Coming into force of this act.

2. This act shall come into force on the day of the sanction thereof.

CAP. VII.

An Act respecting the Election of Members of the Legislative Assembly of the Province of Quebec.

TABLE OF CONTENTS OF THE ACT.

SECT.

PRELIMINARY 1

FIRST PART.

PARLIAMENTARY ELECTORS.

I. CONDITIONS REQUISITE TO BE AN ELECTOR 7
II. PERSONS WHO CAN NEITHER BE ELECTORS NOR VOTERS 11
III. LIST OF PARLIAMENTARY ELECTORS 12
1. Preparation of the list 12
2. Examination and putting into force of the list 27
3. Appeal to a judge of the superior court or to a district magistrate 41
4. Miscellaneous provisions 51
IV. DIVISION OF THE MUNICIPALITY INTO VOTING SUB-DIVISIONS 59

SECOND PART.

HOLDING OF PARLIAMENTARY ELECTIONS.

I. GENERAL PROVISIONS 65
II. RETURNING OFFICERS 78
III. PROCEEDINGS ON RECEIPT OF THE WRIT OF ELECTION 82
1. Appointment and duties of the election clerk. 85
2. Establishment of polls 89
3. Proclamation announcing the election 96

SECT.
IV. NOMINATION OF CANDIDATES 104
V. ELIGIBILITY IN AND DECLARATION REQUIRED OF CANDIDATES 124
VI. PRELIMINARIES OF VOTING 137
1. Of deputy returning officers 141
2. Of poll clerks 151
VII. VOTING 157
VIII. COUNTING THE BALLOT PAPERS 189
IX. CLOSE OF THE ELECTION 200
X. GENERAL PROVISIONS 213
XI. PROVISIONS APPLICABLE TO THE VARIOUS ELECTION OFFICERS 223
XII. MAINTENANCE OF PEACE AND GOOD ORDER 236

THIRD PART.

I. MEANS OF PREVENTING CORRUPT PRACTICES AT ELECTIONS 248
II. ELECTION EXPENSES 278
III. GENERAL PROVISIONS RESPECTING PENALTIES .. 289
IV. PROSECUTIONS RESPECTING PENALTIES IMPOSED BY THIS ACT 292
V. FEES AND EXPENSES 301
Final provisions 306

[*Assented to 23rd February*, 1875.]

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

PRELIMINARY.

1. This act shall be known and may be referred to and cited as "The Quebec Election Act." **Title.**

It shall apply 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. **Application.**

2. In interpreting this act, unless it be otherwise provided, or unless there be in the context of its provisions something which indicates a different sense, or requires another interpretation: **Interpretation.**

Municipality.

1. 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;

Secretary-treasurer.

2. The word "secretary-treasurer," includes the clerk of every town or city municipality;

Owner.

3. The word "owner," signifies 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;

Occupant.

4. The word "occupant," signifies the person who occupies immovable property, otherwise than as owner, tenant or usufructuary, either in his own right or in the right of his wife;

Tenant.

5. 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 be *tenant feu et lieu* save in the case of the lessee of a shop, work-shop or office;

Registrar.

6. 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;

Voting sub-division.

7. The term "voting sub-division," means, for voting purposes, every municipality whereof the number of parliamentary electors entered on the list in force does not exceed three hundred;

To vote.

8. The words "to vote," means to vote at the election of a member of the legislative assembly of this province;

Electoral District.

9. The expression "electoral district," means any county or other place or portion of this province, entitled to return a member of the legislative assembly;

Election officer.

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

Personal expenses.

11. The term "personal expenses" employed in relation to the expenditure of a candidate, respecting any election in which he is candidate, means all the reasonable travelling expenses of such candidate, and his reasonable

expenses at hotels and other places to which he may repair, for the purposes of and in regard of such election.

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. **Forms.**

Any of the forms contained in such schedule is sufficient in the case for which it is intended. Any other form, having the same meaning, may be employed with equal effect.

4. Any reference to one or more sections indicated in the provisions of this act, without mention of the act or statute of which such sections form part, is a reference to the sections of this act. **Reference.**

5. If the time fixed by this act for the accomplishment of any proceeding or formality, prescribed by the provisions thereof, expires or falls upon a Sunday or legal holiday, the time so fixed shall be continued to the first day, following, not a Sunday or holiday. **Delay.**

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 or reward. **Oath.**

FIRST PART.

PARLIAMENTARY ELECTORS.

I.—CONDITIONS REQUISITE TO BE AN ELECTOR.

7. No person shall be entitled to vote at the election of a member of the legislative assembly of this province, unless at the time of voting, he be an elector entered as owner, tenant or occupant, upon the list of electors in force. **Entry on the list.**

8. No person shall be entered upon the list of electors, unless he fulfils the following conditions: **Qualification of electors.**

1. He must be of the male sex, of full age, and a subject of Her Majesty by birth or naturalization;
2. He must not be otherwise legally incapacitated;
3. He must be actually and in good faith owner or occupant of real estate, estimated, according to the valuation roll in force, as revised if it has been revised even for local purposes only, at a sum of at least three hundred dol-

lars in real value, in any city municipality entitled to return one or more members of the legislative assembly, and two hundred dollars in real value, or twenty dollars in annual value, in any other municipality, or

Be a tenant in good faith, paying an annual rent for real estate, of at least thirty dollars in any city municipality entitled to return one or more members of the legislative assembly, and of at least twenty dollars in any other municipality ; provided that such real estate 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 of the legislative assembly, and two hundred dollars in any other municipality.

Co-owners; co-partners; co-tenants, and co-occupants.

9. Whenever two or more persons are co-owners, co-partners in the property or possession, co-tenants or co-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 shall be deemed to be an elector in conformity with this act, and entered upon the list of electors. He whose share does not amount to the value required for the electoral suffrage shall not be so entered nor be an elector.

The same rule applies to co-tenants, respecting the amount of rent which they pay.

Corporation.

10. Nevertheless 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.

II.—PERSONS WHO CAN NEITHER BE ELECTORS NOR VOTERS.

Persons disqualified to vote.

11. The following persons can, in no case, be electors or vote ;

1. The judges of the court of Queen's bench and of the superior court, the judge of the vice-admiralty court, the judges of the sessions, district magistrates, recorders ;

2. Officers of the customs, clerks of the crown, clerks of the peace, registrars, sheriffs, deputy-sheriffs, deputy-clerks of the crown and the officers and men of the provincial or municipal police force ;

3. Agents for the sale of crown lands, postmasters in cities and towns, and all officers employed in the collection of any duties payable to Her Majesty, in the nature of duties of excise, including collectors as well of federal as of local revenue.

If any of the persons set forth in this section vote, save in the case of section 205, he shall incur a penalty of not

more than five hundred nor less than one hundred dollars, or imprisonment not exceeding twelve months in default of payment, and his vote shall be null and of no effect.

III.—LIST OF PARLIAMENTARY ELECTORS.

1. *Preparation of the list.*

12. The secretary-treasurer of each municipality shall between the first and fifteenth days of the month of March in each year, make in duplicate, a list in alphabetical order, of all persons, who according to the valuation roll, then in force in the municipality for local purposes, and as revised if it has been revised even for local purposes, appear to be electors, by reason of the real estate possessed or occupied by them, within the municipality. **Time and mode.**

13. The secretary-treasurer, in drawing up the list of electors, shall distinguish the persons, who appear to be qualified as owners, from those who appear to be qualified as tenants or occupants, and shall specify the real estate, through which such persons are electors. **Distinction to be made.**

14. The secretary-treasurer shall omit from the list of electors, every person, who under sections 12, 267 and 270 or any other legal provision whatsoever, is not then entitled to vote. **Omissions.**

15. 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 an alphabetical list of the persons who are electors herein. **Case of two lists.**

16. If the municipality is divided into voting sub-divisions under sections 59, 60 or 61, the secretary-treasurer shall divide the list into as many parts, as there are voting sub-divisons in the municipality. **Division of the list.**

Each such part, the title whereof shall be the name, number, or description of the voting sub-division to which it reates, shall only contain the alphabetical list of the electors of such voting sub-division.

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

If the list is drawn up by sub-divisions and one person is an elector in more than one sub-division, his name shall be inserted in one sub-division only; and if such person is an

elector in the sub-division of his domicile, his name shall be entered on the list for such sub-division

Case of a person being elector in several electoral districts.

18. In the case of section 15, if a person is an elector in more than one electoral district, his name shall be entered in the list of each electoral district, in which he is an elector, according to the rules laid down in the preceding section.

Attestation.

19. The secretary-treasurer shall certify the correctness of the list of electors by him made, by 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."

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

Deposit of the list.

20. 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.

21. The secretary-treasurer, on the day upon which he shall take the oath required by the section before the last, shall give and publish 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.

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.

22. The list of electors may be drawn up in accordance with form A.

Clerk *ad hoc.*

23. If the secretary-treasurer has not made the alphabetical list of electors, or has not given and published the notice required by section 21, in the first fifteen days of the month of March, then 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, the district magistrate, on summary petition from the mayor, the registrar or 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.

Responsibility of the secretary-treasurer.

24. The secretary-treasurer shall be personally liable for the costs incurred on such petition, and for those incurred in drawing up the list by the clerk *ad hoc*, unless the

judge or the district magistrate, for special reasons, deem 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.

Duties of the clerk *ad hoc*.

25. The clerk *ad hoc* shall proceed, within fifteen days after notice of his appointment, to the preparation of the list of electors. He shall, for such purpose, become an officer of the municipal council, and 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.

Duties of the mayor, &c.

26. The mayor and the officers of the council, in so far as the same is incumbent upon them, shall, under the penalties prescribed by section 56, be bound to deliver to the clerk *ad hoc*, on his demand, the valuation roll which is to avail as the basis of the electoral list.

