

The Provincial Statutes of Lower-Canada, Being the first session of the twelfth Provincial Parliament of Lower-Canada. Quebec: P. E. Desbarats, Printer to the King's Most Excellent Majesty, 1825.

5 George IV – Chapter 33

An Act to repeal certain Acts therein-mentioned, and to consolidate the Laws relating to the Election of Members to serve in the Assembly of this Province, and to the duty of Returning Officers, and for other purposes. (22d. March, 1825.)

Whereas the Act of the Parliament of this Province, passed in the forty-seventh year of the Reign of His late Majesty, intituled, "An Act to provide Returning Officers for the Election of Knights, Citizens; and Burgesses to serve in the House of Assembly, and to regulate Elections to be held for that purpose;" is defective, and the two Acts since passed in amendment thereof, will expire on the first day of May now next, and that it is expedient to repeal the said Acts, and to make more ample provision respecting Returning Officers, and for regulating the Election of Knights, Citizens and Burgesses to serve in Assembly: Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Lower-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great-Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North-America,' and to make further provision for the Government of the said Province;" And it is hereby enacted by the authority of the same, that the said Act passed in the forty-seventh year of His late Majesty's Reign, intituled, "An Act to provide Returning Officers for the Election of Knights, Citizens and Burgesses to serve in the House of Assembly, and to regulate Elections to be held for that purpose," and an Act passed in the second year of His present Majesty, intituled, "An Act to amend certain parts of an Act passed in the forty-seventh year of the Reign of His late Majesty, intituled an 'Act to provide Returning Officers for the Election of Knights, Citizens and Burgesses to serve in the House of Assembly, and to regulate Elections to be held for that purpose,' and more effectually to prevent illegal practices in the Election of Members to serve in the said Assembly, and for further securing the freedom of such Elections," and an Act passed in the fourth year of the Reign of His present Majesty, intituled, "An Act to explain an Act passed in the second year of His Majesty's Reign, chapter fourth, relating to the Returning Officers' duty, and to the Election of Members to serve in the House of Assembly of this Province," shall be, and the same are hereby respectively repealed.

II. And be it further enacted by the authority aforesaid, that the Governor, Lieutenant-Governor, or Person administering the Government of this Province for the time being, shall have power and authority to name and appoint, whenever it shall be necessary, fit and proper persons to act and officiate as Returning Officers in and for the respective Counties, Cities and Boroughs in this Province.

III. And be it further enacted by the authority aforesaid, that no Returning Officer, so nominated and appointed, shall be obliged to act and officiate as Returning Officer, at more than one Election. Provided always, that no Member of the Legislative or Executive-Council, or of the House of Assembly, or of any Religious order, or Justice of the Court of King's Bench, or Provincial Judge, or Physician,

Miller, or Maître de Poste, nor any person being sixty years of age or upwards, shall be named or appointed Returning Officer, and that no person having served as a Member of the House of Assembly during the Provincial Parliament immediately preceding, shall be nominated or appointed a Returning Officer at the general Election then next thereafter. Provided also, that no person having heretofore served as a Returning Officer, shall be again obliged; to act or officiate as such.

IV. And be it further enacted by the authority aforesaid, that every person refusing to perform the duty of Returning Officer, after having been nominated and appointed thereto, in manner aforesaid, and after his receipt of a Writ of Election, shall forfeit the sum of twenty-five pounds, current money of this Province. Provided always, that every person named and appointed Returning Officer be resident in and qualified as an Elector of the County, City or Borough for which he shall have been so named and appointed.

V. And be it further enacted by the authority aforesaid, that nothing contained in this Act, shall extend, or be construed to extend to prevent or exclude any person who shall be nominated and appointed a Returning Officer from being elected a Member of the Assembly for any County, City, Division of City or Ward thereof, or Borough, other than the County, City, Division of City or Ward thereof, or Borough, for which such person shall have been nominated and appointed Returning Officer.

VI. And be it further enacted by the authority aforesaid, that, henceforth, each and every Returning Officer shall be allowed for his fees for attending at each Election, the sum of three pounds, current money, and for drawing notifications, indentures and other necessary writings, five shillings each, as well for the French as for the English, when the same are required in both languages, together with forty shillings for furnishing and preparing a Poll book; and shall moreover be allowed one shilling per league for sending to fix up such notifications in each Parish or Township, both going and returning, and his reasonable expenses for causing the same to be fixed up in his own Parish or Township; and when the Poll shall last more than one day, he shall have a further allowance, for every other day that the Poll shall be so held, of Twenty Shillings, like money; and whenever there shall be a Poll, he shall also be allowed the sum of Ten Shillings, like money, for each and every day that the Poll shall be so held for a Clerk, and when the Returning Officer does not reside in the place where the Poll shall be so held, he shall be allowed the Post Charges of the journey—except when he shall be obliged to travel by water, and when the Returning Officer shall be under the necessity of travelling by water, a reasonable allowance for his expenses shall also be made. Provided always, that when a Poll is demanded, the Returning Officer shall cause proper and convenient hustings to be erected, or procure a proper and convenient place for holding therein the Election, the expense of erecting which hustings, or the hire of such place for holding therein the Election, shall be borne by the Candidates and the representatives of the Candidates, who shall have demanded or stood such Poll, and be paid by them to the Returning Officer at the close of the Election, to be by him distributed and paid to whom it shall appertain.

