
deputy re-
turning-
officer and
poll-clerk.

Statement by
deputy re-
turning-offi-
cer.

2. The deputy returning-officer shall then, when so requested, deliver to each of the candidates, or to their agents, or, in the absence of such candidates or agents, to the electors present representing the candidates, a certificate, in the form AA, of the number of votes given for each candidate, and of the number of rejected ballot papers; and he shall also forthwith after the close of the poll, mail to each candidate, by registered letter, to the address stated in the ballot paper, a like certificate.

Certificate
given to
candidates or
their repre-
sentatives.

3. The poll-book, the envelopes containing the ballot papers, the envelope containing the lists of electors, and all other documents which served at the election shall then be placed in the large envelope supplied for the purpose, and this large envelope shall then be sealed and placed in the ballot box.

Documents to
be inclosed in
ballot box.

4. The ballot box shall then be locked and sealed with the seal of the deputy returning-officer, and shall be forthwith delivered by the deputy returning-officer 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; and such person or persons shall, on delivering the ballot boxes to the returning-officer, take the oath in the form BB. 63-64 V., (C.), c. 12, s. 83; 59 V., (Q.), c. 9, ss. 186, 187, 188, 189, 190.

Ballot box to
be sealed and
delivered to
returning-
officer, &c.

165. The returning-officer, upon the receipt by him of each of the ballot boxes, shall take every precaution for its safe-keeping and for preventing any person other than himself and his election clerk from having access thereto; and

Safe keeping
of ballot
boxes.

shall, immediately upon the receipt of each ballot-box, seal it under his own seal in such a way that it cannot be opened without the seal being broken, and this he shall do without effacing or covering the seals thereto affixed. 63-64 V., (C.), c. 12, s. 84.

Addition of
votes by re-
turning-
officer.

166. 1. The returning-officer, at the place, day and hour appointed by his proclamation, and after having received all the ballot boxes, 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, contained in the several ballot boxes returned by the deputy returning-officers, of the ballot papers and counted by them.

Declaration
thereupon.

2. The candidate who, on the addition of the votes, is found to have a majority of votes, shall then be declared elected. 63-64 V., (C.), c. 12, s. 85; 59 V., (Q.), c. 9, ss. 192, 196.

Casting vote
of returning-
officer.

167. Whenever, on the addition of votes by the returning-officer, an equality of votes is found to exist between any two or more of the candidates, and 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 writing, signed by himself for whom he votes, saving the right to apply for a recount or final addition by a judge.

Not to vote
otherwise.

In no other case shall the returning-officer have the right to vote. 63-64 V., (C.), c. 12, s. 86; 59 V., (Q.), c. 9, s. 197.

Adjournment
if ballot boxes
are missing.

168. 1. If the ballot boxes are 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,—such subsequent day not being more than a week later than the day originally fixed for the purpose of adding up the votes.

Adjournment
for other
causes.

2. In case any deputy returning-officer has not duly inclosed 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, the returning-officer may thereupon adjourn to a future day and hour the said adding up of the number of votes given for each candidate, and so from time to time,—such adjournment or adjournments not in the aggregate to exceed two weeks. 63-64 V., (C.), c. 12, s. 87.

169. 1. If the ballot boxes or any of them have been destroyed or lost, or for any other reason are not forthcoming within the time fixed, as in the first paragraph of article 168 provided, the returning-officer shall ascertain the cause of the disappearance of such ballot boxes, and shall call on each of the deputy returning-officers whose ballot boxes are missing, or on any other person having them, for the lists, statements and certificates, or copies of the lists, statements and certificates of the number of votes given to each candidate, required by this act, the whole verified on oath; and, 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 the several polling places, and to that end 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 to bring all necessary papers and documents with him —of which day and hour and of the intended proceedings the candidates shall have due notice; and the returning-officer may then and there examine on oath such deputy returning-officer or poll-clerk, or any other person, respecting the matter in question.

Loss of boxes.

2. In case of an adjournment by reason of any deputy returning officer not having placed in the ballot box a statement of the ballot papers counted by him, 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 division of such deputy returning-officer, and to that end shall have the powers set out in the next preceding paragraph.

Duty of returning-officer if statement is not in ballot box.

3. In any case arising under this article, the returning-officer shall return the candidate appearing to have the majority of votes, and shall mention specially in his report to be sent with the return the circumstances accompanying the disappearance of the ballot boxes, or the want of any statement as aforesaid, and the mode by which he ascertained the number of votes given to each candidate.

Return of candidate appearing to have majority.

4. Any person refusing or neglecting to attend on the summons of a returning-officer issued under this article shall be guilty of an offence triable summarily and be liable to a penalty of two hundred dollars or to imprisonment for a term not exceeding two years, with or without hard labour. 63-64 V., (C.), c. 12, s. 88; 59 V., (Q.), c. 9, ss. 193, 194, 195.

Not obeying summons an offence.

170. 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

Deposit of ballot boxes with sheriff, etc.

used at the election ; if he is the sheriff or registrar he keeps them in his possession as such.

Subsequent
use thereof.

The sheriff or registrar shall, at the next ensuing election, deliver such ballot boxes to the returning-officer named for such election. 63-64 V., (C.), 12, s. 89 ; 59 V., (Q.), c. 9, ss. 202, 203,

§ 9.—*Recount and final addition by a judge*

Provision for
recount or
final addition
of votes by a
judge.

Grounds for
application.

Security for
costs.

Time to be
appointed.

Notice.

Service of
notice.

Order of
judge to re-
turning-
officer, etc.

171. 1. If, within four days after that on which the returning-officer has made the addition of the votes for the purpose of declaring the candidate elected, it is made to appear, on the affidavit of a credible witness, to a judge of the Superior Court, ordinarily discharging his duties in the judicial district in which the electoral district or any part thereof is situated, or, in his absence, to any other judge of the same court, that a deputy returning-officer at an election in such electoral district, in counting the votes,—(a) has improperly counted, or (b) has improperly rejected any ballot papers at such election, or (c) has made an incorrect statement of the number of ballot papers cast for any candidate, or (d) that the returning-officer has improperly added up the votes,—and, if 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 final addition, of the candidate appearing by the addition to be elected,—the said judge shall appoint a time, within four days after the receipt of the said affidavit by him, to recount the votes if the said application is made in relation to one of the first three grounds of application, or to make the final addition if the said application is made in relation to the last-mentioned ground of application, as the case may be. 63-64 V., (C.) c. 12, s. 90 § 1 ; 59 V., (Q.) c. 9, s. 204.

2. The judge shall give notice in writing to the candidates or their agents of the time and place at which he will proceed to recount the votes, or to make such final addition, as the case may be ; and the judge may, at the time of the application or afterwards, direct that service of the notice upon the candidates or their agents may be substitutional, or may be made by mail or by posting, or in such other manner as he thinks fit. 63-64 V., (C.), c. 12, s. 90, § 2 ; 59 V., (Q.), c. 9, s. 205.

3. The judge shall summon and command the returning-officer and his election clerk to attend then and there with the parcels containing the ballot papers used at such election,

or the original statements of the deputy returning-officers, as the case may be, with respect to or in consequence of which such recount or final addition is to take place,—which command the returning-officer and his election clerk shall obey. 63-64 V., (C.), c. 12, s. 90, § 3; 59 V., (Q.), c. 9, s. 205.

4. At such recount of votes or final addition by the judge, the returning-officer and his election clerk shall be present, and each candidate shall be entitled to be represented by not more than three agents appointed to attend, and may himself be present if he desires; but 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; and, except with the sanction of the judge, no other person shall be present at such recount or final addition. 63-64 V., (C.), c. 12, s. 90, § 4; 59 V., (Q.), c. 9, s. 206.

Who may be present at the recount or final addition.

5. At the time and place appointed, and in the presence of the said persons, if in attendance, the judge shall proceed to make such final addition in the manner prescribed by article 166, or to recount all the votes or ballot papers returned by the several deputy returning-officers, as the case may be, and shall, in the latter case, open the sealed packets containing, (a) the used ballot papers which have been counted, (b) the rejected ballot papers, (c) the spoiled ballot papers, and no other ballot papers. 63-64 V., (C.), c. 12, s. 90 § 5; 59 V., (Q.), c. 9, s. 207.

Making final addition or opening packets of ballots and recounting the votes.

6. The judge shall, as far as practicable, proceed continuously, except on Sunday, with the final addition or recount of the votes, allowing only time for refreshments, and excluding (except so far as he and the persons aforesaid agree) the hours between six o'clock in the afternoon and nine in the succeeding forenoon; and, during such excluded time and recess for refreshments, the judge shall place the ballot papers and other documents relating to the election closed under his own seal and the seal of such other of the said persons as desire to affix their seals, and shall otherwise take precautions for the security of such papers and documents. 63-64 V., (C.), c. 12, s. 90, § 6; 59 V., (Q.), c. 9, s. 208.

Day and hour on which recount shall take place.

Packets sealed during adjournment.

7. The judge shall, in the case of a recount, proceed to recount the votes according to the rules set forth in article 160, and shall verify or correct the ballot paper account and statement of the number of votes given for each candidate; and, upon the completion of such recount, or as soon as he has so ascertained the result of the poll, he shall seal up all the said ballot papers in separate packets. 63-64 V., (C.), c. 12, s. 90, § 6; 1 Ed. VII, (C) c. 16, s. 8; 59 V., (Q.), c. 9, s. 209.

Mode of proceeding with the recount.

8. The judge shall also, if necessary or required, review the decision of the returning-officer with respect to the

Powers of judge.

number of votes given for a candidate at any polling place, where the ballot box used was not forthcoming when he made his decision, or when the proper certificates or papers were not found therein; and, for the purpose of arriving at the facts, shall have all the powers of a returning-officer with regard to the attendance and examination of witnesses. 63-64 V., (C.), c. 12, s. 90, § 8.

Casting vote
of returning-
officer.

9. The judge shall forthwith certify the result of the recount or final addition to the returning-officer, who shall then declare to be elected the candidate having the highest number of votes; and, in case of an equality of votes, the returning-officer shall at once give the casting vote. 63-64 V., (C.), c. 12, s. 90, § 9; 59 V., (Q.), c. 9, s. 209.

Return not to
be made until
judge's certi-
ficate is re-
ceived.

