

Eulalie, in the county of Nicolet, for religious purposes, and it would consequently be more advantageous for the inhabitants thereof if the said lots were also annexed to the said parish of Sainte Eulalie for all other purposes ;

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Certain lots detached from Arthabaska and annexed to Nicolet.

1. The western half of lot number 27 and lot number 28 in the fourth range, and lots numbers 27 and 28 in the fifth range of the township of Bulstrode, in the county of Arthabaska, are, for all purposes, detached from the said township and annexed to the parish of Sainte Eulalie, in the county of Nicolet.

R. S., 64, Nos. 2 and 42, amended.

2. The limits of the counties of Arthabaska and Nicolet fixed, respectively, by numbers 2 and 42 of article 64 of the Revised Statutes, are modified accordingly.

C A P. I X.

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

[Assented to 21st December, 1895.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

SECTION I.

PRELIMINARY PROVISIONS.

Name of act. **1.** This act may be referred to and cited as "The Quebec Election Act, 1895."

Application thereof. 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.

Interpretation : **2.** 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 ;

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 only the reasonable travelling expenses of such candidate, and his reasonable

expenses at hotels and other places to which he may repair for the purpose of and in regard to such election ; the expenses for stationery, postages and telegrams ; those for a clerk, writer or copyist employed by him, finally these petty necessary disbursements made in cash, of which he keeps a daily account as prescribed by article 303 and following ;

3. The expression "electoral district" means any county or other territory or portion of this Province, entitled to return a member to the Legislative Assembly ; Electoral district ;

4. The term "contractor" or "public contractor" means 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, or with or for any officer of such Government, or with or for any municipal corporation or any department or officer of such municipal corporation, for which any public money of the Province, or of such municipal corporation, is paid ; Contractor ;

5. The word "student" means a farmer's son or a proprietor'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 some art or profession ; Student ;

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

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

8. The term "Lieutenant-Governor," wherever employed in this act, shall mean the Lieutenant-Governor in Council ; Lieutenant-Governor ;

9. The word "tenant" means as well the person who pays rent in money, as the person who is obliged to give to the owner a certain part of the revenues and profits of the real estate which he occupies ; and such tenant must there be *tenant feu et lieu*, save in the case of the lessee of a shop, work-shop or office ; Tenant ;

10. The general expression "corrupt practices" (*manœuvres électorales*) comprises the acts defined by article 252 ; Corrupt practices ;

11. The word "municipality" means every 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 ; Municipality ;

12. The word "occupant" signifies the person who occupies immoveable property, otherwise than as owner or tenant, as defined in this act, or usufructuary, either in his own Occupant ;

right or in the right of his wife, and who derives the revenue therefrom ;

Election officer ; 13. The term "election officer" means the returning-officer, the election clerk, and all deputy returning-officers and poll-clerks, appointed for an election ;

Father, &c. ; 14. The word "father" includes "grandfather" and "stepfather," and the word "mother" includes "grandmother" and "stepmother ;"

Person : 15. 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 ;

Owner ; 16. The word "owner" signifies exclusively any one who possesses real estate, or whose wife possesses real estate, whether as owner or usufructuary.

Whenever one person has the mere ownership of real estate, and another has the enjoyment and usufruct thereof to his own use and benefit, the person who has the mere ownership of such real estate 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 real estate ;

Registrar ; 17. 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 ;

Secretary-treasurer : 18. The word "secretary-treasurer" includes the clerk of every town or city municipality ;

Farm. 19. The word "farm" means land actually occupied or worked, not less than twenty acres in extent ;

To vote. 20. The words "to vote" mean to vote at the election of a member of the Legislative Assembly of this Province.

Forms. 3. Any form indicated by a capital letter, in the various provisions of this act, refers to the corresponding form contained in the schedule annexed to this act.

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

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

Reference. 4. 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.

Delay. 5. If the time fixed by this act for the accomplishment of any proceeding or formality, prescribed by the provi-

sions thereof, expires or falls upon a Sunday or legal holiday, the time so fixed shall be continued to the next juridical day.

6. Every person, before whom any oath must be taken or affirmation made under the terms of this act, is empowered, and shall be bound, whenever the same is required of him, to administer such oath or affirmation, and to give a certificate thereof, without fee. Oath.

7. All the powers and duties, which the Clerk of the Crown in Chancery is called upon to exercise and fulfill 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. 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 legally disqualified in any manner. Entry on list required to give right to vote.

9. The following persons, and no others, being males, of the full age of twenty-one years, subjects of Her Majesty by birth or naturalization, and not otherwise legally disqualified, shall be entered upon the list of electors: Qualification of electors:

1. Owners or occupants, in good faith, of real 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; Owners or occupants;

2. Tenants in good faith, paying an annual rent, for real 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 real 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; Tenants;

- Teachers; 3. Teachers teaching in an institution under the control of school commissioners or trustees;
- 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;
- Farmers' sons; 5. Farmers' 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 coproprietors, to qualify them as voters 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;
- 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*;
- Fishermen; 7. 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 electoral 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;
- Rights of farmers' sons, when exercised; How exercised. 8. Farmers' sons exercise the above rights, even if the father or mother are tenants or occupants only of the farm. 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;
- Temporary absence; 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;
- Priests, &c.; 10. Priests, *curés*, *vicaires*, missionaries and ministers of any religious denomination, domiciled for upwards of five months in the place for which the list is made;
- Persons who earn a certain sum as wages, &c. 11. Persons who reside in the electoral district, and draw, from their salary or wages, in money or in effects, or from some business, employment, trade or profession, or from some investment in Canada, a revenue of at least three hundred dollars per annum; provided they have drawn such revenue, and have so resided, during one year immediately before the preparation of the list.

Entry of certain persons upon lists of electors how effected.

10. The persons who are electors under paragraphs 3, 4, 5, 6, 7, 10 and 11 of article 9, may be entered on the list of

electors upon complaint in conformity with articles 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44 and 45, without it being necessary for them to be entered on the valuation roll.

11. Whenever two or more persons are joint-owners, joint-tenants, or joint-occupants of any real estate valued at an amount sufficient for the share of each to confer upon him the electoral suffrage, 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-oc-
cupants.

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

The share of each joint-tenant depends upon the amount of rent which each pays.

12. If the real estate is owned or occupied by a corporation, no one of the members of the corporation shall be an elector, nor entered upon the list of electors, by reason of such real estate.

Corporation.

§ 2.— *Persons who cannot be Electors.*

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

Persons dis-
qualified as
electors :

1. The judges of the Supreme Court, the Exchequer Court, the Court of Queen's Bench and the Superior Court, the judges of the sessions, district magistrates, and recorders ;

Judges, &c. ;

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.

Clerks of the
Crown, &c. ;

14. The following persons cannot vote :

Persons who
cannot vote :
Certain con-
tractors ;

1. Contractors having any contract that has not been finished and closed for six months before, with the Government of Canada or that of the Province of Quebec ;

2. Every person who, at any time, either before or during an election, is employed, at such election or in respect thereof, by any candidate or by any person whatever as agent, secretary, driver, carter, messenger or in any other capacity, and who 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, to act in such capacity as aforesaid ; but the driver or drivers employed and paid for conveying the candidate or his special agent shall not be subject to the disability enacted by this paragraph ;

Agents, car-
ters, &c. ;

Persons owing foreign allegiance.
Persons found guilty of offences under certain acts;

3. Those who have taken an oath of allegiance to any foreign power, or have become naturalized elsewhere;

Certain other persons.

4. All other 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.

5. Persons, other than proprietors as set forth in paragraph 16 of article 2, 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 in the United States, unless they have returned to the country with their families one month before the election, with the intention of residing therein.

Penalty for illegal voting.

15. If any of the persons set forth in the two preceding article votes, save in the case of article 197, 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, and his vote shall be null and of no effect.

Re-entry upon list of electors how effected.

16. Any person whose disability as an elector or as a voter has ceased, may thereafter, upon application to the judge of 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.

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

Electoral lists to be made in duplicate, in March.

17. The secretary-treasurer of each municipality shall, between the first and fifteenth days of the month of March, 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 real estate 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 in Gaspé and Bonaventure to be made in July.

In the counties of Gaspé 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.

Duties of secretary-treasurer in making list.

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.

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.

19. The secretary-treasurer shall omit from the list of electors every person who, under articles 13, 277 or 282, or any other legal provision whatsoever, is not entitled to vote. Omissions.

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.

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. Case of two lists.

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

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 subdivision.

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

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. If list drawn up by subdivisions.

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 Case of a person being elector in several electoral districts.

one voting subdivision in each district in which he is an elector, according to the rules laid down in the preceding article.

Attestation of the list. **24.** The secretary-treasurer shall certify the correctness of the list of electors by him made under the following oath, taken before a justice of the peace :

Oath. " I (*name of the secretary-treasurer*), swear that, to the best of my knowledge and belief, the foregoing list of electors is correct, and that nothing has been inserted therein or omitted therefrom, unduly or by fraud : So help me God."

Attestation of the duplicate. Each duplicate list must be attested separately under the foregoing oath.

Deposit of the list. **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.

Notice of deposit. **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.

How given. 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.

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

Clerk *ad hoc* to make list in default of secretary-treasurer. **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 March, 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 neighboring district or the district magistrate, on summary petition of the mayor, the registrar or any other person entitled to be entered as an elector in the municipality, shall 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.

Responsibility of the secretary-treasurer in such case. **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.

The secretary-treasurer may, however, draw up and prepare the list, so long as the clerk *ad hoc* shall not have been appointed. His powers.

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 shall, for such purpose, become an officer of the municipal council; he shall have the same powers to exercise and the same 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. His powers and responsibilities.

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. Duties of the mayor, &c. Penalty.

They are bound, under the same penalty, to make the polling subdivisions so that the lists of electors may be prepared and completed within the delays.

§ 4.—*Examination and putting into force 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 publication of the notice, given in virtue of article 26. Examination of the list.

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 publication of the notice given under article 26. Complaint for omission, &c., of complainant's name.

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. Complaint for omission, &c., of names of other persons.

Notice of examination.

35. Before proceeding to any examination or correction of the list of electors, the council shall cause to be given, through the secretary-treasurer, the clerk *ad hoc*, or any other person, public notice of the day and hour at which such examination shall begin.

Special notice.

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 to be given to every person, the insertion or omission of whose name upon the list is demanded.

Delays on 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.

Fees of secretary-treasurer 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.

Secretary-treasurer's duty to give certain notices.
How council proceeds.

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

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 *procès-verbal* 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.

Decision.

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

Fraudulent title.

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.

Corrections to be authenticated.

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.

40. The list of electors comes into force at the expiration of the thirty days following 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 and Bonaventure, and until the month of March 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.

Coming into force and duration of the list.

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 said list shall remain in force until the final decision of the court, before which the said petition in appeal is pending.

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

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 during which it remains in force, be deemed the only true list of electors, within the territorial division to which it relates.

Value of the list.

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.

Certificate of the secretary-treasurer.

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

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

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 two hundred dollars and of imprisonment for six months in default of payment.

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.

Proviso.

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.

If a copy of list is transmitted to registrar.

Duplicate remains of record.

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.

Date of receipt to be entered.

On receipt of the said duplicates or copies, the registrar shall enter upon each the date of the reception thereof.

§ 5.—*Appeal to a Judge.*

Appeal from the decision of the council.

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.

Proceedings suspended until security given.

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.

Districts where there is no resident judge.

47. In any district in which there is no resident judge of the Superior Court, the appeal may, however, 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.

Appeal on refusal, &c., to consider complaint.

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.

Service of petition in appeal.

49. A copy of the petition in appeal is served upon the secretary-treasurer of the municipality, who immediately gives special notice thereof to the mayor, and special notice to the parties interested.

Hearing and decision of 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.

Precedence of appeals.

Such appeal shall have precedence over other causes.

Powers of judge.

51. The judge may also 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.

52. No proceedings on such appeal shall be annulled for defect of form. Defect of form.

53. The costs of appeal shall be taxed in the discretion of the judge, for or against such of the parties as he shall deem advisable, even against the corporation of the municipality, and shall be recoverable under a writ of execution issued in the usual manner. Costs in appeal.

54. The decision of the judge is final. Decision.

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. Correction of list.

§ 6.—*Miscellaneous.*

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. Case of alteration.

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. Correction of list by order of the judge.

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. Secretary-treasurer to deliver copies on payment of fees.

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

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.

Recourse in case of refusal.

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.

Penalty on secretary-treasurer in certain cases.

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.

Penalty on other persons 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.

§ 7.—*Voting Subdivisions.*

Division by the council into voting subdivisions.

63. Whenever, in any municipality, the number of electors shall exceed two hundred, it shall be the duty of the council of such municipality, by a by-law made in the ordinary way, to divide, before the first of March following, the municipality into voting subdivisions, so that there shall not be more than two hundred electors in each voting subdivision.

Limits how defined.

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

New division.

64. Whenever any one of such voting subdivisions shall contain more than two hundred electors, it shall be the duty of the council, by by-law, to subdivide, before the first of March then following, such voting subdivision into others not containing more than two hundred electors each.

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.

By-law for such purpose may be amended.

66. No by-law made under articles 63, 64 and 65 shall be liable to be appealed to the county council.

No appeal.

67. Every by-law or municipal order 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.

Old voting subdivisions.

SECTION III.

HOLDING OF ELECTIONS.

§ 1.—*General Provisions.*

68. Whenever a proclamation orders that a new Legislative Assembly shall be elected, and a general election is for that purpose held, the nominations of the candidates at the different elections in all the electoral districts of the Province shall take place and be held upon the same day.

One day only for general elections.

Such day is fixed and determined by the Lieutenant-Governor in the proclamation ordering the general election.

Day to be fixed.

69. In the case of a particular election to fill a vacancy, the day of the nomination of the candidates at such election shall be fixed by the Lieutenant-Governor.

Particular election.

70. Every writ of election shall mention the day so fixed for the nomination of the candidates at the election for which such writ shall have been issued, and also the day for the polling.

Mention in the writ.

71. Nevertheless, in the electoral districts of Gaspé, and of Chicoutimi and Saguenay, the day for the nomination of the candidates is left to the selection of the returning-officer, who shall fix the same in his proclamation as he may deem advisable, without unnecessary delay, subject to the application of article 98.

Exception.

72. The nomination of candidates shall not take place upon any holiday.

Nomination.

73. In the event of the destruction or loss of any writ of election, before the same has been received by the re-

New writ in certain cases.

turning-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.

Date and return.

74. Every writ of election shall bear date and be returned on the days which shall have been fixed by the Lieutenant-Governor, saving the case provided for by article 204.

Issue of writs at general elections.

75. At the general elections all writs of election shall issue upon the same day, and shall bear the same date of issue.

Day of polling.

76. The voting in all the electoral districts shall take place on the seventh day next after that of the nomination of candidates, that is, the corresponding day of the week next after that in which the nomination has taken place.

Holidays.

If such seventh day is a holiday, the voting shall take place on the first following day not a holiday.

Exception.

In the electoral districts of Gaspé and of Chicoutimi and Saguenay, the day of voting shall be fixed by the returning-officer; provided that the day so fixed is not a holiday, and that it is not removed from that of the nomination, for Gaspé less than fifteen nor more than thirty days, and for Chicoutimi and Saguenay, less than eight nor more than fifteen days.

Address of writ.

77. Every writ of election shall be addressed by name to one of the persons who can act *ex-officio* as returning-officer for the electoral district, or, in default of such person, to a person who, being competent to discharge such office, shall be appointed by the Lieutenant-Governor under paragraph 4 of article 80.

Form of writ.

78. Writs of election shall be drawn up in accordance with form C, and, unless the Lieutenant-Governor otherwise orders; they shall be forwarded by mail to the different returning-officers, or delivered to them in person.

Notice to registrar.

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

§ 2.—*Returning-officers and others.*

80. The following persons may act *ex-officio* as returning-officers : Returning-officers *ex-officio* :

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

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

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 several persons fill office of sheriff, &c.

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

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* ; Who of several shall act.

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 may appoint a competent person to perform the duties of returning-officer. Returning-officer appointed.

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

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

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 takes 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 80.

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

4. Persons who have been found guilty :

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

(b) Of any corrupt practice whatever, in contravention of the laws respecting elections, whether of the Dominion of Canada or of the Province of Quebec.

§ 3.—*Proceedings on receipt of the Writ of Election.*

Endorsation
of date on re-
ceipt of writ.