VII. And be it further enacted by the authority aforesaid, that every person who shall be nominated and appointed to act and officiate as a Returning Officer, shall, before proceeding to any Election, take and subscribe before a Magistrate the Oath Number one, in the Schedule hereunto annexed, and the certificate of such oath shall be signed by the Magistrate administering the same, and annexed to the

Return of every Writ of Election, under a penalty of fifty pounds, current money of this Province, upon every Returning Officer neglecting so to do.

VIII. And be it further enacted by the authority aforesaid, that each Returning Officer may nominate and appoint, in writing under his hand, a person to act and assist him as Clerk at the Poll, and in such case the said Returning Officer is hereby authorized and required to administer to such person the Oath Number two in the Schedule hereunto annexed, before he shall act in the said capacity of Clerk. Provided always, that nothing herein contained, shall be construed to prevent any Justice of the Peace from administering such Oath, or any other Oath authorized or required by this Act, all which any and every Justice of the Peace, on due application to him for the purpose, is hereby authorized and required to administer.

IX. And be it further enacted by the authority aforesaid, that every person nominated and appointed Returning Officer in the manner herein before directed, shall, on receiving any Writ of Election to him addressed, indorse thereon the date on which he shall have received the same, and shall within fifteen days then next following, cause public notice to be given, of the day and hour or the days and hours at which such Election will be held, at such place or places (as the case may be) as by this Act is or are fixed on for such purpose, and the said notice shall be, by an advertisement in the French and English languages, conformable to the form Number three in the schedule hereunto annexed, posted up, immediately before Divine Service, in the forenoon, at the door of every Church or Chapel, or other public place of Divine Service, and be also thereat, at the issue, or immediately after such Divine Service, publicly and audibly read, in each Parish of the City, Town, Township, Borough or County for which such Election is to be held, on a Sunday, not less than eight days nor more than fifteen days preceding the first day fixed for holding such Election, and where there is no Church or Chapel, or other public place of Divine Worship, such advertisement shall be published and posted up at the most public place or places of the County, Parish or Township; and every Returning Officer refusing or neglecting to give such notice, as is herein before directed, shall, for such offence, forfeit the sum of Thirty Pounds, current money of this Province.

X. And whereas, from the great extent of certain Counties, many of the Electors would be prevented from attending at the Elections of the said Counties, if there were only one place for holding the Election in each of the said Counties, and for this reason it is expedient to fix upon two or more places in such Counties where the votes may be taken; and whereas it is expedient also that the places for holding the Elections in the other Counties should be fixed and ascertained; Be it further enacted by the authority aforesaid, that, in future, the Elections in the respective Counties of this Province shall be held in the several places following, to wit:—The Election for the County of Gaspé, at Gaspé, and at New-Carlisle; the Election for the County of Cornwallis, in the Parish of Kamouraska, and in the Parish of Trois Pistoles; the Election for the County of Devon, in the Parish, of L'Islet; the Election for the County of Hertford, in the Parish of Saint Valier [Saint-Vallier]; the Election for the County of Dorchester, in the Parish of Pointe Levi [Pointe-Lévy], and in the Parish of Saint Joseph, Nouvelle Beauce; the Election for the County of Buckinghamshire, in the Parish of Lotbinière, and in the Parish of Nicolette Election for the County of Richelieu, in the Parish of Saint Ours and in the Parish of Saint Hyacinthe; the Election for the County of Bedford, in the Seigniorie [Seigneurie] of Saint Armand, in the Parish of Point Olivier [Pointe-Olivier]; the Election for the County of Surrey, in the Parish of Verchères;

the Election for the County of Kent, in the Parish of Longueuil; the Election for the County of Huntingdon, in the Parish of Saint Philippe and in the Parish of Châteaugay [Châteauguay]; the Election for the County of York, in the Parish of Vaudreuil, and in the Parish of Saint Eustache, on the River du Chêne; the Election for the County of Montreal, in the Parish of Saint Laurent; the Election for the County of Effingham, in the Parish of Sainte Rose; the Election for the County of Leinster, in the Parish of Saint Pierre, commonly called L'Assomption; the Election for the County of Warwick, in the Parish of Berthier, and in the Parish of Saint Paul; the Election for the County of Saint Maurice, in the Parish of Yamachiche, and in the Parish of Champlain; the Election for the County of Hampshire, in the Parish of Deschambault, and in the Parish of Pointe aux Trembles; the Election for the County of Quebec, in the Parish of Charlesbourg; the Election for the County of Northumberland in the Parish of Sainte Anne, and in the Parish of Saint Pierre, in Saint Paul's Bay [Baie-Saint-Paul]; and the Election for the County of Orleans, in the Parish of Saint Jean. Provided always, that in all cases where there is a communication by land between the two places of Election, every Returning Officer shall, and he is hereby required, to open and commence the second Poll within three days and not less than thirty-six hours after the close of the first Poll. Provided also, that where two Polls are authorized to be opened and held within the same County, the Election shall commence at each of the said places, alternately.

XI. And be it further enacted by the authority aforesaid, that, the Elections, for the Counties aforesaid, shall be held near the Churches of the Parishes herein before fixed upon for holding the same in the open air, or in some building near the Churches, provided such building be not a Tavern or Ale-House, and that free access be had thereto by every Elector; and where there is no Church, then at the most public place of the Parish, or Place fixed on for such Election by this Act.