10. The returning-officer, after the receipt of notice from the judge of the recount or final addition, shall delay making his return to the Clerk of the Crown in Chancery until he receives a certificate from the judge of the result of such recount or final addition; and upon receipt of such certificate the returning-officer shall proceed to make his return. 63-64 V., (C.), c. 12, s. 90, § 10; 59 V., (Q.), c. 9, s. 210.

As to costs!
and disposal
of deposit.

11. If the recount or final addition does not so alter the result of the poll as to affect the election, the judge shall order the costs of the candidate appearing to be elected to be paid by the applicant; and the moneys deposited as security for costs shall be paid out to the said candidate on account thereof, so far as necessary; and the judge shall tax the costs on giving his decision; and if the deposit is insufficient, the party in whose favour costs are allowed shall have his action for the balance. 63-64 V., (C.), c. 12, s. 90, § 11; 59 V., (Q.), c. 9, s. 212.

How costs
shall be
taxed.

12. 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. 63-64 V., (C.), c. 12, s. 90, § 12.

Failure of the
judge to act.

172. 1. In case of any omission, neglect or refusal of the judge to comply with the foregoing provisions of the next preceding article, or to proceed with the recount or final addition therein provided for, then any party aggrieved may, within eight days thereafter, make application 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 final addition.

Order of court
for hearing.

2. Such application may be made upon affidavit, which need not be entitled in any matter or cause, setting forth the facts relating to such omission, refusal or neglect; and the judge, to whom the application is made, shall, if it appears

that there is such omission, refusal or neglect, make an order appointing a time, within eight days, and a place for the consideration of such application, 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 ; and, if the circumstances appear to the judge to warrant it, he may direct that service upon any of such parties may be substitutional, or may be made by mail, or by posting, or in such other manner as he thinks fit.

Notice to judge and others.

3. The judge complained of, or any of the parties interested, may file in the office of the clerk, registrar or prothonotary of the court, to a judge of which the application is made, affidavits in reply to those filed by the applicant, and upon demand shall furnish him with copies thereof.

Affidavits may be filed.

4. At the time and place appointed by the judge 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 dismissing the application or commanding the judge in default to take such action as is necessary in order to a compliance with the directions of this article, and to proceed with and complete such recount or final addition as aforesaid ; and the judge may make such order as to costs as he thinks proper.

Order of judge after hearing.

5. A judge so found to be in default as aforesaid shall forthwith carry out the directions of any order so made ; and there shall be the same remedies for the recovery of the costs awarded by such order as for that of the costs in ordinary cases in the same court. 63-64 V., (C.), c. 12, s. 91.

Judge to obey order.

Costs.

§ 10.—*Election return*

173. 1. The returning-officer shall, immediately after the sixth day after the final addition by him under article 166, or the ascertainment by him under article 169 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 final addition by such judge of the votes given at the election, and, where there has been a recount or final addition by the judge, immediately thereafter, transmit his return to the Clerk of the Crown in Chancery that the candidate having the largest number of votes has been duly elected ; and he shall forward to each of the candidates a duplicate or copy of the

Return of candidate elected.

certificate of election, in the form CC. 63-64 V., (C.), c. 12, s. 92 § 1 ; 59 V., (Q.), c. 9, s. 198 § 1 and s. 211.

Report by
returning-
officer.

2. The returning-officer shall accompany his return to the Clerk of the Crown in Chancery with a report of his proceedings, in which report he shall make any observations he thinks proper as to the state of the ballot boxes or ballot papers as received by him. 63-64 V., (C.), c. 12, s. 92 § 2 ; 59 V., (Q.), c. 9, s. 199.

Certain docu-
ments to be
sent with
return.

3. The returning-officer shall also transmit to the Clerk of the Crown in Chancery the writ, with his return, all the ballot papers, including those unused, the original statements of the several deputy returning-officers, hereinbefore referred to, together with the lists of electors and poll books used in the several polling divisions, and all other lists and documents used or required at such election, or which have been transmitted to him by the deputy returning-officers. 63-64 V., (C.), c. 12, s. 92, § 3 ; 59 V., (Q.), c. 9, s. 200.

How sent.

4. Such return and report are sent through the post office, after being registered, or by express, charges paid. 63-64., V., (C.), c. 12, s. 92, § 4 ; 59 V., (Q.), c. 9, s. 201.

If return is
irregular.

5. In the event of the returning-officer making a return and report to the Clerk of the Crown in Chancery not complying with the provisions of this article or article 171, or making a return and report pending an application under article 172, the Clerk of the Crown in Chancery shall return the said report and return, together with all ballot papers, to the returning-officer on presentation of an order signed by any judge who has jurisdiction under the latter article. 63-64 V., (C.), c. 12, s. 92, § 5 ; 59 V., (Q.), c. 9, s. 210, § 2.

Liability of
returning-
officer not re-
turning can-
didates elect-
ed.

174. If any returning-officer wilfully delays, neglects or refuses duly to return any person who ought to be returned to serve in the Legislative Assembly for any electoral district, such person may, if it has 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, sue the returning-officer who has so wilfully delayed, neglected or refused duly to make such return of his election, in the Superior Court of the judicial district in which such electoral district is situate wholly or partly, and recover from him a sum of five hundred dollars, together with all damages he has sustained by reason thereof, and costs ; provided that, such action is 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. 63-64 V., (C.), c. 12, s. 93 ; 59 V., (Q.), c. 9, s. 233.

Proviso.

175. 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 such purpose in the order in which such return is received by him, and thereupon immediately give notice in the ordinary issue of the *Quebec Official Gazette* of the name of the candidate so elected and in the order in which it was received. 63-64 V., (C.), c. 12, s. 94; 59 V., (Q.), c. 9, s. 213.

Publication
of the election.

176. The Clerk of the Crown in Chancery shall, subject to the provisions of paragraph 5 of article 173 and of article 180, retain in his possession the papers transmitted to him by any returning-officer, with the return, for at least one year, if the election is not contested during that time, and if the election is contested, then for one year after the termination of such contestation. 63-64 V., (C.), c. 12, s. 95; 59 V., (Q.), c. 9, s. 214.

Duty of clerk
of the Crown
in Chancery
as to retention
of papers,
etc.

§ 11.—*Secrecy of voting*

177. 1. Every candidate, officer, clerk and agent in attendance at a polling place shall maintain and aid in maintaining the secrecy of the voting at such polling place; and no such candidate, officer, clerk or agent shall, before the poll is closed, communicate to any person any information as to whether any person on the list of electors has or has not applied for a ballot paper or voted at that polling place. 63-64 V., (C.), c. 12, s. 96, § 1; 59 V., (Q.), c. 9, s. 174.

Secrecy during
poll.

2. No candidate, officer, clerk, agent or other person shall interfere with, or attempt to interfere with a elector when marking his ballot paper, or otherwise attempt to obtain at the polling place information as to the candidate for whom any elector at such polling place is about to vote or has voted. 63-64 V., (C.), c. 12, s. 96, § 2; 59 V., (Q.), c. 9, s. 172.

Interfering
with voter
marking ballot
paper.

3. No elector shall, except in the case provided for in article 152, 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. 63-64 V., (C.), c. 12, s. 96, § 3; 59 V., (Q.), c. 9, s. 171.

Ballot paper
not to be displayed.

4. No person shall, directly or indirectly, induce or endeavour to induce any elector to show his ballot paper 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. 63-64 V., (C.), c. 12, s. 96, § 4; 59 V., (Q.), c. 9, s. 171.

Inducing
voter to display
ballot-paper.

5. No candidate, officer, clerk, agent or other person shall communicate at any time to any person any information obtained at a polling place as to the candidate for whom any

Vote not to
be disclosed.

elector at such polling place is about to vote or has voted. 63-64 V., (C.), c. 12, s. 96, § 6; 59 V., (Q.), c. 9, s. 175.

Secrecy re-
specting
counting of
votes.

6. Every candidate, officer, clerk and agent in attendance at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting; and no such candidate, officer, clerk or agent 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. 63-64 V., (C.), c. 12, s. 96, § 7; 59 V., (Q.), c. 9, s. 191.

Penalty.

7. Every one who violates any of the provisions of this article shall be guilty of an offence triable summarily and be liable to a penalty not exceeding two hundred dollars, and imprisonment for any term not exceeding six months, with or without hard labour, in default of payment of such penalty. 63-64 V., (C.), c. 12, s. 96, § 8; 59 V., (Q.), c. 9, s. 176.

Secrecy of
vote protect-
ed.

178. 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. 63-64 V., (C.), c. 12, s. 97; 59 V., (Q.), c. 9, s. 178.

Clerk of the
Crown in
Chancery to
give copies of
papers on
payment of
fees
Copies *prima*
facie proof.

179. The Clerk of the Crown in Chancery shall deliver, on application to that end and on payment of a fee of ten cents per hundred words, certified copies of all writs, poll books, reports, returns or other documents in his possession concerning any election, except ballot papers.

Each copy thus certified shall be *prima facie* proof before every judge, election court, and tribunal in the province. 59 V., (Q.), c. 9, s. 215.

Inspection of
ballot papers
in custody of
Clerk of the
Crown in
Chancery.

180. Except as provided by paragraph 5 of article 173 of this act, 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 a judge thereof,—which rule or order may be granted by such court or judge, on being satisfied by evidence on oath that the inspection or production of such ballot papers is required for the purpose of instituting or maintaining a prosecution for an offence in relation to such ballot papers, or for the purpose of a petition which has been filed questioning an election or return; and any such rule or order for the inspection or production 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 thinks expedient, and shall be obeyed by the Clerk of the Crown in Chancery. 63-64 V., (C.), c. 12, s. 98; 59 V., (Q.), c. 9, s. 216.

§ 12.—*Keeping the peace and good order at elections*

181. Each returning-officer and each deputy returning-officer, from the time he takes the oath of office until the day after the closing of the election, shall be a conservator of the peace, invested with all the powers appertaining to a justice of the peace. 63-64 V., (C.), c. 12, s. 99 ; 59 V., (Q.), c. 9, s. 234. Returning-officer and deputy returning-officer conservators of the peace.