82. The returning-officer, on receipt of the writ of election, shall, without delay, endorse upon such writ the date of the reception thereof.

Oath of re-
turning-offi-
cer.

83. The returning-officer, before acting in a further manner, shall take and subscribe before a justice of the peace, the oath specified in form D; and the justice of the peace shall deliver to him a certificate of the taking of such oath, according to form DD, which must be written on the writ of election.

Registrar
shall transmit
list to return-
ing-officer.

84. 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 79, 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.

Fee of regis-
trar.

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 the election.

§ 4.—*Appointment and duties of the Election Clerk.*

Election
clerk.

85. The returning-officer shall appoint, without delay, by commission under his hand, according to form E, a competent person as his election clerk, to assist him in the execution of his duties.

Oath.

86. Before acting as such, the election clerk shall take the oath prescribed in form F, before the returning-officer or a justice of the peace, who shall give him a certificate according to form FF, which are also written on the writ of election.

New election
clerk in cer-
tain cases.

87. If the election clerk appointed dies, or is prevented from performing his duties through sickness, absence or other forcible cause, or if he refuses to continue in such office, or neglects to perform the duties of the same, the returning-officer shall, in the same manner, after having annulled his first appointment, appoint another competent person to be his election clerk.

His duties.

The new election clerk shall be bound to perform all the duties and obligations of such office under the same penalties as the former, in case of refusal or neglect on his part.

88. Whenever the returning-officer is incompetent, becomes unable to perform the duties of his office, or refuses to discharge the same, and has not been replaced by another person, the election clerk shall be the returning-officer for the election, as if he had been duly appointed to that office, and shall perform all the obligations thereof, under the same penalties as those prescribed in relation to the returning-officer, without being bound to take any further oath.

When the clerk acts as returning-officer.

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.

§ 5.—*Establishment of Polls.*

89. The returning-officer shall establish a poll in each voting subdivision, which shall appear, by the list of electors in each municipality, to have been established under articles 63, 64 and 65.

Polls.

90. The polls shall be established in central and commodious localities, in such manner as to be at a distance of not less than two hundred yards apart from each other in any city, town or village municipality, and of one mile apart in any other municipality.

Location and distance of polls.

91. Electors shall vote only in the voting subdivision in which is situated the property entitling them to vote.

Where votes shall be given.

§ 6.—*Proclamation announcing the Election.*

92. Within the eight days next after the receipt of the writ of election, the returning-officer shall, by proclamation under his hand, according to form G, published in the French and English languages, and posted up in the voting subdivision at the most important and public places, set forth:

Proclamation of returning-officer.

1. The place, day and hour at which the nomination of candidates shall take place;

2. The day upon which the polls shall be opened, if voting becomes necessary;

3. The appointment of his election clerk.

93. The locality specified for the nomination of candidates shall be the court-house, the city hall, the registry-office, or any other public or private building, in the most central and convenient position for the majority of the electors of each electoral district.

Place of nomination.

- 94.** The hour fixed for the nomination of candidates shall be between noon and two o'clock in the afternoon.
- 95.** The returning-officer shall publish at length and post up, at the same time and in the same places as his proclamation, the provisions respecting corrupt practices enacted by articles 243, 245, 246, 247, 248, 249, 250, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 279, 280, 281, 282, 283, 285 and 287 of this act, and articles 588, 589, 590 and 591 of the Revised Statutes.
- 96.** The returning-officer shall cause the proclamation to be posted up at least eight days before the day of the nomination of the candidates, the day of the posting and that of the nomination not being included in such delay.
- If any municipality has been divided into wards, the proclamation shall be posted up in four of the most public and conspicuous places in each ward of the municipality.
- 97.** When the returning-officer, or the election clerk, or a deputy returning-officer is by this act required to give any public notice, and no special mode of giving the same is mentioned, he may give the same by advertisement, placards, hand-bills, or such other means best calculated to give information to the electors.
- 98.** Any proclamation announcing an election in the electoral districts of Gaspé, and of Chicoutimi and Saguenay may be published and posted up within the twenty days next after the receipt of the writ of election, by the returning-officer; provided the same be posted up, throughout the whole district, at least fifteen days for Gaspé, and eight days for Chicoutimi and Saguenay, before the day of nomination.
- 99.** 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, or, if any one of the persons brought forward as candidates should die before the close of the poll, the returning-officer may fix another day for the nomination of candidates.
- 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.
- In all other respects the whole of such election shall be conducted as other elections governed by this act.
- The returning-officer, in his return of the election, shall transmit to the Clerk of the Crown in Chancery a special

Publication of the law against corruption.

Posting-up of proclamation.

Municipality divided into wards.

Manner of giving notice.

Posting, &c., of proclamation in Gaspé, and Chicoutimi and Saguenay.

Change of nomination day, if proclamation not published.

Other day fixed.

Election how conducted.

Special report.

return of the reasons which so occasioned the postponement of the election.

§ 7.—*Nomination of Candidates.*

100. Every candidate shall be nominated or brought forward as candidate by means of a nomination paper made in accordance with the rules hereinafter specified, and in the form H.

Nomination paper.

101. Each nomination paper shall be signed by at least twenty-five electors qualified to vote in the electoral district for which the election is held, and shall give the name and surname, residence, profession or description of the candidate, in such manner as sufficiently to establish his identity.

Signature of twenty-five electors thereon.

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.

Mark by those who cannot write.

102. Each nomination paper shall be accompanied by the consent in writing of the person nominated, except such person be absent from the Province.

Consent of candidate.

In the latter case, the nomination paper shall set forth his absence.

Case of absence.

103. The nomination papers shall be filed with the returning-officer at the hour and place indicated in the proclamation, by any one of the subscribing electors, or by the person nominated, or by any one on their behalf.

Filing of nomination paper.

104. The nomination papers may, however, be filed with the returning-officer in person, at any other place and at any other time, between the date of the proclamation and the time fixed for the nomination, with the same effect as if produced at the time and place set forth in the preceding article.

Filing before time of nomination.

105. A sum of two hundred dollars, in gold, silver, Dominion notes or bills of an incorporated bank doing business in this province, shall be paid into the hands of the returning-officer by each candidate, on the delivery of the nomination paper to that officer.

Deposit.

This sum shall not be liable to seizure and shall be returned to the candidate in the event of his being elected, or, if not elected, of his obtaining at least one-half the number of votes counted in favor of the candidate elected; otherwise it shall belong to the Province.

Return in certain cases.

Of the different sums so paid, those which could not be withdrawn shall be applied by the returning-officer towards

Application of deposits not withdrawn.

the payment of the election expenses ; and an account thereof shall be rendered to the Provincial Treasurer.

Affidavit to accompany nomination paper.

106. Every nomination paper shall also be accompanied by one or more affidavits, in the form I, sworn before the returning-officer or a justice of the peace, and setting forth :

1. That the deponent knows that the subscribers to the nomination paper, or at least twenty-five from among them, are electors entered, as duly qualified, upon some of the lists of electors in force in the electoral district, and that they have signed the nomination paper in his presence.

2. That the consent of the candidate was subscribed in presence of the deponent, or that the person nominated is absent from the Province.

Attestation of signatures.

107. The capacity of elector and the signature or mark of each of the subscribers to the nomination paper, or of at least twenty-five of them being electors qualified to vote, shall be so established by affidavit ; but they may be so established in one or more separate affidavits, and by one or more different persons.

Attestation of consent.

108. The consent of the candidate may also be established by the oath of another person.

Oath of candidate.

109. 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.

Validity of nomination papers.

110. 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 100 to 109, inclusively.

Declaration of returning-officer.

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.

New nomination paper.

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

Receipt makes proof of presentation, &c.

111. The receipt, which the returning-officer shall give on demand, shall be sufficient evidence that the

nomination paper and the written consent of the candidate have been regularly produced, and that the required sum has been paid.

112. The returning-officer shall endorse on the nomination paper the fact of the production of any affidavit given under article 106, 107 or 108, as the case may be, and of the taking of the oath under article 109.

Mention of affidavit.

113. If, at the expiration of the delay fixed for the nomination, one person only be placed in nomination, the returning-officer shall forthwith report to the Clerk of the Crown in Chancery, in the form J, that such candidate has been elected.

Election of one candidate.

114. He shall transmit, within the forty-eight hours following, a duplicate or certified copy of his return to the person elected.

Return to person elected.

115. The returning-officer shall accompany his return with a report of his proceedings, in which he shall mention any nomination rejected by him for non-compliance with the requirements of this act.

Report to accompany return.

116. If, on the contrary, there be more candidates than one, it shall be the duty of the returning-officer to adjourn the election for the opening of the poll.

Adjournment if polling required.

117. After the delay fixed for the nomination has elapsed, the returning-officer shall deliver *gratis* unto every candidate or the agent of every candidate, on demand to that effect, a certified list of the names of the persons nominated.

List of candidates.

All votes given at the election for persons other than those so nominated shall be null.

Votes given for others, null.

118. Any nominated candidate may, at any time, before the closing of the poll, retire by filing with the returning-officer a declaration in writing to that effect, signed by himself.

Withdrawal of candidate.

Such declaration, to be valid, shall be accompanied by an affidavit of one or more persons, sworn before the returning-officer, his election clerk or a justice of the peace, establishing that the candidate withdrawing, voluntarily, and after reading such declaration, signed the same in his or their presence.

Declaration for such purpose.

All votes given in favor of a candidate, who shall have thus retired, shall be null and must be set aside.

Votes given to such, null.

Duties of returning-officer.

119. If, owing to such withdrawal, one candidate only remains, it shall be the duty of the returning-officer to declare him elected, 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.

§ 8.—*Qualification of Candidates.*

Qualification of members.

120. 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 Her Majesty by birth or naturalization, free from all legal disability, and in the enjoyment of his civil and political rights.

Persons who occupy certain salaried positions cannot sit or vote in Legislative Council or Assembly.

121. No person further shall be elected a member of the Legislative Assembly, or be a member of the Legislative Council, or sit or vote as such, who occupies a permanent salaried position under the Government of Canada, the Province of Quebec or any other province of Canada, and who receives regular wages or emoluments from the public departments of any of the said governments, saving the salaries of the Speaker of the Legislative Assembly and of the Legislative Council of this Province, and the legislative indemnity of the members of such Houses.

Exception as to senators, &c.

2. Nothing in this article, however, shall prevent the Speaker of the Senate, nor any Senator from so sitting or voting in the Legislative Council, by reason of the salary, fees or emoluments received by them in such capacity, nor any member of the Privy Council who is not disqualified from sitting or voting in the House of Commons of Canada.

Exception as to militia men.

3. Neither shall anything in this article render an officer of the militia or militia man, not on permanent pay as an officer of the militia staff, ineligible for or disqualified from sitting or voting by reason of the pay, fees or emoluments received by him in such capacity.

Exception as to persons receiving less than certain salary from Federal Government.

4. In the case of persons receiving a regular salary or emoluments from the Government of Canada on account of permanent positions occupied by them, the present article shall affect only those whose salaries or emoluments so received amount to over one thousand dollars per annum.

§ 9.—*Proceedings preliminary to Voting.*

Notice of voting.

122. When a poll is necessary, the returning-officer shall cause notices to be posted up, in the form K, announcing the fact of a poll being about to be held in the electoral district and specifying the names, domiciles and occupations of the persons nominated, in the order in which they are printed in the ballot-papers mentioned in article 134, and

the names, occupations, domiciles and addresses of their agents, in the manner prescribed by article 290.

He shall, at the same time, post up printed copies of the directions for the guidance of electors in voting, as also a list of the different polls established by him, together with the territorial limits of each of such polling subdivisions, according to their names and numbers.

Posting up of directions.

123. Such notices and directions shall be posted up, as soon as possible after the nomination of the candidates, in all places in which the proclamation announcing the election has been posted up.

Where to be posted.

124. The returning-officer shall procure for himself the different lists of electors, or certified copies or extracts from such lists, from the registrars, clerks, secretary-treasurers or other officers, who are the lawful custodians thereof.

Returning-officer shall procure lists of electors.

Every officer neglecting or refusing to furnish such copies or extracts of lists of electors, within a reasonable delay, to the returning-officer applying for the same, shall incur a penalty of two hundred dollars, and imprisonment for six months in default of payment.

Penalty for refusal to furnish.

125. The returning-officer shall, in no case, have the right to decide upon the validity or sufficiency of the list of electors, or to subdivide the polling subdivisions.

He shall not decide their validity.

§ 10.—*Deputy Returning-Officers.*

126. The returning-officer, by commission under his hand, according to form L, shall appoint a competent person to act as deputy returning-officer, at each poll established by him.

Deputy returning-officer.

127. If a deputy returning-officer dies or is prevented from discharging his office by sickness, absence or other cause, or, if he refuses to accept such office, or neglects to discharge the duties thereof, the returning-officer shall appoint another person competent to act as deputy returning-officer, and cancel his first appointment.

New deputy returning-officer in certain cases.

The new deputy returning-officer shall be bound to discharge all the obligations of such office, under the same penalties as the first in case of refusal or neglect.

Duties.

128. Each deputy returning-officer shall, before acting as such, take and subscribe, before the returning-officer or before a justice of the peace, the oath set forth in form M, and a certificate, according to form N, of the taking of such oath, signed by the returning-officer or justice of the peace, shall be delivered to him by the person administer-

Oath.

ing the same. He shall keep them and return them with the other election documents.

Returning-officer shall give list of electors.

129. It shall be the duty of the returning-officer to furnish to each deputy returning-officer the list, or a copy of or extract from the list, containing the names of the electors entitled to vote at the poll for which he is appointed.

To be certified.

Each copy of and extract from the list shall be certified, either by the returning-officer as being that regularly furnished to him or by the legal custodian of the lists from which such copies or extracts are taken.

New list if lost.

130. 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.

Ballot-box.

131. The returning-officer shall, at least two days before the voting, deliver to each deputy returning-officer a ballot-box to receive the ballot-papers of the electors.

How made.

Such ballot-box shall have a slit or narrow opening in the top, so constructed that the ballot-paper may be introduced therein, but cannot be withdrawn therefrom without opening the box, and shall be made of durable materials, with lock and key.

Deputy returning-officer shall cause one to be made if not furnished.

132. When the returning-officer has not supplied the deputy returning-officer with the ballot-box within the delay prescribed in the preceding article, or when the same has been taken away or lost, it shall be the duty of the latter to cause one to be at once made.

Ballot-papers to be furnished by returning-officer.

133. The returning-officer shall furnish the deputy returning-officer of each poll with a sufficient number of ballot-papers to supply the number of electors entitled to vote at such poll, and with the necessary materials for the voters to mark their ballot-papers.

Description.

All ballot-papers shall be of the same description, and, as nearly as possible, alike.

Form of ballot-papers.

134. The ballot-paper of each elector shall be a printed paper with an annex, drawn up according to form O, specifying the names and designation of the candidates, alphabetically arranged in the order of their surnames, or if there are several candidates with the same surname, in the order of their christian names.

Their contents.

The names and designation of each candidate shall be set forth on the ballot-paper, as in the nomination paper.

135. Notwithstanding article 134, the Lieutenant-Governor in Council may, before the date fixed for the general elections which will follow the dissolution of this Legislature, order that the ballot-paper commonly known as "Durocher's improved ballot slip," made according to form OO, be, for the purposes of the said general elections, substituted to the ballot-paper mentioned in article 134.

Durocher's improved ballot may be used.

The Order in Council authorizing the use of the said "Durocher ballot" shall be published in the *Quebec Official Gazette* during one month, and such ballot-paper shall be employed only after the expiration of one month after the last publication of the said Order in Council.

Notice to that effect.

136. In the case provided for by article 135, the rules to be followed by the elector in voting are as follows:

Rules for guidance of electors in voting with Durocher's ballot.

The elector, on receiving the ballot-paper, shall forthwith proceed into one of the private compartments of the poll, and there shall mark his ballot-paper, marking a cross with a pencil, in the circular space of the ballot opposite the division containing the name of the candidate for whom he intends to vote, after which he shall fold it, so that the initials endorsed thereon may be seen without opening it, and hand it to the deputy returning-officer, who shall ascertain by examination of his initials, and of the printed number on the annex, that such ballot-paper is the same supplied by him to the voter, and, after having detached the annex, he shall, immediately and in the presence of the voter, place the ballot in the ballot box.

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

Paper to be used.

A table or desk with a smooth surface shall be provided, whereon the ballot-paper may be marked in the private compartment.