2. *Examination and putting into force of the list.*

Examination.

27. The list of electors may be examined and corrected by the council of the municipality, even in the absence of any demand or complaint to that end, within the thirty days only, next after the publication of the notice given under section 21.

If complaints in writing are produced at the office of the council, under the two following sections, the council shall take cognizance thereof, and shall decide them within the delay aforesaid.

Complaint in writing.

28. 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 a complaint in writing to such effect, within the fifteen days next after the publication of the notice given under section 21.

Idem.

29. If any elector, whose name is entered upon the list, believes that the name of any other person entered thereon, should not have been so entered, owing to his not possessing the qualifications required for an elector, or if he believes that the name of any other person not entered thereon should be so entered, owing to his possessing the qualifications required, he may file a complaint in writing to such effect, within the same delay of fifteen days.

Notice.

30. The council, before proceeding to any examination or correction of the list of electors, 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.

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

The public notice and every special notice required by this section 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.

Examination and hearing.

31. The council on proceeding to the examination of the list shall take into consideration all the complaints in writing relating to the said list, and hear all persons interested.

Decision.

32. The council by its decision on each complaint, may confirm or correct each of the duplicates of the list.

Fraudulent title.

33. If, upon 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 being made to that effect.

Corrections to be authenticated.

34. Every insertion, erasure or correction whatsoever of the list, in virtue of the two preceding sections, shall be authenticated by the initials or *paraphe* of the presiding officer of the council.

Duration of the list.

35. The list of electors shall come into force at the expiration of the thirty days following the notice given in virtue of section 21, as it then exists, and shall remain in force until the month of March next, and thereafter until a new list is made and put in force under the authority of this act.

If there is an 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 notwithstanding such appeal, until the final decision of the court, before which the said petition in appeal is pending.

36. Every list of electors so put in force shall, during the whole period in which it remains in force, be deemed the only true list of parliamentary electors, within the territorial division to which it relates, even although the valuation roll which has served as the basis of such list be defective or shall have been quashed or set aside; saving nevertheless any correction made under section 44. Value of the list.

37. It shall be the duty of the secretary-treasurer, as soon as the list of electors has come into force, to insert at the end of such list, on the duplicates thereof, the certificate set forth in form B. Certificate of the sec.-treas.

38. One of the duplicates of the list of electors shall be kept in the archives of the municipality, and shall there remain of record. One duplicate remains in the archives, the other is transmitted to the registrar.

The other duplicate shall be transmitted to the registrar of the registration division, in which is situated the municipality, within eight days following the day upon which such list shall have come into force, by the secretary-treasurer, or by the mayor, under a penalty of two hundred dollars, or of imprisonment of six months in default of payment, against each of them, in case of contravention of this provision.

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

39. If, in lieu of the duplicate required by the preceding section, 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.

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

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

3. *Appeal to a judge of the superior court or to the district magistrate.*

41. All persons who shall have made complaint in writing, or on whose behalf a complaint in writing has been made before the council relating to the list of electors, or any person whose name has been entered on such list, or erased therefrom by the council, and who Appeal.

believes himself aggrieved by the decision of the council, may appeal to the judge of the superior court for the district, within the fifteen days following such decision, by petition in which shall be briefly set forth his grounds of appeal.

Idem.

42. Any person who has laid a complaint in writing before the council with respect to the list of electors, in due time, may, if the council has neglected or refused to take his complaint into consideration within the time prescribed, appeal to such judge therefrom, in the manner and within the delay prescribed in the preceding section.

Service.

43. A copy of the petition in appeal shall be served upon the secretary-treasurer of the municipality, who shall immediately give special notice thereof to the mayor, and public notice to the parties interested.

Power of the court.

44. The judge of the superior court shall have full power and authority to hear and decide such appeal, in a summary manner, on any day which he shall fix, and shall proceed without delay, from day to day, in term or in vacation.

Such appeal shall have precedence over other causes.

Idem.

45. He may also order that further notice be given to any of the parties to the cause, summon before him and question under oath or affirmation any party or witness, and require the production of any document, paper or thing. He shall possess all the powers conferred upon the superior court in relation to matters pending before that court.

Defect of form.

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

Costs.

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

Decision.

48. The decision of the judge shall be final.

Correction.

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

Districts where is no resident judge.

50. In any district in which there is no resident judge of the superior court, the appeal specified in sections 41 and 42, may moreover 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.

4. *Miscellaneous Provisions.*

51. If, at any time it is made to appear to any judge of the superior court, in term or in vacation, that the secretary-treasurer of any municipality, or the registrar of the registration division, have altered or falsified, or have permitted to be altered or falsified the duplicate of the list in their possession, 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 list, to appear before him and to produce the rolls and lists in their possession. Case of alteration.

52. 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. Power of the judge or magistrate.

53. 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, three cents for every ten electors entered on the list. Sec.-treas. to deliver copies.

54. 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 he acts as deputy returning officer. Sec.-treas. shall furnish the list *gratis*.

55. 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 the preceding section, may be recovered from the 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. Recourse in case of refusal.

56. Every secretary-treasurer, who has refused or neglected to make the alphabetical list of electors, as required by this act, shall incur a penalty not exceeding Penalty.

two hundred dollars, or imprisonment not exceeding six months in default of payment.

Any secretary-treasurer, who having made the list, has wilfully inserted therein or omitted therefrom, any name which should not have been inserted therein or omitted therefrom, or who has otherwise altered or falsified the same, so that it ceases to be or is not an exact and faithful list of all the electors entitled to be entered therein, shall incur a penalty not exceeding five hundred dollars, or imprisonment not exceeding twelve months in default of payment.

Idem.

57. Every person having the custody of electors lists, and whose duty it is to deliver copies thereof, who shall have made any alteration or omission in the copies furnished by him, or shall have falsified such copies in any manner whatsoever, shall incur the penalty lastly prescribed in the preceding section.

Old lists.

58. Every list of electors made for any municipality, and in force at the time of the coming into force of this act, shall continue, even although the valuation roll which has served as basis for such list is defective or is quashed or annulled, to avail and to remain in force, until it is replaced by a new list of electors made under the authority of this act.

IV.—DIVISION OF THE MUNICIPALITY INTO VOTING SUB-DIVISIONS.

Division by the council into voting sub-divisions.

59. Whenever in any municipality, the number of electors shall exceed three hundred, it shall be the duty of the council of such municipality to divide, by a by-law made in the ordinary way, the municipality into voting sub-divisions, so that there shall not be more than two hundred electors in each voting sub-division.

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

New division.

60. Whenever any one of such voting sub-divisions shall contain more than three hundred electors, it shall be the duty of the council to subdivide by by-law, such voting sub-division, into others not containing more than two hundred electors each.

Idem.

61. The council may, always and at any time, for the greater convenience of the electors, amend or repeal any by-law made under the two last sections, and may make a new division as provided by section 59.

62. No by-law made under the three preceding sections, shall be appealed from to the county council. Appeal.

63. Every by-law or municipal order dividing a municipality into voting sub-divisions or other analogous sub-divisions, in force upon the coming into effect of this act, shall remain in force until the same is replaced or repealed under the authority of this act. Old voting sub-divisions.

64. The list of municipal electors of the city of Montreal, as annually drawn up, revised and closed, under the authority of the acts now in force in relation to the same, shall be for all purposes, the list of parliamentary electors, —including therein such persons as shall have been struck from the municipal list for default of payment of municipal taxes within the delay prescribed. List of electors in Montreal.

SECOND PART.

HOLDING OF PARLIAMENTARY ELECTIONS.

I.—GENERAL PROVISIONS.

65. Whenever a new legislative assembly is summoned, 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 one and the same day. One day only for general elections.

Such day shall be fixed and established by the lieutenant-governor, in the proclamation ordering the general election. Day to be fixed.

66. 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 and established by the lieutenant-governor. Particular election.

67. Every writ of election shall mention the day so fixed and established, for the nomination of the candidates, at the election for which such writ shall have been issued. Mention in the writ.

68. Nevertheless in the electoral districts of Gaspé, and of Chicoutimi and Saguenay, the day for the nomination of the candidates, shall be left to the selection of the returning officer, who shall fix the same in his proclamation, as he may deem advisable, subject to the application of section 101. Exception.

Nomination.

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

New writ.

70. In the event of the destruction or loss of any writ of election, before the same has been received by the returning 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.

71. Every writ of election shall bear date, and be returnable, on such days which shall have been fixed by the lieutenant-governor.

Writs at general elections.

72. 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.

73. The voting, in all the electoral districts in which the same is to be held, shall take place on the seventh day next after that of the nomination of candidates, that is, the same or corresponding day of the week next after that in which the nomination has taken place.

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

Exception.

74. Nevertheless in the electoral districts of Gaspé, and of Chicoutimi and Saguenay, the day of the voting shall be fixed by the returning officer, provided that the day so fixed be not a holiday, and that it be not removed from that of the nomination for Gaspé, less than fifteen or more than thirty days, and for Chicoutimi and Saguenay, less than eight or more than fifteen days.

Address of writ.

75. 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 the absence of such person, to a person who being competent to discharge such office, shall be appointed by the lieutenant-governor under section 81.

Form.

76. Writs of election shall be drawn up in accordance with form C; and they shall be forwarded by mail to the different returning officers, unless the lieutenant-governor orders otherwise.

Copy for registrar.

77. 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 returning officer.

II.—RETURNING OFFICERS.

78. The following persons may act *ex-officio* as returning officers : Ret. Offi. *ex-officio.*

1. The registrar, for each electoral district comprised either in whole or in part, within the limits of the registration division of which he is the officer ;

2. The sheriff, for each electoral district comprised either in whole or in part, within the district for which he is appointed.