182. Every returning-officer or deputy returning-officer may require the assistance of justices of the peace, constables or other persons present, to aid him in maintaining peace and good order at such election ; and may also, on a requisition made in writing by any candidate, or by his agent, or by any two electors, swear in such special constables as he deems necessary. 63-64 V., (C.), c. 12, s. 100 ; 59 V., (Q.), c. 9, s. 235. May require aid and swear in constables.

183. Every returning-officer or deputy returning-officer may arrest or cause by verbal order to be arrested, and place in the custody of any constables or other persons, any person disturbing the peace and good order at the election, and may cause such person to be imprisoned under an order signed by him until an hour not later than the close of the poll. 63-64 V., (C.), c. 12, s. 101 ; 59 V., (Q.), c. 9, s. 236. Arrest of offenders.

184. The returning-officer or deputy returning-officer may, during the nomination day and polling day at any election, require any person 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 ; and every person who refuses to deliver such weapon shall be guilty of an offence summarily triable, and be liable to a penalty not exceeding one hundred dollars, and, in default of payment of such penalty, to imprisonment for a term not exceeding three months. 63-64 V., (C.), c. 12, s. 102 ; 59 V., (Q.), c. 9, s. 237. Carrying arms forbidden.
Penalty.

185. Except the returning-officer, the deputy returning-officer, the poll-clerk and the 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 stated residence in the polling division for at least six months next before the day of such election, shall come during any part of the day upon which the poll is to remain open into such polling division armed with offensive weapons of any kind, such as firearms, swords, staves, bludgeons or the like ; and no person being in such polling Strangers not to enter polling districts armed.

division shall arm himself, during any part of the day, with any such offensive weapon, and thus armed approach within the distance of one mile of the place where the poll of such polling division is held, unless called upon so to do by lawful authority. 63-64 V., (C.), c. 12, s. 103 ; 59 Vic., (Q), c. 9, ss. 238, 239, 240.

Flags, etc.,
not to be fur-
nished or
carried.

186. No person shall furnish or supply any ensign, standard or set of colours, or any other flag, to or for any person with intent that it shall be carried or used in such electoral district on the day of election, or within eight days before such day, or during the continuance of such election 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; and no person shall, for any reason, carry or use any such ensign, standard, set of colours or other flag, as a party flag, within such electoral district on the day of any such election or polling or within eight days before such day, or during the continuance of such election. 63-64 V., (C.), c. 12, s. 104 ; 59 V., (Q.), c. 9, ss. 241, 242.

Ribbons or
favours not to
be furnished,
etc.

187. 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 such electoral district on the day of election or polling, or within eight days before such day, or during the continuance of such election, 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; and 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 election or polling, or within eight days before such day, during the continuance of such election. 63-64 V., (C.), c. 12, s. 105 ; 59 V., (Q.), c. 9, ss. 241, 242.

Punishment
for contra-
vention.

188. Every one who offends against any of the provisions of the three articles next preceding is guilty of an offence triable summarily, and is liable to a penalty not exceeding one hundred dollars, or to imprisonment for a term not exceeding three months, or to both, in the discretion of the court. 63-64 V., (C.), c. 12, s. 106 ; 59 V., (Q.), c. 9, s. 244.

Hotel bars,
&c., to be
closed.

189. No person shall keep open any bar in a hotel or club, any hotel, tavern, shop or store, whether licensed or not, in which spirituous or fermented liquors or drinks are ordinarily sold, during the day of voting in the voting subdivisions or wards of a city in which the polls are situated,

under a penalty of being guilty of an offence triable summarily and being liable to a fine of one hundred dollars, and imprisonment not exceeding six months in default of payment. 59 V., (Q.), c. 9, s. 245.

190. On the day of the polling in cities, and on the day of the polling and the previous day everywhere else, no person shall, within the limits of an electoral district where an election is held, under penalty of being guilty of an offence triable summarily and being liable to a fine of one hundred dollars and an imprisonment not exceeding six months in default of payment, either sell for a price in money or in exchange for any article whatever, or lend or deliver, or gratuitously supply any quantity whatever of spirituous or fermented liquor; the only exception to this provision, the burden of proof whereof is upon the accused, is established in favor of the sick, in which case the liquor can only be sold, lent, delivered or supplied upon the certificate of a priest or minister of some religious denomination, or of a physician; and whoever shall give or deliver a false certificate in respect thereof shall be guilty of an offence summarily triable and be liable to a fine of one hundred dollars, and, in default of payment, to imprisonment not exceeding one month. 59 V., (Q.), c. 9, s. 246.

Liquor not to be supplied during certain days.

Exception.

Penalty for false certificate.

191. During the days mentioned in article 190, and under the same penalties, but subject to the same exceptions 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.

Liquor not to be brought into an electoral district during an election.

This provision shall not affect the sale, transport, delivery or purchase of spirituous or fermented liquor, made in good faith and in the ordinary course of affairs 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. 59 V., (Q.), c. 9, s. 247.

Exception for merchants.

Restriction.

192. No person shall lease or let, 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 in which food and drink is ordinarily supplied for payment, or make use of any such places for that purpose, under penalty of being guilty of an offence triable summarily and of being liable to a fine not exceeding one hundred dollars, and of an imprisonment not exceeding three months in default of payment. 59 V., (Q.), c. 9, s. 249.

Certain places not to be used as committee rooms, &c.

Penalty.

§ 13.—*Corrupt practices and other illegal acts*

Bribery: **193.** The following persons are guilty of bribery and shall be punishable accordingly :—

Gift, loan, valuable consideration, &c., to induce to vote or refrain from voting. (a.) 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 on behalf of any elector, or to or for any person, 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; 63-64 V., (C.), c. 12, s. 108, § (a); 59 V., (Q.), c. 9, s. 253, § (a.)

Gift or promise of office, &c., with same view. (b.) 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 endeavor 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; 63-64 V., (C.), c. 12, s. 108, § (b). 59 V., (Q.), c. 9, s. 253, § (b.)

Same act to promote an election. (c.) 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; 63-64 V., (C.), c. 12, s. 108, § (c); 59 V., (Q.), c. 9, s. 253, § (c).

Work at such election by reason of such acts. (d.) 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; 63-64 V., (C.), c. 12, s. 108, § (d); 59 V., (Q.), c. 9, s. 253, § (d).

Advance or payment of money to corrupt. (e.) every person who advances or pays, or causes to be paid, any money to or to the use of any other person, with the intent that such money or any part thereof shall be expended in bribery 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; 63-64 V., (C.), c. 12, s. 108, § (e); 59 V., (Q.), c. 9, s. 253, § (e).

(f.) every person who, directly or indirectly, by himself or by any other person on his behalf, on account of and as payment for voting or for his having voted, or for illegally agreeing or having agreed to vote for any candidate at an election, or on account of and as payment for his having illegally assisted or agreed to assist any candidate at an election, applies to such candidate, or to his agent or agents, for the gift or loan of any money or valuable consideration, or for the promise of the gift or loan of any money or valuable consideration, or for any employment, or the promise of any employment; 63-64 (C.), c. 12, s. 108, § (f). Demanding
bribe of can-
didate or
agent.

(g.) 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; 63-64 V., (C.), c. 12, s. 108, § (g); 59 V., (Q.), c. 9, s. 255, § 1. Receiving
money, etc.,
before or
during an
election.

(h.) 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; 63-64 V., (C.), c. 12, s. 108, § (h); 59 V., (Q.), c. 9, s. 255, § 2. Or after an
election,

(i.) every person who, to induce a person to allow himself to be nominated as a candidate, or to refrain from becoming a candidate, or to withdraw if he has become a candidate, gives or procures any office, place or employment, or agrees to give or procure, or offers or promises to procure, or endeavours to procure any office, place or employment for such person or any other person; 63-64 V., (C.), c. 12, s. 108, § (i); 59 V., (Q.), c. 9, ss. 256, 257. Bribery of
candidates.

(j.) any candidate or his agent who takes any bet or wager concerning or in relation to any election with a qualified elector, as also, such elector and any other person who furnishes money for such purposes. Taking bets,
&c.

And every person so offending is guilty of an offence triable summarily and liable for a term of imprisonment not exceeding six months and shall also forfeit the sum of two hundred dollars to any person who sues therefor, with costs. Penalty.

194. The actual personal expenses of any candidate, however, his expenses for actual professional services performed, and *bonâ 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 Certain
expenses to
be held law-
fully incur-
red.

to be expenses lawfully incurred, and the payment thereof shall not be a violation of this act. 63-64 V., (C.), c. 12, s. 108, § (i) ; 59 V., (Q.), c. 9, ss. 254, 258.

Treating by a candidate, &c.

Penalty.

Votes to be struck off on trial of election petition.

Penalty on elector accepting drinks, etc.

Treating elector by any person on nomination or polling day.

Penalty.

Threats.

195. 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, either before or 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 provision to or for any person, in order to be elected or for being elected, or for the purpose of corruptly influencing such person or any other person to give or refrain from giving his vote at such election, is guilty of the offence of "treating," and shall forfeit the sum of two hundred dollars to any person who sues therefor, with costs, in addition to any other penalty to which he is liable therefor under any other provision of this act ; and, on the trial of an election petition, 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, 63-64 V., (C.), c. 12, s. 110 ; 59 V., (Q.), c. 9, ss. 260, 263.

196. Every elector, who, with a corrupt motive, accepts or takes any such meat, drinks, refreshments or provisions, is also guilty of the offence of "treating," and is liable to a fine not exceeding fifty dollars and not less than ten dollars, and an imprisonment of three months in default of payment. 59 V., (Q.), c. 9, s. 261.

197. The giving or causing to be given to any elector on the nomination day or day of polling, on account of such elector having voted or being about to vote, any meat, drink or refreshment, or any money or ticket to enable such elector to procure refreshment, shall be deemed an unlawful act ; and the person so offending shall forfeit the sum of ten dollars for each offence to any person who sues therefor, with costs. 63-64 V., (C.), c. 12, s. 111 ; 59 V., (Q.), c. 9, s. 262.

198. Every one who, directly or indirectly, by himself or by any other person on his behalf, 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 who, 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 thereby 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 the offence of “undue influence,” and shall, in addition to any penalty thereby incurred, forfeit the sum of two hundred dollars to any person who sues therefor, with costs. 63-64 V., (C.), c. 12, s. 112 ; 59 V., (Q.), c. 9, s. 266. Penalty.