Table in compartment.

The pencil must be the same for all and be securely attached by a string.

Pencil.

138. 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.

Use of ballots with name of retired candidate thereon.

The ballot-papers must be bound or stitched so as to form a book and be numbered on the annex by the printer from No. 1 to 250, which form the book,

Ballots to be stitched in a book.

Directions. **139.** The returning-officer shall also furnish to each deputy returning-officer at least ten copies of the printed directions for the guidance of voters in voting.

Posting up. The deputy returning-officer shall, on the day of the voting, at or before the opening of the poll, cause copies of such directions to be posted up in some conspicuous place outside of the poll, and also in each compartment of the poll.

§ 11.—*Poll-Clerks.*

Poll-clerk. **140.** Each deputy returning-officer shall forthwith appoint, by a commission under his hand, according to form P, a competent person as poll-clerk, to assist him in the execution of his duties.

New poll-clerk in certain cases. **141.** If the poll-clerk dies, or is prevented from executing his office by illness, absence or other cause, 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, and cancel his first appointment.

His duties. The new poll-clerk shall be bound to discharge all the obligations of such office, under the same penalties as the first, in case of refusal or neglect.

Oath. **142.** Every poll-clerk shall, before acting as such, take and subscribe, before the returning-officer or the deputy returning-officer who appointed him, or before any justice of the peace, the oath set forth in form Q.

Certificate thereof. A certificate of the taking of such oath shall be delivered to him according to form R, by the person administering the same, and under his hand.

Duties of poll-clerk towards deputy returning-officer. **143.** 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.

Replacing the deputy returning-officer. **144.** In the event of the deputy returning-officer refusing or neglecting to discharge the duties of his office, or becoming unable to do so, and of no other deputy returning-officer, appointed instead of the former, presenting himself at the poll, the poll-clerk shall, under the same penalties as those imposed upon a deputy returning-officer, act as deputy returning-officer, and, without being obliged for such purpose to take any new oath, shall fulfill all the duties and obligations thereof, in the same manner as if he had been appointed deputy returning-officer.

145. Whenever any poll-clerk shall act in the case provided for in the preceding article, he shall have power to appoint, by commission under his hand, according to form S, another person as poll-clerk to aid and assist him, and to administer to such person the oath required of a poll-clerk under this act. Appoint as poll-clerk.

Such poll-clerk shall have the same obligations to discharge as if he had been appointed by the deputy returning-officer, and shall incur the same penalties in the event of refusal or neglect. Duties.

§ 12.—*Voting.*

146. The voting shall take place in a room or building of convenient access, with a door for the admission of the voters, and having, if possible, another for exit. Place of voting.

147. 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 from any person whomsoever, mark his ballot paper. Compartments in poll-house.

148. Each deputy returning-officer shall open the poll assigned to him at the hour of nine of the clock in the morning, except in the case of the following article, and shall keep the same open until five of the clock in the afternoon. Hours of voting.

He shall, during that time, receive, in the manner hereinafter prescribed, the votes of the electors duly qualified to vote at such poll and applying to vote thereat. Reception of votes.

149. In cities or towns having a population exceeding ten thousand souls, the polls must be open from seven o'clock in the morning; and from that hour, until nine o'clock, workmen, artisans and employees in factories have precedence in voting. Hours in certain cities and towns.

150. In addition to the deputy returning-officer and the poll-clerk, no person other than the candidates and their agents, not exceeding two in number for each candidate, shall be permitted to remain in the room where the votes are given during the whole time the poll remains open. Who may remain in the room.

In the absence of the agents of any candidate, two electors may, on application to that effect, represent such candidate.

151. One of the agents of each candidate, or, in the absence of such agent, one of the electors representing a candidate under the preceding article, shall take the oath, Oath of agents.

in the form T, to keep secret the names of the candidates for whom any of the voters may have marked his ballot-paper in their presence, as prescribed by article 163, and no one but them alone and one of the two officers in the poll-house can assist at such vote, excluding the second agent or other elector.

Examination of the box.

152. At the hour fixed for opening the poll, the deputy returning-officer and the poll-clerk shall, in the presence of the candidates, their agents, or the electors present, open the ballot-box and ascertain that there are no ballots or other papers in the same.

Locking thereof.

The box shall thereafter be at once locked, and the deputy returning-officer shall keep the key thereof.

Voting.

153. Immediately after the box shall have been locked, the deputy returning-officer shall, at nine o'clock, precisely, or at seven o'clock precisely in the case of article 149, call upon the electors to vote.

Facility of voting.

154. It shall be the duty of the deputy returning-officer to facilitate the admission of every elector into the poll, and to see that he is not impeded or molested in or about the poll.

Information, &c., to be given to electors.

155. 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 his mark, but without the slightest indication of preference or suggestion.

Recording of name in poll-book.

156. Each elector, being introduced, one at a time, into the room where the poll is held, shall declare his name, surname and occupation, which shall be at once recorded in a poll book to be kept for that purpose by the poll-clerk, in the form U.

Recording of number of ballot-paper.

If such name be found on the list of electors for the voting subdivision of such poll, the number of the ballot given to the elector must be entered in the poll-book.

Delivery of ballot-paper.

The voter shall receive from the deputy returning-officer a ballot-paper, on the back of which such deputy returning-officer shall have previously put his initials.

Oath of elector if required.

157. Nevertheless, any elector so presenting himself, 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, shall take the following oath or affirmation, and, under such oath or affirmation, answer in the affirmative to questions numbers 1, 2 and 4, and in the negative to questions numbers 3, 5, 6, 7, 8, 9 and 10 of the following form :

FORM OF OATH OR AFFIRMATION.

“ You swear (or affirm, as the case may be), to answer Form of oath. 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 Her Majesty ?

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

4. Are you of the full age of 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. Are you acting, have you acted or do you intend to act, in the interest of any candidate at this election, either as paid agent, messenger, employee, carter or canvasser, with the view of obtaining anything for your trouble ?

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

10. 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 remunerate 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 special agent ? ”

158. In cases where it is merely necessary to identify the elector, it will be sufficient, after the oath has been taken, to ask him the first of the questions mentioned in the preceding article. If oath given for purpose of identification only.

159. No ballot paper shall be given to any elector who shall have refused to take the oath or affirmation mentioned in article 157 or 158, when thereunto required, or who, having taken the same, shall not have answered in the manner prescribed in such articles. No ballot to be given to person who has refused to be sworn.

160. 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 Oath exacted by deputy returning-officer.

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 to do so or not, shall administer to such person the oath or affirmation authorized by law, under penalty of a fine of two hundred dollars, and, in default of payment, imprisonment of not more than twelve months; and in that case, mention is made of such formality by adding after the word "sworn" these words: "in virtue of article 160."

Preparation of the ballot-paper.

161. The elector, on receiving the ballot-paper, shall forthwith proceed into one of the private compartments of the poll, and there shall mark his ballot-paper, marking a cross with a pencil opposite the name of the candidate for whom he intends to vote, after which he shall fold it, so as to hide his vote, and hand it to the deputy returning-officer.

Deposit of ballot in box.

Such officer shall ascertain, by examination of his initials and of the number, without unfolding the same, that such ballot-paper is the same supplied by him to the voter, and, after having detached the annex, he shall, immediately, and in the presence of the voter, place the ballot in the ballot-box.

Entries in poll book.

162. The poll-clerk shall enter in the poll-book, opposite the name of each elector presenting himself to vote:

1. The word "voted," as soon as the elector's ballot-paper has been deposited in the ballot box;

2. The word "sworn" or "affirmed", if the elector has taken the oath or affirmation;

3. The words "refused to be sworn" or "refused to affirm", if the elector has refused to take the oath or affirmation.

Aid in preparing ballot-papers.

163. The deputy returning-officer only, on application of an elector who is unable to read or write, or is incapacitated, by blindness or other physical cause, from voting in the manner prescribed by this act, shall assist such elector:

1. By marking his ballot-paper in favor of the candidate indicated by the elector, in the presence of the sworn agent of each candidate or of one of the sworn electors, who represent him, as the case may be;

2. By placing such ballot-paper in the ballot-box.

If there is any doubt as to the alleged incapacity, or if so required, the deputy returning-officer shall, before receiving the vote, require the elector to take an oath or affirmation as to his incapacity according to the following form, to wit:

"I solemnly swear (*or* affirm) that I cannot alone and without assistance make the required mark upon my ballot-paper as I intend to do."

164. Whenever a voter has had his ballot-paper prepared in conformity with the preceding article, mention of the fact shall be made in the poll-book opposite to the name of such voter. Mention thereof in poll-book.

165. Any person who is entitled to vote in the electoral district in which the election is being held, and who has been appointed deputy returning-officer, or poll-clerk, or polling-agent of one of the candidates, for a poll other than the one where he is entitled to vote, shall, on request, receive from the returning-officer a certificate showing such right to vote and authorizing him to vote at the poll where he is employed. Votes of election officers, &c., upon certain certificate.

On the production of such certificate, such person, if actually and in good faith employed at a poll as deputy returning-officer, poll-clerk or candidate's polling-agent, may vote in the usual manner at such poll, instead of voting at the poll where he would otherwise have been entitled to vote. But the deputy returning-officer cannot, under penalty of a fine of one hundred dollars for each infraction, allow more than two agents for each candidate so to vote, under such certificate, at the poll kept by him. Manner of voting.

Mention shall be made in the poll-book, opposite the name of such voter, of the fact of his having voted in virtue of this article under such certificate. Entry in poll-book.

Such certificate is given only upon the written power of attorney of the candidate and forms part thereof, and shall be put with the other election documents. Certificate when given.

166. If an elector has inadvertently marked, spoiled or torn the ballot-paper given him, in such manner that it cannot be conveniently used, he may, on returning the same to the deputy returning-officer, obtain another ballot-paper ; provided he has not by such means disclosed his vote. Spoiled ballot-paper.

167. If a person, representing himself to be an elector named on the list of electors, applies for a ballot-paper after another person has voted as such elector, the applicant, upon taking the oath or affirmation specified in article 157 or 158, shall be entitled to vote as any other elector. Vote tendered after previous vote in same name.

Mention shall be made in the poll-book of the fact of the voter 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 157 or 158, and also of any objection made to such vote on behalf of any of the candidates, and of the name of such candidate. Entry in book.

Interpreter.

168. Whenever the deputy returning-officer shall not understand the language spoken by any 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.

Delay to be avoided.

169. 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.

Taking ballot-paper away prohibited.

170. No elector shall be allowed to take his ballot-paper out of the poll, under the penalty of being *ipso facto* deprived of his vote at that election, and further incurring a penalty not exceeding two hundred dollars, and imprisonment not exceeding six months in default of payment.

Exhibiting it also prohibited.

171. No person shall, directly or indirectly, induce any voter to display his ballot-paper after he has marked the same, so as to make known the name of the candidate, for or against whom he has so marked his ballot-paper.

An elector who makes known the mark on his ballot *ipso facto* loses his right to vote and to have it deposited in the ballot-box. Such ballot is placed among those to be rejected and note thereof is taken in the poll-book.

Interference prohibited.

172. With the exception of the case provided for in article 163, no person shall interfere with or attempt to interfere with a voter when preparing his ballot-paper, or otherwise make any attempt to obtain information at the poll as to the name of the candidate for whom a voter at such poll is about to vote or has voted, nor watch for or endeavor to discover by looking-glasses or holes or openings in partitions or by any other means, the number of the ballot or the mark of the elector.

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

173. 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 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 fully held; and, in the case of the polling, it is resumed by commencing at the hour fixed by articles 148 and 149, until it has lasted eight hours or ten hours,

as the case may be, so that all the electors who wish to vote may have had the opportunity of so doing.

174. Every election officer, candidate, agent and elector in attendance in a poll and taking part therein, shall previously take the oath of secrecy in the form V before the deputy returning-officer, if not, they are excluded from the poll. They shall maintain and aid in maintaining the secrecy of the voting at such poll ; and none of such persons shall communicate, before the poll is closed, 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 poll.

Oath of secrecy as to ballots applied for, &c., to be taken by certain persons.

175. No election officer, candidate, agent, elector, or other person shall communicate, at any time, to any person, any information obtained in a poll as to the name of the candidate for whom any elector is about to vote or has voted.

Secrecy as to voting.

176. Whosoever acts in contravention of any of the provisions of articles 171, 172, 174 and 175 shall be liable to a penalty not exceeding two hundred dollars, and imprisonment not exceeding six months in default of payment, or both together, with or without hard labor.

Penalty for contravention.

177. Whosoever :

1. Fraudulently puts into any ballot box any paper other than the ballot paper which he is authorized by law to put in, or

Penalty for certain offences.

2. Fraudulently takes out of the poll any one or more ballot-papers, or

3. Attempts to commit any of the acts specified in this article, or

4. Forges, counterfeits, fraudulently alters or defaces or destroys any ballot-paper or the initials of the deputy returning-officer signed thereon, or destroys, takes, opens or manipulates without authority any ballot-box or parcel of ballot-papers in use or having been in use at any election, or who, without authority, supplies any ballot-paper to any person or procures the same for himself, in view of the election, or

5. Attempts, assists, provokes, counsels or facilitates the commission of any of the above mentioned offences,

Shall, for each offence, incur :

If an election officer or other person engaged in the election, a penalty of one thousand dollars, and imprisonment for two years in default of payment, or both together, with or without hard labor ; or

If any other person, a penalty of five hundred dollars, and imprisonment for six months in default of payment, or both together, with or without hard labor.

Vote not to be disclosed.

178. No person shall, in any legal proceeding, be required to state for whom he has voted at any election.

Witnesses need not appear on voting day.

179. 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.

Masters, &c., to give time to employees to vote.

180. Masters and employers and all others who have under them employees who are electors and who live in the electoral district in which they are entered, are obliged to allow, without molestation or indemnity, such electors a reasonable time to vote, under a penalty for each refusal of a fine of one hundred dollars and an imprisonment of six months in default of payment.

§ 13.—*Counting the Ballot-Papers.*

Close of poll.

181. At five o'clock the poll-house is closed, the polling is closed; an entry thereof is made in the poll book.

Counting the ballot papers.

Immediately thereafter, the deputy returning-officer shall, in the voting room and in presence of the poll clerk, and of the candidates or their agents, or in the absence of any one of the candidates or his agents, in the presence of three electors representing each candidate, open the box containing the ballot-papers, and proceed to count the number of votes given for each candidate.

Duty of deputy returning-officer if ballots are found not initialed, although only the correct number in the box.

182. When, at the counting of the ballots, it has been established that the number of ballots deposited in the box corresponds with that entered in the poll-book and to the annexes (taking into account the ballots rejected which were not deposited), and that it appears that the ballots are not other than those supplied by the deputy returning-officer, the said deputy returning-officer, if he notices in counting, for the purpose of assigning them to each candidate, that by oversight or forgetfulness he has omitted initialing some or all of the ballots on the back, may then do so in presence of the persons in the poll house, and at the same time indicate it by a note at the end of his initials—as a correction made—and he makes an entry thereof in the poll-book as prescribed by article 185.

Oath to be taken by him.

But, before so affixing his initials on the said ballots, the deputy returning-officer must write, sign and attest under oath, before the poll-clerk, the following declaration :

Form of oath.

“I swear that, through forgetfulness or oversight, I did not affix my initials on (*state the number*) ballot-papers, which I

acknowledge as having been supplied by me during the polling and which I have found in the ballot-box. So help me God."

Sworn before me, at)
this day of 18 , {

This declaration must be deposited with the other documents in the ballot-box. Deposit thereof.

Such ballot-papers are then counted as if all the formalities had been duly accomplished in respect thereto. Ballots to be then counted.

183. The deputy returning-officer, on reading and counting the ballot-papers, shall reject : Rejected ballot-papers.

1. All ballot-papers which are not similar to those supplied by him ;
2. All those by which more than one vote has been given ;
3. All those upon which there are any writing or marks, or indications by which the voter could be identified.
4. All those left in blank or null as uncertain ;
5. All other ballot-papers which may have been presented to him and which do not have his initials thereon, saving the case of article 182.

184. After the remaining ballot-papers have been counted, and a list made of the number of votes given to each candidate and of the number of ballot-papers rejected, all the ballot-papers indicating the votes assigned to each candidate shall be put into separate envelopes or parcels ; those rejected in accordance with article 183, and all the annexes shall also be put into a different envelope or parcel, closed and sealed. Ballot-papers counted and replaced in the box.