XII. And be it further enacted by the authority aforesaid, that, every Returning Officer shall, at the time and place fixed for holding any Election, make Proclamation in the presence of the Electors then and there present, conformable to the form Number four of the Schedule hereunto annexed, and shall thereafter require the Electors then and there present, to name the person or persons of whom they make choice as a Member or Members to serve in the Assembly. And if the Candidates, or their respective Representatives, and the Electors, do agree and are so satisfied, upon a shew of hands, that the said Candidates, or any or either of them, or any other person or persons proposed by the Electors, is or are duly elected, then the said Returning Officer shall immediately close the said Election, and shall proclaim such person or persons duly elected and named as a Member or Members of the Assembly. But if any of the Candidates, or any person representing a Candidate, or any three Electors then and there present, do not agree that the Election ought to be immediately closed, and shall ask or demand a Poll, then it shall be the duty of the Returning Officer, and he is hereby required, to grant the same, and forthwith to proceed and take the votes, and enter them in a book which he shall keep or cause to be kept for that purpose, according to the form Number five in the Schedule hereunto annexed. And in all cases where an Election is to be held in a County where two places are fixed upon or appointed by this Act for holding the Poll, the Returning Officer shall not hold the said Poll more than six days at the first place, and he shall be afterwards held to adjourn the said Poll to the second place, if he be thereunto required by three Electors for the said County, duly qualified and present at the close of the first Poll, or by any Candidate, or by any person representing a Candidate then and there present. Provided always, that any Elector may, at any period of any Election, declare himself the Representative of any absent Candidate, without any special power to that effect. Provided also, that

nothing in this Act contained shall extend or be construed to extend, to prevent any Returning Officer from closing any Election to be held in virtue of this Act, at any period of such Election, if all the Candidates and the Representative or Representatives of any Candidate or Candidates consent thereto, or if no vote shall have been given during one hour, the Returning Officer having first made Proclamation of his intention to close the Poll at the expiration of one hour from the time of such Proclamation. Provided always, that after such Proclamation, an adjournment of the Poll, until the ensuing day, shall be granted, if so required by any three Electors, at which time the Election shall be finally closed, if no vote shall be given in the course of one hour, the Returning Officer having made Proclamation of his intention to that effect, previous to the commencement of such hour. And provided also, and the Returning Officer is hereby required to keep the Poll at every Election open eight hours at least in each day subsequently to the first day of Election, between eight of the clock in the morning and five of the clock in the afternoon, unless otherwise determined by the unanimous consent of the Candidates, or their Representatives, or by the final close of the Poll.

XIII. And be it further enacted by the authority aforesaid, that no Returning-Officer, or person authorized by him, to aid and assist him as a Clerk, shall refuse the vote of any person claiming a right to vote as an Elector, unless all the Candidates, and person or persons representing any Candidate or Candidates shall agree, that such person is not qualified to vote at such Election; and in every case of objection by a Candidate, or the Representative of a Candidate, to the vote of any person, the said Returning-Officer, or the person by him authorized to aid and assist him as a Clerk, shall enter in the Poll Book, opposite the Elector's name, the words "objected to," and by whom; and if required by the said Candidate, or Representative of a Candidate, shall also cause to be entered in the said Poll Book, opposite the Elector's name, the description of the property or specification of the qualification under which the right of voting is claimed.

XIV. And be it further enacted by the authority aforesaid, that as soon as any Election shall be closed, the Returning-Officer for such Election shall immediately proclaim the same, with a loud and audible voice, to the Electors then and there present, and shall immediately execute an Act or Instrument of Indenture thereof, under his hand and seal, and the hands and seals of at least three of the Electors then and there present, agreeable to the form Number six in the Schedule annexed, one part of which Act or Instrument of Indenture he shall forthwith deliver to each of the persons elected, or his representative, and the other part thereof, together with the Writ of Election, his oath and the oath of his Clerk, (if he have one,) required by this Act, he shall transmit to the Clerk of the Crown in Chancery without delay.

XV. And be it further enacted by the authority aforesaid, that it shall be the duty of the Returning Officer, immediately after the return of such Election, made in Chancery, to deposit the Poll-Book (if any there be) in the office of the Prothonotary or Prothonotaries of the Court of King's Bench, for the District; and for the Counties of Buckinghamshire and Saint Maurice, the same deposit shall be made in the Office of the Prothonotary or Prothonotaries of the Court of King's Bench for the District of Three-Rivers [Trois-Rivières]: for the County of Hampshire, in the Office of the Prothonotaries of the Court of King's Bench for the District of Quebec, and for the County of Gaspé in the Office of the Clerk of the Provincial Court of the Inferior District of Gaspé, to the end that the said Poll-Book be proof in all prosecutions respecting such Election which may take place under this Act. Provided always, that in

case of any contested Election, it shall be the duty of the Prothonotary or Clerk in whose Office the said Poll-Book shall have been deposited, to cause the said Poll-Book to be conveyed to the Clerk of the House of Assembly, when he shall be thereunto required.