79. 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. Idem.

If there is, within one electoral district, 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.

80. 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* as returning officer. Who, of several, shall act.

81. 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 such returning officer. Ret. offi. appointed.

III.—PROCEEDINGS ON RECEIPT OF THE WRIT OF ELECTION.

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

83. The returning officer before acting in any 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. Oath.

84. Every registrar, unless he is returning officer shall, without delay, upon receipt of the notice given under section 77, transmit to the returning officer a copy certified Registrar transmits list to ret. offi.

by him of each of the lists of electors in force, for the electoral district, which has been deposited in his office, and this under a penalty not exceeding two hundred dollars, or imprisonment not exceeding six months in default of payment.

The registrar shall be entitled to a fee of three cents for every ten electors entered upon any copy so transmitted.

1. *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 as returning officer.

Oath.

86. The election clerk, before acting as such, shall take the oath prescribed in form F, either before the returning officer or a justice of the peace, who shall give him a certificate according to form FF.

New election clerk.

87. If the election clerk dies, or is prevented from performing his duties through sickness, absence or other cause, or if he refuses to accept such office, or neglects to perform the duties of the same, the returning officer may appoint in the same manner another competent person to be his election clerk.

His duties.

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

When the clerk acts as returning offi.

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, and this without being bound to take any further oath.

2. *Establishment of Polls.*

Polls.

89. The returning officer, upon receipt of the writ of election, shall establish a poll in each voting sub-division, which shall appear by the list of electors, in each municipality, to have been established under sections 59, 60 or 61.

He shall also establish a poll in each municipality, wherein the number of electors does not exceed three hundred.

90. If it does not appear by the list of electors, in any municipality, that the council has divided such municipality into voting sub-divisions, as required by sections 59 and 60, the returning officer shall himself divide the whole municipality into voting sub-divisions not containing more than two hundred electors each, and shall establish a poll in each of the said voting sub-divisions. **When the return. offi. makes sub-divisions.**

91. If the required division having been made, it appears by such list, that any voting sub-division contains more than three hundred electors, the returning-officer shall divide each such sub-division, into other voting sub-divisions, not containing more than two hundred electors each, and shall establish a poll in each of such latter sub-divisions. **Idem.**

92. Every division of voting sub-division, made by the returning officer, under one or other of the two preceding sections, shall only avail for the election in respect of which it was made. **Duration of such sub-division.**

93. The returning officer may, if he deems it advisable, establish one or more other polls in any voting sub-division, even if the number of electors therein be less than that hereinabove set forth, in the event of the extent of the voting sub-division and the distance of a certain number of electors from the first poll, rendering the same necessary. **Case of several polls in one sub-division.**

94. 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 part in any other municipality. **Polls, their distance.**

95. Electors shall vote only in the voting sub-division, in which is situated the property entitling them to vote. **Where votes shall be given.**

3. *Proclamation announcing the Election.*

96. The returning officer, within the eight days next after the receipt of the writ of election, shall by proclamation under his hand, according to form G, and published in the French and English languages, set forth: **Proclamation.**

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 different polls by him established, together with the territorial limits of each of such polls.

Place of nomination.

97. 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.

Hour.

98. The hour fixed for the nomination of candidates shall be between noon and one o'clock in the afternoon.

Publication of the law against corruption.

99. 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 sections 245, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 264, 265, 266, 267, 268, 269, 270, 272 and 274 of this act.

Posting up.

100. 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, in four of the most public and conspicuous places in each municipality or part of a municipality, included in the electoral district

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.

Gaspé and Chicoutimi and Saguenay.

101. 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

Gaspé.

102. In the case of an election for the electoral district of Gaspé, if the returning officer cannot, from difficulties of navigation, communicate with the Magdalen Islands, the election shall not be annulled, from the proclamation not having been published in such Islands.

Change of nomination day.

103. If, owing to unforseen 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 die before the close of the poll, the returning officer may fix and establish 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 such election shall be conducted as in ordinary cases.

The returning officer in his return of the election, shall transmit to the clerk of the crown in chancery, a special return of the reasons which so occasioned the postponement of the election.

IV.—NOMINATION OF CANDIDATES.

104. 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. Mode.

105. 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 christian name and surnames, residence, profession or description of the candidate, in such manner as sufficiently to establish his identity. Signature of 25 electors.

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.

106. Each nomination paper shall be accompanied by the consent in writing of the person nominated, except such person be absent from the province. In the latter case the nomination paper shall set forth his absence. Consent of candidate.

107. 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.

108. The nomination papers may also be filed with the returning officer, at any other place and at any other time between the date of the proclamation and the day of nomination, with the same effect as if produced at the time and place set forth in the preceding section. Filing before nomination.

109. A sum of two hundred dollars 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 be returned to him in the event of his being elected or of his obtaining at least one-half of the votes polled in favor of the candidate elected; otherwise it shall belong to the province of Quebec.

The different sums so paid and not withdrawn, shall be, by the returning officer, applied towards the payment of the election expenses; and an account thereof shall be rendered to the provincial treasurer.

Receipt.

110. 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 produced, and that the required sum has been paid.

Affidavit.

111. 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 upon some of the lists of electors in force in the electoral district, and that they have signed 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.

112. 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 in one or more separate affidavits, and by one or more separate persons.

Attestation of consent.

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

Oath of candidate.

114. If the nomination paper is produced by the candidate himself, the returning officer shall require such candidate to make oath that the signature subscribed to the consent is his signature; 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.

115. 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 sections 104, 105, 106, 107 or 108, 109, 111, 112, 113, and 114.

Mention of affidavit.

116. The returning officer shall endorse on the nomination paper, the fact of the production of any affidavit given under sections 111, 112 or 113, as the case may be, and of the taking of the oath under section 114.

117. If at the expiration of the delay fixed for the nomination, one person only is 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.

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

119. 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.

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

121. 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.

122. Any candidate nominated may at any time before the closing of the poll withdraw, 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 or a justice of the peace, establishing that the candidate withdrawing, voluntarily, and after reading such declaration, signed the same in their presence.

All votes given in favor of one candidate who shall have thus retired, shall be null and void.

123. If after any 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 be filed on the polling day. Duties of ret. off.

V.—ELIGIBILITY IN, AND DECLARATION REQUIRED OF CANDIDATES.

124. No person shall be elected a member of, or vote or sit as such, in the legislative assembly of this province, who is Eligibility.

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 incapacity, and proprietor in possession of lands or tenements in the province, of the value of two thousand dollars, over and above all rents, hypothecs, incumbrances and hypothecary claims thereon.

And every person who shall sit or vote without having the qualification required by this section, shall incur a penalty of two thousand dollars, for each day he shall have so voted or sat.

Declaration required.

125. Every candidate at an election shall, if a demand in writing to that effect has been filed with the returning officer, before one o'clock on the afternoon of the nomination day, by any other candidate, or by any elector, make, subscribe and deliver to the returning officer, the following declaration :

" I, A. B., do declare and certify that I am duly seized to " my own proper use and benefit, of lands or tenements in " the province of Quebec, of the value of at least two thou- " sand dollars, over and above all rents, hypothecs, incum- " brances and hypothecary claims charged upon or due or " payable out of or affecting the same ; and that I have not " collusively or colorably obtained a title to or become pos- " sessor of the said lands and tenements, or of any part " thereof, for the purpose of qualifying myself to be re- " turned a member of the legislative assembly of the pro- " vince ; and I further declare that the lands and tene- " ments in question consist of (*give here an accurate de- " scription of the lands and tenements, on account of which the " candidate deems himself qualified, as also the localities in " which they are situated.*")

Notice of demand of declaration.

126. The returning officer, unless he has either personally or through the election clerk, notified the candidate himself or one of his authorized agents, of the demand of declaration made upon him under the preceding section, shall be bound to give public notice of such demand, and to cause such notice to be posted up in the municipality in which the nomination has taken place, in the localities where the proclamation announcing the election have been posted up.

But no fees and travelling expenses shall be granted to him, in respect of such notice or posting.

Delivery of the declaration.

127. Any candidate, from whom the declaration specified in section 125, has been required, shall be bound to deliver such declaration, within the eight days following the nomination, to the returning officer, or to the clerk of

the crown in chancery if the returning officer has made his return.

128. The default to produce such declaration shall not, however, have the effect of preventing a candidate from being declared elected, if he ought to be so declared, by reason of the absence or withdrawal of other candidates, or from having obtained the greatest number of votes. **Default.**

129. If the candidate elect does not possess the real estate qualification required, his election may be contested and set aside, according to *The Quebec controverted elections act*, 1875. **Contestation.**

If, on the contrary, he has such qualification and has neglected to produce the declaration required, the costs of contestation on this ground, shall be borne by him. **Expenses on this head.**

130. Any person, who is, or intends to be, a candidate for election to the legislative assembly, may make voluntarily, at any time before the day of the nomination, the declaration mentioned in section 125, and may transmit the same or cause the same to be transmitted to the returning officer **Voluntary declaration.**

131. Any declaration given under the preceding section shall be made before the returning officer, or before a justice of the peace ; and such returning officer or justice of the peace shall attest such declaration, by writing below the same, the words : " Taken and acknowledged before me, " or other words to the same effect, and by dating and signing the attestation. **Before whom made.**

132. Every candidate who shall have delivered or caused to be delivered a declaration so voluntarily made and attested to the returning officer, on or before the day of the nomination, shall be deemed to have complied with the law as to such declaration. **Effect thereof.**

The returning officer, on demand, shall give without delay under his hand, an acknowledgment of the delivery of such declaration to the person delivering the same, under a penalty of one hundred dollars, or of imprisonment for three months in default of payment.