All these parcels, after having been endorsed so as to indicate their contents and initialed, shall be put back into the ballot-box.

185. The deputy returning-officer shall take a note of any objection, made by any candidate, his agent or any elector present, to any ballot-paper found in the ballot-box, and shall decide at once any question arising out of the objection. Objections noted and decided.

His decision shall be final, and shall only be reversed on petition questioning the election or return, or on a recount before the judge.

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

An entry at the end of the poll-book is made of each objection and its nature,

Statement of
ballot-papers
and votes.

186. The deputy returning-officer shall make out a statement indicating the number of the :

1. Accepted ballot-papers ;
2. Votes given to each candidate ;
3. Rejected ballot-papers which can not be assigned to any candidate ;
4. Spoiled and returned ballot papers ; and
5. Ballot-papers which have not been used and which are returned by him.

Original to be
placed in the
ballot-box.

This addition is written out at length and in figures at the end of the poll-book, signed by him and his clerk, and by such agents of the candidates who wish to sign it ; a similar one, signed in the same manner, is made, which he deposits in the ballot-box, and another which he keeps, and he delivers gratuitously copies thereof to one of the agents of each of the candidates, or to one of the electors representing each candidate who took part in the counting of the ballots and who ask for it.

Oaths of de-
puty return-
ing-officer and
poll-clerk,
Before whom
taken.

187. The deputy returning-officer and poll-clerk shall respectively take the oaths according to forms W and WW, each taking the oath proper to him.

The deputy returning-officer may take such oath before the poll-clerk.

Oaths to be
deposited in
box.

Such oaths shall be annexed to the statement mentioned in article 186 and shall be deposited in the ballot-box.

Documents to
be placed in
the box.

188. He shall also place in the ballot-box all the lists of electors used by him, after having written at the foot of each of such lists a statement certifying the total number of electors who voted on such list.

The poll-book, his commission, that of the poll-clerk, their oaths of office, the unused ballot-papers, and all other lists or documents that may have been used or required at such election shall also be placed, by the deputy returning-officer, in the ballot-box.

Delivery of
the box.

189. The ballot-box shall then be locked and sealed in the presence of the same witnesses and shall be returned to the returning-officer or to the election clerk.

Special mes-
senger.

190. If either of these officers be unable to receive or collect the ballot-boxes, such boxes shall be brought to him in person by the deputy returning-officer or his clerk, unless forcibly prevented, in which case they shall be delivered to one or more persons specially appointed for that purpose by the returning-officer.

Oath.

Such persons, on delivering the ballot-boxes to the returning-officer, shall take the oath given in form X.

191. Every election officer, candidate, agent or elector, in attendance at the counting of the votes, shall maintain and aid in maintaining the secrecy of the voting; and none of such persons shall attempt to ascertain at such counting the name of the voter whose vote is given by any particular ballot-paper, or communicate to any person whatever any information obtained at such counting in relation thereto.

Secrecy at counting.

Whosoever shall act in contravention of any provision of this article shall be punishable by a penalty not exceeding two hundred dollars, and an imprisonment not exceeding six months in default of payment.

Penalty for contravention.

§ 14.—*Close of the Election.*

192. The returning-officer, immediately after having received all the ballot-boxes, shall proceed to open them, in the presence of the election clerk and of one other witness, as also in the presence of the candidates or their respective agents who have been notified by registered letter of the day, hour and place, and shall add up and ascertain the number of votes given for each candidate, from the statements found in the several ballot-boxes returned by the deputy returning-officers, and not by any other document, saving the following provisions.

Opening of the boxes by the returning-officer and counting of the votes.

193. If the ballot-boxes, or any of them, have been destroyed or lost or are not forthcoming, the returning-officer shall, without adjourning unless it is from day to day, ascertain, with all possible diligence, the cause of the disappearance of such ballot-boxes, and shall procure from the deputy returning-officer, whose box is missing, or from any other person having the same, the lists, statements and certificates required by this act, or copies thereof.

Loss of boxes.

Each of such documents shall be verified on oath taken before the returning-officer.

Verification of documents.

194. If, in the case of the preceding article, the lists, statements or certificates or copies thereof cannot be obtained, the returning-officer shall ascertain, by the best evidence which he may be able to obtain, the total number of votes given to each candidate at the several polls where ballot-boxes or documents are missing.

Manner of ascertaining number of votes given in such case.

195. In the case of the two preceding articles, the returning-officer shall state, in his return, the circumstances attending the disappearance of the boxes and documents, and the means adopted by him to establish the number of votes polled for each candidate.

Report of returning-officer in such case.

Candidate
elected.

196. The candidate who, on the final summing up of the votes, shall be found to have a majority of votes, shall be then declared and proclaimed elected.

Casting vote
of the return-
ing-officer.

197. When, on the final addition of votes, an equality of votes is found to exist between the candidates, and the addition of a vote would entitle any one of such candidates to be declared elected, it shall be the duty of the returning-officer immediately to give, in presence of the election clerk and of the witness, such additional or casting vote, by declaring in writing, signed by himself, for whom he votes.

In no other case shall the returning-officer have the right to vote.

Return.

198. Six days after the final addition of votes, the returning-officer shall transmit to the Clerk of the Crown in Chancery his return, indicating the person elected for the electoral district, provided, however, that he has neither seen nor received the notice from the judge of the recount granted under article 204.

In the case of the preceding article, the returning-officer shall indicate, in his report, the name of the candidate for whom he has given his casting vote.

Report.

199. The returning-officer shall accompany his return, to the Clerk of the Crown in Chancery, with a report of his proceedings, in which report, in addition to the statement already required, he shall make any observations he may think proper as to the state of the ballot-boxes or ballot-papers received by him.

Documents to
be transmit-
ted to Clerk
of the Crown
in Chancery.

200. The returning-officer shall also transmit to the Clerk of the Crown in Chancery, with his return, the writ of election, his oath of office, the commission of the election clerk and the oath of such officer, the original statements mentioned in article 192, together with the ballot-papers, the list of electors used in the several polls, and all other lists or documents used or required at such election, or which may have been transmitted to him by the deputy returning-officers.

Mode of trans-
mission.

201. The various transmissions required under the four preceding articles are sent through the post-office, after being registered, or by express charges paid.

They may also be made personally to the officer entitled to receive them, but without travelling expenses.

Custody of
boxes.

202. After forwarding his return, the returning-officer shall cause the ballot-boxes used at the election to be de-

posited in the custody of the sheriff of the district, or of the registrar of the registration division, in which the nomination was held.

If he himself is the sheriff or registrar, he shall keep them in his own possession as such.

203. At the next ensuing election, such ballot-boxes shall be delivered to the returning-officer appointed for such election by the then custodian thereof. Subsequent use.

§ 15.—*Recount before a Judge.*

204. In case it be made to appear, within four days after that on which the returning-officer has made the final addition of the votes for the purpose of declaring the candidate elected, upon petition, based on the affidavit of any credible witness, to a judge of the Superior Court ordinarily discharging his duties in any judicial district in which the electoral district or any part thereof is situated, or, in his absence to any other judge of the said court, that such witness believes that any deputy returning-officer at any election in such electoral district, in counting the votes, has unduly admitted, improperly counted or rejected any ballot-paper at such election, or that the deputy returning-officer has improperly summed up the votes, and that a recount will change the result of such election, and Recount of votes before the judge allowed in certain cases.

2. In case the applicant deposits, within the same time, with the clerk of the court, the sum of fifty dollars, as security, in respect of the recount, for the costs 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, or to make the final addition, as the case may be. Deposit for costs required and time for recount fixed.

205. The judge shall himself, immediately, give notice in writing, served in the usual manner, or forwarded by registered letter, or by telegram if necessary, to the candidates, or their special agents, of the day, hour and place at which he will proceed to recount the votes, or to make such final addition, as the case may be, and shall summon and command, in any of the above manners, the returning-officer and his election clerk, and order them to attend then and there with the parcels containing the ballots used at the election; which command the returning-officer and his election clerk shall obey, the whole in the most expeditious manner, so as in any event to hold the recount. Notice to candidates, &c.

206. The judge, the returning-officer and his election clerk, and each candidate and agent authorized to attend such recount of votes, or, in case any candidate cannot attend, then not more than one agent of such candidate, Persons present at recount.

and, if the candidates and their agents are absent, then at least three electors, shall be present at such recount of the votes.

Formalities
required for
recount.

207. At the time and place fixed, the judge recounts all the ballot-papers returned by the several deputy returning-officers, and, in the presence of the aforesaid persons, if they attend, opens the sealed packets containing :

1. The used ballot-papers which have been assigned to each candidate ;
2. The rejected ballot-papers ;
3. The spoiled ballot-papers, but no other ballot-papers ; commencing and proceeding in alphabetical or numerical order of the polls.

Day and hour
on which re-
count shall
take place.

208. The judge shall, as far as practicable, proceed continuously, except on Sundays and other non-judicial days, with such recount of the votes, allowing only time for refreshments, and excluding (except so far as he and the aforesaid persons agree) the hours between six o'clock in the evening and nine on the succeeding morning.

Packets to
be sealed dur-
ing adjourn-
ment.

During the excluded time and recess for refreshments, the said judge shall place the ballot-papers and other documents relating to the election in a sealed envelope, under his own seal and the seals of those of the other persons who desire to affix their seals, and shall otherwise take the precautions necessary for the security of such ballot-papers and documents.

Rules for re-
count of votes.

209. The judge shall proceed to recount the votes according to the rules set forth in article 181, and shall verify or correct the count of the ballot-papers and state-ments of the number of votes given for each candidate, by deciding the objections without delay, and as they are made.

Ballot-papers
to be sealed
up.
Result to be
certified to re-
turning-offi-
cer.

Upon the completion of such recount, or so soon as he has thus ascertained the true result of the poll, he shall seal up all the said ballot-papers in separate packets, and shall forthwith certify the result to the returning-officer, who shall then proclaim elected the candidate having the highest number of votes.

Casting vote
of returning-
officer.

In case of an equality of votes, the returning-officer shall give the casting vote, in like manner as provided in article 197.

Return to
Clerk of
Crown in
Chancery de-
layed if there
is a recount.

210. The returning-officer, after the receipt of a notice from the judge of such recount of ballots, 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, and, upon receipt of such certificate, the returning-officer shall proceed to make his return, without delay, in the form Y.

In cases where such return has been made before the time fixed for the recount, the returning-officer is bound, on the same order from the judge, to procure, from the Clerk of the Crown in Chancery, the required documents, and produce them at the time fixed under pain of contempt of court against them. If return has already been made.

211. The returning-officer shall, without delay, transmit a copy of his report to each candidate, and further, to the candidate elect, a certificate of election in form Y. Certificate of election.

212. In case the recount or 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 deposit shall be paid over to the said candidate, on account thereof, so far as necessary, and the judge shall tax the costs on giving his decision;—if the deposit be insufficient, the party in whose favor costs are allowed shall have his right of execution for the balance. Costs of recount.

§ 16.—*Miscellaneous.*

213. The Clerk of the Crown in Chancery shall, on receiving the return of any member elected to the Legislative Assembly, publish in the ordinary issue of the *Quebec Official Gazette*, the name of the candidate elect. Publication of the election.

214. The Clerk of the Crown in Chancery shall retain in his possession all the papers transmitted to him by any returning-officer, for at least one year, if the election or return be not contested during that time, and, if the election or return be contested, then for at least one year after the termination of such contestation. Clerk of the Crown in Chancery shall preserve papers for a certain time.

215. He 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 of ballot-papers. Shall give copies thereof.

Each copy thus certified shall be *primâ facie* proof before every judge, election court, and tribunal in the Province. Copies *primâ facie* proof.

216. No person shall be allowed to inspect any ballot-papers in the custody of the Clerk of the Crown in Chancery, or to obtain the production thereof, except under a rule or order of the Superior Court or a judge thereof, and under the conditions imposed by him. Inspection of ballot-papers by order of the court.

- Granting of order. Such rule or order shall be granted by such court or judge, upon evidence under 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 preparing or sustaining a petition questioning an election or return.
- Conditions of order. Any 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 may think expedient, and the candidates shall be notified of the day and hour fixed for the examination.
- Effect thereof. Each such rule or order shall be final and without appeal, and shall be obeyed by the Clerk of the Crown in Chancery, under pain of punishment for contempt of court.
- Documents may be forwarded by express. **217.** The Clerk of the Crown in Chancery may, when required to forward documents or papers, send the same by express, charges paid.
- Property in ballot-boxes, papers, &c. **218.** The property of the ballot-boxes, ballot-paper, and instruments used in marking ballot-papers, procured for or used at any election, shall be in Her Majesty.
- Authorized agent. **219.** 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 within the meaning of this act.
- The candidate may act for himself. **220.** A candidate may himself undertake the duties which any of his agents, if appointed, might have undertaken, or may assist his agent in the performance of such duties.
- His presence authorized. He may be present at any place in which the presence of his agent is authorized by this act.
- Agents present. **221.** Where, in this act, any provision requires or authorizes any act to be done, or implies that any act is to be done, in the presence of the agents of the candidates, such provision shall be deemed to refer to such agents of the candidates as may be authorized to attend, and who have, in fact, attended at the time and place where such act was done.
- Absence. The non-attendance of the agents shall not, if the act or thing be otherwise duly done, invalidate the same.

222. No election shall be declared invalid by reason of: Errors and omissions which do not annul the election.

1. Non-compliance with the formalities contained in this act, as to the proceedings of the voting or the counting or summing up of the votes ; or

2. Any mistake in the use of the forms annexed 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.

§ 17.—*Provisions applicable to the various Election Officers.*

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

224. No person, who is, by articles 81 and 223, 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 imprisonment for three months in default of payment. Penalty.

225. 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 : Exemptions.

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.

226. No persons shall be obliged to act as deputy returning-officer or poll-clerk in any municipality in which he is not domiciled. Idem of non-resident.

227. 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. Idem of candidate.

228. Whoever is entitled to claim the exemption granted by either of articles 225, 226 and 227, shall claim Demand of exemption.

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.

Default so to do.

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.

Persons bound to accept.

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

Penalty for refusal or neglect.

230. 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 penalty of two hundred dollars, and imprisonment for six months in default of payment, except in the cases otherwise provided for.

Oath administered by the returning-officer or the deputy returning-officer.

231. The returning-officer, at any election, shall have the power of administering all oaths or affirmations required by this act, with respect to such election.

Every deputy returning-officer shall also have the power of administering such oaths and affirmations.

Who cannot be agent.

232. No returning-officer, or deputy returning-officer, or partner or clerk of either shall act as agent of any candidate in the organization or management of his election for such electoral district, under a penalty of two hundred dollars, and imprisonment for six months in default of payment.

Penalty on returning-officer neglecting, &c., to declare candidate elected.

233. Every returning-officer who wilfully delays, neglects or refuses to declare and proclaim elected any person by law entitled to be declared and proclaimed elected a member of the Legislative Assembly for any electoral district, is subject to a penalty of one thousand dollars; the recourse at law against such returning-officer for all damages sustained by such person by reason thereof being reserved to such person, in case 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 declared and proclaimed elected.

Whoever aids, counsels or solicits the commission of any such offence or becomes an accomplice, is liable to a similar fine. Accessories.

The action, however, for the recovery of such damages and fine must be commenced within one year after the commission of the act on which it is grounded, or within six months after the conclusion of the proceedings relating to the contestation of the election, otherwise the same shall be barred. Prescription of suit.

§ 18.—*Maintenance of Peace and Good Order.*

234. Every returning-officer and every deputy returning-officer, from the time they shall respectively have taken the oath of office until the day after the closing of the voting, shall be conservators of the peace, and be invested with all the powers appertaining to a justice of the peace. Returning-officer and deputy returning-officer conservators of the peace.

They are empowered and bound to maintain peace and good order throughout the electoral district during the election.

235. The returning-officer, or deputy returning-officer, may require the assistance of all justices of the peace, constables or other persons present, to aid him in maintaining peace and good order at such election; he 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. May require aid and swear in constables

236. The returning-officer or deputy returning-officer may arrest, or cause to be arrested, by verbal order, and placed in the custody of any constables or other persons, any person disturbing the peace and good order at the election, or may cause such persons to be imprisoned, under an order signed by him, until any period not later than the close of the voting. Arrest of offenders.