XVI. And be it further enacted by the authority aforesaid, that any persons having or claiming to have a right to vote at any Election of a Member or Members to serve in the House of Assembly for this Province, shall, before he is admitted to vote at such Election, take one or more of the Oaths severally numbered one, two, three, four and five, in the Schedule hereunto subjoined, (or being one of the people called Quakers, shall solemnly affirm) in case the same shall be demanded by any or either of the Candidates, or person representing a Candidate, that is to say, if such person shall have or claim to have a right to vote at any Election of a Member or Members to serve for a County, he shall take the Oaths in the said Schedule numbered one, two and three. If such person shall have or claim to have a right to vote as a Proprietor at any Election of a Member or Members to serve for a City, Town or Borough, he shall take the Oaths in the said Schedule numbered one, two and four; and if such person shall have or claim to have a right to vote as a Tenant, in a City, Town or Borough, at any Election of a Member or Members to serve for such City, Town or Borough, he shall take the Oaths in the said Schedule numbered, one, two and five; which Oaths and Affirmations the Returning Officer is hereby empowered and required to administer gratis, under the penalty, in case of refusal so to do, of the sum of ten pounds, current money of this Province, to be recovered by any person who shall sue for the same, with full costs of suit, by action of debt, bill, plaint or information, in any of His Majesty's Courts of competent jurisdiction; and no person shall be admitted to vote until he shall have taken the said Oaths, in a public manner, before the Returning Officer, in case the same shall have been required as aforesaid; and the Returning Officer is hereby required to enter or cause to be entered in the Poll-Book of such Election, the name or names of every person so sworn, with his addition, profession or trade, the place of his abode, and the description of his property, or specification of the qualification under which the right of voting is claimed, in the same words made use of in the Oaths, and also the nature of the Oath or Oaths administered; which entry the said Returning Officer shall certify by and under his hand, in the said Poll-Book, opposite the name of the person so sworn.

XVII. And be it further enacted by the authority aforesaid, that when an Elector shall not understand either the English or the French language, the Returning Officer shall swear an Interpreter to translate the Oath or Oaths which shall be required of the said Elector, as well as the questions which shall be put to him, and his answers; which Interpreter shall take the Oath following — "to wit; I swear that I will faithfully translate such Oaths, Declarations, Affirmations, Questions, and Answers, as the Returning Officer shall direct me to translate." So help me God."

XVIII. And be it further enacted by the authority aforesaid, that if any Returning- Officer shall admit any person to vote without taking such Oath or Oaths, Affirmation or Affirmations, or the description of the Property or Specification of the qualification on which such Person claims the right of voting, if required as aforesaid, such Returning Officer shall forfeit for each offence the sum of Ten Pounds current money of this Province, to be recovered in manner aforesaid; and if any Person shall vote at such Election, without having first taken the Oath or Oaths, or, if a Quaker, the affirmation or affirmations aforesaid, and given the description or specification aforesaid, if required, such Person shall incur a similar penalty

to that imposed upon the Returning Officer for admitting him so to vote as aforesaid, to be recovered in manner aforesaid.

XIX. And be it further enacted by the authority aforesaid, that if any Elector or Person taking the Oath or Oaths, Affirmation or Affirmations herein-before mentioned, shall be guilty of wilful and corrupt perjury or of falsely affirming; or if any person shall bribe or corrupt another to take such Oath or Oaths, or falsely affirm, whereby he shall be guilty of wilful and corrupt perjury, and be thereof convicted in due course of Law, such Electors or Persons shall respectively incur and suffer the pains and penalties which by Law are imposed or inflicted in cases of wilful and corrupt perjury, or of subordination thereof, and be incapable of voting at any Election, or of being Elected, or of sitting and voting in the House of Assembly.

XX. And be it further enacted by the authority aforesaid, that no person shall be admitted to vote at any Election for any County in this Province, without having an Estate in freehold, fief or roture, or derived from certificate of the Governor and Council of the Province of Quebec, or by virtue of some Act or Acts of the Legislature of this Province, in the County for which he votes, of the clear yearly value of Forty Shillings sterling, that is to say, Forty-four Shillings and five Pence one Farthing, currency, over and above all rents and charges payable out of or in respect of the same, and without having been in the actual possession thereof, or in receipt of the rents and profits thereof, for his own use, above six calendar months immediately preceding such Election, unless the same came to him within the time aforesaid by descent or inheritance, marriage, contract of marriage, or by devise.

XXI. And be it further enacted by the authority aforesaid, that no person having or who hereafter shall have or claim to have a right to vote as a Free-holder, in any of the following places, that is to say, in the Upper-Town of the City of Quebec, in the Lower-Town of the said City, in the Cast Ward of the City of Montreal, in the West Ward of the said City of Montreal, in the Town of Three- Rivers, or in the Borough of William-Henry [Sorel-Tracy], shall be admitted to vote at any Election for any of the said places, unless such person at the time of such Election be really and bona, fide, a proprietor and possessor for his own proper use, benefit, and behoof, in virtue of a legal title of a lot of ground and dwelling house thereupon, within the limits of the place for which the Election is held, of the yearly value of at least Five Pounds sterling, that is to say, Two Pounds Eleven Shillings and One Penny Farthing, currency, over and above all annual rents, be the same ground rents or constituted rents, (rentes constituées) with or for which the said lot of ground is annually charged or affected, and without having been in the actual possession thereof, or in receipt of the rents and profits thereof, for his own use above six calendar months, immediately preceding such Election, unless the same came to him within the time aforesaid, by descent or inheritance, marriage or contract of marriage, or by devise.