199. The hiring or promising to pay or paying for any horse, team, carriage, cab or other vehicle, by any candidate or by any person on his behalf, to convey any electors to or from the poll, or to or from the neighbourhood thereof, at any election, or the payment, by any candidate or by any person on his behalf, of the travelling and other expenses of any elector, in going to or returning from any election, are unlawful acts ; and every candidate or other person so offending shall forfeit the sum of one hundred dollars to any person who sues therefor, with costs ; and any elector hiring any horse, cab, cart, waggon, sleigh, carriage or other conveyance for any candidate, or for any agent of a candidate, for the purpose of conveying any electors to or from the polling place or places, shall, *ipso facto*, be disqualified from voting at such election, and shall, for every such offence, forfeit the sum of one hundred dollars to any person who sues therefor, with costs. 63-64 V., (C.), c. 12, s. 113 ; 59 V., (Q.), c. 9, ss. 270, 271. Conveyance of voters.
Penalty.

200. Every person who, at an election,—

Personation.

(a.) applies for a ballot paper in the name of some other person, whether such name is that of a person living or dead, or of a fictitious person ; or —

(b.) having voted once at any such election, applies at the same election for a ballot paper in his own name—

is guilty of “personation” and liable to a penalty not exceeding two hundred dollars and not less than fifty dollars and to imprisonment for a term not exceeding two years and not less than three months. 63-64 V., (C.), c. 12, s. 114 ; 59 V., (Q.), c. 9, s. 268, §§ 1, 2, s. 279, §§ 2, 3. Penalty.

201. Every person who aids, abets, counsels or procures the commission by any person of the offence of “personation” shall be liable to a penalty not exceeding two hundred dollars and not less than one hundred dollars, and to imprison- Aiding personation.
Penalty.

ment for a term not exceeding two years and not less than three months. 63-64 V., (C.), c. 12, s. 115 ; 59 V., (Q.), c. 9, s. 208, § 3.

Subornation
of perjury,
&c.

202. Every candidate who corruptly, by himself or by or with any other person on his behalf, compels or induces or endeavours to induce any person to personate any elector, or to take any false oath in any matter wherein an oath is required under this act shall, in addition to any other punishment, forfeit the sum of two hundred dollars to any person who sues therefor, with costs. 63-64 V., (C.), c. 12, s. 116 ; 59 V., (Q.), c. 9, s. 267.

Penalty.

Voting, etc..
when not
qualified.

203. Every person who votes or induces or procures any person to vote at an election, knowing that he or such person is not entitled to vote thereat, is guilty of an unlawful act, and shall also forfeit the sum of one hundred dollars to any person who sues therefor, with costs ; and in any suit for the recovery of the penalty, the burden of the proof of such person being entitled to vote at the election shall be upon him and not upon the person suing. 63-64 V., (C.), c. 12, s. 117 ; 59 V., (Q.), c. 9, s. 273.

Penalty.

Burden of
proof in pros-
ecutions.

Penalty on
persons pub-
lishing false
rumour as to
resignation
of candidate.

204. Any person who, before or during an election, knowingly 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, is guilty of an unlawful act, and shall also forfeit the sum of one hundred dollars to any person who sues therefor, with costs. 63-64 V., (C.), c. 12, s. 118 ; 59 V., (Q.), c. 9, s. 275 § 1.

Liability for
acts of agents.

205. A candidate shall not be liable, nor shall his election be avoided, for any unlawful act under the two preceding articles committed by an agent other than his agent appointed under the provisions of article 229. 63-64 V., (C.), c. 12, s. 119 ; 59 V., (Q.), c. 9, s. 275, § 2.

Certain
offences to
be corrupt
practices.

206. Any wilful offence against any one of articles 193, 195, 197, 198, 199, 200, 201, 202, 203, 204, 229 § 1, and 232 § 4 of this act, is a "corrupt practice" within the meaning of this act. 63-64 V., (C.), c. 12, s. 120 ; 59 V., (Q.), c. 9, s. 252.

Contracts
or promises
relating to
election void.

207. Every executory contract, or 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. 63-64 V., (C.), c. 12, s. 121 ; 59 V., (Q.), c. 9, s. 276.

208. If, on the trial of an election petition, claiming the seat for any person, a candidate is 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, there shall, on the trial of such election petition, be struck off from the number of votes appearing to have been given to 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. 63-64 V., (C.), c. 12, s. 122 ; 59 V., (Q.), c. 9, s. 272.

Votes to be struck off candidate for bribery, etc., in certain cases.

209. If it is found by the report of any court, judge or other tribunal for the trial of election petitions, that any corrupt practice has been committed by a candidate at an election, or by his agent, whether with or without the actual knowledge and consent of such candidate, the election of such candidate, if he has been elected, shall be void, saving the provisions of article 213. 63-64 V., (C.), c. 12, s. 123 ; 59 V., (Q.), c. 9, s. 280.

Corrupt practice by candidate or his agent to void election.

210. If, on the trial of an election petition, a candidate is proved to have personally engaged any person at the election to which such petition relates, as a canvasser or agent in relation to the election, knowing that such person so engaged has, within three years previous to such engagement, 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 petitions, the election of such candidate, if he has been elected, shall be void. 63-64 V., (C.), c. 12, s. 124 ; 59 V., (Q.), c. 9, s. 281.

Effect of employing a disqualified canvasser, &c., at any election.

211. The provisions of the three articles next preceding shall not, except as to the personal acts of the candidates and the acts of agents of candidates done with the knowledge and consent of such candidates, apply to any case by reason of any acts done at any election other than the election to which the petition relates. 63-64 V., (C.), c. 12, s. 125.

Effect of corrupt practices and illegal acts at previous elections.

212. If, on the trial of an election petition, it is 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 is 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 incapable of being elected to and of sitting in the Legislative Assembly, and

Effect of corrupt practice by a candidate.

of voting at any election of a member of that House, or of holding an office in the nomination of the Crown or of the Lieutenant-Governor in the Province.

Evidence required in such case.

The election shall not however, be annulled and the candidate cannot be disqualified unless such corrupt practice be established by at least two witnesses. 63-64 V., (C.), c. 12, s. 126 ; 59 V., (Q.), c. 9, s. 277.

If corrupt practice committed ignorantly.

213. If it appears to the said court that the act committed by such candidate or with his knowledge and consent, and which is under the letter of the law 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 that it is 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 prescriptions of the law, such candidate shall not be liable to any of the penalties enacted by article 212, and the election of such candidate shall not by reason of such offences, be annulled. 59 V., (Q.), c. 9, s. 278.

Disqualification of candidates guilty of certain offences.

214. If, on the trial of an election petition, a candidate or other person is found by the report of the judge, by himself or his agents with his actual knowledge and consent, to have aided, abetted, counselled or procured the commission at such election of the offence of personation by any person, his election, if he has been elected, shall be declared null and void ; and such candidate or such other person shall be incapable of being elected or sitting in the Legislative Assembly for any electoral district during the six years next after the date of his being so proved or found guilty and of voting at any election of a member of that House, or of holding any office in the nomination of the Crown or of the Lieutenant-Governor in the Province. 63-64 V., (C.), c. 12, s. 128.

Disqualification of persons other than candidates for corrupt practices.

215. 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 incapable of being elected to and of sitting in the Legislative Assembly, and of voting at any election of a member of that House, or of holding any office in the nomination of the Crown or of the Lieutenant-Governor in the Province. 63-64 V., (C.), c. 12, s. 129 ; 59 V., (Q.), c. 9, s. 282.

216. If, after a person has become disqualified under this act, the witnesses, or any of them, on whose testimony such person has so become disqualified, are convicted of perjury with respect to such testimony, such person may move the court before which such conviction takes place to order, and such court shall, upon being satisfied that such disqualification was procured by reason of such perjury, order that such disqualification shall thenceforth cease and determine; and it shall cease and determine accordingly. 63-64 V., (C.), c. 12, s. 130; 59 V., (Q.), c. 9, s. 283.

Removal of disqualification procured by perjury.

SECTION IV

CIVIL AND PENAL PROCEDURE

217. All penalties and fines (except in cases of offences punishable summarily) imposed by this act shall be recoverable with costs by any person who sues therefor by action of debt, in any court of competent jurisdiction; and, in default of payment of the amount which the offender is condemned to pay, within the period fixed by the court, the offender, if there is no imprisonment prescribed by the provisions of this act in virtue whereof the penalty is inflicted, shall be imprisoned in the common jail of the district for any term less than two years, unless such penalty and costs are sooner paid.

How certain penalties may be recovered.

Imprisonment in default of payment.

No such prosecution 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 DD.

Affidavit with *præcipe*

The defendant in any such prosecution may, before pleading, obtain that all proceedings thereon be stayed, until the party prosecuting do furnish such security as may be deemed necessary, in the discretion of the court or judge, or do deposit 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. 63-64 V., (C.), c. 12, s. 131; 59 V., (Q.), c. 9, ss. 312, 314, 323.

Prosecutor to furnish security for costs.

218. When an infringement to this act is summarily punishable, the prosecution may be instituted and judgment obtained by any person making the complaint before a judge of the sessions of the peace, district magistrate or sheriff having jurisdiction and exercising his functions in the district in the limits whereof the offence was committed.

Proceedings, &c., if infringement summarily punishable.

Saving the special provisions of this act, the procedure to be followed in such cases is that prescribed by part LVIII of the Criminal Code, 1892, (Articles 839 to 909); but there is no appeal from the decision given. 59 V., (Q.), c. 9, s. 325.

Law applicable.

Summary
proceedings
in case of
personation.

219. 1 If a person is charged at a polling place with having committed the offence of personation, the deputy returning-officer at such polling place may, and if requested so to do on behalf of a candidate shall, take the information on oath of the person making the charge; and such information may be in form EE.

Detention
of alleged
personator.

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

Warrant of
arrest.

3. Upon receiving the information, the deputy returning-officer may, on the polling day, but not afterwards, issue his warrant, in the form FF, for the arrest of the person charged, in order that he may be brought before the magistrate or one of the magistrates therein named, to answer to the said information and to be further dealt with according to law.

Trial, before
what magis-
trates.