237. The returning-officer, or deputy returning-officer, may, during the nomination day and polling day, require any person, within half a mile of the place of nomination or of the poll, to deliver to him any weapon, fire-arm, sword, staff, bludgeon or other offensive weapon in the hands or possession of such person. Carrying arms forbidden.

Every person refusing to deliver such weapons shall be liable to a penalty of one hundred dollars, or imprisonment for three months in default of payment, and, if there is any danger of their being used to disturb the election, such person may be arrested and treated in accordance with the preceding article. Fine.

Entering polling subdivision with arms forbidden.

238. No person, who is not domiciled within the limits of a voting subdivision or ward of a city, shall be permitted to enter such voting subdivision or ward, during the voting in such subdivision or ward, with any kind of offensive weapons whatsoever, such as fire-arms, swords, staves, bludgeons or other similar weapons.

Approaching poll with arms forbidden.

239. All persons are alike forbidden, within the voting subdivision or ward, to arm themselves during the day of voting with any offensive weapon, and thus armed to approach within a distance of one mile of the place where a poll is being held, unless called upon to do so by lawful authority.

Exception for officers.

240. The prohibitions mentioned in articles 238 and 239 shall not apply to the returning-officer, or to the election clerk, or to the deputy returning-officer or poll-clerk, or to the constables or special constables at any election.

Furnishing flags, &c., forbidden.

241. No candidate or other person shall furnish or give to any person whomsoever any flag, standard, banner, distinctive color, ribbon, signal, cockade, or anything of such nature, to the end that the same may be carried or used within the electoral district, between the eighth day before the nomination day and the day following the close of the voting, as a banner or party signal, distinguishing the bearer or his followers as partisans of such candidate, or holding the same opinions or the opinions supposed to be held by such candidate.

Carrying them forbidden.

242. No person, upon any pretense whatever, shall carry any flag, standard, ensign, banner, distinctive colors, ribbon, signal, cockade, or any other similar thing, nor shall the same be used as a banner or party sign within the limits of such electoral district, from the day of nomination until the day after the close of the voting.

Treating forbidden.

243. No candidate shall, at any election, nor shall any other person, at the expense of such candidate, provide or furnish drink, or other refreshments or meal, to any elector, during such election, or pay for, procure or engage to pay for any such drink or other refreshments or meal.

Penalties.

244. Every person offending against any of the provisions of articles 238, 239, 240, 241, 242 and 243 shall incur a fine not exceeding two hundred dollars, and imprisonment not exceeding six months in default of payment, or both together.

245. Every bar in a hotel or club, every hotel, tavern, shop or store, whether licensed or not, in which spirituous or fermented liquors or drinks are ordinarily sold, shall be closed during the day of voting in the voting subdivisions or wards of a city in which the polls are situated, under a penalty of two hundred dollars, and imprisonment for six months in default of payment.

Hotels to be closed.

No spirituous or fermented liquors or drinks shall be sold or given to any person whomsoever, within the limits of a voting subdivision or ward of a city, during the said period, under a penalty of two hundred dollars, and imprisonment for six months in default of payment.

Sale, &c., of liquors forbidden.

246. On the day of the polling in cities, and on the day of the polling and the previous day everywhere else, it is prohibited, within the limits of an electoral district where an election is held, under penalty of imprisonment of one month at least and six months at most, either to 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 doctor; and whoever shall give or deliver a false certificate in respect thereof shall be liable to a fine of one hundred dollars, and, in default of payment, to imprisonment of one month.

Liquor not to be supplied during certain days.

Exception for the sick.

247. During the days mentioned in article 246, 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 the 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 open, broken or unclosed during the days above mentioned.

Exception for merchants.

Restriction.

248. During the days mentioned in articles 246 and 247, whoever is found under the influence of liquor and consequently disturbing public order in or on any street, lane, road, by-road, or public square, or in any hotel, restaurant, tavern or place of public resort whatever, within the

Penalty on drunken persons disturbing public order, &c.

limits of an electoral district in which an election is held, is liable to an imprisonment of thirty days at most.

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

249. It is prohibited to 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 is ordinarily supplied for payment, or to make use of any such places for that purpose, under penalty of a fine of one hundred dollars, and of an imprisonment of three months in default of payment.

Only one house to be used when paid for in each polling subdivision.

250. Each candidate can have only one place paid for in each polling subdivision for his election committees, under penalty of a fine of one hundred dollars, and of imprisonment of three months in default of payment.

SECTION IV.

SPECIAL PROVISIONS FOR GASPÉ WHEN NAVIGATION IS CLOSED.

Special provisions applicable to county of Gaspé in winter.

251. In the case of an election for the electoral district of Gaspé, if the returning-officer cannot, owing to the close of navigation, communicate with the Magdalen Islands, except by telegraph, the following provisions apply:

Appointment of election clerk in Islands.

1. The returning-officer appoints, by telegraph, the registrar for the registration division of the Magdalen Islands or the deputy sheriff of the Islands to be election clerk therein.

If registrar and deputy sheriff unable to act.

If such registrar and deputy sheriff are unable to act, or if they have a right to claim and claim exemption, the returning-officer may appoint any other person to perform the duties.

If returning-officer cannot act.

If the returning-officer becomes unable to act, he is replaced by his election clerk for the mainland.

Transmission of proclamation to Islands.

2. The returning-officer transmits by telegraph to the election clerk for the Magdalen Islands the proclamation announcing the election.

Posting, &c., of proclamation.

After being sworn according to law, the election clerk signs the proclamation and causes it to be posted in the different municipalities of the Islands, according to law.

Acceptance of nomination by candidate in Magdalen Islands how given.

3. Any candidate nominated for the electoral district of Gaspé may, if at the time he is at the Magdalen Islands and cannot otherwise give his consent, accept the nomination by telegraphing such acceptance to the returning-officer.

Transmission of notice of voting and instructions if voting necessary.

4. If there is more than one candidate nominated, and voting becomes necessary, the returning-officer transmits by telegraph to his election clerk in the Islands the notice of voting and other instructions.

5. The election clerk for the Magdalen Islands appoints the deputy returning-officers for such Islands. Appointment of deputy returning-officers.
- He himself writes out and makes the ballot papers according to the instructions of the returning-officer, and distributes them to the deputy returning-officers. Preparation, &c., of ballot-papers, &c.
- It is the duty of such election clerk to procure the list of electors for the Islands, or certified copies or extracts therefrom, in the same manner as the returning-officer ; to supply each deputy returning-officer with the list, or a copy of or extract from the list containing the names of the electors having a right to vote at the poll for which he is appointed ; to deliver to each such deputy returning-officer a ballot-box according to law, and to otherwise fulfill all the duties imposed by law upon the returning-officer respecting the voting. List of electors, &c.
Ballot-box.
Other duties.
6. The deputy returning-officers in these Islands, in addition to the ordinary duties of such office which they are obliged to perform, shall forward to the election clerk of these Islands their ballot-boxes after the voting ; the latter swears the messengers if the deputy returning-officers cannot themselves go to him. Duties of deputy returning-officers, as to ballot-boxes.
7. The election clerk of these Islands opens the ballot-boxes on the day fixed by the returning-officer and ascertains the number of votes given according to the statements which he finds therein. Election clerk to open boxes and count votes.
- He transmits by telegraph to the returning-officer a certificate, and sends him by the first mail, after the opening of navigation, his written report, with the contents of the boxes, the proclamations, notices of polling, his oath of office, the lists of electors used at the various polls, and all documents used or required at the election or which may have been remitted to him by the deputy returning-officers. Forwarding, by telegraph of certificate of votes given, to returning-officers, and all papers used &c., by first mail.
8. After receiving by telegraph the certificate from the election clerk of the Magdalen Islands, the returning-officer must add the number of votes given in the Islands for each candidate to those given on the mainland, and deliver to the person who has the greater number of votes a certificate to that effect ; the returning-officer must, otherwise, conform to the provisions of the law in this respect. Duty of returning-officer upon receipt of certificate.
9. Every returning-officer or election clerk who refuses or neglects to perform any of the obligations or formalities required by the eight preceding paragraphs, incurs, for each such refusal or neglect, in addition to any other penalty imposed by this act, a fine of two thousand dollars, and in default of payment an imprisonment of one year. Penalty on returning officer and election clerk for not carrying out above provisions.
10. Within eight days next after the publication in the *Quebec Official Gazette* of the receipt by the returning-officer of the written report of the election clerk of the Magdalen Islands, a recount before a judge may be demanded according to law. When recount may be applied for.

Publication of notice of receipt of report in *Quebec Official Gazette*.
Fine for not doing so.

11. Such notice of the receipt of the written report of the election clerk of the Islands must be published by the returning-officer in the *Quebec Official Gazette* immediately upon its receipt, under penalty of a fine of five hundred dollars, and, in default of payment, of an imprisonment of three months.

Candidate holding certain certificate may take his seat if Assembly in session.

12. The candidate, who is the holder of the certificate of the returning-officer mentioned in the above paragraph 8, declaring that he has the majority of votes, may, on producing such certificate, and awaiting the final return of the returning-officer, take his seat in the Legislative Assembly, if it is in session at the time.

When delay to contest election begins to run.

13. The delay of thirty days to contest such election shall only commence to run from the day of the publication in the *Quebec Official Gazette*, by the Clerk of the Crown in Chancery, of the notice of the election in conformity with the law, but nothing prevents contesting the same as soon as the candidate is declared elected.

Application of all other provisions to election.

14. All the other provisions of the law not incompatible with those of this section apply to such election.

SECTION V.

CORRUPT PRACTICES, BRIBERY AND ELECTION EXPENSES.

§ 1.—*Corrupt Practices and Bribery.*

Corrupt practices defined.

252. Any act or offence punishable under any of the provisions of articles 253, 255, 256, 257, 258, 259, 260, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 273, 275, 279, 289, 296, 297 and 305, also the payment of money or other valuable consideration, made to any person, to engage him to work, or for working or for having worked as a canvasser, shall be a corrupt practice within the meaning of this act and of the third chapter of title second of the Revised Statutes respecting controverted elections of members of the Legislative Assembly of Quebec.

Bribery.

253. Every person shall be deemed guilty of bribery and shall be punishable accordingly :

Gift, loan, valuable consideration, &c., to induce to vote or refrain from voting.

(a). 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 endeavors 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 to refrain from voting, or corruptly does any such act as aforesaid on account of such elector having voted or refrained from voting at any election ;

(b.) 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 endeavors 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 to refrain from voting, or corruptly does any such act as aforesaid, on account of any elector having voted or refrained from voting at any election ;

Gift or promise of office &c., with same view.

(c.) 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 endeavor to procure the return of any person to serve in the Legislative Assembly, or the vote in his favor of any elector at any election ;

Same acts to promote an election.

(d.) Who, upon or in consequence of any such gift, loan, offer, promise, procurement or agreement, procures or promises, or endeavors to procure the return of any candidate to the Legislative Assembly, or the vote in his favor of an elector at any election ;

Work at such election by reason of such acts.

(e.) 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 and prohibited by law at any election.

Advance or payment of money to corrupt.

2. Whoever immediately previous to and during an election and by reason thereof, with a view of promoting and securing votes, or of interfering with the freedom and sincerity of the votes of the electors or the electorate, causes temporary work to be performed by paid electors whom he employs, is guilty of corrupt practice and liable to a fine of four hundred dollars, and an imprisonment of six months in default of payment.

Penalty on persons causing work to be performed with certain intent.

Every elector who participates in such work becomes incapable *ipso facto* of voting at that election.

Penalty on elector.

254. Nevertheless, the actual personal expenses of any candidate, his expenses for professional services really rendered, and reasonable sums paid in good faith for the actual value of necessary printing and advertisements, the expenses for stationery, postages, telegrams ; those for a clerk, writer, copyist, driver employed by him, and the petty necessary disbursements made in cash, of all of which he daily keeps an account as prescribed by article 295, shall be deemed to be expenses lawfully incurred, the payment whereof shall not constitute a breach of this act ; provided always that they

Legal expenses.

are not made with any corrupt intention respecting the election.

Bribery.

255. Every person shall be deemed guilty of bribery and shall be punishable accordingly :

Voters receiving gifts, &c., before or during an election ;

1. Who, being an elector or voter, before or during any election, directly or indirectly, by himself or by any other person on his behalf, takes, 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.

Or after an election ;

2. Who, after any election, directly or indirectly, himself or by any other person on his behalf, takes or receives any money, gift, loan, or valuable consideration, office, place or employment, for having voted or refrained from voting, or having induced any other person to vote or to refrain from voting at any election.

Bribery in relation to a candidate.

256. Every person shall be deemed guilty of bribery and shall be punishable accordingly,

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 so become :

1. Shall give or lend money or any valuable consideration whatever, or shall agree to give or lend, or shall offer or promise, or shall promise or try to procure for such person or for any other person, any money or valuable consideration whatever, or

2. Shall give or procure any office, place or employment or shall agree to give or procure, or shall offer or promise, or shall promise to procure or endeavor to procure such office, place or employment for such or any other person.

Receiving money to be or not to be a candidate is bribery.

257. Whosoever, in consideration of any gift, loan, offer, promise or agreement, as mentioned in the preceding article, shall allow himself to be nominated, or refuse to allow himself to be so nominated, or shall agree not to allow himself to be nominated, or shall withdraw if he has been so nominated, shall be deemed guilty of bribery and be punishable accordingly.

Wagers forbidden.

258. Any candidate or his agent who takes any bet or wager concerning or in relation to any election, with a qualified elector shall, as shall also such elector, and any other person who furnishes money for such purpose, be deemed guilty of bribery, and shall be punishable accordingly,

259. Any person guilty of any of the acts of bribery mentioned in articles 253, 255, 256, 257 and 258, shall be liable to a penalty of not less than two hundred dollars nor more than four hundred dollars, and imprisonment for not less than six months nor more than twelve months, with or without hard labor, and also an imprisonment of six months in default of payment. Penalty.

260. Every candidate, who, corruptly, by himself or by or with any person, or by any other ways or means on his behalf at any time, either before, during or after any election, directly or indirectly, 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, refreshments or provisions to or for any person, whether an elector or not, in order to be elected or for being elected, or for the purpose of corruptly influencing such person or any other person, to give or refrain from giving his vote at such election, shall be deemed guilty of the offence of treating, and shall be liable to imprisonment for one month at most and a penalty of two hundred dollars, and imprisonment for six other months in default of payment, in addition to any other penalty to which he is liable under any other provision of this act. Treating by a candidate.
Penalty.

261. 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. Penalty on elector accepting drinks, &c.

262. The giving, or causing to be given, to any elector on the nomination day, the day of voting or on the next following day, on account of such elector having voted or being about to vote, any meat, drink or refreshments, or any money or ticket to enable such elector to procure refreshments, shall be deemed an act of corruption known as "treating." Treating by third persons.

Whosoever shall have been guilty of such act of treating shall, for each offence, be liable to a penalty of ten dollars, and imprisonment of one month in default of payment, for each time and for each elector treated, in addition to the other penalties enacted by this act. Penalty.

263. 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 shall have so voted, and is proved on such trial to have corruptly accepted or taken any such meat, drink, refreshments or provisions. Votes struck off.

Penalty on elector accepting drinks, &c.

264. Every elector who accepts or takes, during the prohibited time, any such meat, drinks, refreshments or provisions, or any money or note to enable him to obtain the same, because he is about to vote or has voted, is guilty of the offence of treating, and is liable to a fine of ten dollars, and imprisonment for one month in default of payment, for each time he was so treated.

Double penalty.

The penalty is double if the offence is committed at a meeting of electors and before it has dispersed, subject always to all other penalties enacted by this act.

Treating.

265. Every person, who, corruptly, by himself or by or with any person, or by any other way or means in the interest of any candidate, at any time, either before, during or after 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, drinks, refreshments or provisions to or for any person, for the purpose of aiding any candidate to be elected, or because any such candidate was elected, or for the purpose of corruptly influencing such person or any other person, to give or abstain from giving his vote at such election, shall be deemed guilty of the offence of treating, and shall be liable to a fine of two hundred dollars, and an imprisonment of six months in default of payment, or both together, with or without hard labor, in addition to all other penalties enacted by this act.

Penalty.

Proviso.

However, nothing contained in the five preceding articles shall prevent any person from receiving in his own house, at his table, in the usual manner, and at his own expense, such electors as he invites to his house.

Undue influence.