XXII. And be if further enacted by the authority aforesaid, that no person who hath, or hereafter shall have or shall claim to have a right to vote as an Elector at any Election, for the said Upper-Town of Quebec, the Lower-Town of Quebec, the East Ward of the City of Montreal, the West Ward of the said City of Montreal, the Town of Three-Rivers or the Borough of William-Henry, as a tenant of any house or part of a house separately, within the limits of either of the places aforesaid, shall be admitted to vote, unless he shall have actually resided as a tenant within the limits of the place for which such

Election is held during twelve calendar mouths, next before the date of the summons for such Election, and do actually reside, within the limits of the place for which such Election is held, at the time of voting thereat, and shall also have actually paid one year's rent, at the rate of at least Ten Pounds, sterling, equal to Eleven Pounds Two Shillings and Two Pence and a Half-penny, currency, a year, for the house or houses, or part or parts of a house or houses, which he shall have occupied separately, during the time aforesaid. Provided always, and it is hereby declared, that any person who shall only have within the limits of any of the places aforesaid, a country house or office, or other place used as such, and who shall not actually reside there, shall not be entitled to vote at any such Election.

XXIII. And be it further enacted by the authority aforesaid, that no person shall vote in respect of, or in right of any estate which was granted or made over to him fraudulently and on purpose to qualify him to vote at any Election, and that if any person shall vote in respect of or in right of any such estate granted and made over to him as aforesaid, or if any person shall vote more than once at the same Election, or shall vote contrary to the true intent and meaning of this Act, or without being legally qualified to vote, and knowing such to be the case, he shall forfeit and pay to any person suing for the same, the penalty of ten pounds, current money of this Province, for every such offence, to be recovered in manner aforesaid, with full costs of suit, in any of His Majesty's Courts of competent jurisdiction.

XXIV. And be it further enacted by the authority aforesaid, that every person who, by himself or by means of others in his interest or favour, shall, before or during the time of any Election, employ or cause to be employed any means of corruption, to obtain any vote at such Election, or to prevent any Elector from giving his vote thereat, in keeping him back by any threat, or causing him to lose any salary or advantage, or by making him any promise of any gift, advantage or reward; or who shall at any time within one month prior to any Election, or during the same, either by himself or by any other person by him employed, or by any ways or means whatsoever, directly or indirectly, make a present of, or allow to any person having a right to vote at such Election, of any sum of money or promise of any sum of money or other reward, or who shall at his cost or charge, open or support, or cause to be opened and supported, any house of public entertainment during the period aforesaid, within the limits of any County, or within the County in which any City, Town or Borough is situated, for which such Election is held, every such person so offending, (the offence being proved to the satisfaction of the House of Assembly,) shall be adjudged and declared to be disqualified to sit or vote in the said House of Assembly upon such Election; and thereupon a new Writ of Election shall issue, and every such person so disqualified shall be, and is hereby declared incapable of being re-elected at such new Election, or at any other Election during the continuance of the then Provincial Parliament.

XXV. And be it further enacted by the authority aforesaid, that if any person who hath claimeth to have, or shall have or claim to have any right to vote at any Election, or any other person not having or claiming to have a right to vote at such Election, shall, by himself or by any other person whomsoever on his behalf or account, give or promise or engage to give any sum or sums of money or other valuable consideration, with the intent of aiding or procuring any person whomsoever to be elected or returned at such Election; or if any person whomsoever, by himself or by any other person employed by him, doth or shall, by any gift or reward, or by any promise, agreement or security for any gift or reward, whether as a compensation for loss of time or for expences in going to vote, for soliciting

votes, or on any other pretence whatsoever, corrupt or procure any person or persons to give his or their votes, or forbear to give his or their votes at any such Election, such person so offending in any of the cases aforesaid, shall, for every such offence, forfeit the sum of ten pounds, current money of this Province, to any persons suing for the same, to be recovered as before directed, with full costs of suit, and be incapable of being elected and of sitting and voting in the House of Assembly during the Parliament for which such Election is held; and every person offending again at any subsequent Election, in any of the cases aforesaid, and after judgment shall have been obtained against him in any action for any such offence at a former Election, or after he shall have been lawfully convicted thereof, shall, for every such offence at any subsequent Election, forfeit the sum of twenty pounds, current money aforesaid, to any person suing for the same, to be recovered as herein-before directed, with full costs of suit, and be again disqualified and incapable of being elected, and of sitting and voting in the House of Assembly, during the Parliament for which such subsequent Election shall be held.

XXVI. And be it further enacted by the authority aforesaid, that all conveyances of real property or estate, made and executed to and in favor of any person or persons, in a fraudulent or collusive manner, on purpose to qualify him or them to give his or their vote or votes at any Election of a Member or Members to serve in the House of Assembly, notwithstanding any condition or agreement to defeat or determine such conveyance, or to reconvey the same, shall be deemed and taken against the persons who shall have made and executed the same, valid and absolute, and the real property or estate thereby granted and conveyed, shall be holden and enjoyed by the person or persons, to or in whose favor the said conveyance or conveyances shall have been made and executed, his or their heirs and assigns for ever, free and clear, and absolutely exonerated and discharged of and from all conditions and agreements made and contained in such conveyance or conveyances, to defeat or determine the estate thereby conveyed, or for the reconveyance thereof, whether the said conditions or agreements be with the grantee or grantees, or with any person or persons, in trust or acting for him or them; and all such conditions and agreements as shall be made and contained in any such conveyance or conveyances made and executed as aforesaid, to defeat and determine the estate thereby granted and conveyed, or for the reconveyance of the same, shall be null and void to all intents and purposes, and the real property or estate thereby granted and conveyed, shall vest in the person or persons to and in whose favor the said conveyance or conveyances, shall have been made and executed, his or their heirs and assigns for ever, and in the same; manner as if no such conditions or agreements had been made or entered into: And every person who shall make or execute such conveyance or conveyances as aforesaid, or be privy thereto, or devise or prepare the same, or vote at any Election in pursuance and by virtue thereof, shall, for every such conveyance, so made and executed, forfeit and pay the sum of Forty Pounds, current money of this Province, each.

