

"287a. No revising officer for an electoral district, while he holds such office or during two years after he has ceased to be such revising officer, can be a candidate in any electoral district for which, or for any part of which, he has been such revising officer."

Revising officer not to be candidate while he holds office and for certain time thereafter.

2. Article 318 of the said Revised Statutes is amended as follows :

R. S. Q., art. 318, amended as to form of oath.

(a) By striking out, in the seventh line, the following word and numbers: "4, 5, 6 and 7" and replacing them by the following "4, 5, 6, 7 and 8."

(b) By adding at the end of the said article, in the form of oath, the following paragraph :

"8. Do you occupy a permanent position under the government of the Dominion of Canada or under the government of this Province, and do you receive regular wages or emoluments from the public departments of Canada or of this Province, from the Federal Parliament or the Provincial Legislature."

3. Article 228 of the Revised Statutes of the Province of Quebec is again put into force and shall remain in force untill the first of May, 1892, with the same effect as if it had never been repealed.

R. S. Q., art. 228, respecting lists of electors in Montreal re-enacted.

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

Coming into force.

C A P . X I .

An Act to amend the Quebec Election Act.

[Assented to 2nd April, 1890.]

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

1. The following provisions are added after article 406 of the Revised Statutes of the Province of Quebec :

Section added after R. S. Q. art. 406.

"SECTION 1104.

"SPECIAL PROVISIONS FOR GASPE WHEN NAVIGATION IS CLOSED.

"406a. 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 :

Special provisions applicable to county of Gaspé, respecting Magdalen Islands in certain event.

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 main land.

Transmission
of proclama-
tion 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 proclama-
tion.

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 neces-
sary.

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.

Appointment
of deputy re-
turning-
officers.
Preparation of
ballot papers.

5. The election clerk for the Magdalen Islands appoints the deputy-returning-officers in such Islands.

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.

List of elec-
tors, &c.

It is the duty of such election clerk to procure the lists 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 or extract of the list containing the names of the electors having a right to vote at the poll for which he is appointed; to hand to each such deputy-returning-officer a ballot box according to law, and to otherwise fulfil all the duties imposed by law upon the returning-officer respecting the voting.

Ballot box.

Other duties.

Duties of
deputy re-
turning-
officers.

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

As to ballot
boxes.

Election clerk
to open boxes
and count
votes.

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.

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 voting, his oath of office, the lists of electors used in the several polls and all the 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-officer, 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 main land 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 chapter, 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.

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.

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

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.

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

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.

When delay to contest election begins to run.

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

Application of all other provisions to election.

15. The provisions of this section do not apply to any election which may be commenced, continued and ended in accordance with the ordinary provisions of the law.

Application of this section only to certain elections.

R. S. Q., art.
265, repealed.

2. Article 265 of the Revised Statutes of the Province of Quebec is repealed.

Coming into
force.

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

CAP. XII.

An Act to amend the Quebec Election Act.

[Assented to 2nd April, 1890.]

Preamble.

WHEREAS the avoiding of elections by reason of corrupt practices by agents,—when such practices have been of a trifling nature or of trifling extent and have not affected or cannot reasonably be supposed to have affected the result,—have occasioned the trouble and expense of new elections when unnecessary and useless, and it is expedient to amend the law in that respect; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

R. S. Q., art.
427, amended.

1. Article 427 of the Revised Statutes of the Province of Quebec is amended by adding thereto the following:

Corrupt practice by agent, of trifling nature and without knowledge &c., of candidate, not to avoid election.

“If, however, such corrupt practice, committed without the actual knowledge and without the consent of the candidate, was of such a trifling nature or of such trifling extent that the result of the election cannot have been affected or be reasonably supposed to have been affected by such act, whether alone or in connection with other illegal practices, at such election, such corrupt practice shall not avoid the election.”

Pending cases not affected.

2. This act shall not affect pending cases.

Coming into force.

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