133. For all the purposes of the election, each declaration shall be deemed to have been made upon the day, on which it shall have been so delivered to the returning officer by the candidate, or by some one on his behalf, whatever be the date of the attestation thereof ; and the possession of the declaration shall be *primâ-facie* proof that the bearer has been authorized by the candidate to deliver the same to the returning-officer. **When declaration deemed made.**

Penalty.

134. Whosoever shall, wilfully and knowingly, make a false statement in the declaration given under section 125 or section 130, shall incur a penalty of five hundred dollars, or imprisonment for twelve months in default of payment.

Prohibition to substitute other estate.

135. No candidate shall subsequently substitute other lands and tenements for those specified, in the declaration given by him under any of the sections mentioned in the preceding provision.

Candidate deemed qualified.

136. Every candidate, from whom the declaration mentioned in the section 125, shall not have been demanded before one o'clock of the afternoon of the day of the nomination, shall, until proof to the contrary, be deemed to be the proprietor and in possession of lands and tenements to the amount required.

VI.—PRELIMINARIES OF THE VOTING.

Notice of voting.

137. 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 section 149.

He shall at the same time post up printed copies of the directions for the guidance of electors in voting.

Posting.

138. 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.

Returning officer shall have lists.

139. 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 custodiers thereof.

Penalty.

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, or imprisonment for six months in default of payment.

He shall not decide their validity.

140. The returning officer shall, in no case, have the right to decide upon the validity or sufficiency of the list of electors.

1. *Of Deputy Returning Officers.*

141. The returning officer, by warrant under his hand, according to form L, shall appoint a competent person to act as deputy returning officer, at each poll established by him. Dep. ret. officer.

142. 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. New dep. ret. officer.

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.

143. Each deputy returning officer, before acting as such, shall take and subscribe before the returning officer or before a justice of the peace, the oath set forth in form M, and a certificate of the taking of such oath, shall be delivered to him according to form N, by and under the hand of the person administering the same. Oath.

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

Each copy, or extract of the list, shall be certified, either by the returning officer or by the legal custodier of the lists from which such copies or extracts are taken.

145. If the list, extract or copy 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, extract or copy, is supplied to such deputy returning officer. Loss of list.

146. 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. Ballot box.

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

147. When the returning officer has not supplied the deputy returning officer with the ballot box within the delay prescribed in the preceding section, it shall be the duty of the latter to cause one to be made. Dep. ret. off. shall cause one to be made.

Ballot papers.

148. 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 voters to mark their ballot papers.

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

Form of ballot paper.

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

The names and description of each candidate shall be set forth on the ballot paper, as they shall have been set forth on the nomination paper.

Directions.

150. The returning officer shall also furnish to each deputy returning officer at least ten copies of 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.

2. *Of Poll Clerks.*

Poll clerk.

151. 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.

152. 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.

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.

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

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

154. 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. **Duties.**

155. 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 fulfill all the duties and obligations thereof, in the same manner as if he had been appointed deputy returning officer, without being obliged, for such purpose, to take any new oath. **Replaces the dep. ret. off.**

156. Whenever any poll clerk shall act in the case provided for in the preceding section, 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 a 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.

VII.—VOTING.

157. The voting shall take place in a room or building of convenient access, with a door for the admittance of the voters, and having, if possible, another door through which they may leave, after having voted. **Place of voting.**

158. 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.**

159. Each deputy returning officer shall open the poll assigned to him, at the hour of nine of the clock in the morning, and 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.**

Who may remain in the room.

160. In addition to the deputy returning officer and the poll clerk, no persons 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.

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

Oath of agents.

161. One of the agents of each candidate, or in the absence of such agent one of the electors representing a candidate under the preceding section, shall take the oath 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 section 172.

Examination of the box.

162. 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.

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

Voting.

163. Immediately after the box shall have been locked, the deputy returning officer shall call upon the electors to vote.

Facility of voting.

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

Mode of voting.

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

Idem.

166. If such name be found on the list of electors for the voting sub-division of such poll, 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, and on the annex whereof, a number corresponding to that opposite the voter's name on the voter's list.

Oath.

167. 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 can-

didates or one of their agents, or by any elector present, shall take the following oath, and under such oath answer affirmatively to questions, numbers 1, 2 and 3, and in the negative to questions numbers 4, 5, 6 and 7, of this section:

"You swear to answer the truth and nothing but the truth to the questions which will be put to you: So help you God."

1. "Are you (*name of voter as entered on the list,*) whose name is entered on the list of electors now shown to you? (*showing the list to the elector.*)

2. "Are you a subject of Her Majesty?

3. "Are you of the full age of twenty one years?

4. "Have you voted before at this election, for this electoral district, at this or any other poll?

5. "Has any promise been made to you, or to your wife, or to any of your relations, friends or other person, to induce you to vote at this election?

6. "Have you received any thing for yourself, either through your wife or through any member of your family, or in any other manner to induce you to vote at this election, or in relation to your vote at this election, or are you acting, have you acted or do you intend to act, in the interest of any candidate at this election, either as paid carter or paid canvasser, with the view of obtaining anything for your trouble?

7. "Have you been guilty of any other corrupt practice, which disqualifies you from voting at this election?"

Refusal to swear.

168. No ballot paper shall be given to any elector, who shall have refused to take the oath or affirmation mentioned in the preceding section, when thereunto required, or who having taken the same, shall not have answered in the manner prescribed in such preceding section.

Oath exacted by dep. ret. officer.

169. Whenever any deputy returning officer has reason to know or believe that any person presenting himself to vote, has already voted at the election, and presents himself with the view of voting again, or that such person desires to vote under a false name or designation, or falsely gives himself out or represents himself as entered upon the list of electors, such deputy returning officer, whether he be required to do so or not, shall administer to such person the oath authorized by law.

Preparation of the ballot paper.

170. The elector, on receiving the ballot paper shall forthwith proceed into one of the compartments of the poll, and there shall mark his ballot paper, marking a cross or other mark on the right-hand side, opposite the name of the candidate for whom he intends to vote, after which he shall fold it up and hand it to the deputy returning officer.

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 and destroyed the annex, he shall, immediately and in the presence of the voter, place the same in the ballot box.

Entries in poll book.

171. 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 his ballot paper shall have been deposited in the ballot box;

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

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.

172. The deputy returning officer, on application of any voter 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 voter:

1. By marking his ballot paper in favor of the candidate mentioned by the voter, in the presence only of the sworn agents or of the sworn electors, as the case may be; and

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

Mention thereof in poll book.

173. Whenever a voter shall have had his ballot paper prepared in conformity to the preceding section, mention of the fact shall be made in the poll book opposite to the name of such voter.

Votes of election officers.

174. 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 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 shall be employed.

On the production of such certificate, such person, if actually employed at a poll as deputy returning officer, poll clerk or candidate's 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.

Mention.

Mention shall be made in the poll book, opposite the name of such voter, of the fact of his having voted under this section.

Spoiled ballot paper.

175. 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 delivering the same to the deputy returning officer, obtain another ballot paper.

176. No person shall vote more than once in the same electoral district. One vote only.

177. If a person representing himself to be a particular 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 specified in section 167, 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 section 167, as well as of any objections made to such vote on behalf of any of the candidates and of the name of such candidate.

178. 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. Interpreter.

179. 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. Delay to be avoided.

180. 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, and further of incurring a penalty not exceeding two hundred dollars, or imprisonment not exceeding six months in default of payment. Prohibition against taking ballot paper away.

181. 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. Prohibition to exhibit it.

182. With the exception of the case in section 172, no person shall interfere with, or attempt to interfere with, a voter when preparing his ballot paper, or otherwise make any attempt to obtain at the poll information as to the name of the candidate for whom any voter at such poll is about to vote or has voted. Interference prohibited.

183. Every election officer, candidate, agent and elector in attendance at a poll, shall maintain and aid in maintain- Secrecy.

ing 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.

Idem.

184. 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.

Penalty.

185. Whoever acts in contravention of any of the provisions of the four preceding sections, shall be liable to a penalty not exceeding two hundred dollars, or imprisonment not exceeding six months in default of payment.

Idem.

186. Whoever,

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

2. Shall fraudulently take out of the poll any one or more ballot papers; or

3. Shall attempt to commit any of the acts specified in this section, shall, for each offence, incur, if he be an election officer or other person engaged in the election, a penalty of one thousand dollars, or imprisonment for two years in default of payment, or if he be any other person, a penalty of five hundred dollars, or imprisonment for six months in default of payment.

Secrecy protected.

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

Certain witnesses need not appear on voting day.

188. 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.

VIII.—COUNTING THE BALLOT PAPERS.

Counting the ballot papers.

189. Immediately after the close of the poll, the deputy returning officer shall open the box containing the ballot papers, and proceed to count the number of votes given for each candidate; and this 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 and his agents, in the presence of at least three electors.

190. 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 the deputy returning officer;
2. All those by which more than one vote has been given;
3. All those upon which there is any writing or marks, or indications by which the voter could be identified.

191. After the other 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 for each candidate shall be put into separate envelopes or parcels; those rejected shall also be put into a different envelope or parcel. **Ballot papers counted and replaced in the box.**

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

192. 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 any question arising out of the objection. His decision shall be final, and shall only be reversed on petition, questioning the election or return. **Objections noted and decided.**

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

193. The deputy returning officer shall make out a statement indicating the number: **Statement of ballot papers and suffrages.**

1. Of the accepted ballot papers;
2. Of the votes given to each candidate;
3. Of the rejected ballot papers;
4. Of the spoiled and returned ballot papers; and
5. Of the ballot papers which have not been used and which are returned by him.

He shall make and keep a copy of such statement and enclose the original in the ballot box. **Placed in box.**

194. He shall also place in the ballot box, all 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. **Documents placed in box.**

The poll book, his commission, that of the poll clerk, their oaths of office, 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.