XXVII. And be it further enacted by the authority aforesaid, that no Returning Officer shall take any part either before or during any Election by him held, by favoring or influencing, or causing to be favored or influenced, the interest of any Candidate or Candidates at such Election, but that, the said Returning Officer shall conduct himself in an upright and impartial manner, in the discharge of the duties of his office, and shall faithfully take and enter or cause to be faithfully taken and entered the votes of the Electors and other particulars, in the Poll-Book as herein-before directed, under the penalty of the sum of twenty-five pounds, current money of this Province.

XXVIII. And be it further enacted by the authority aforesaid, that each and every person who shall at any Election of a Member or Members to serve in the Assembly, wear or carry any flag, ribbon, or cockade or other badge or mark whatsoever to distinguish him or them, as supporting any particular Candidate or Candidates at such Election, or who shall by violence, menace or malicious practice, or in any manner or way whatsoever impede or disturb, or thereby endeavour to impede or disturb any Election, or thereby prevent or endeavour to prevent any Elector or Electors from giving his or their votes at the same, according to his or their wish or desire, shall, on conviction thereof, forfeit and pay the sum of Ten Pounds current money of this Province, for every such offence.

XXIX. And be it further enacted by the authority aforesaid, that every Returning Officer, shall have power and authority to maintain and enforce order, and keep the peace at the Election held by him, and all Officers and Non-commissioned Officers of Militia, Constables and other Peace Officers, and all others His Majesty's subjects, within the limits of the place for which such Election is held, or who shall be present thereat, are hereby required to be aiding and assisting him therein: and if any person or persons shall commit violence, or be engaged in any affray or riot, or be armed with clubs, staves, or other offensive weapons, or wear or carry any flag, ribbon, or cockade, or other badge or mark whatsoever, to distinguish him or them as supporting any particular Candidate or Candidates, or in anywise disturb or threaten to disturb the peace or order at such Election, or wilfully prevent or endeavour to prevent any elector or person from coming to vote thereat, or in anywise interrupt the Poll or the business thereof, the said Returning Officer shall have power and authority, on view, or on the oath of one credible witness (which oath the said Returning Officer is hereby authorized and empowered to administer) arrest or confine or commit to prison, any such person or persons so offending, by an order in writing, directed to any Officer of Militia, Peace Officer or Gaoler, within the limits of the place for which such Election is held, which order such Officer of Militia, Peace Officer or Gaoler is hereby required and commanded to obey under a penalty of not exceeding five pounds, current money of this Province, for disobedience thereto, provided the time of such arrest, confinement or imprisonment, shall not exceed twenty-four hours. And provided also, that no such arrest, confinement or imprisonment, shall in any manner exempt the person or persons so arrested, confined, imprisoned or detained, from any of the pains and penalties to which they may be liable for any thing done contrary to the true intent and meaning of this Act.

XXX. And be it further enacted by the authority aforesaid, that if at any Election the Poll shall be interrupted by the death or severe illness of the Returning Officer, the person authorised by him to aid and assist him as Clerk, and sworn as is herein-before directed, shall, under the penalty of the sum of one hundred pounds, current money of this Province, to be paid to any person suing for the same, and to be recovered as herein-before directed, with full costs of suit, forthwith assume the functions of the Returning Officer, and take and subscribe the Oath herein-before directed to be taken and subscribed by the Returning Officer, before proceeding to such Election, which Oath any Magistrate is hereby authorised and required to administer, and shall proceed to take the Poll, and act in every respect as Returning Officer, for all the purposes of this Act, and in the same manner as if he had been originally Returning Officer, and with all and every the powers and authority appertaining to the appointment of Returning Officer; of all which the said Clerk shall make a particular entry in the Poll Book, as well as make a special Return, unless his authority shall have been previously superseded by the recovery of

the Returning Officer from such illness as aforesaid, or the legal appointment of a new one, as the case may be.

XXXI. And be it further enacted by the authority aforesaid, that if any vacancy shall happen in the Assembly by the death of any Member or otherwise, it shall be the duty of the Speaker, on information thereof being given to him by any Member rising in his place, if the said vacancy shall happen during any Session of the Assembly, or in writing, under the hands and seals of any two Members of the Assembly, if the said vacancy shall happen during any recess of the Assembly, by prorogation or adjournment, to give notice thereof by a Warrant under his hand and seal, directed to the Clerk of the Crown in Chancery, that a new Writ may issue for the Election of a Member of the Assembly to fill up such vacancy.