4. The magistrate or magistrates named in the warrant shall be any judge of the sessions, district magistrate, police magistrate, recorder or other functionary or tribunal 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.

Law to apply.

5. The provisions of part LVIII of the Criminal Code, 1892, (Articles 839 to 909) shall apply to all proceedings under this article.

Execution of
warrant.

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

If name of
alleged per-
sonator is
unknown.

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

Constables.

8. Every poll-clerk shall have the authority of a constable for the purpose of carrying out the provisions of this article; and every deputy returning-officer may appoint such special constables as he deems necessary for the like purpose; and such persons shall have full power to act without taking any oath. 63-64 V., (C.), c. 12, s. 132.

220. It shall be sufficient for the plaintiff, in any civil action under this act, to allege in his declaration that the defendant is indebted to him in the sum of money thereby demanded, and to allege the particular offence with respect to which the action is brought, and that the defendant has acted contrary to this act, without mentioning the writ of election or the return thereof. 63-64 V., (C.), c. 12, s. 133; 59 V., (Q.), c. 9, s. 313.

What allegation necessary in suits for penalties.

221. In any prosecution and in any civil action or proceeding, the parties thereto, shall be competent 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; but such evidence shall not thereafter be used in any accusation or proceeding under this act against the person giving it. 63-64 V., (C.), c. 12, s. 134; 59 V., (Q.), c. 9, s. 319.

Parties competent witnesses, and may be compelled to testify, &c. Proviso.

222. No person shall be excused from answering any question put to him in any prosecution or in any civil action or proceeding, 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, except that no elector shall be obliged to state for whom he voted at any election; provided that no answer given by any person claiming to be excused on the ground of privilege shall be 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 full and true answers to the satisfaction of the judge, magistrate or tribunal. 63-64 V., (C.), c. 12, s. 135; 59 V., (Q.), c. 9, s. 318.

No excuse of privilege allowed for not answering questions in proceedings touching elections.

Powers.

223. Unless, for special reasons mentioned in the judgment, the court, judge or magistrate deems 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.

Costs.

If, however, the prosecution, action or proceeding is withdrawn or abandoned, and the court, judge or magistrate is of opinion that the same was maliciously brought for the purpose of harassing and annoying the defendant, and without a reasonable cognizance 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. 63-64 V., (C.), c. 12, ss. 136, 137; 59 V., (Q.), c. 9, s. 320.

Double costs.

Allegation
and evidence
of corrupt
practice.

224. In any prosecution, action or proceeding for a corrupt practice, it shall be sufficient to allege that the defendant was, at the election at or in connection with which the offence is intended to be alleged to have been committed, guilty of a corrupt practice describing it by the name given to it by this act, or otherwise, as the case requires; and, in any prosecution, action or proceeding in relation to such offence, the certificate of the returning-officer or the admission of the defendant shall be sufficient evidence of the due holding of the election and of any person named in such certificate, or mentioned as such in the admission, having been a candidate thereat. 63-64 V., (C.), c. 12, s. 138.

Production of
writ of elec-
tion, &c., not
required in
suits under
this act.

225. 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; and, if the original ballot papers or other papers are required, the court, judge or magistrate having cognizance of the election petition 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 said Clerk of the Crown in Chancery shall, on or before the said day, deposit them at the place indicated, taking a receipt therefor. 63-64 V., (C.), c. 12, s. 139; 59 V., (Q.), c. 9, s. 315.

Summons by
court to per-
son who is
liable to pen-
alty.

226. 1. Whenever it appears to the court or judge trying an election petition that any person has violated 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.

Disobeying
summons.

2. 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 petition, to pay such fine or penalty as he is liable to pay for such violation, and in default of paying such fine or penalty, to the imprisonment prescribed in such case by this act.

Trial.

3. 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.

Appropriation of fines.

4. All fines recovered under this article shall belong to His Majesty for the public uses of the province.

No fines in
certain cases.

5. No fine shall be imposed under this article if it appears to the court or judge that the person has already been sued

to judgment 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. 63-64 V., (C.), c. 12, s. 140; 59 V., (Q.), c. 9, ss. 284, 285, 286, 287, 288.

227. Every action or prosecution brought in virtue of this act shall be instituted within four months next after the proclamation of the candidate, for offences committed up to that time, and within twelve months from the date of their commission for subsequent offences, and not later, unless the defendant has, by absconding, with drawn himself from the jurisdiction of the court. Limitation of suits.

Such action or prosecution, once begun, shall be continued and prosecuted without wilful delays, and has precedence. 63-64 V., (C.), c. 12, s. 142; 59 V., (Q.), c. 9, s. 321; 1 Ed. VII, (Q.), c. 7, s. 4. Continuation of proceedings.

228. In the event of suspension or delay at any stage of the proceedings, the judge or court, seized of the cause, may permit one or more persons to intervene and carry on such proceedings to judgment and execution; and in that case the penalty and costs shall belong to the intervening party, who shall cause the same to be levied. 59 V., (Q.), c. 9, s. 322. Intervention of third persons in suits.

SECTION V

ELECTION EXPENSES

229. 1. No payment, (except with respect to the deposit required upon nomination and the personal expenses of a candidate), and no advance, loan or deposit, shall be made by or on behalf of any candidate at any election, before, during or after such election, on account of such election, otherwise than through an agent or agents whose name or names and address or addresses have been declared in writing to the returning-officer on or before the nomination day, or through an agent or agents to be appointed in his or their place, as herein provided; and any person who makes any such payment, advance, loan or deposit, otherwise than through such agent or agents, is liable to a fine not exceeding four hundred dollars, and an imprisonment of not more than six months in default of payment. 63-64 V., (C.), c. 12, s. 143, § 1; 59 V., (Q.), c. 9, s. 289. No payment to be made except through authorized agent.

2. The returning-officer shall publish, on or before the nomination of the candidates, the name and address or the names and addresses of the agent or agents appointed in pursuance of this article. 63-64 V., (C.), c. 12, s. 143, § 2; 59 V., (Q.), c. 9, s. 290. Names of agents to be published.

If agent cannot act.

3. In the event of the death or legal incapacity of any agent appointed in pursuance of this article, the candidate shall forthwith appoint another agent in his place, giving notice to the returning-officer of the name and address of the person so appointed, which shall be forthwith published by the returning-officer as hereinbefore provided. 63-64 V., (C.), c. 12, s. 143, § 3; 59 V., (Q.), c. 9, s. 291.

Bills and claims to be sent in within one month. or right to be barred.

230. 1. All persons who have any bills, charges or claims upon any candidate for or in relation to any election, shall send in such bills, charges or claims within one month after the day of the declaration of the election, to the agent or agents of the candidate; ; otherwise such persons shall be barred of their right to recover such claims or any part thereof. 63-64 V., (C.), c. 12, s. 144, § 1; 59 V., (Q.), c. 9, s. 298.

Case of death of claimant.

2. In the event of the death, within the said month, of any person claiming the amount of any such bill, charge or claim, the legal representative of such person shall send in such bill, charge or claim within one month after his becoming able to act as such legal representative, otherwise the right to recover such claim shall be barred as aforesaid. 63-64 V., (C.), c. 12, s. 144, § 2; 59 V., (Q.), c. 9, s. 299.

If there is no agent.

3. Such bills, charges and claims may be sent in to the candidate, if and so long as during the said month, owing to death or legal incapacity, there is no such agent. 63-64 V., (C.), c. 12, s. 144, § 3; 59 V., (Q.), c. 9, s. 299.

Candidate to authorize payment.

4. No such bill, charge or claim shall be paid without the authority of the candidate, as well as the approval of the agent. 63-64 V., (C.), c. 12, s. 144, § 4.

Payment of lawful claims sent in after one month.

231. 1. Notwithstanding anything in the next preceding article, a claim for lawful election expenses, which would have been payable if sent in within the time limited by that article, may be paid by the candidate, through his election agent, after that time, if it is approved by a judge competent to recount or make a final addition of the votes at the election, and the judge makes an order for the payment thereof.

Notice.

2. All sums so allowed by the judge shall, within one week thereafter, be advertised in the same papers as the statement of the other election expenses. 63-64 V., (C.), c. 12, s. 145.

Statement of expenses to be made out by agent.

232. 1. A detailed statement of all election expenses incurred by or on behalf of any candidate, including payments to be made as aforesaid, shall, within two months after the election (or whenever by reason of the death of the creditor no bill has been sent in within such period of two

months, then within one month after such bill has been sent in), be made out and signed by the agent, or if there is more than one, by every agent who has paid such expenses (including the candidate in cases of payments made by him,) and delivered with the bills and vouchers relative thereto to the returning-officer. 63-64 V., (C.), c. 12, s. 146 § 1 ; 59 V., (Q.), c. 9, s. 303.

2. The returning-officer shall, at the expense of the candidate, within fourteen days after receiving such statement, insert or cause to be inserted an abstract thereof, with the signature of the agent thereto, in the *Quebec Official Gazette*, and in some newspaper indicated by the candidate published or circulating in the electoral district where the election was held. 63-64 V., (C.), c. 12, s. 146, § 2 ; 59 V., (Q.), c. 9, s. 307.

3. Any agent or candidate who makes default in delivering to the returning-officer the statements required by this article shall incur a penalty not exceeding twenty dollars for every day during which he so makes default. 63-64 V., (C.), c. 12, s. 146, § 3 ; 59 V., (Q.), c. 9, s. 304.

4. Any agent or candidate who wilfully furnishes to the returning-officer any untrue statement is guilty of an offence triable summarily and is liable to a fine of two hundred dollars and imprisonment not exceeding six months in default of payment. 63-64 V., (C.), c. 12, s. 146, § 4 ; 59 V., (Q.), c. 9, s. 305.

5. The returning-officer shall preserve all such bills and vouchers, and during the six months next after they have been delivered to him shall permit any voter to inspect and examine them on payment of a fee of twenty cents. Upon the expiration of this delay, he shall return them to the candidate, upon his request, unless there is a contestation of the election pending. 63-64 V., (C.), c. 12, s. 146, § 5 ; 59 V., (Q.), c. 9, s. 306.