266. Every person shall be deemed to be guilty of the offence of "undue influence," and shall be punishable accordingly by a penalty of two hundred dollars, and imprisonment for six months in default of payment, and of imprisonment for six other months in addition in the discretion of the court, with or without hard labor :

Threats.

1. 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 or harm to his person or property, or loss of employment, 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 ;

Penalty.

Interference with free franchise.

2. Who, by abduction, duress, artifice, false information, 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 or prevents him from going to vote.

267. Every person, who, directly or indirectly, or in any manner, induces or constrains, or attempts to induce or constrain any one to take a false oath, in any matter in which an oath is required in virtue of the present act, shall, for the purpose of this act, over and above any other punishment to which he may be liable for such offence, be liable to a fine of two hundred dollars, and an imprisonment of six months in default of payment, and to another imprisonment for six months in the discretion of the court, with or without hard labor.

Subornation.

Penalty.

Every person who agrees to take or takes any false oath is liable to the same fine and penalty, in addition to any other penalty to which he is exposed for such offence.

268. Every person shall be deemed to be guilty of the offence of "personation," and shall be punishable accordingly by a penalty of five hundred dollars and imprisonment for six months in default of payment, in addition to an imprisonment not exceeding six months, with or without hard labor ;

Penalty for personation.

1. Who, during the voting at an election, applies for a ballot-paper, or presents himself to vote, in the name of some other person, whether such name be that of a living, dead, or fictitious person ;

2. Who, having already voted at an election, applies during the same election for another ballot-paper in his own name or presents himself again to vote at the same or any other poll-house ;

3. Who aids, abets, incites, counsels or facilitates the commission, by any person whomsoever, of any infraction of the provisions of this article.

269. All placards, posters, publications, and printed matter whatever, placarded, posted or distributed during an election and having reference thereto, shall visibly bear upon the face thereof the name and address of the printer and publisher thereof; and whoever prints, publishes, posts or distributes them without such name and address as aforesaid, is, if a candidate or one of his agents, guilty of a corrupt practice, and, if another person, incurs a fine not exceeding four hundred dollars, and an imprisonment not exceeding three months in default of payment.

Address of printer to be on placards, &c.

Penalty.

270. The hiring or promising to pay or paying for any horse, team, carriage, cab or other vehicle, by any candidate or

Conveyance of voters.

by any other person on his behalf, to convey electors to or from the poll, or to or from the neighborhood 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.

Penalty. Whosoever so offends shall be liable to a fine of one hundred dollars, and imprisonment for three months in default of payment.

Hiring of vehicles. **271.** Whosoever lets or takes to hire 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 electors to or from the polls, shall, for every such offence, be liable to a penalty of one hundred dollars, and imprisonment for three months in default of payment.

Penalty.

Loss of right to vote. **272.** Every elector who, at any election, shall have been guilty of any corrupt practice, prohibited by this act, or who shall have been a party to the commission of such act, shall, *ipso facto*, be deprived of his right to vote at such election.

Voting, &c., when not qualified. **273.** Every person who votes, or induces and causes any other person to vote at any election, knowing that he or such person is not entitled to vote thereat, is guilty of a corrupt practice and liable to a fine of one hundred dollars, and an imprisonment of one month in default of payment, with, in addition, an imprisonment not exceeding one month, with or without hard labor.

Penalty.

Votes struck off. **274.** At the trial of any election petition, one vote for each person proved to have voted, after having been guilty of any corrupt practice, at the instigation of the candidate, of any of his agents, or of any other person acting in the name or in the interest of such candidate, shall be struck from the number of votes given in favor of such candidate.

Penalty on persons publishing false rumor as to resignation of candidate. **275.** Any person who, before or during any election, knowingly publishes any false rumor or false statement of the withdrawal of a candidate at such election, for the purpose of promoting and procuring the election of another candidate, is guilty of a corrupt practice within the meaning of this act.

Election not to be avoided in certain case. Nevertheless, a candidate shall not be liable for any corrupt practice provided for under this article, committed by any agent other than his special agent, nor shall his election be avoided unless it has evidently changed the result of the election and fraudulently deceived the electorate.

276. Every contract, promise or undertaking, in any way referring to, arising out of, or depending upon any election under this act, even for the payment of lawful expenses, or the doing of some lawful act, shall be void in law, and no action shall lie even for the recovery of the value of any supplies or services whatever.

Nullity of certain contracts.

This provision shall not, however, enable any person to recover back any money or other consideration paid for lawful expenses connected with such election.

Proviso.

277. If it is proved before any court, or judge, for the trial of election petitions, that any corrupt practice has been committed, by or with the actual knowledge and consent of any candidate at an election, his election, if he has been elected, shall be void.

Consequence of commission of corrupt practice by a candidate.

Such candidate shall, during the five years next after the date of such decision, be incapable of being elected to, or of sitting in the Legislative Assembly, or 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.

Incapacity for five years.

Further he is liable, at the suit of the Crown, to reimburse it for the costs occasioned and the expenses incurred for such election so set aside.

Liability for costs of election.

278. 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 277.

If corrupt practice committed ignorantly.

279. No person has any right to vote nor shall he vote more than once in the same electoral district.

One vote only.

Every elector who voluntarily presents himself more than once to vote, or who votes more than once at an election, is guilty of a corrupt practice, and is liable, for each offence, to a fine of two hundred dollars, and imprisonment for six months in default of payment, and further an imprisonment of not more than six months, with or without hard labor.

Electors attempting to vote more than once.

Penalty.

Every person who aids or counsels or procures the commission of the said offence, or is an abettor or accomplice therein, is guilty of a corrupt practice, and is liable for each offence to the same fine and penalty.

Accomplices.

Penalty.

If corrupt
practice by
agent.

280. If it is found, by the report of any court or judge for the trial of election petitions, that any corrupt practice has been committed by any one or more of the agents of any candidate at an election, 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.

Effect of em-
ploying a dis-
qualified can-
vasser at any
election.

281. If, on the trial of any election petition, any candidate is proved to have personally engaged, at the election to which such petition relates, as a canvasser or agent in relation to the election, any person, knowing that such person has, within three years previous to such engagement, been found, in virtue of the provisions of this act, or of any other act, whether provincial or federal, respecting representative elections, 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.

Incapacity for
five years of
persons con-
victed of cor-
rupt prac-
tices.

282. Any person, other than a candidate, found, in virtue of the provisions of this act, guilty, before a competent court, of any corrupt practice in any legal proceeding in which, after notice of the charges, he has had an opportunity of being heard, shall, during the five years next after the time when he is so 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 such House; or of holding any office in the nomination of the Crown, or of the Lieutenant-Governor in the Province, or any municipal office.

Cessation of
incapacity.

283. If, at any time, after any person has become disqualified under any of the provisions of articles 277, 280, 281 or 282, the witnesses, or any of them, on whose testimony such person has so become disqualified, are convicted of perjury in respect of such testimony, such person may obtain from the court before which such conviction took place an order determining that such disqualification shall cease and end.

Order of the
court.

Such court shall, upon being satisfied that such disqualification would not have been declared except for such perjury, make such order.

Effect thereof.

In pursuance of such order, such disqualification shall thenceforth cease and end.

Summons to a
person ap-
pearing to
have been
guilty.

284. Whenever it appears to the court or judge, trying an election petition, that any person has contravened any of the provisions of this act, such court or judge shall order that such person be summoned to appear before such court

or judge, at the place, day and hour fixed in the summons for hearing the charge.

The summons is effected by a notice signed by the judge containing a summary statement of the offence, with an indication of the circumstances of time, place and person, and served upon the accused by a bailiff. The delay upon the summons is the same as in an action before the Circuit Court.

285. If, at the time 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 undergo such imprisonment in default of payment to which he may be liable for such contravention, in conformity with article 323. Default to appear.

286. If, on the contrary, the person so summoned does appear, the court, after hearing such person and such evidence as may be adduced, shall give judgment according to law. Appearance. Decision.

The proceedings upon the hearing of the complaint are summary and made within the delays to plead and hear the witnesses as fixed by the court or judge. Proceedings summary.

287. All fines recovered under articles 284, 285 and 286 belong to Her Majesty. To whom the penalties belong.

288. No fine shall be imposed under articles 285 and 286 : When no penalties are to be imposed.

1. If it appears to the judge or court that the offender has already been sued for the same offence ; or

2. If the evidence or admission of the offender is the only proof of the offence.

§ 2.—*Election Expenses.*

289. Except in respect of the deposit required by law and the personal expenses of a candidate at an election, as defined by paragraph 2 of article 2, and article 254, and saving the payments specifically allowed by this act, no payment, loan, subscription, note, check, security or deposit whatever, shall be made by or on behalf of such candidate at any election, on account of such election, before or during or after such election, otherwise than through a special agent, whose name, occupation, domicile and address have been declared in writing given to the returning-officer on or before the nomination day, or through the special agent appointed in his place, as provided by article 291. Expenses paid by agent. Agent to be appointed.

Penalty. Any person making any such payment, loan, subscription, note, check, security or deposit whatever, otherwise than through the special agent appointed under this article or under article 291, is deemed guilty of a corrupt practice and shall incur a penalty of four hundred dollars, and imprisonment for six months in default of payment, and in addition an imprisonment not to exceed six months, with or without hard labor.

Publication of names of agents. **290.** It is the duty of the returning-officer to publish, on or before the nomination day, the name, occupation, domicile, and address of the special agent, appointed in pursuance of the preceding article, and the place fixed for keeping his office, and to insert the same, as given to him, in the proclamation announcing the polling in the form K.

New agent. **291.** In the event of the death or legal incapacity of the special agent appointed in pursuance of article 289, the candidate shall forthwith appoint another special agent in his place, by giving notice in writing of the name, occupation, domicile and address of the person so appointed, to the returning-officer, who shall forthwith, at the expense of the candidate, publish the same, as provided by the preceding article. Every appointment must also be published in a newspaper published in the electoral district or which circulates therein, or according to article 97.

Appointment of special agent. Qualifications. **292.** Every candidate is bound to appoint a special agent according to form Z.
The person so appointed shall be known, respectable, solvent and competent to perfectly perform the duties incumbent on him. Persons excluded from the list of electors under article 13, and those excluded by articles 81 and 120, cannot be appointed special agents.

Effect of not appointing agent. The default to appoint a special agent, or the appointment of a person other than one of those mentioned in the preceding paragraph, is a presumption against the candidate that his conduct of the election is not governed in a strictly legal manner. He then becomes and appoints himself his own special agent and assumes the responsibility thereto attached in the same manner as any special agent by him appointed.

Appointment of special agent by electors in absence of candidate. **293.** In case of the absence of the candidate from the Province, as provided by article 102, five of the electors nominating him are jointly and severally bound to select a special agent for him in the manner and form above prescribed, and to hand the appointment of such special agent, accepted

by him, to the returning-officer at the same time as the nomination paper.

The appointment of the special agent cannot be revoked by the candidate except for cause, and such cause must be a contravention or contraventions, by the special agent, of the provisions of this act, and they must be set forth in the notice of revocation.

Revocation
for cause.

294. The office of the special agent must be in the electoral district, and be kept open during the usual hours, during the whole of the time of the election, and up to the expiration of the delay to produce the election accounts before him.

Where office
of special
agent is kept,
&c.

All notices and significations for him and his principal may be there served during such time.

Services
on him and
on candidate.

295. The special agent must keep a daily statement and account of all sums of money, advances, loans, deposits, notes, checks, subscriptions or other securities whatever convertible into money, paid or to be paid, which are given to him for the purposes of election expenses, and indicate the source of such election funds. He also keeps a similar daily account of the sums paid by him, and of all disbursements made or ordered by him, the agreements he enters into and the sums to be paid, the whole so as to be able to make an account under oath in the manner provided in article 303.

Duties of spe-
cial agent as
to statements
and account.

If the special agent is replaced, he shall remit and hand over to his successor all that he has on hand concerning his election agency, and render him true and faithful accounts of his operations and management, so as to thoroughly acquaint him with the whole as if he continued the special agency himself in person.

If agent is re-
placed.

The candidate or the special agent may, before the election, authorize in writing a person to make the *bonâ fide* necessary and petty disbursements, which cannot be delayed and which the special agent cannot conveniently make himself, by reason of distance or otherwise. He procures the accounts and discharges from him and annexes them to his authorization.

Agent for spe-
cial disburse-
ments.

Petty disbursements, for lawful expenditure paid in cash out of his own money, made by a person who does not expect to be and is not reimbursed therefor, are not considered to be illegal payments.

Certain pay-
ments not to
be illegal.

296. Whoever at any time, for the purpose of assisting the election of one or more members of the Legislative Assembly, and in view of obtaining a contract from the Government, or having obtained such contract, or having an interest therein, or carrying out the undertaking of which

Subscription
to election
funds with un-
lawful pur-
pose in view.

- it is the object, or expecting the payment of the price of the enterprise stipulated in the said contract, subscribes, furnishes, gives or promises to give and furnish any sum of money, value or consideration whatever, directly or indirectly, by himself or through other persons on his behalf, to any person, is guilty of a corrupt practice, and is liable, upon conviction, in the discretion of the court, to a fine of not less than one thousand dollars, and not more than double that sum, as well as to an imprisonment of not less than one month nor more than twelve months; and, in default of the payment of the fine so incurred, the offender shall be imprisoned for twelve additional months, unless the fine is sooner paid.
- Penalty.
- Amount so paid to belong to Crown. 2. Further, the sum furnished, promised, subscribed and paid is declared to belong to the Crown, and may be recovered by it from any person who may receive the same in whole or in part.
- Contract to be null. 3. The contract becomes null *ipso facto* from the day of the offence, and any balance of the price is forfeited in favor of the Crown.
- Penalty on obtaining and expending subscriptions as aforesaid. 4. Whoever, at any time, for one or more elections, asks for, solicits, obtains, causes to be subscribed or paid, takes or receives, employs or causes to be employed, in whole or in part, any sum of money, value or consideration whatever, declared a corrupt practice as aforesaid, is also guilty of a corrupt practice and is liable to a similar fine and imprisonment.
- Payment of election funds to special agent. **297.** Whoever collects funds (commonly called "election funds,") to defray election expenses, must, as soon as possible, pay them over to the special election agent of the electoral district for which they were intended and to no one else.
- Penalty for contravention. Every contravention of this article is declared to be a corrupt practice, and whoever is guilty thereof is liable to a fine of four hundred dollars, and imprisonment of six months in default of payment; and further, may be condemned, in the discretion of the court, to an imprisonment of not more than six months, with or without hard labor.
- Delays within which claims must be presented. **298.** All persons, who have any accounts or claims against any candidate in respect of any election, shall, within one month after the day of the declaration of the election, send in such accounts or claims to the special agent of the candidate, otherwise such persons shall be barred of their right to recover such accounts or claims, and cannot be paid thereafter without the commission of a corrupt practice on the part of the person paying and of the person who is paid.
- Extension of delay. **299.** Nevertheless, in the event of the death, within such month, of any person claiming the amount of any

account or claim, the legal representative of such person shall send in such account or claim, within one month of his becoming or having become authorized to act as such representative, otherwise the right to recover such claim shall be barred.

Such accounts and claims shall and may also be sent to the candidate, if there is not, within the said month, any special agent of the candidate, owing to death or legal incapacity.

Transmission to the candidate.

300. All admitted and lawful election accounts shall be paid during the said month by the special agent, but the special agent shall not pay such accounts, charges or claims, without having first approved them himself and having obtained the approval of the candidate.

Payment after approval required.

The month having elapsed, neither he nor the candidate can pay, saving in the manner indicated by the following articles.

No payment after certain time.

When the special agent is personally aware that moneys, other than those which have passed through his hands, and which do not appear in the said account, have been expended in the election, he is bound to mention the fact at the end of his account and indicate by whom and for what purpose. The same provision applies for all debts incurred which he knows are not entered in his account.

Other payments to be also included.

301. No payment by the special agent, for expenses connected with the election, can be made except upon a detailed account duly receipted, saving payments of less than two dollars, for which it is sufficient to mention the person and purpose.

When special agent to pay accounts.

No payment by the special agent in violation of the law, which he himself makes without the sanction or connivance or against the wishes of the candidate, can be imputed to the candidate, so as to cause him to lose his political rights, but only for the purpose of avoiding the election.

Certain payments by special agent not to affect candidate.

The accounts furnished to the agent within the prescribed time, and not paid, which are contested, or which he has refused to pay, are endorsed by him with a memorandum showing the reason therefor.

Endorsement on certain accounts.