XXXII. And be it further enacted by the authority aforesaid, that it shall be the duty of the Senior Officer of Militia, in each and every Parish or Township in this Province, to cause the Nineteenth, Twentieth, Twenty-third, Twenty-fourth and Twenty-fifth Sections of this Act, to be publicly read at the Church door of each of their respective Parishes or Townships, immediately after Divine Service, on some Sunday or Holiday, not more than three weeks, nor less than eight days before every Election of a Member or Members to serve in the House of Assembly, for the County in which such Parish or Township is situate, and that it shall be the duty of every Returning Officer, immediately before proceeding to any Election, to read, or cause the aforesaid Sections of this Act to be publicly read to the Electors then and there present.

XXXIII. And be it further enacted by the authority aforesaid, that it shall be sufficient for the Plaintiff in any action given by this Act, to state in the declaration, that the Defendant is indebted unto him in the sum of money thereby demanded, and to allege the particular offence, for which the action or suit is brought, and that the Defendant hath acted contrary to this Act, without mentioning the Writ of Summons to Parliament, or the return thereof, and it shall be sufficient in any Indictment or Information for any offence committed contrary to this Act, to allege the particular offence charged upon the Defendant, and that the Defendant is guilty thereof, without mentioning the Writ of Summons to Parliament or the Return thereof, or the authority of the Returning Officer, grounded upon any such Writ of Summons. Provided always, that every action, suit or information given by this Act, shall be commenced within the space of nine Calendar months next after the fact committed, and not afterwards.

XXXIV. And be it further enacted by the authority aforesaid, that the fines, forfeitures and penalties by this Act imposed, except those which are granted to informers, shall be paid into the hands of His Majesty's Receiver-General, for the public uses of the Province, and the support of the Government thereof, and shall be accounted for to His Majesty, His Heirs, and Successors, through the Lords Commissioners of His Majesty's Treasury, for the time being, in such manner and form as His Majesty, His Heirs and Successors shall direct.

XXXV. And be it further enacted by the authority aforesaid, that a sufficient number of copies of this Act shall be printed separately, and one copy thereof shall be forwarded to every Returning Officer,

who shall be hereafter named and appointed for any ensuing General or Special Election, together with the Writ of Election that shall be addressed to him.

Schedules.

NUMBER ONE.

OATH OF THE RETURNING OFFICER.

"I, A. B. Returning Officer for the (County, City, Division of a City, Ward, thereof, Town or Borough of ____ &c.) do solemnly swear, (or being one of the people called Quakers do solemnly affirm) that I am resident in and duly qualified as an Elector of this (County, City, Division of a City, Ward thereof, Town or Borough of ____ &c.) and that have not, directly nor indirectly received, any sum or sums of money, office, place or employment, gift, gratuity, or reward, or any Bond, Bill or Note, or any promise of any gratuity whatsoever, either by myself or by any person for my use, benefit, or advantage, for favoring the Election of any particular person or persons, or making or endeavouring to make the Return of any particular person or persons at the present Election of a Member or Members to serve in the Assembly of this Province, and that I will proceed in taking the votes of the Electors, and will make Return of such person or persons as shall appear to me to have the majority of legal votes, and this I do solemnly swear (or affirm) to do without partiality, fear, favor or affection, So help me God."

NUMBER TWO.

OATH TO BE TAKEN BY POLL-CLERKS.

"I, A. B. do solemnly swear (or heing a Quaker, do solemnly affirm,) that I will at this ensuing Election of a Member or Members to serve in Assembly for the (County, City, Division of a City or Ward thereof, Town or Borough of ____ &c.) truly and indifferently take the Poll, and set down the name of each Voter, his addition, profession or trade, and the place where his qualification lies, with the description or specification of the same, as well as the nature of the Oath or Oaths administered to him, and for whom he shall Poll and give his vote, and that I will truly enter every vote upon the Poll-book, with the other particulars required to be entered therein, without partiality, fear, favor or affection."—"So help me God."

NUMBER THREE.

FORM OF THE NOTICE TO BE GIVEN BY A RETURNING OFFICER PRIOR TO HOLDING ANY ELECTION.

(County, City, Division of a City or Ward thereof, Town or Borough of &c.) "Public Notice is hereby given to the Electors in the County, (City, Division of a City or Ward thereof, Town or Borough ____ &c.) qualified to elect and constitute a Member or Members to serve in the Assembly of this Province, that in pursuance of His Majesty's Writ to me directed, bearing date the ____ day of ____ I do require the attendance of the Electors of the said County, City, Division of a City or Ward thereof, Town or Borough of ____ &c.) at ____ in the (Parish or of ____ &c.) on ____ the ____ day of ____ at ____ of the clock in the forenoon, for the purpose of electing a person or persons to represent them in the (ensuing or present) Assembly of this Province. And I do give further notice, that

I shall continue the said Election, in such manner as is by law directed, of which all persons are hereby required to take notice, and govern themselves accordingly.”

A. B. Returning Officer.

_____ the _____ day of _____ 18____.

NUMBER 4.
FORM OF THE PROCLAMATION,

“OYEZ, OYEZ, OYEZ.”

“All manner of persons are strictly commanded and charged to keep silence, while His Majesty’s Writ of Summons is publicly read for the Election of a Member or Members to serve in Assembly, for the (County, City, Division of a City or Ward thereof, Town or Borough of _____ &.c.) under the pains and penalties resulting therefrom.”