SECTION VI

FEEES AND EXPENSES OF RETURNING-OFFICERS AND OTHERS

233. The fees and expenses in schedule two to this act mentioned, and no others, shall be allowed to the several officers therein mentioned, respectively, for their services and disbursements at any election. 63-64 V., (C.), c. 12, s. 147, § 1 ; 59 V., (Q.), c. 9, s. 326.

234. The Lieutenant-Governor in Council may, if he is 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 Gaspé, of Chicoutimi and

Saguenay and of the Magdalen Islands, authorize the payment of such additional sums as he shall deem just. 59 V., (Q.), c. 9, s. 327.

New tariff. **235.** The Lieutenant-Governor in Council may, if he deems the tariff prescribed by article 233 not suitable or sufficient, make a new tariff of fees, costs and expenses, to be paid to the different election officers.

Revision of tariff. He may also, from time to time, revise and amend such tariff, which shall be substituted at any subsequent election to that hereinbefore mentioned.

To be submitted to Legislative Assembly. A copy of every tariff, and of any amendment to any tariff made under this article, shall be submitted to the Legislative Assembly at the then next session of the Legislature. 59 V., (Q.), c. 9, s. 328.

Payment of fees. **236.** Such fees, disbursements and allowances are paid to the returning-officer out of the consolidated revenue fund of the province, and are by him apportioned among the different officers and persons entitled thereto.

Report. The returning-officer shall report, respecting such distribution, through the Provincial Secretary. 59 V., (Q.), c. 9, s. 329.

No fees for going to take oath. **237.** No returning-officer, election clerk, deputy returning-officer, or poll-clerk 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. 59 V., (Q.), c. 9, s. 330.

SECTION VII

GENERAL PROVISIONS

Mode of giving notices. **238.** 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, he may give it by advertisement, placards, handbills or such other means as he thinks best calculated to give information to the electors. 63-64 V., (C.), c. 12, s. 150 ; 59 V., (Q.), c. 9, s. 97.

Exceptional provisions for the Magdalen Islands. **239.** Whenever it appears to the Lieutenant-Governor in Council, at the time when an election of a member to represent the electoral district of the Magdalen Islands in the Legislative Assembly is about to be held, that communication by water between these islands and the mainland will probably be interrupted during such election by the severity of the season, he may direct that all necessary instructions and information relating to such elec-

tion may be transmitted by telegraph by the Clerk of the Crown in Chancery to the returning-officer, and that the latter may make his return in the same manner to the Clerk of the Crown in Chancery ; and the Lieutenant-Governor in Council may make such order as to the details of the proceedings at or relating to such election to be so transmitted by telegraphic communication as to him seems proper for the best attaining the purpose of this enactment. 63-64 V., (C.), c. 12, s. 151 ; 59 V., (Q.), c. 9, s. 251.

240. 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, or by reason of non-compliance with the provisions of this act as to the taking of the poll or the counting of the votes, or of any mistake in the use of the forms contained in schedule one to this act, if it appears to the tribunal 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. 63-64 V., (C.), c. 12, s. 152 ; 59 V., (Q.), c. 9, s. 222.

Mistakes of form only not to void elections.

241. No election shall be declared invalid by reason of non-compliance with the provisions of this act as to limitations of time, unless it appears to the tribunal that such non-compliance may have affected the result of the election. 63-64 V., (C.), c. 12, s. 153.

As to non-observance of limits of time mentioned in this act.

SECTION VIII

REPEAL

242. The acts mentioned in schedule three to this act are repealed to the extent mentioned in the said schedule, and the provisions of this act are substituted for the provisions of the acts so repealed. 63-64 V., (C.), c. 12, s. 155.

Repeal.

SECTION IX

COMING INTO FORCE

243. This act shall come into force on the first of July next.

Coming into force.

SCHEDULE ONE

FORMS

PROVINCE OF QUEBEC,
Municipality of
In the County of

A. (Articles 18, 24, 27.)
LIST OF ELECTORS FOR THE LEGISLATIVE ASSEMBLY.

No.	NAMES.	SURNAMES.	Occupation.	Residence.	Nature of Qualification.	Surnames and names of father or mother, if the person is entered as farmer's son, &c.	Description of immoveable.	REMARKS.
1	Aubin....	Jean-Baptiste.	Farmer....	St. James.	Proprietor.....	.....	Conc. des Pins No	
2	Aubin, fils..	Jean-Baptiste.	Farmer....	St. James.	Farmer's son.....	Jean-Baptiste Aubin.	Idem.....	Eldest son.
3	Aubin....	Joseph.....	Farmer....	St. James.	Idem.....	Jean-Baptiste Aubin.	Idem.....	Younger son.
4	Bédard....	Joseph.....	Farmer....	St. James.	Tenant.....	.....	Village No.....	
5	Bédard, fils	Joseph.....	Farmer....	St. James.	Farmer's son.....	Joseph Bédard.....	Idem.....	Eldest son.
6	Brousseau..	Louis.....	Rentier.....	St. James.	Rentier, \$200.....	.....	Cadastre No.....	
7	Jacques....	Stanislas.....	Wheelwright	St. James.	Proprietor.....	.....	Conc. des Pins No.	Eldest son.
8	Lorimier....	Charles.....	Farmer....	St. James.	Farmer's son.....	Marg. Bourgeois, widow of C. Lorimier.	Idem.....	Younger son.
9	Lorimier....	David.....	Farmer....	St. James.	Farmer's son.....	.....	Village No.....	
10	Lorimier....	Jean-Baptiste.	Physician..	St. James.	Proprietor.....	.....	Rang St. Mich. No.	
11	Marchand..	Gabriel.....	School Teacher.	St. James.	School teacher.....	.....	Idem.....	Younger son.
12	Sylvestre..	Louis.....	Farmer....	St. James.	Proprietor.....	.....	Village.....	Real estate occupied and shares in ship valued together.
13	Sylvestre..	Pierre.....	Student....	Quebec....	Farmer's son.....	Louis Sylvestre.....		
14	Tourville..	Jean.....	Fisherman..	St. James.	Occupant and Owner of shares in a registered ship \$150....	.....	

Made in duplicate this day of the month of , nineteen hundred and
I, P. P., swear that, to the best of my knowledge and belief, the foregoing list of electors is correct, and that nothing has been entered therein or omitted therefrom, unduly or by fraud So help me God.

Sworn at , this day 19 . }
before me the undersigned

(Signature) F. F.
Justice of the peace, (or, as the case may be.)

(Signature) P. P.
Secretary Treasurer.

If the cadastre of the municipality has been completed, the description of the immovable by the number given in the cadastral plan and book of reference will be sufficient.

The list of electors shall be made in duplicate, that is to say : the secretary-treasurer, having correctly prepared and made a clean copy of the list of electors, 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 enters, after having closed the list, and at the end thereof, the names of the persons omitted under articles 13, 212, 214 and 215, and the reason for their omission.

The secretary-treasurer shall give the notice required by article 26 in the manner ordinarily in use for municipal matters, and, at the expiration of the thirty days next after such notice, shall place at the end of the list on each duplicate the certificate given in the following form.

59 V., (Q.), c. 9, Form A.

B

(Article 42)

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 the *Quebec Election Act*, 1903, article 26 ;

2. That, from the date of such notice, one of the duplicates of the above list remained in my office at the disposal of all persons interested ;

3. That this list has been examined (and corrected, *if it has been corrected*) by the council of this municipality, within the thirty days next after the said day (*date of the publication of the notice required by article 26*), that is to say : at the sittings of the council, held on the (*days when sittings were held*), and that the corrections (*if there were any made*) were initialed by B. B., mayor (or C. C., councillor, presiding the council in the absence of the mayor, *as the case may be*) ;
(*or if the list has not been examined,*)

That this list has not been examined by the council of this municipality within the thirty days after the said day (*date of the publication of the notice required by article 26*) ;

4. That the above list of electors thus came into force on the _____ day of the month of _____, nineteen hundred and _____, being the thirtieth day after the *(date of the publication of the notice required by article 26, or, as the case may be.)*

Made on both duplicates of the list, at
this _____ day of the month of _____ 19 .

(Signature)

P. P.,

Secretary-Treasurer.

59 V., (Q.), c. 9, Form B ; 63 V., (Q.), c. 11.

C

(Article 69)

WRIT OF ELECTION

CANADA, }
Province of Quebec. }

EDWARD VII, By the Grace of God, of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the seas, King, Defender of the Faith, Emperor of India :

To _____, of _____, 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 special 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 electoral district of _____ *(in case of a special election, insert here: deceased, or otherwise stating the cause of the vacancy)* and *(except in the electoral districts mentioned in article 97,)* 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, whether he be present or absent, to be cer-
tified to our Clerk of the Crown in Chancery on or before
the day of .

In testimony whereof, We have caused these Our Let-
ters 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 Government) of Our
Province of Quebec, at Our said City of Quebec, the
day of in the year of Our Reign,
and in the year of Our Lord 19 .

By order,

(*Signature*) X. X.,

Clerk of the Crown in Chancery, Quebec.

Endorsement

Received the within writ, on the day of , 19

(*Signature*) A. B.,
Returning-Officer.

59 V., (Q.), c. 9, Form C ; 63-64 V., (C.), c. 12, Form A.

D

(*Article 83*)

OATH OF THE RETURNING-OFFICER

I, the undersigned, A. B., returning-officer 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 am qualified, according to law,
to act as returning officer for the electoral district of ,
and that I will act faithfully in
that capacity, without partiality, fear, favor or affection :
So help me God.

(*Signature*) A. B.,
Returning-Officer.

CERTIFICATE OF THE RETURNING-OFFICER HAVING TAKEN THE
OATH OF OFFICE

I, the undersigned, hereby certify that, on the
day of the month of , 19 , A. B., the returning-
officer for the electoral district of
took and subscribed before me the oath (or affirmation, *as the
case may be*) of office in such case required of a returning-
officer by the *Quebec Election Act*, 1903, article 83. ,

In testimony whereof, I have delivered to him this certifi-
cate under my hand.

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

59 V., (Q), c. 9, Forms D, DD; 63-64 V., (C.), c. 12,
Form B.

E

(Article 84)

COMMISSION OF AN ELECTION CLERK

To E. F., (*occupation 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 according to law, at the approaching election
for the electoral district of , which election
will be opened by me on the day of the month
of 19 .

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

(Signature) A. B.,
Returning-officer.