195. The ballot box shall then be locked and sealed, and shall be returned to the returning officer, or to the election clerk. **Delivery of the box.**

Special messenger.

196. If either of these officers be unable to receive or collect the ballot boxes, such boxes 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 W.

Oaths of ret. off. and clerk.

197. The deputy returning officer and poll clerk shall respectively take the oaths according to forms X and XX, each taking the oath proper to him.

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

Such oaths shall be annexed to the statement mentioned in section 193.

Certificate of number of votes.

198. The deputy returning officer, on being requested so to do, shall deliver *gratis* to each candidate or his agents, or in their absence to the electors representing him, a certificate of the number of votes given for each candidate, and of the number of rejected ballot papers.

Secrecy at counting.

199. 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 in any particular ballot paper, or communicate to any person whatever any information obtained at such counting in relation thereto.

Penalty.

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

IX.—CLOSE OF THE ELECTION.

Opening of the boxes by the returning officer.

200. 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, notified of the day and hour, and shall ascertain the number of votes given for each candidate, from the statements found in the several ballot boxes returned by the deputy returning officers.

Loss of boxes.

201. If the ballot boxes, or any of them, have been destroyed, lost, or not forthcoming, the returning officer shall forthwith ascertain 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 of these documents.

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

202. If, in the case of the preceding section, the lists, statements, certificates, or copies thereof cannot be obtained, the returning officer shall ascertain by such evidence as he may be able to obtain, the total number of votes given to each candidate at the several polls, where ballot boxes are missing. **Manner of establishing the election.**

203. In the case of the two preceding sections, the returning officer shall state in his return the circumstances attending the disappearance of the boxes, and the means adopted by him to establish the number of votes polled for each candidate. **Report of ret. off. in such case.**

204. The candidate who, on the final summing up of the votes, shall be found to have a majority of votes, shall be then declared elected. **Candidate elected.**

205. When, on the final addition of votes, an equality of votes is found to exist between any of 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. **Casting vote of the ret. off.**

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

206. Immediately 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. **Return.**

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

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

208. 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 statements already required, he shall make any observation he may think proper, as to the state of the ballot boxes or ballot papers as received by him. **Report.**

Documents to be transmitted to clerk of the C. in C.

209. 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 section 200, together with the ballot papers, the lists 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 transmission.

210. The various transmissions required under the four preceding sections shall be sent through the post office, after being registered.

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

Custody of boxes.

211. After the close of the election the returning officer shall cause the ballot boxes used at the election, to be deposited in the custody of the sheriff of the district, or of the registrar of the registration division, in which the nomination was held.

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

Subsequent use.

212. At the next ensuing election, such ballot boxes shall be delivered to the returning officer for such election, by the then custodier thereof.

X.—GENERAL PROVISIONS.

Publication of the election.

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.

The C. C. C. shall preserve papers for a certain time

214. The clerk of the crown in chancery shall retain in his possession the papers transmitted to him by any returning officer, with the return, 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.

Shall give copies thereof.

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 ballot papers.

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

216. No person shall be allowed to inspect any admitted or rejected ballot papers in the custody of the clerk of the crown in chancery, or obtain the production thereof, except under the rule or order of the superior court of the province, or a judge thereof. Inspection of ballot papers.

Such rule or order shall be granted by such court or judge, on evidence on oath, that the inspection or production of such ballot papers is required for the purpose of instituting or maintaining a prosecution for an offence in relation to such ballot papers, or for the purpose of preparing or sustaining a petition questioning an election or return.

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.

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.

217. The property of the ballot boxes, ballot papers, and instruments used in marking ballot papers, procured for or used at any election, shall be in Her Majesty. Property of boxes, ballot papers, &c.

218. Whoever, at any time, before, during, or after the voting, shall: Penalty.

1. Forge or counterfeit, or fraudulently alter, deface or destroy any ballot paper; or
2. Without authority, supply one or more ballot papers to any person whomsoever, or mark the same; or
3. Destroy, take, open or manipulate, without authority, any ballot box, or parcel of ballot papers which are or have been used, at an election; or
4. Attempt to commit any breach of the provisions of this section,

Shall incur, for each offence, if he be an election officer or other person engaged in the election, a penalty of one thousand dollars, or imprisonment for two years in default of payment; or, if he be any other person, a fine of five hundred dollars, or imprisonment for six months in default of payment.

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. Authorized agent.

220. A candidate may himself undertake the duties which any agent of his, if appointed, might have under- The candidate is his own agent.

taken, or may assist his agent in the performance of such duties.

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 as have, in fact, attended at the time and place where such act was done.

Absence.

The non-attendance of any agents or agent shall not, if the act or thing be otherwise duly done, invalidate the same.

Errors and omissions which do not annull the election.

222. No election shall be declared invalid by reason:

1. Of 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. Of 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.

XI.—PROVISIONS APPLICABLE TO THE VARIOUS ELECTION OFFICERS.

Who shall not be election officers.

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

1. Members of Her Majesty's privy council, of the senate and commons of Canada;

2. Members of the executive council, the legislative council and the legislative assembly of this province, and of any other province of the Dominion;

3. Ministers, priests or ecclesiastics of any religion or religious denomination whatsoever;

4. Judges of the court of Queen's bench, of the superior court, of the court of Vice-Admiralty and general sessions of the peace, recorders, and district or police magistrates;

5. Any person who has served as a member 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;

6. Sheriffs, registrars, or other persons who shall have been found guilty by the legislative assembly, or by any

court for the trial of controverted elections, or other competent tribunal, of any offence or dereliction of duty under this act.

224. 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 one.

225. No person who has been, by the two preceding sections 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, or imprisonment for three months in default of payment. Penalty.

226. None of the following persons, unless they be sheriffs or registrars, shall be obliged to act in the capacity of returning officer, election clerk, deputy returning officer, or poll clerk: Exemption.

1. The professors of any university, college, seminary, lyceum or academy;
2. Physicians and surgeons;
3. Millers;
4. Post-masters and custom house officers, or employés 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.

227. No person shall be obliged to act as deputy returning officer or poll clerk, in any municipality in which he is not domiciled. Idem.

228. Any person, even the sheriff 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.

229. Whoever is entitled to claim the exemption granted by either of sections 226, and 228, shall claim such exemption within the two days after receipt of the writ of election or commission, as the case may be, by a letter setting forth the reasons for his claim, addressed to the officer who had given the commission, or transmitted the writ of election. Demand of exemption.

In default of so doing, he shall be debarred from claiming such exemption, and subject to the penalties prescribed for his refusal to accept.

230. Any person, being competent to discharge the office of returning officer, election clerk, deputy returning Persons bound to accept.

officer or poll clerk, shall be obliged to accept such office, unless he be exempt and has claimed exemption within the prescribed delays, under a penalty of two hundred dollars, or of imprisonment for six months in default of payment.

Penalty for refusal or neglect.

231. 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, or imprisonment for six months in default of payment, except in the cases otherwise provided for.

Oath administered by the ret. off. or the dep. ret. off.

232. The returning officer at any election shall have the power of administering all the 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, except only such as may be required to be administered to the returning officer.

Manner of giving notice.

233. When the returning officer or the deputy returning officer is by this act required or authorized to give any public notice, and no special mode of giving the same is mentioned, he may give the same by advertisement, placards, handbills, circulars or such other means, as he may think best calculated to give information to the electors.

Who cannot be agent.

234. No returning officer, or deputy returning officer, or partner or clerk of either of them, 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, or imprisonment for six months in default of payment.

Penalty on ret. off.

235. Any returning officer who wilfully delays, neglects or refuses to declare elected any person entitled to be declared elected a member of the legislative assembly for any electoral district, 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 returned, shall be subject to a penalty in favor of such person of one thousand dollars, together with all damages sustained by reason thereof.

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, in default whereof, such action shall be barred.

XII.—MAINTENANCE OF PEACE AND GOOD ORDER.

236. 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 a conservator of the peace, invested with all the powers appertaining to a justice of the peace. Ret. off. and dep. ret. off. conservators of the peace.

237. The returning officer, or deputy returning officer, may require the assistance of justices of the peace, constables, or other persons present, to aid him in maintaining peace and good order at such election ; 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. Aid and constables.

238. The returning officer or deputy returning officer may arrest, or cause to be arrested, by verbal order, and place 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.

No such arrest, detention or imprisonment shall in any manner exempt the person so arrested, detained, confined or imprisoned, from any penalties to which he has become liable by reason of any thing by him done contrary to the true intent and meaning of this act or otherwise.

239. 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 fire-arm, sword, stave, bludgeon or other offensive weapon in the hands or personal possession of such person. Carrying arms, forbidden.

And any person refusing to deliver such offensive weapons shall be liable to a penalty of one hundred dollars, or imprisonment for three months in default of payment.

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

241. No persons within the voting sub-division, or ward, shall be allowed to arm themselves during the day of voting with any offensive weapon, and thus armed 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. Idem.

Exception.

242. The prohibitions mentioned in the two preceding sections 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 to, forbidden.

243. No candidate or other person shall furnish or give to any person whomsoever any flag, standard, banner, distinctive colour, ribbon, signal, cockade, or any thing 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.

244. No person, upon any pretence whatever, shall carry any flag, standard, ensign, banner, distinctive colours, 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.

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

Penalty.

246. Every person offending against any of the provisions of the six preceding sections, shall incur a fine not exceeding two hundred dollars, or imprisonment not exceeding six months in default of payment.

Hotels to be closed.

247. 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 sub-divisions or wards of a city, in which the polls are situated, under a penalty of two hundred dollars, or imprisonment for six months in default of payment.

Sale of liquors, forbidden.

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

THIRD PART.

I.—MEANS OF PREVENTING CORRUPT PRACTICES AT ELECTIONS.