During the thirty days following the month elapsed, the creditor, the candidate and the election agent may each in that case apply to the district judge by petition, and on sufficient proof of the legality and lawfulness of the claim, the judge may allow the payment prayed for to be made in whole or in part, notwithstanding this article.

Application for leave to pay after delays.

302. Except when the election is held during the month preceding the opening of a session or during a session of

Candidate elected cannot take his seat;

the Legislature, the candidate cannot sit or vote in the Legislative Assembly :

If accounts not produced;

(a). So long as the said statements of account have not been produced and delivered according to law ; or

If he has not obtained order requiring agent to forward statements of accounts.

(b). So long as he has not obtained a judge's order compelling his special agent to deliver the said statements of account in compliance with the law ; which order shall, at the same time, mention that the default incurred shall not be attributed to any want of good faith or diligence on the part of the candidate, nor to any connivance with the special agent.

Release from default to furnish statements.

Any candidate or special agent may be released from the default of furnishing the statements of account within the prescribed delay and of the consequences thereof, upon petition by him presented to the judge of the district or to any other judge of the Superior Court as soon as possible alleging, and by proving before him in a satisfactory manner, that such default and omission cannot be attributed to any bad faith or negligence on the petitioner's behalf, nor to his lack of diligence, but that such default and omission are due to uncontrollable circumstances, either absence, illness, death, irresistible force, or other reasonable cause of a similar nature, or to involuntary and excusable inadvertence ; and the judge may, on the presentation of such statements of account, made in the form prescribed in article 303, and their attestation under oath before him, allow their production and delivery to the returning officer, and he may give any order necessary for the accomplishment of the formalities for that purpose, so that they may avail as if made within the prescribed delay.

Correction of errors in statements.

The judge may also, upon satisfactory proof, and for the same reasons, allow the correction of errors or false entries in the statements of account produced, and order, upon their production before him, duly corrected or amended and attested under oath before him, that which may be reasonably necessary in order that the law may be fully observed in this respect.

Corrections of false statements.

The judge may also, upon petition of the candidate and under special circumstances, when it is alleged that the agent has knowingly produced and delivered false accounts, the parties being first heard or duly notified, order the statements of account and all proceedings connected therewith to be corrected.

Order on special agent to produce accounts.

If it appears to the judge that the special agent has refused or made default to produce and deliver the statements of account required of him, any candidate or elector may, on petition to the judge, obtain an order compelling the said special agent to appear before him, and, unless cause to the contrary be shown, to produce, within a specified short delay, such statements of account ; the judge may examine

him as a witness upon suggestions, and, in default of complying with his order, may condemn him to a fine of one hundred dollars, and by coercive imprisonment compel him to account and to deliver the statements of account, without prejudice to any other penalty imposed by this act.

On petition to him presented by any creditor, candidate or special agent, the judge may, upon sufficient proof and according to circumstances, allow and order the payment of an account due, contested or rejected, and even of an account that was not produced within the delay of one month, or which has been sent to the candidate instead of the special agent, and such order is sufficient to legalize the payment as made within the prescribed delay. Order for paying accounts.

All contraventions of the provisions of this article by the candidate or his special agent are declared to be corrupt practices, saving those from which they have been respectively relieved by the judge. Penalty for contraventions.

They invalidate the election, without prejudice to the penalties incurred. Effect thereof.

303 A full and detailed statement of all sums of money received by the special agent, as mentioned in articles 289 and 295, of all the election expenses incurred by a candidate or on his behalf, including such expected payments not made or to be made, and which are objected to or rejected as aforesaid, shall, within thirty days after the delay of one month hereinabove fixed, be made out and signed by the special agent, or, if there are more than one, by every agent who has paid the same, and by the candidate in cases of payments made by him, and delivered, with the bills and vouchers relative thereto, to the returning-officer. Statement of expenses.

If, owing to the death of any creditor, an account has not been sent in within the month next after the election, a supplementary statement, including the account of the deceased creditor, shall be made and delivered, as hereinabove prescribed, within thirty days after such account shall have been received. Supplementary statement.

Such accounts are attested on oath as true and exact before the returning-officer, who, on receiving the same, shall place his attestation at the foot thereof. Attestation of statements.

304. Any special agent or candidate, failing to deliver within the prescribed delay, to the returning-officer the statements required by article 303, shall incur a penalty of two hundred dollars, and imprisonment for six months in default of payment, and an additional fine of ten dollars per day, counting from the said delay fixed until the day he shall have delivered such statements, and, upon refusing to furnish the statements required, the special agent may be com- Penalty for not delivering statements.

pelled thereto by coercive imprisonment as hereinabove provided.

Penalty for delivering inaccurate statement.

305. Every special agent or candidate wilfully delivering unto the returning-officer any untrue, false, or inaccurate statement, shall be deemed guilty of a corrupt practice, and shall incur a penalty of five hundred dollars, and imprisonment for twelve months in default of payment, and further an imprisonment not exceeding six months, with or without hard labor.

Accounts to be kept.

306. The returning-officer shall preserve all such accounts and vouchers, for at least one year ; he shall permit any elector to see and examine the same, on payment of a fee of twenty cents.

Examination.

Copies.

He grants certified copies thereof at the rate of ten cents per hundred words.

In cases of contestation.

If there is a contestation as to the validity of the election, or an election petition pending, he shall keep them until the final decision.

Publication of statement.

307. The returning-officer shall, at the candidate's expense, cause to be published in the *Quebec Official Gazette*, and in a newspaper circulating in the electoral district, within fourteen days, a summary of such statement, with the signature of the special agent attached thereto, which summary he prepares on receiving the statements.

Notice.

The publication contains a notice that the statements are open to inspection upon payment of a fee of twenty cents.

Maximum of expenses.

308. Schedule AA to this act fixes the maximum of the expenses to be made or incurred for each election.

Payment beyond amount illegal.

Saving the exceptions contained in this act, the payment of any sum of money, by the candidate or his special agent, for any expense incurred before, during or after the election, and connected with or arising from the conduct, organization, or holding of such election, which exceeds the sum fixed in the said schedule AA, is an illegal payment and constitutes a corrupt practice.

Promises also.

All promises, agreements or undertakings to pay are assimilated to payments within the meaning of this article.

Persons who may be employed and paid.

309. The first and second parts of schedule AA to this act mention the persons who may be employed for the purposes of an election and be lawfully paid.

Employment of others illegal.

Saving such exceptions as may be contained in this act, no other person can be employed or engaged in consideration of any payment whatsoever for the purposes of an election.

If a person is employed or engaged, in contravention of the provisions of this article, before, during or after an election, the person who has so employed or engaged him shall be deemed guilty of a corrupt practice, and the person who shall have been so employed or engaged shall be considered guilty of the same offence, if he was aware that he was so employed or engaged in contravention of the law.

Penalty on persons employing and employed.

§ 3.—*Offences and Penalties.*

310. Every person found guilty of a corrupt practice shall, when no other penalty is enacted by this act, be liable to a fine of two hundred dollars and, in default of payment, to an imprisonment of three months, and moreover, in the discretion of the court, to an imprisonment not exceeding two months, with or without hard labor.

General penalty.

311. Every person shall be liable to a penalty not exceeding two thousand dollars, and imprisonment for twelve months in default of payment :

Penalty for :

(a). Who, illegally or maliciously, either by violence or stealth, takes from a returning-officer, deputy returning-officer, or poll-clerk, or from any officer or person having the lawful custody thereof, or from the place in which they are then lawfully deposited, any ballot-box, list of electors, copy of or extract from any list of electors, writ of election, return to a writ of election, poll-book, report, certificate, affidavit, or other document or paper prepared or drawn up in conformity with this act, or in compliance with any of the provisions thereof, or

Illegally taking away writs, lists, &c.;

(b). Who illegally or maliciously destroys, injures or obliterates them, or with deliberate purpose or maliciously causes them to be destroyed, injured or obliterated, or

Illegal destruction of writ, &c.;

(c). Who makes, or causes to be made any erasure, addition or interpolation of names, in any such documents or papers, or

Illegal erasures, &c., therein.;

(d). Who aids, abets or contributes to their being taken, destroyed, injured or obliterated, or to the making of erasures, additions, or interpolations of names therein.

Aiding and abetting, &c.

2. Every returning-officer, deputy returning-officer or other person intrusted with the issue of copies of lists of electors or who is the legal custodian or depository of such lists, who knowingly makes any alteration, omission or insertion in such lists or certified copies, or falsifies them in any manner, incurs a penalty of two hundred dollars, and imprisonment for twelve months in default of payment, with or without hard labor,

Returning-officers, &c., altering lists, &c., liable to penalty.

§ 4.—*Prosecutions.*

Who may sue
and before
what court.

312. Every prosecution, concerning a penalty imposed by this act, may be brought by an elector of the electoral district in which the infringement is alleged to have taken place, by an action of debt, before any court in such district having civil jurisdiction for the amount demanded.

Allegations
required.

313. It shall be sufficient for the plaintiff in such action or prosecution to allege in the declaration that the defendant is indebted to him in the sum of money which he demands, that the offence, for which the action or prosecution is instituted, has been committed, and that the defendant has acted in contravention of this act, without mentioning the writ of election or the return thereto.

Affidavit.

314. No such prosecution shall be instituted, unless, with the *præcipe* or demand of summons, there be produced an affidavit of the plaintiff, drawn up in accordance with form BB.

Security may
be required
and proceed-
ings stayed.

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.

General
evidence.

315. It shall not be necessary, at the trial of such suit, to produce the writ of election, or the return thereto, or the authority of the returning officer, but parol evidence of these facts shall be sufficient proof of the same.

Certificate of
the returning
officer.

The certificate of the returning-officer to that effect shall constitute sufficient proof of the election having been held, and of the fact of any person therein stated to have been a candidate having been such candidate.

To whom the
penalty shall
belong.

316. The amount of any penalty, which a defendant shall be condemned to pay, shall belong to the prosecutor, without prejudice to article 287.

If person pro-
secuted has
already pro-
secuted ac-
complice.

317. When any person is prosecuted for any offence or violation of the provisions of this act, committed by him together with one or more persons, either as accomplices, abettors or receivers, or in any other manner, and that such person has already prosecuted such accomplice or accomplices for the same offence, no fine, penalty or forfeiture can be pronounced or recovered against him for the same offence; but the benefit of this provision shall be denied him if it be shown to the court that such person

Proviso.

was the principal in the offence and that he had commenced it.

The informant, who prosecutes his accomplice or accomplices and succeeds in having them condemned and punished for a violation of this act, is himself absolved and declared relieved from any forfeiture incurred for the same offence.

Accomplices
prosecuting.

Power is given to the court to reduce the fines and penalties imposed by this act, and to lessen the punishment incurred in favor of defendants who, being guilty, confess judgment, and submit themselves to the clemency of the court.

Reduction of
fines.

318. Saving the case of article 178, no person shall be excused from answering any question put to him in any action, suit or other proceeding in any court, or before any judge, commissioner or other tribunal, touching or concerning any election, or the conduct of any person thereat, or in relation thereto, on the ground that the answer to such question tends to expose him to any prosecution or condemnation under this or any other act.

Obligation to
answer.

But no answer given by any such person shall be used to his prejudice in any civil proceeding against such person, if the judge, commissioner, or court has given to the witness a certificate that he claimed the right to be excused from answering on the aforesaid ground, and made full and true answers to the satisfaction of the judge, commissioner or court.

Protection.

319. In any action, suit or proceeding under this act, the parties themselves are authorized to testify and may be compelled so to do in the same manner as any witness, and subject to the same exceptions,—but no use can be made of such testimony outside of the case, in any other manner whatever.

Parties au-
thorized to
testify.

320. Unless, for special reasons, the court deems it advisable to order otherwise, the party failing in any such prosecution 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 is abandoned or dismissed, and the judge 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 judge may, on dismissing the same, condemn the plaintiff to pay double costs to the other party.

Double costs.

321. Every action or prosecution brought in virtue of this act shall be instituted within six months next after

Limitation of
suits.

the proclamation of the candidate for offences committed up to that time, and within twelve months for subsequent offences, and not later, notwithstanding any provision to the contrary in this act or in any of its amendments, unless the defendant has, by absconding, withdrawn himself from the jurisdiction of the court.

Continuation of proceedings.

Such action or prosecution, once begun, shall be continued and prosecuted without wilful delays, and has precedence.

Intervention.

322. In the event of the 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.

Imprisonment ordered in default of payment.

323. If it appears, by the return to a writ of execution or by the subsequent proceedings, that the defendant has no property, or that his property is insufficient to satisfy the judgment, such defendant shall, in virtue of a writ to that end issued by order of the court or of any judge, be imprisoned during the whole period of time specified in the provision of this act under which the penalty is imposed.

Discharge.

Nevertheless, the defendant may, unless liable to other imprisonment, procure his release, by paying in full the amount of the penalty, together with the costs incurred as well before as after judgment.

Additional penalty against justice of the peace guilty of corrupt practices.

324. Every justice of the peace, convicted or reported as guilty of a corrupt practice at an election, shall be struck from the list of justices, whether he has obtained a certificate of indemnity or not.

Who prosecutes when offence punishable by imprisonment only.

325. When the commission of an infringement to this act is punishable by imprisonment alone, the prosecution may be instituted and judgment obtained and executed 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 districts in the limits whereof the offence was committed.

Procedure.

The procedure to be followed in such cases is that prescribed by part LVIII of the Criminal Code, 1892, but there shall be no appeal from the decision given.

§ 5.—Fees and Expenses.

Fees.

326. The following allowances and sums shall be allowed to the different election officers, for their services and disbursements ;

I.—RETURNING-OFFICERS.

1. For the personal services of the returning-officer, fifty dollars, whether polls are or are not held ; Personal services of returning-officer ;
2. For the personal services of the election clerk, four dollars, or, if polls are held, eight dollars ; Election clerk ;
3. For services of one constable, if considered necessary at the nomination, one dollar ; Constable ;
4. For printing proclamations, lists of candidates, and directions to electors, actual cost ; Printing proclamations, &c. ;
5. For posting proclamations, actual cost, not exceeding ten cents per mile, for each mile necessarily travelled, going and returning ; Posting proclamations ;
6. For each mile necessarily travelled by the returning-officer and election clerk, in going to and returning from the place of nomination, actual cost, not exceeding ten cents per mile ; Travelling expenses ;
7. For posting up the notice 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 ; Posting notices, &c. ;
8. For copies of lists of electors, duly certified by the legal custodian thereof, three cents for each ten electors ; Copies of lists of electors ;
9. For each certificate of such custodian, fifty cents ; Certificate ;
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 ; Collecting ballot-boxes ;
11. For transmitting election returns to the Clerk of the Crown in Chancery, including postages and telegrams, actual cost ; Transmitting returns ;
12. For use, when a public building is not obtainable, of private building for nomination, actual cost, not exceeding four dollars ; Use of building for nomination ;
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 ; Ballot-boxes ;
14. For the service of the returning-officer in assisting at the recounting of the ballot-papers before the judge, under articles 204 to 212, five dollars ; Services of returning-officer at recount ;
15. For the service of the election clerk at the recounting of the ballot-papers, as above, three dollars a day ; Services of election clerk at same ;
16. In the cases 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 of the ballot-papers. Travelling expenses.

II.—DEPUTY RETURNING-OFFICERS.

- Swearing poll-clerk; 17. For swearing the poll-clerk before and after the polling, one dollar ;
- Services of deputy; 18. For his services, four dollars ;
- Services of poll-clerk; 19. For services of poll-clerk, two dollars ;
- Constable; 20. For services of a constable, if considered necessary, one dollar ;
- Travelling expenses; 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 ;
- Poll-houses; 22. Actual expenses incurred for the use of polls, not exceeding ten dollars in cities, and four dollars in other electoral districts ;
- Screens in poll-houses. 23. For making compartment or screen in the poll-house, if necessary, a sum not exceeding three dollars.
- Additional sum for certain localities. **327.** The Lieutenant-Governor in Council may, if he is of opinion that the fees and allowances above mentioned are not sufficient for the services required in the electoral districts of Gaspé and of Chicoutimi and Saguenay, authorize the payment of such additional sums as he shall deem just.
- New tariff. **328.** The Lieutenant-Governor in Council may, if he deems the tariff prescribed by article 326 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 election subsequent to that hereinbefore mentioned.
- To be submitted to Legislature. 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.
- Payment of fees, &c. **329.** 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.
- No fees for going to take oath. **330.** 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.