59 V., (Q.), c. 9, Form E; 63-64 V., (C.), c. 12, Form C.

F

(Article 85)

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, favor, or affection : So help me God.

(Signature)

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, by the *Quebec Election Act*, 1903, article 85.

In testimony whereof, I have delivered to him this certificate, under my hand.

(Signature)

C. D.,
Justice of the Peace.

or

A. B.,
Returning-Officer.

59 V., (Q.), c. 9, Forms F, FF ; 63-64 V., (C.), c. 12, Form D.

G.

(Article 91)

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

to wit :

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 electoral district of _____ that the nomination of candidates for the office of member to represent them in the Legislative Assembly of the Province of Quebec shall be held at (*describe the place where the nomination is to take place*), in the county (or township, 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 _____, from the hour of nine in the morning till five of the clock in the afternoon, in each of the voting subdivisions ;

And that I have appointed (*name, occupation and residence*) _____ 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 _____, in the year _____

(Signature) _____ A. B.
Returning-Officer.

59 V., (Q.), c. 9, Form G. ; 63-64 V., (C.), c. 12, Form E.

II

(Articles 101, 102)

NOMINATION PAPER

We, the undersigned, electors of the electoral district of _____, hereby nominate (*name, residence and occupation of the person nominated*) as a candidate at the election now about to be held of a member to represent the said electoral district in the Legislative Assembly of the Province of Quebec.

In witness whereof, we have signed, at _____ day
in the said electoral district, this _____
of _____ 19 .

(*Signatures or marks with occupations and residences*)

Signed by the said electors, in presence of _____ (*name, occupation and residence*).

(*Signature*)

I, the said _____, nominated in the foregoing nomination paper, hereby consent to such nomination.

Witness my hand at _____, this
day of _____, 19 .

(*Signature*)

Signed by the said _____, in presence of

(*Signature*)

59 V., (Q.), c. 9, Form H. ; 63-64 V., (C.), c. 12, Form F.

I

(Article 103)

OATH OF ATTESTATION OF THE NOMINATION PAPER AND OF THE
CONSENT OF THE CANDIDATE

I, A. B., (*occupation and residence*) solemnly swear (*or, if one of the persons permitted by law to affirm in civil cases, solemnly affirm*) that I know (*mentioning the names of the signers known to him*) and that they are duly qualified, as electors of the electoral district of to vote at an election of a member to serve in the Legislative Assembly of the Province of Quebec, and that they respectively signed the foregoing (*or annexed*) nomination paper, with their signatures (*or marks, as the case may be*) in my presence ; and further (*if the case be so*) that I know the said , thereby nominated as a candidate, and that he signed his consent to the nomination in my presence.

(Signature) A. B.

Sworn (*or affirmed*) before me, }
at this }
day of 19 }

(Signature) J. P.

Justice of the Peace.

This form may be varied according to circumstances, the intention of the act being complied with.

59 V., (Q.), c. 9, Form I ; 63-64 V., (C.), c. 12, Form G

J

Article 106

RETURN TO BE MADE WHEN THERE IS ONLY ONE CANDIDATE

I hereby certify that the member elected for the electoral district of , in pursuance of the annexed writ, is of in (*as in the nomination paper*), no other candidates having been nominated (*or the other candidate or other candidates having withdrawn, as the case may be*).

(Signature) A. B.

Returning-Officer.

59 V., (Q.), c. 9, Form J ; 63-64 V., (C.), c. 12, Form H.

K

(Article 112)

NOTICE OF POLLS BEING GRANTED AND OF CANDIDATES NOMINATED
AND OF THEIR AGENTS, 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 shall 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, of the town of Sorel, county of Richelieu, merchant. Election agent : C. D., (*occupation, residence and address.*)

2. JOSEPH MEUNIER, of the city of Montreal, 10, Fontaine street, physician. Election agent : E. F., (*occupation, residence and address.*)

3. ANTOINE RICHARD, of the parish of St. Henri, county of Levis, farmer. Election agent : G. H., (*occupation, residence and address.*)

4. JOSEPH RICHARD, of the town and county of Levis, advocate. Election agent : I. J., (*occupation, residence and address.*)

And that polls have been established by me at the following places, to wit :

For voting 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 voting subdivisions and polls in the electoral district.)

The counting of the votes and the proclamation of the candidate elected shall be made 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__.

(Signature) A. B.

Returning-officer.

L

(Article 112)

COMMISSION OF A DEPUTY RETURNING-OFFICER

To G. H. (*insert his occupation 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 deputy returning-officer for the voting subdivision of (*description of the voting subdivision*) in the electoral district of _____, 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 voting 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 with your seal, and enclosing the ballots, list of electors, and other documents required by law, together with this commission.

Given under my hand, at _____, this
day of the month of _____

in the year 19 ____ .

(*Signature*)

A. B.,
Returning-Officer.

59 V., (Q.), c. 9, Form L; 63-64 V., (C.), c. 12, Form J.

M

(Article 112)

OATH OF DEPUTY RETURNING-OFFICER

I, the undersigned, G. H., appointed deputy returning-officer for the voting subdivision of (*description of the voting 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, favor or affection : So help me God.

(Signature)

G. H.,

Deputy Returning-Officer.

CERTIFICATE OF A 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 voting subdivision of (*description of the voting subdivision,*) in 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 a deputy returning-officer, by the *Quebec Election Act*, 1903, article 112.

In testimony whereof, I have delivered to him this certificate under my hand.

(Signature)

C. D.,

Justice of the Peace.

or A. B.,

Returning-Officer.

59 V., (Q.), c. 9, Forms M, N ; 63-64 V., (C.), c. 12, Form K.

N

(Article 112)

DIRECTIONS FOR THE GUIDANCE OF ELECTORS IN VOTING

The elector is to vote only for one candidate.

The elector enters into one of the compartments, and, with a pencil there provided, places a cross opposite the name of the candidate for whom he votes.

The elector will then fold the ballot so as to show a portion of the back only, and also in such manner as to permit the counterfoil to be detached without unfolding the ballot paper; he will then deliver the ballot paper so folded to the deputy returning-officer, who will place it in the ballot-box, after having detached the counterfoil. The elector shall then forthwith quit the poll.

If an elector inadvertently spoils a ballot paper, he may return it to the proper officer, who, on being satisfied of the fact, will give him another.

If the elector votes for more than one candidate, or places any mark on the ballot-paper, by which he can be afterwards identified, his vote shall be void and shall not be counted. 59 V., (Q.), c. 9, Form O ; 63-64 V., (C.), c. 12, Form L.

O

(Article 116)

COMMISSION OF A POLL-CLERK

To I. J., (*insert his occupation and residence*)

Know you that, in my capacity of deputy returning-officer for the voting subdivision of (*description of the subdivision*), in the electoral district of _____, I have appointed and hereby appoint you to be poll-clerk, for the said voting subdivision of (*description of the voting subdivision*), in the electoral district of _____.

Given under my hand, at _____, this _____ day of the month of _____, in the year 19 ____.

(Signature)

G. H.,
Deputy Returning-Officer.

59 V., (Q.), c. 9, Form P ; 63-64 V., (C.), c. 12, Form M.

P

(Article 116)

OATH OF A POLL-CLERK

I, the undersigned, I. J., appointed poll-clerk for the voting subdivision of (*description of voting 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, favor, or affection : So help me God.

(Signature)

I. J.,
Poll-Clerk.

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 voting subdivision of (*description of voting subdivision*), in the electoral district of _____, took and subscribed before me the oath (*or affirmation as the case may be*), of office required of a poll-clerk, in such case, by the *Quebec Election Act*, 1903, article 116.

In testimony whereof, I have delivered to him this certificate under my hand.

(Signature)

C. D.,
Justice of the Peace.

or, A. B.,
Returning-Officer.

or, G. H.,
Deputy Returning-Officer.

59 V., (Q.), c. 9, Forms Q., R. ; 63-64 (C.), c. 12, Form N.

Q

(Article 120)

COMMISSION OF A POLL-CLERK, BY POLL-CLERK ACTING AS DEPUTY
RETURNING-OFFICER

To _____, of (*insert his occupation and residence.*)

Know you that, in my capacity of acting deputy returning-officer for the voting 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 voting subdivision, whose poll-clerk I was, I have appointed and do hereby appoint you to be a poll-clerk for the voting subdivision of _____, in the electoral district of _____

Given under my hand, at _____ this _____ day
of _____, in the year, 19 ____.

(Signature)

I. J.,

Poll-Clerk, acting as Deputy Returning-Officer,

The oath and certificate of its having been taken will be the same as in the case of a Poll-Clerk appointed by the Deputy Returning-Officer.

59 V., (Q.), c. 9, Form S. ; 63-64 V., (C.) c. 12, Form O.

R

(Article 125)

BALLOT-PAPER

19 Election for the Electoral District of	1	BUREAU (Jean Bureau, of the town of Sorel, county of Richelieu, merchant.)
	2	MEUNIER (Joseph Meunier, of the city of Montreal, 10 Fontaine street, physician.)
	3	RICHARD (Antoine Richard, of the parish of St. Henri, county of Levis, farmer.) X
	4	RICHARD (Joseph Richard, of the town and county of Levis, advocate).

COUNTERFOIL

*The Initials of the
Deputy Returning-
Officer should be placed
here.*

*The Initials of the Deputy Returning Officer should be placed
here.*

The name of the Printer is printed here.

The ballot paper to be perforated by a line of points, along the line of black dots to facilitate the detaching thereof from the counterfoil.

The names of the candidates are entered in the ballot paper as in the nomination paper.

There is to be no margin on the left of the ballot paper.

The elector is supposed to have marked his ballot paper in favor of Antoine Richard.

59 V., (Q.), c. 9, Form O ; 1 Ed. VII, (C.), c. 16, s. 10, Form P.

S

(Article 137)

OATH OF AGENT OF A CANDIDATE, OR OF ELECTOR
REPRESENTING A CANDIDATE

I, the undersigned, G. H., agent for (or elector representing, *as the case may be*), J. K., one of the candidates at the election now pending 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 keep secret the names of the candidates for whom any of the voters, at the poll in the voting subdivision of

, in the electoral district of , may have marked his ballot-paper in my presence, at this election : So help me God.

(Signature) G. H.