248. Any act or offence punishable under any of the provisions of sections 249, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261 and 262, shall be corrupt practice within the meaning of the present act and of *The Quebec controverted elections act*, 1875. Corrupt practice defined.

249. The following persons shall be deemed guilty of bribery, and shall be punishable accordingly : Bribery.

1. Every person who directly or indirectly by himself or by any other person on his behalf, gives, lends or agrees to give or lend, or offers or promises any money or valuable consideration, or promises to procure or 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 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 ; Gift, loan, valuable consideration, &c., to induce to vote, or refrain from voting.

2. Every person who directly or indirectly, by himself, or by any other person on his behalf, gives or procures, or agrees to give or procure, or offers or promises any office, place or employment, or promises to procure, or 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 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.

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

4. Every person, 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 of an elector at any election ; Work at such election by reason of such acts.

5. Every person who advances or pays, or causes to be paid, any money to, or 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 Advance and payment of money to corrupt.

wholly or in part expended in bribery or corrupt practices at any election.

Legal expenses.

250. Nevertheless, the actual personal expenses of any candidate, including his expenses for professional services really rendered, and reasonable sum paid in good faith, for necessary printing and advertisements, shall be deemed to be expenses lawfully incurred, the payment whereof shall not constitute a breach of this act.

Bribery.

251. The following persons shall be deemed guilty of bribery, and shall be punishable accordingly:

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

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

Or after an election.

2. Every person who, after any election, directly or indirectly, himself or by any other person on his behalf, 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 refrain from voting at any election.

Bribery in relation to a candidate.

252. Whosoever, to induce a person to allow himself to be nominated as a candidate, or to refrain from becomeing a candidate, or to withdraw if he has so become:

1. Shall give or lend money, or 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, 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,

Shall be deemed guilty of bribery, and punishable accordingly.

Bribery to be or to not be a candidate.

253. Whoever in consideration of any gift, loan, offer, promise or agreement, as mentioned in the preceding section, shall allow himself to be nominated, or refuse to allow himself to be so nominated, or shall withdraw if he has been so nominated, shall be deemed guilty of bribery, and shall be punishable accordingly.

254. Any candidate or his agent who takes any bet or wager, concerning, or in relation with any election, with a qualified elector shall, as shall also such elector, be deemed guilty of bribery and shall be punishable accordingly. **Wagers forbidden.**

255. Any person guilty of any of the acts of bribery mentioned in sections 249, 251, 252, 253 and 254, shall be liable to a penalty of two hundred dollars, or imprisonment for six months in default of payment. **Penalty.**

256. 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, refreshment or provision to or for any person, in order to be elected or for being elected, or for the purpose of corruptly influencing such person or any other person, to give or refrain from giving his vote at such election, shall be deemed guilty of the offence of treating and shall be liable to a penalty of two hundred dollars, or imprisonment for six months, in default of payment. **Treating by a candidate.** **Penalty.**

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, refreshment or provision. **Votes struck off.**

257. The giving, or causing to be given, to any elector on the nomination day or day of voting, on account of such elector having voted or being about to vote, any meat, drink or refreshment, or any money or ticket, to enable such elector to procure refreshment, shall be deemed an unlawful act. And whoever shall have been guilty of such unlawful act shall for each offence be liable to a penalty of ten dollars, or imprisonment of one month in default of payment. **Treating.** **Penalty.**

258. Every person who, directly, or indirectly, by himself or by any other person on his behalf, makes use of, or threatens to make use of any force, violence or restraint, or inflicts, or threatens the infliction by himself, or by or through any other person, of any injury, damage, harm or loss of employment, or in any manner practices 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 ; and **Undue influence.**

Every person who, by abduction, duress, or any fraudulent device or contrivance, impedes, prevents, or other-

wise 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,

Penalty.

Shall be deemed to be guilty of the offence of "undue influence," and shall be punishable accordingly by a penalty of two hundred dollars, or imprisonment for six months in default of payment.

Subornation.

259. Every person who, 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 purposes 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, or an imprisonment of six months in default of payment.

Penalty.

Personation.

260. The following persons shall be deemed to be guilty of the offence of personation and shall be punishable accordingly by a penalty of five hundred dollars or imprisonment for six months in default of payment:

Penalty.

1. Whoever, 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. Whoever, having already voted at an election, applies at the same election for another ballot paper in his own name or presents himself again to vote;

3. Whoever, aids, incites, councils or facilitates the commission by any person whomsoever, of any infraction of the provisions of this section.

Conveyance of voters.

261. The hiring or promising to pay or paying for any horse, team, carriage, cab or other vehicle, by any candidate or by any other person on his behalf, to convey electors to or from the poll, or to or from the neighbourhood thereof, at any election, or the payment by any candidate, or by any person on his behalf, of the travelling and other expenses of any elector, in going to or returning from any election are unlawful acts.

Penalty.

And whoever so offends shall be liable to a fine of one hundred dollars, or imprisonment for three months in default of payment.

Hiring of vehicles.

262. 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, or imprisonment for three months in default of payment.

Penalty.

263. 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 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 the tribunal, shall give 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 tribunal. Protection.

264. Every elector who, at any election, shall have been guilty of corrupt practice, 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. Loss of right to vote.

265. At the trial of any election petition, one vote for each person proved to have voted, after having been guilty of 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. Votes struck off.

266. 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. Nullity of certain contracts.

But this provision shall not enable any person to recover back any money or other consideration paid for lawful expenses connected with such election. Proviso.

267. 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.

And such candidate shall, during the seven years next after the date of such decision, be incapable of being elected to, and of sitting in the legislative assembly, and of voting at any election of a member of that house, or of holding an office in the nomination of the crown, or of the lieutenant-governor in the province. Incapacity.

268. If it is found by the report of any court, or judge for the trial of election petitions, that any corrupt practice If corrupt practice is by agent.

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.

Engagement of persons already convicted of corrupt practice.

269. 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 eight years previous to such engagements, been found guilty of any corrupt practice, by any competent legal tribunal, or by the report of any judge or other tribunal for the trial of election petitions, the election of such candidate, if he has been elected, shall be void.

Incapacity of persons convicted of corrupt practice.

270. Any person, other than a candidate, found guilty of any corrupt practice in any proceeding in which, after notice of the charge, he has had an opportunity of being heard, shall, during the seven years next after the time at which 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.

Cessation of incapacity.

271. If at any time after any person has become disqualified under any of the four next preceding sections, the witnesses, or any of them, on whose testimony such person shall have 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 ceases and ends.

Such court shall, upon being fully satisfied that such disqualification was procured by reason of such perjury, shall make such order.

And in pursuance thereof such disqualification shall thenceforth cease and end.

Summons to a person appearing to have been guilty.

272. Whenever it shall appear 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 may 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.

Default.

273. If, at the time so fixed by the summons, the party summoned do 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 section 300.

274. If on the contrary, the party so summoned do appear, the court or judge, after hearing such party and such evidence as may be adduced, shall give such judgment as to law and justice may appertain. Appearance. Decision.

275. All fines recovered under the three preceding sections, shall belong to Her Majesty, and shall form part of the consolidated fund of the province. To whom the penalties belong.

276. No fine shall be imposed under sections 273 and 274: When no penalties are incurred.

1. If it shall appear to the judge or court that the party 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.

277. No person who has, under the laws of the Parliament of Canada, become incapacitated from sitting in the House of Commons, on account of corrupt practice, shall, during the whole period of such incapacity, be elected a member of or sit in the Legislative Assembly, or vote at any election of a member thereof, or fill any office at the nomination of the crown, or of the lieutenant-governor, in the province. Persons incapacitated from sitting in commons, disqualified.

II.—ELECTION EXPENSES.

278. No payment except in respect of the personal expenses of a candidate at an election, and no advance, loan or deposit, shall be made by or on behalf of such candidate at any election, before or during or after such election, on account of such election, otherwise than through one or more agents, whose names and addresses have been declared in writing to the returning officer, on or before the nomination day, or through one or more agents to be appointed in their place, as provided by section 280. Expenses paid by agent.

Any person making any such payment, advance, loan or deposit otherwise than through an agent appointed under this section, or under section 280, shall incur a penalty of two hundred dollars, or imprisonment for six months in default of payment. Appointment of agent. Penalty.

279. It shall be the duty of the returning officer to publish on or before the nomination day, the name and address of every agent appointed in pursuance of the preceding section. Publication of names of the agents.

280. In the event of the death or legal incapacity of any agent appointed in pursuance of section 278, the candidate shall forthwith appoint another agent in his place, by giving New agent.

notice of the name and address of the person so appointed to the returning officer, who shall forthwith publish the same as provided by the preceding section.

Delay.

281. All persons who have any charges or claims upon any candidate, for or in respect of any election, shall send in such charges or claims, within one month after the day of the declaration of the election, to the agent or agents of the candidate, otherwise such persons shall be barred of their right to recover such charges or claims, or every or any part thereof.

Idem.

282. Nevertheless in the event of the death, within this month, of any person claiming the amount of any charge or claim, the legal representative of such person shall send in such charge or claim, within one month of his obtaining probate or letters of administration, or of his becoming otherwise authorized to act as such legal representative, otherwise the right to recover such claim shall be barred.

Transmission to the candidate.

Such claims and accounts shall and may also be sent to the candidate, if there be no agent, and so long as there is not within the said month, by reason of death or legal incapacity, an agent of the candidate.

Approval required.

283. The agent shall not pay such accounts, charges or claims, without having first approved them himself, and obtained the approval of the candidate.

Statement of expenses.

284. A detailed statement of all election expenses incurred by or on behalf of any candidate, including such expected payments as aforesaid, shall, within two months after the election, be made out and signed by the agent, or if there be 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.

Supplementary statement.