SECTION VI.

FINAL PROVISIONS.

331. A copy of this act, and of the directions approved by the Lieutenant-Governor in Council, which may be necessary for the due conduct of elections under this act, with a detailed alphabetical index placed in the beginning thereof, for the returning-officer, and one for each of his deputy returning-officers, shall be transmitted, together with the writ of election, to each returning-officer in the Province.

Distribution
of this act
and direc-
tions.

332. The Clerk of the Crown in Chancery may cause to be made for each electoral district, when the ballot-boxes already made are insufficient for the purpose or have been lost, as many new ballot-boxes as may be required, or may give such directions to the returning-officers as he shall deem necessary to procure ballot boxes of uniform size and pattern, as also in relation to the mode of making compartments in the poll.

Ballot-boxes
for elections.

Directions.

Such directions shall have been previously approved by the Lieutenant-Governor in Council.

Approval of
directions.

SECTION VII.

REPEAL AND COMING INTO FORCE.

333. This act is substituted for chapter second of title second of the Revised Statutes which is repealed, as are all provisions which amend the same.

Act substi-
tuted for R.S.,
chapter 2,
title 2.

334. Article 138 of the said Revised Statutes is also repealed.

R.S., 138,
repealed.

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

Coming into
force.

PROVINCE OF QUEBEC,
Municipality of
In the County of

A
FORM MENTIONED IN ARTICLES 18 AND 27.
LIST OF ELECTORS FOR THE LEGISLATIVE ASSEMBLY.

No.	Surnames.	Names.	Occupation.	Residence.	Nature of Qualification.	Names and surnames 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....	Farmer's son.....	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	Marchand....	Gabriel.....	School teacher	St. James....	School teacher.....	.....	.....	Village school.
7	Brousseau ..	Louis.....	Rentier.....	St. James....	Rentier \$200.....	.....	.....
8	Jacques.....	Stanislas.....	Wheel-wright.	St. James....	Proprietor.....	.....	Cadastre No.....	
9	Lorimier.....	Charles.....	Farmer.....	St. James....	Farmer's son.....	Marguerite Bourgeois, widow of Charles Lorimier.	Conc. des Pins No.	Eldest son.
10	Lorimier.....	David.....	Farmer.....	St. James....	Farmer's son.....	Idem.....	Idem.....	Younger son.
11	Lorimier.....	Jean-Baptiste..	Physician.....	St. James....	Proprietor.....	.....	Village No.....	
12	Sylvestre....	Louis.....	Farmer.....	St. James....	Proprietor.....	.....	St. Mich. range No.	
13	Sylvestre....	Pierre.....	Student.....	Quebec.....	Farmer's son.....	Louis Sylvestre.....	Idem.....	Younger son.
14	Tourville....	Jean.....	Fisherman.....	St. Jacques.	Occupant and Owner of shares in a registered ship \$150.....	.....	Village.....	Real estate occupied and shares in ship valued together.

Made in duplicate this _____ day of the month of _____, eighteen 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 _____ 18 _____, }
before me the undersigned.
F. F., Justice of the Peace.

P. P.,
Secretary-Treasurer.

If the cadastre of the municipality has been completed, the description of the immoveable 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, 277 and 282, 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.

B.

FORM MENTIONED IN ARTICLE 42.

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*, 1895, 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 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 _____, eighteen hundred and _____, being the thirtieth day

after the (*date of the publication of the notice required by article 26*).

Made on both duplicates of the list, at
this _____ day of the month of _____ 18 . ,

(Signature) P. P.,
Secretary-Treasurer.

C

FORM MENTIONED IN ARTICLE 78.

Writ of Election.

CANADA, }
Province of Quebec. }

VICTORIA, by the grace of GOD, of the United Kingdom
of Great Britain and Ireland, Queen, Defender of the
Faith :

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 Legisla-
tive 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 : in the place of _____ deceased, or otherwise stating the
cause of the vacancy*) ; and (*except in the electoral districts men-
tioned in article 71,*) 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 mem-
bers, when so elected, whether he be present or absent, to
be certified to our Clerk of the Crown in Chancery on or
before the _____ day of _____

In testimony whereof, We have caused these Our Letters
to be made Patent, and the Great Seal of Our said Province
of Quebec to be hereunto affixed.

Witness, Our Trusty and Well Beloved, (*name*) Lieutenant-Governor (*or* Administrator of the 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 18 .

By order,

(*Signature*)
 X.X.,

Clerk of the Crown in Chancery, Quebec.

Endorsement.

Received the within writ, on the _____ day of _____, 18 .

(*Signature*)

A. B.,
 Returning-Officer.

 D.

FORM MENTIONED IN 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.

 DD.

FORM MENTIONED IN ARTICLE 83.

Certificate of the Returning-Officer having taken the Oath of Office.

I, the undersigned, hereby certify that, on the _____ day of the month of _____, 18 , 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, 1895, article 83.*

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

(Signature)

C. D.,
Justice of the Peace.

E.

FORM MENTIONED IN ARTICLE 85.

Commission of an Election Clerk.

To E. F., (*set forth 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 _____, 18 _____.

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

(Signature)

A. B.,
Returning-Officer.

F.

FORM MENTIONED IN ARTICLE 86.

Oath of the 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.

FF.

FORM MENTIONED IN ARTICLE 86.

Certificate of the Election Clerk having taken the oath of office.

I, the undersigned, hereby certify that on the day of the month of _____, 18____, 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*, 1895, article 86.

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.

—
G.

FORM MENTIONED IN ARTICLE 92.

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 his election clerk.

PROCLAMATION.

Electoral district of _____

to wit :

Public notice is hereby given to the electors of the electoral district of _____, that, in obedience to Her Majesty's writ, to me directed, and bearing date the _____ day of the month of _____, 18____, I require the presence of the electors of this electoral district, 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 18____, from noon until two of the clock in the afternoon, for the purpose of nominating a person to represent them in the Legislative Assembly of the Province of

Quebec; 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 of _____, from the hour of nine (or seven, *as the case may be*) in the morning till five of the clock in the afternoon, in each of the voting subdivisions.

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.

—
H.

FORM MENTIONED IN ARTICLE 100.

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 _____, in the said electoral district, this _____ day of _____, 18 _____.

(*Signatures or marks with occupations and residences.*)

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

(*Signatures*)

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

Witness my hand at _____, this _____ day of _____, 18 _____.

(*Signature*)

Signed by the said _____ in presence of _____

(*Signature*)

—

I.

FORM MENTIONED IN ARTICLE 106.

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 _____ 18 . . . }

(Signature) J. P.,
 Justice of the Peace.

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

J.

FORM MENTIONED IN ARTICLE 113.

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 or other candidates having withdrawn, as the case may be*).

(Signature)

A. B.,
 Returning-Officer.

K.

FORM MENTIONED IN ARTICLES 122 AND 290.

*Notice of Polls being granted and of Candidates nominated
and of their agents, with territorial limits of polls.*

NOTICE.

Electoral district of _____, to wit :

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, domicile and address.*)

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

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

4. JOSEPH RICHARD, of the town and county of Levis, advocate. Election agent : I. J., (*occupation, domicile 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 _____, 18 _____,

(*Signature*)

A. B.,
Returning-Officer.

L.

FORM MENTIONED IN ARTICLE 126.

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 (*or seven, as the case may be*) 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 18 ____ .
 (*Signature*)
 A. B.,
 Returning-Officer.

M.

FORM MENTIONED IN ARTICLE 128.

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.

N.

FORM MENTIONED IN ARTICLE 128.

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 _____, 18____, 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, 1895*, article 128.

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

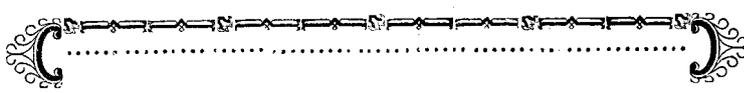
(Signature) _____ C. D.,
Justice of the Peace,
or A. B.,
Returning-Officer.

O.

FORM MENTIONED IN ARTICLE 134.

Ballot Paper.

Election for the Electoral District of	18	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.)	



ANNEX.

No.

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

Ici doivent être mises les initiales du sous-officier-rapporteur.

The ballot-paper shall be perforated by two lines of points, along the lines of black dots, to facilitate the detaching thereof from the booklet mentioned in article 138 and from the annex.

The names of the candidates shall be entered in the ballot-paper, as in the nomination paper.

There shall 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.

DIRECTIONS FOR THE GUIDANCE OF ELECTORS IN VOTING.

The elector is to vote only for one candidate.

The voter 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 voter will then fold the ballot, as to show a portion of the back only, and also in such manner as to permit the annex 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 annex. The voter will then forthwith quit the poll.

If a voter 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.

If the elector takes a ballot-paper out of the poll, he will be subject to be punished by a fine not exceeding two hundred dollars and imprisonment not exceeding six months in default of payment.

OO.

INSTRUCTIONS IN MAKING USE OF THE BALLOT GIVEN ON
NEXT PAGE.

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

There shall be no white margin on any side of the ballot.

The whole ballot paper must be of a dark color, excepting the oblong spaces which contain the names of the candidates and the circular spaces following them, which must be white, as in the model given on the next page.

The elector is supposed to have marked his ballot paper in favor of Jean Bureau.

The lines of points are to be perforated lines to facilitate the detaching from the booklet mentioned in article 138 and from the annex.

MANNER OF VOTING.

The elector, on receiving the ballot-paper, shall forthwith proceed into one of the private compartments of the poll, and there shall mark his ballot-paper, marking a cross with a pencil, in the circular space of the ballot opposite the division containing the name of the candidate for whom he intends to vote, after which he shall fold it, so that the initials endorsed thereon may be seen without opening it, and hand it to the deputy returning-officer, who shall ascertain, by examination of his initials, and of the printed number on the annex, that such ballot-paper is the same supplied by him to the voter, and, after having detached the annex, he shall, immediately and in the presence of the voter, place the ballot in the ballot-box.

00.

FORM MENTIONED IN ARTICLE 135.

Election for the *Electo-
ral District of*

1	BUREAU (JEAN BUREAU, of the town of Sorel, county of Richelieu, merchant.)	<input checked="" type="radio"/>
2	RICHARD (ANTOINE RICHARD, of the parish of St. Henri, county of Levis, farmer.)	<input type="radio"/>
3	RICHARD (JOSEPH RICHARD, of the town and county of Levis, advocate.)	<input type="radio"/>

1895.

Quebec Election Act.

Cap. 9.

127

ANNEX.

No.

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

Ici doivent être mises les initiales du sous-officier-rapporteur.

P.

FORM MENTIONED IN ARTICLE 140.

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 voting 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 18 .

(Signature)

G. H.,
Deputy Returning-Officer.

Q.

FORM MENTIONED IN ARTICLE 142.

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.

R.

FORM MENTIONED IN ARTICLE 142.

Certificate of the Poll-Clerk having taken the Oath.

I, the undersigned, hereby certify, that, on the day of the month of _____, 18____, 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, 1895, article 142.*

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.

S.

FORM MENTIONED IN ARTICLE 145.

Commission of a Poll-Clerk, by Poll-Clerk acting as Deputy Returning-Officer.

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

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 poll-clerk for the voting subdivision of _____, in the electoral district of _____.

Given under my hand, at _____, this _____ day
of _____, in the year, 18 _____.

(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.

T.

FORM MENTIONED IN ARTICLE 151.

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 _____, 18 _____.

(Signature)

A. B.,

Deputy Returning-Officer,

or

C. P.,

Justice of the Peace.

	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.

Poll-Book.

FORM MENTIONED IN ARTICLE 156.

U.

V.

FORM MENTIONED IN ARTICLE 174.

Oath of Agent of a Candidate, or of Elector representing a Candidate, who alone acts in assisting at the marking of a Ballot-Paper.

I, the undersigned, G. H., agent, by special authorization, 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 and assist in keeping and maintaining 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 _____, has marked his ballot-paper in my presence, at this election, and that I shall impart no information, before the closing of the voting, respecting the names of any persons entered upon the list of electors, who have or have not claimed their ballots at this poll, nor communicate at any time to any person any information obtained in the interior of this poll as to the name of the candidate for whom an elector intends to vote or has voted: So help me God.

(Signature)

G. H.

Sworn (or affirmed) before me, at _____, this _____ day of _____, 18 _____.

(Signature)

A. B.,

Deputy Returning-Officer,

or

C. P.,

Justice of the Peace.

W

FORM MENTIONED IN ARTICLE 187.

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 _____, 18 .

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

or, A. B.,
Returning-Officer,

or, I. J.,
Poll-Clerk.

WW

FORM MENTIONED IN ARTICLE 187.

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 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 18 .

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

or, A. B.,
Returning-Officer,

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

X

FORM MENTIONED IN ARTICLE 190.

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 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 (or affirmed) and signed before me at this day of , in the year 18 .

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

or A. B.,
Returning-Officer,

or G. H.,
Deputy Returning-Officer.

Y.

FORM MENTIONED IN ARTICLES 210 AND 211.

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 the nomination paper.*)

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

Z

FORM MENTIONED IN ARTICLE 292.

Election for the electoral district of _____

To

A. B., of (*name, occupation, domicile and address*).

I, the undersigned, candidate at this election, appoint you as my special agent, duly authorized in conformity with article 292 of the Quebec Election Act, 1895, and require you in all points to comply with the provisions of the law, and specially not to make any payments or promise without my consent in writing and upon your previous approval.

You will hand these presents to the returning-officer, so that he may at once give the required public notice thereof.

Dated at _____ this _____ 18 .

(Signature,) _____ C. D.,
Candidate.

SCHEDULE AA.

MENTIONED IN ARTICLE 308.

FIRST PART.

Persons who may be lawfully employed and paid.

1. The special agent appointed under article 292, who may receive a remuneration not exceeding one hundred dollars in city electoral districts and fifty dollars in other electoral districts.
2. In cities and towns :
 - (a.) A clerk and his assistant and two messengers for the general committee in each electoral district ;
 - (b.) A committee clerk for each polling subdivision ;
 - (c.) Two messengers for the committee in each polling subdivision ; one of these messengers may make use of a horse and vehicle.
3. In counties :
 - (a.) A clerk and his assistant and two messengers for the general committee ;
 - (b.) A committee clerk for each municipality ;
 - (c.) Two messengers with a horse and vehicle for the committee in each municipality.

This part of the schedule does not apply to counties that are divided into two or more distinct municipalities, which are treated for the purposes of this part of the schedule as so many separate counties.

SECOND PART.

Legal expenses, other than those mentioned in the first part.

- (a.) The personal expenses of the candidate, as defined in this act ;
- (b.) Printing expenses, expenses for advertising, and expenses incurred for publishing, forwarding and distributing notices and campaign literature ;
- (c.) Expenses for stationery, messages, postages and telegrams ;
- (d.) Expenses incurred for holding public meetings, that is to say : convening the meeting and room for holding same, including lighting and heating ;
- (e.) A general committee may be held and maintained in each electoral district and a special committee in each polling subdivision ;

- (f.) In the counties of Pontiac, Ottawa, Chicoutimi, Saguenay and Gaspé, the expenses or travelling expenses of not more than three election speakers for each of these counties.

THIRD PART.

Maximum for miscellaneous unforeseen expenditure.

In addition to the expenditure authorized by the first and second parts of this schedule, there may be expended, for unforeseen expenditure, a sum not exceeding one thousand dollars in electoral districts of cities and town, and six hundred dollars in county electoral districts; but nothing in this schedule shall be interpreted as authorizing any expenditure prohibited by this act.

FOURTH PART.

Maximum scale.

The total amount of expenditure mentioned in the first, second and third parts of this schedule, in addition to the personal expenses of the candidate, shall not exceed the following sums :

- (a.) In an electoral district of a city :
- | | |
|---|------------|
| If the electors do not exceed in number | |
| 2,000 | \$1,250 00 |
| If they exceed 2,000 | 1,500 00 |
| For each thousand electors over two thousand..... | 75 00 |
- (b.) In a county electoral district :
- | | |
|---|----------|
| If the number of electors does not exceed | |
| 2,000 | 750 00 |
| If it exceeds 2,000 | 1,000 00 |
| For each thousand electors over two thousand..... | 50 00 |
-

SCHEDULE BB.

FORM MENTIONED IN ARTICLE 314.

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 , 18 . }

(Signature)

P. S.,

Justice of the Peace.