Sworn (or affirmed) before me,
at , this day
of , 19 .

(Signature) A. B.
Deputy Returning-Officer.
or C. P.
Justice of the Peace.

59 V., (Q.), c. 9, Form T ; 63-64 V., (C.), c. 12, Form Q.

T

(Article 139)

OATH BY DEPUTY-RETURNING-OFFICER, POLL CLERK OR AGENT
WISHING TO VOTE

I, G. H., of _____ &c., deputy returning-officer (or poll-clerk, or agent for J. K., one of the candidates at the election for a member of the Legislative Assembly for the electoral district of _____, *as the case may be*) swear (or solemnly affirm), that I am actually entitled to vote for a member of the said Legislative Assembly of Quebec, for this electoral district at the present election ;

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

That I have not received anything, nor has anything been promised me, directly or indirectly, either to induce me to vote, or to refrain from voting, at this election ;

That I have not, directly or indirectly, paid or promised anything to any person either to induce him to vote or to refrain from voting at this election. So help me God.

(Signature) G. H.

Sworn (or affirmed) before me,	}
at _____, this _____ day	
of _____, A.D. 19 ____	
(Signature) A. B., Returning-Officer or C. D., Justice of the Peace.	

63-64 V., (C.), c. 12, Form R.

U

(Article 142)

POLL-BOOK

	Number of the voters.
	NAMES OF THE VOTERS.
	Their occupation.
	Their place of residence.
	Owners.
	Tenants or occupants.
	Objections.
	Sworn or affirmed.
	Voters refusing to take the oath or affirmation.
	Votes given.
	Electors voting after others had voted in their names.
	Ballot papers prepared with the aid of the deputy returning-officer.
	General remarks.

59 V., (Q.), c. 9, Form U ; 68-64 V., (C.), c. 12, Form S.

V

(Article 151)

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 list of electors*) whose name is entered on the list
of electors now shown you. So help you God. 63-64 V.,
(C.), c. 12, Form V.

W

(Article 152)

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. 63-64 V., (C.), c. 12, Form W.

X

(Article 164)

OATH OF THE DEPUTY RETURNING-OFFICER AFTER THE CLOSING OF
THE POLL

I, the undersigned, deputy returning officer for the voting 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 voting subdivision, under my direction, has been so kept correctly ; and that the total number of votes polled in the 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 voting subdivision, as the said votes were taken thereat ; 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 report, 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 seal, be transmitted to the returning-officer according to law.

(Signature) G. H.,
Deputy Returning-Officer.

Sworn (*or affirmed*) before me,
at this _____ day of _____, 19 ____.

(Signature) X. Y.,
Justice of the Peace.

or, A. B.,
Returning-Officer.

or, I. J.,
Poll-Clerk.

59 V., (Q.), c. 9, Form W ; 63-64 V., (C.), c. 12, Form X.

Y

(Article 164)

OATH OF THE POLL-CLERK AFTER THE CLOSING OF THE POLL

I, the undersigned, poll-clerk for the voting 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 voting 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; and 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 voting subdivision, as the votes were taken at this poll by the deputy returning-officer.

(Signature) I. J.

Poll-Clerk.

Sworn (or affirmed) and signed
before me, at _____ this _____ day
of the month of _____ in the year
19 _____.

(Signature) X. Y.,
Justice of the Peace.

or, A. B.,
Returning-Officer.

or, G. H.,
Deputy Returning-Officer.

59 V., (Q.), c. 9, Form W W ; 63-64 V., (C.), c. 12, Form Y.

Z

(Article 164)

STATEMENT OF THE POLL, AFTER COUNTING THE BALLOTS

Polling Division No.....

Electoral District of.....

Number of Ballot Papers received from the Returning-Officer.....		
Number of Ballot Papers cast for.....		
“ “ “		
“ “ “		
“ “ “		
“ “ “		
“ “ “		
“ “ spoiled		
“ “ rejected.....		
“ “ not used and returned.....		
Totals.....		

I hereby certify that the above statement is correct.

Given under my hand, at this day of
in the year, 19 .

(Signature),

G. H.,

Deputy Returning-Officer.

BB

(Article 164)

OATH OF MESSENGER SENT TO COLLECT THE BALLOT-BOXES

I, 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.*)

(Signature) J. B.

Sworn (<i>or affirmed</i>) and signed	}
before me at this day of	
, in the year 19 .	
(Signature) X. Y., Justice of the Peace.	
<i>or</i> A. B., Returning-Officer.	}
<i>or</i> G. H., Deputy Returning-Officer.	

59 V., (Q.), c. 9, Form X; 63-64 V., (C.), c. 12, Form BB.

CC

(Article 173)

CERTIFICATE OF ELECTION

I hereby certify that the member elected for the electoral district of _____, in pursuance of the writ of election, as having received the majority of votes lawfully given, is C. D., etc., (*names, etc., as in nomination paper.*)

Given under my hand, at _____, this _____ day of _____, in the year, 19 ____.

(Signature)

A. B.,
Returning-Officer.

59 V., (Q.), c. 9, Form Y ; 63-64 V., (C.), c. 12, Form CC.

DD

AFFIDAVIT TO ACCOMPANY PRÆCIPE

(Article 217)

CANADA,
PROVINCE OF QUEBEC. }
District of _____

COURT

Plaintiff,

vs.

Defendant.

I, M. N., plaintiff in this cause, being duly sworn, declare that, in the present cause, I am not acting in collusion with the defendant, and that I do not prosecute for the purpose of preventing such action or prosecution being instituted by any other person, or for the purpose of delaying or causing such action to miscarry, or for the purpose of saving such defendant from the payment of the whole or any part of such penalty, or of procuring for him any advantage, but that I institute such prosecution or action in good faith,

conscientiously believing the same to be well founded, and for the purpose of exacting and recovering the payment of such penalty with all practicable celerity.

(Signature)

M. N.

Sworn before me, at
this day of the
month of, , 19 ,

(Signature) P.S.,

Justice of the Peace.

59 V., (Q.), c. 9, Form BB.

EE

(Article 219)

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 place did commit the offence of personation by (*describing the offence.*)

Taken and sworn before me at the }
said polling station, the day and year } (Signature) P.Q.
above mentioned.

(Signature)

G. H.,

Deputy Returning-Officer.

63-64 V., (C.), c. 12, Form DD.

FF

(Article 219)

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 place 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, 1903, at , this day of in the year 19 .

(Signature)

G. H.,

Deputy Returning-Officer.

SCHEDULE TWO

(Article 233)

FEES AND EXPENSES

I.—RETURNING-OFFICERS

1. For the personal services of the returning-officer, fifty dollars, whether polls are or are not held ;
2. For the personal services of the election clerk, four dollars, or, if polls are held, eight dollars ;
3. For services of one constable, if considered necessary at the nomination of candidates, one dollar ;
4. For printing proclamations, list of candidates, and directions to electors, actual cost ;
5. For posting proclamations, actual cost, not exceeding ten cents per mile, for each mile necessarily travelled, going and returning ;
6. For each mile necessarily travelled by the returning-officer and election clerk, in going to and returning from the place of nomination of candidates, actual cost, not exceeding ten cents per mile ;
7. For posting up the notices of voting, appointing and swearing the deputy returning-officers, and furnishing them with ballot boxes, ballot papers, printed directions for the guidance of electors, and lists of electors, actual cost, not exceeding ten cents for each mile necessarily travelled, going and returning ;
8. For copies of lists of electors, duly certified by the legal custodian thereof, three cents for each ten electors ;
9. For each certificate of such custodian, fifty cents ;
10. For collecting the ballot boxes and lists of electors used at each poll, and swearing the deputy returning-officers after the close of the polling, actual cost, not exceeding ten cents for each mile necessarily travelled, going and returning ;
11. For transmitting election returns to the Clerk of the Crown in Chancery, including postages and telegrams, actual cost ;

12. For use, when a public building is not obtainable, of private building for nomination, actual cost, not exceeding four dollars ;

13. For ballot boxes, when furnished by him, and for ballot papers, and for any other disbursements absolutely required and not hereinbefore provided for, actual outlay ;

14. For the services of the returning-officer in assisting at the recounting or final addition of the ballot papers by the judge, under articles 171 and 172, five dollars.

15. For the services of the election clerk at the recounting or final addition of the ballot papers, as above, three dollars a day ;

16. In the case mentioned in paragraphs 14 and 15, the returning-officer and the election clerk shall be further entitled to four dollars a day for travelling expenses, if they are obliged to go any distance to assist at the recounting or final addition of the ballot papers.

II.—DEPUTY RETURNING-OFFICERS

17. For swearing the poll-clerk before and after the polling, one dollar ;

18. For his services, four dollars ;

19. For services of poll-clerk, two dollars ;

20. For services of a constable, if considered necessary, one dollar ; 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 ;

21. For mileage of deputy returning-officer and poll-clerk, in going to and returning from the poll, neither exceeding in any case twenty miles, actual cost, not exceeding ten cents per mile ;

22. Actual expenses incurred for the use of polls, not exceeding ten dollars in cities, and four dollars in other electoral districts ;

23. For making compartment or screen in the poll-house, if necessary, a sum not exceeding three dollars. 59 V., (Q.), c. 9, s. 326.

SCHEDULE THREE

(*Article 242*)

ACTS REPEALED

ACT	TITLE	EXTENT OF REPEAL
59 V., c. 6.....	An Act to erect the Magdalen Islands into an electoral district.	Sections 3 and 4.
59 V., c. 9.....	An Act respecting the election of members of the Legislative Assembly of Quebec.....	The whole.
60 V., c. 21...	An Act to amend the Quebec Election Act, 1895.....	Sections 23, 24, 25, 26, 27, 28, and 29.
61 V., c. 13...	An Act to further amend the Quebec Election Act, 1895...	The whole.
62 V., c. 15...	An Act to amend the Quebec Election Act, 1895.....	Section 4.
62 V., c. 16...	An Act to amend the Quebec Election Act, 1895.....	The whole.
63 V., c. 11...	An Act to amend the Quebec Election Act, 1895, respecting the examination and putting into force of the list of electors.....	Sections 1, 2 and 3.
1 Ed. VII, c. 7	An Act to amend the Quebec Controverted Elections' Act...	Section 4.