If, from the death of any creditor, an account has not been sent in, within the two months next after the election, a supplementary statement shall be made and delivered as hereinabove described, within one month after such account shall have been received.

Publication.

285. The returning officer shall, at the candidate's expense, cause to be published, within fourteen days, an extract of such statement, with the signature of the agent attached thereto, in the *Quebec Official Gazette.*

Penalty.

286. Any agent or candidate failing to deliver to the returning officer, the statements required by section 284, shall

incur a penalty of two hundred dollars, or imprisonment for six months, in default of payment.

287. Every agent or candidate wilfully delivering unto the returning officer, an inaccurate statement, shall incur a penalty of five hundred dollars, or imprisonment for twelve months in default of payment. Idem.

288. The returning officer shall preserve all such accounts and vouchers, and during the six months next after they have been delivered unto him, he shall permit any elector to see and examine the same, on payment of a fee of twenty cents. Accounts kept. Examination.

III.—GENERAL PROVISIONS RESPECTING PENALTIES.

289. The following persons shall be liable to a penalty not exceeding two thousand dollars, or imprisonment for twelve months in default of payment: Penalty.

1. Whoever illegally or maliciously, either by violence or stealth, takes from a returning officer, deputy returning officer, 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 list of electors, any copy of or extract from any list of electors, any writ of election, return to a writ of election, report, certificate, affidavit, or any other document or paper prepared or drawn up in conformity with this act, or in compliance with any of the provisions thereof; or

2. Whoever illegally or maliciously destroys, injures or obliterates them, or with deliberate purpose or maliciously, causes them to be destroyed, injured or obliterated; or,

3. Whoever makes, or causes to be made, any erasure, addition or interpolation of names, in any such documents or papers; or,

4. Whoever aids, abets or contributes to their being taken, destroyed, injured or obliterated, or to the making of erasures, additions, or interpolation of names therein.

290. Whoever aids, abets or procures the commission of or participation in any breach of this act, may be prosecuted and punished, as if he had committed such breach thereof himself. Incitement to breach of act.

291. Every punishment by way of fine or imprisonment imposed by the present act, shall be incurred in addition to any punishment that may be inflicted by the parliament of Canada, for the same offence. Penalties incurred, without prejudice to others.

IV.—PROSECUTIONS RESPECTING PENALTIES IMPOSED BY THIS ACT.

Who may sue.

292. Every prosecution concerning a penalty imposed by this act, may be brought by any person of full age, in his own name, by action of debt, before any court having civil jurisdiction for the amount demanded.

Allegations required.

293. 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.

294. 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 Z.

General evidence.

295. It shall not be necessary at the trial of such suit, to produce the writ of election, or the return thereto, nor the authority of the returning officer, but parol evidence of these facts shall be sufficient proof of the same.

Certificate of the ret. off.

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.

296. The amount of any penalty which a defendant shall be condemned to pay, shall belong to the prosecutor.

Costs.

297. 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 is the defendant, the costs shall be payable over and above the penalty imposed.

Limitation.

298. Every action or prosecution brought in virtue of this act shall be instituted within twelve months next after the commission of the offence and not later, 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.

Intervention.

299. In the event of suspension or delay at any stage of the proceedings, the judge or court before whom the cause is pending, may permit one or more persons to inter-

vene 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.

300. If it appears by the return to a writ of execution, or by the subsequent proceedings, that the defendant condemned to a penalty and costs, 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 was imposed. **Imprisonment ordered, in default of payment.**

Nevertheless the defendant may procure his release from such imprisonment, by paying in full, the amount of the penalty and interest, together with the costs incurred as well before as after judgment. **Discharge.**

V.—FEES AND EXPENSES.

301. The following allowances and sums shall be accorded to the different election officers, for their services and disbursements: **Fees.**

To Returning Officers.

1. For the personal service of the returning officer, fifty dollars, whether or not polls are held;
2. For the personal services of the election clerk, four dollars, or if polls are held, eight dollars;
3. For services of one constable, if considered necessary at the nomination, one dollar;
4. For printing proclamations, lists of candidates, and directions to electors, actual cost;
5. For posting proclamations, for each mile necessarily travelled going and returning, actual cost, not exceeding ten cents per mile;
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;
7. For posting up notices of voting, in appointing and swearing the deputy returning officers, and furnishing them with ballot boxes, ballot papers, printed directions for the guidance of electors, and lists of electors, actual cost not exceeding ten cents for each mile, necessarily travelled going and returning;
8. For establishing voting sub-divisions, when such divisions have not been made by the local authorities, actual cost not exceeding ten cents for each mile, necessarily travelled going and returning;

9. For copies of lists of electors duly certified by the legal custodier thereof, three cents for each ten electors ;

10. For each certificate of such custodier, fifty cents ;

11. For collecting the ballot boxes and lists of electors, used at each poll, and for swearing the deputy returning officers after the close of the voting, actual cost not exceeding ten cents for each mile, necessarily travelled going and returning ;

12. For transmitting returns, to the clerk of the crown in chancery, including postage and telegrams, actual cost ;

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

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

To Deputy Returning Officers.

15. For swearing the poll clerk before and after the voting, one dollar ;

16. For his services, four dollars ;

17. For services of poll clerk, two dollars ;

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

19. For mileage of deputy returning officer and poll clerk, in going to and returning from the poll, neither exceeding in any case 20 miles, actual cost not exceeding ten cents per mile ;

20. Actual expenses incurred for the use of polls, not exceeding ten dollars in cities, nor four dollars in other electoral districts ;

21. For making compartment or screen, in voting-room if necessary, a sum not exceeding three dollars.

Additional sums for certain localities.

302. 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, authorise the payment of such additional sums, as he shall deem just.

New tariff.

303. The lieutenant-governor in council may, if he deems the tariff, prescribed by section 301, not suitable or sufficient, make a new tariff of fees, costs and expenses, to be paid to the different election officers.

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

A copy of every tariff, and of any amendment to any tariff made under this section, shall be submitted to the legislative assembly, at the then next session of the legislature.

304. Such fees, disbursements and allowances shall be paid to the returning officer, out of the consolidated fund of the province, and shall be, by him apportioned among the different officers and persons entitled thereto. Payment of fees, &c.

The returning officer shall report respecting such distribution, through the provincial secretary. Report.

305. Nevertheless, no returning officer, election clerk, deputy returning officer, or poll clerk shall be entitled to the costs or expenses incurred by him on going to the person, before whom he must take any oath required of him. No fees for going to take this oath.

FINAL PROVISIONS.

306. The following acts, in so far as they concern the province of Quebec, or the matters submitted to the exclusive control of the legislature of this province, are hereby repealed: Repeal.

Chapter six of the consolidated statutes of Canada; C. S. C., c. 6.

The act of the late Province of Canada, twenty-third Victoria, chapter seventeen; 23 Vict., c. 17.

The act of the late province of Canada, twenty-fourth Victoria, chapter twenty-five; 24 Vict., c. 25.

The act of the late province of Canada, twenty-seventh Victoria, chapter eight; 27 Vict., c. 8.

The act of the late province of Canada, twenty-ninth and thirtieth Victoria, chapter thirteen; 29-30 Vict., c. 13.

And all other acts and parts of acts or legal enactments inconsistent with this act. Inconsistent acts.

307. 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 directions.

308. The clerk of the crown in chancery may, for the first election, cause to be made, for each electoral district, as many ballot boxes, as shall be required, or may give such directions to the returning officers, as he shall deem necessary, to procure ballot boxes of an uniform size and pattern, as also in relation to the mode of making compartments in the poll. Ballot boxes for first election. Directions.

Such directions shall have been previously approved by the lieutenant-governor in council.

Entry into force of this act.

309. This act shall come into force upon the day on which it is sanctioned.

SCHEDULE.

A

FORM MENTIONED IN THE 22ND SECTION.

PROVINCE OF QUEBEC, Municipality of (*the parish of St. James*, in the County of Levis.)

List of Parliamentary Electors.

VOTING SUB-DIVISION *Number One.*

SURNAMES.	NAMES.	OCCUPATIONS.	PROPRIETORS, TENANTS OR OCCUPANTS.	DESCRIPTION OF IMMOVABLE.
Aubin	Jean Baptiste	Farmer	Proprietor	*Des Pins* Concession.
Bedard	Joseph	Merchant	Tenant	Township of Ely, 3rd range, No. 19.
Charette	Jacques	Gentleman	Occupant	Côte St. Michel.

VOTING SUB-DIVISION *Number Two.*

Arnaud	Paul	Notary	Proprietor	St. Amable Street, No. 4.
Béland	Jérémie	Advocate	Tenant	St. Peter Street, No. 10.
Carreau, senior	Homère	Shoemaker	Occupant	" " No. 11.
Carreau, junior	Homère	Blacksmith	Proprietor	St. Paul Street, No. 5.

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 inserted therein or omitted therefrom, unduly or by fraud: So help me God.

Sworn this day of 18 , before the undersigned F. F., Justice of the Peace.

P. P.,
Secretary-Treasurer.

If the Cadastre in the Municipality has been completed, the description of the immovable by the number given in the Cadastral plan and book of reference will be sufficient.

The list of electors shall be made in duplicate, that is to say: the Secretary 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 shall, on the same day, give the notice required by section 21 *in the manner ordinarily in use for municipal matters, and at the expiration of the* 30 *days next after such notice, he shall place at the end of the list on each duplicate, the certificate given in the following form.*

B

FORM MENTIONED IN SECTION 37.

I, the undersigned, P. P., Secretary-Treasurer, certify, on my oath of office:

1. That I have given the notice required by section 21 of *The Quebec Electoral Act;*

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 notice required by section* 21,) 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 section* 21;)

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 notice required by section* 21.)

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

P. P.,
Secretary-Treasurer.

C.

FORM MENTIONED IN SECTION 76.

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 the sheriff (registrar *or other returning officer as the case may be,*) of the district (*as the case may be*) of

GREETING:

WHEREAS by the advice of Our Executive Council for Our Province of Quebec, We have ordered a Parliament to be holden at Quebec, on the day of next, (*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 vacancy*); and (*except in the electoral districts mentioned in section* 68,) that you do cause the nomination of candidates at such election to be held on the day of next; and do cause the name of such member, 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 next.

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, &c, 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),

Clerk of the Crown in Chancery, Quebec.

Indorsement.

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

(Signed,)
A. B.,
Sheriff (*or as the case may be,*)
Returning Officer.

D

FORM MENTIONED IN SECTION 83.

Oath of the Returning Officer.

I, the undersigned, A B., returning officer for the electoral district of , solemnly swear (*or, if he be 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 SECTION 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*) of office in such case required of a returning officer by section 83 of *The Quebec Election Act.*

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

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

E

FORM MENTIONED IN SECTION 85.

Commission of an Election Clerk.

To E. F., (*set forth his legal addition 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 SECTION 86.

Oath of the Election Clerk.

I, the undersigned, E. F., appointed election clerk for the electoral district of , solemnly swear (*or, if he be 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 in that of returning officer if required to act as such, according to law, without partiality, fear, favor or affection: So help me God.

(Signature,)

E. F.,
Election Clerk.

FF

FORM MENTIONED IN SECTION 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) of office required in such case of an election clerk, by section 86 of *The Quebec Election Act.*

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 SECTION 96.

Proclamation of the returning officer declaring the time and place fixed for the nomination of candidates, and also the day for opening the poll, and the polls and voting sub-divisions.

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 of, *or other locality, as the case may be,*) of on the day of the month of in the year 18 , from noon until one 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 in the morning till five of the clock in the afternoon, in each of the voting sub-divisions, that is to say :

For the voting sub-division 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 sub-divisions and polls in the electoral district.*)

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 18

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

H

FORM MENTIONED IN SECTION 104.

Nomination Paper.

We, the undersigned electors of the electoral district of , hereby nominate (*names, 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 residences and occupations.

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

(*Signature,*)

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

Witness my hand at this day of , 18 .

(*Signature,*)

Signed by the said in presence of

(*Signature,*)

I

FORM MENTIONED IN SECTION 111.

Oath of attestation of the nomination paper and of the consent of the candidate.

I, A.B., of (*profession*) solemnly swear (*or, if he be 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 }
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 SECTION 117.

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 the nomination paper*), no other candidate having been nominated, (*or* the other *or* other candidates having withdrawn, *as the case may be*).

(*Signed,*) A. B.,
Returning Officer.

K

FORM MENTIONED IN SECTION 137.

Notice of polls being granted, and of candidates nominated.

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 DUREAU, of the town of Sorel, county of Richelieu, merchant ;

2. JOSEPH MEUNIER, of the city of Montreal, 10 Fontaine street, physician.

3. ANTOINE RICHARD, of the parish of St. Henry, county of Levis, farmer.

4. JOSEPH RICHARD, of the town and county of Levis advocate.

(*As in the nomination papers.*)

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 SECTION 141.

Commission of a Deputy Returning Officer.

To G. H. (*insert his legal addition and residence.*)

Know you, that in my capacity of returning officer for the electoral district of , I have appointed, and do hereby appoint you to be deputy returning officer for the voting sub-division of (*description of this voting sub-division*) in the electoral district of , there to take and record 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 obliged to open and hold the poll for such election for the said voting sub-division on the day of the month of instant (*or* next), at nine of the clock in the forenoon ; at (*detailed description of the place where the poll must be held*), and there hold this 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 SECTION 143.

Oath of Deputy Returning Officer.

I, the undersigned, G. H., appointed deputy returning officer for the voting sub-division of (*description of the voting sub-division*) in the electoral district of solemnly swear (*or, if he be one of the persons permitted by law to affirm in civil cases,* solemnly affirm,) that I will act faithfully, in my said capacity of deputy returning officer, without partiality, fear, favor, or affection: So help me God.

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

N

FORM MENTIONED IN SECTION 143.

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 sub-division of (*description of the voting sub-division,*) in the electoral district of ; took and subscribed before me the oath (*or* affirmation) of office required in such case of a deputy returning officer, by section 143 of *the Quebec Election Act.*

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 SECTION 149.

Ballot Paper.

Election for the Electoral District of 18 .	1	DUREAU. [Jean Dureau, town of Sorel, county of Richelieu, merchant.]	
	2	MEUNIER. [Joseph Meunier, city of Montreal, 10, Fontaine street, Montreal.]	
	3	RICHARD. [Antoine Richard, of the parish of St. Henri, county of Lévis, farmer.]	X
	4	RICHARD. [Joseph Richard, of the town and county of Lévis, advocate.]	

.....

ANNEX

The ballot paper shall be perforated by a line of points, along the line of black points.

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 will go into one of the compartments, and with a pencil there provided, place a cross opposite the name of the candidate for whom he votes.

The voter will then fold the ballot, so 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 afterwards be identified, his vote shall be void, and will not be counted.

If the voter takes a ballot paper out of the poll or fraudulently puts into the ballot box, any other paper than the ballot paper given him by the deputy returning officer, he will be subject to be punished by fine of five hundred dollars, or imprisonment for six months.

P

FORM MENTIONED IN SECTION 151.

Commission of a Poll Clerk.

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

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

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

(Signature,)

G. H.,
Deputy Returning Officer.

Q

FORM MENTIONED IN SECTION 153.

Oath of a Poll Clerk.

I, the undersigned, I. J., appointed poll clerk for the voting sub-division of (*description of voting sub-division*) in the electoral district of , do solemnly swear (*or, if he be one of the persons permitted by law to affirm in civil cases*, do solemnly affirm,) that I will act in my said capacity of poll clerk, and also in that of deputy returning officer, if required to act as such, according to law, faithfully, without partiality, fear, favour or affection: So help me God.

(Signature,)

I. J.,
Poll Clerk.

R

FORM MENTIONED IN SECTION 153.

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 sub-division of (*description of voting sub-division*) in the electoral district of took and subscribed before me the oath (or affirmation) of office required of a poll clerk, in such case, by section 153 of *the Quebec Election Act.*

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 SECTION 156.

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 sub-division 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 sub-division,

whose poll clerk I was, I have appointed, and do hereby appoint you to be poll clerk for the voting sub-division 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

Oath o Agent of a Candidate, or of Elector respecting a Candidate, under Section 161.

I, the undersigned, G. H., Agent for (*or* Elector representing) J. K., one of the candidates at the election now pending for the electoral district of , solemnly swear (*or, if he be 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 sub-division 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

A. B.,
Returning Officer,
or, C. P., Justice of the Peace.

U

FORM MENTIONED IN SECTION 165.

Poll Book.

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

W

FORM MENTIONED IN SECTION 196.

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 , in the province of Quebec, do solemnly swear that the several boxes, to the number 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, nor 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 stating the circumstances.*

(Signature,) J. B.

Sworn (*or* affirmed) and subscribed 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.

X

FORM MENTIONED IN SECTION 197.

Oath of the Deputy Returning Officer after the closing of the Poll.

I, the undersigned, deputy returning officer, for the voting sub-division of , in the electoral district of do solemnly swear (*or, if he be 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 sub-division, under my direction,

hath 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 sub-division, 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, may be transmitted to the returning officer according to law.

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

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

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

or, A. B.,
Returning Officer.

or, I. J.,
Poll Clerk.

XX

FORM MENTIONED IN SECTION 197.

Oath of the Poll Clerk after the closing of the Poll.

I, undersigned, poll clerk for the voting sub-division of in the electoral district of do solemnly swear (*or, if he be one of the persons permitted by law to affirm in civil cases,* do solemnly affirm,) that the poll book in and for this voting sub-division, kept under the direction of G. H., who has acted as deputy returning officer therein, has been so kept by me, under his direction as aforesaid, 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 giving at the poll in this voting sub-division, 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.

Y.

FORM MENTIONED IN SECTION 207.

Certificate of Election.

I hereby certify that the member elected for the electoral district of , in pursuance of the writ, as having received the majority of votes lawfully given, is A. B., etc., (*names, etc., as in the nomination papers.*)

(Signed,) A. B.,
Returning Officer.

Z.

FORM MENTIONED IN SECTION 294.

CANADA,
PROVINCE OF QUEBEC,
District of } COURT

Plaintiff;

VS.

Defendant.

I, M. N., Plaintiff in this cause, being duly sworn upon the Holy Bible, 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, nor for the purpose of delaying or causing such action to miscarry, nor for the purpose of saving such defendant from the payment of the whole or any part of such penalty, nor of procuring to him any advantage,—but that I institute such prosecution or action in good faith, and for the purpose of recovering, exacting and enforcing the payment of such penalty with all practicable celerity.

(Signature,) M. N.

Sworn before me, at
this day of the
month of 18 .

P. S.,
Justice of the Peace.

CAP. VIII.

An Act to make better provisions for the trial of Controverted Elections of Members of the Legislative Assembly of the Province of Quebec.

TABLE OF CONTENTS OF THE ACT.

I. Interpretation 1
II. Jurisdiction 9
III. Presentation of the election petition 19
IV. Service 36
V. Preliminary objections 40
VI. Contestation on the merits 42
VII. Trial 44
VIII. Special examination of the parties and of other persons 57
IX. Demand for the production of documents 75
X. Inscription and judgment 82
XI. Withdrawal, abatement of the petition and discontinuation of proceedings by the respondent 95
XII. Duties of the speaker 118
XIII. Costs 121
XIV. Coming into force of this act 129