NUMBER FIVE

FORM OF THE BOOK.	Entries to be made if the Voter be objected to or sworn.		Signature of the Returning-Officer opposite the name of the Voter if objected to or sworn.		
					Nature of the Oath or Oaths administered to this Voter.
	Four.				
	Three.				
	Two.				
	One.				
	CANDIDATES.	Description of his property or qualification if objected to, or if sworn in the terms used by the Voter in the Oath if sworn.			
		Place of this abode in the terms used by the Voter in the Oath.			
		C.			
	B.				
A.					
If objected to and by whom.					
Name of the occupier if the Voer is not in possession.					
Proprietor or Tenant.					
Qualification and where situate.					
Addition, Trade or Profession.					
Names of the Voters.					

NUMBER SIX.

FORM OF THE INDENTURE.

"This Indenture made this ____ day of ____ in the year of Our Lord, one thousand eight hundred and ____ and in the ____ year of the Reign of our Sovereign Lord George the Fourth, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith: Between A. H. Esquire, Returning Officer, for the County, (City, division of a City or Ward thereof, Town or Borough of ____ &c.) in the Province of Lower-Canada, of the one part, and C. D., E. F. and G. H. Electors of the said County, (City, division of a City or Ward thereof, Town or Borough of &c.) of the other part.

Witnesseth—That in conformity to His Majesty's Writ, bearing date the _____ day of _____ (now last past or instant) and after notice thereof having been given according to law, they the said C. D., E. F, and G. H. Electors as aforesaid, in full Assembly, have chosen D. E. (and F. G.) Esquire, (or Esquires) as a Member or Members to serve for the said County, (City, division of a City or Ward thereof, Town or Borough of _____ &c.) in the Assembly of this Province, to be held at Quebec, the _____ day of _____ next, and they the said Electors did, and do hereby give to the said D. E. and F. G. ample and sufficient power for them the said Electors, and the Commons of the said County, (City, division of a City or Ward thereof, Town or Borough of _____ &c.) distinct from the said Commons, to make and consent to such matters, as in the said Assembly by the Common Council of the said Province, shall be by the favor of God ordained. In Witness whereof the said parties have to these presents, made and executed in three parts, severally set and subscribed their respective names and signatures, and affixed their respective seals, the day and year first above written.” (L. S.)

A. B.—Returning Officer.

Electors, C. D. (L. S.)
E. F. (L. S.)
G. H. (L. S.)

OATHS TO BE ADMINISTERED TO VOTERS.
NUMBER ONE.

“You swear, (or being one of the people called Quakers, you solemnly affirm) that your name is _____ that your addition, profession or trade is that the place of your abode is at _____ in the County of _____ (and if in a City or Town, the street or part of the City or Town is to be specified) that you are of the full age of twenty-one years, and that you have not already voted at this Election.”—“So help you God.”

NUMBER TWO.

“You swear, (or being one of the people called Quakers, you solemnly affirm) that your name is _____ that your addition, profession or trade is that the place of your abode is at _____ in the County of _____ (and if in a City or Town, the street or part of the City or Town is to be specified) that you have not received or had by yourself, or by any other person whomsoever in trust for you, or for your own use and benefit, directly or indirectly, any sum or sums of money, office, place or employment, gift or reward, or any promise or security for any sum or sums of money, office, employment, gift or reward in order to give your vote at this Election, and that you have not before voted at this Election.”—“So help you God.”

NUMBER THREE.

“You swear, (or being one of the people called Quakers, you solemnly, affirm) that your name is _____ that your addition, profession or trade, is _____, that the place of your abode is at _____ in the County of _____ (if in a City or Town, the street or part of the City or Town is to be specified) that you are possessed for your, own use and benefit of a land or tenement, lying and being at _____ in the

County of _____ adjoining on one side to the land or tenement occupied by _____ and on the other side to that occupied by _____ which land or tenement so belonging to you, are of the clear yearly value of forty shillings, sterling, that is to say, forty-four shillings and four pence one farthing, currency, over and above all rents and charges payable out of or in respect of the same, and that you have been, in the actual possession thereof, or of the rents and profits thereof, for your own use for six calendar months and upwards, immediately preceding the present Election, or that the same came to you within that time, by descent or inheritance, marriage, contract of marriage, or by devise, and that such land or tenement hath not been granted or made over to you fraudulently and on purpose to qualify you to vote at any Election, and that you have not already voted at this Election.”—“So help you God.”

NUMBER FOUR.

“You swear, (or being one of the People called Quakers, you solemnly affirm,) that your name is _____ that your addition, profession or trade, is that the place of your abode is at _____ in the County of _____ (and if in a City or Town, the street or part of the City or Town is to be specified) that you are really and bond fide proprietor and possessed for your own proper use, benefit and behoof, in virtue of a legal title of a lot of ground and dwelling-house thereon, within the limits of this (Upper or Lower-Town of the City of Quebec, East-Ward or West-Ward of the City of Montreal, Town of Three-Rivers or Borough of William-Henry, as the case may be) adjoining on one side to the house or lot occupied by _____ and on the other side to the house or lot occupied by _____ which lot of ground and dwelling house so belonging to you, is of the yearly value of five pounds sterling, that is to say, five pounds, eleven shillings and one penny farthing, currency, or more, over and above all rents and charges payable out of or in respect of the same, and that you have been in the actual possession thereof, or of the receipt of the rents and profits thereof, for your own use, for six calendar months and upwards, immediately preceding the present Election, or that the same came to you by descent or inheritance, marriage, contract of marriage, or by devise, and that such lot of ground and dwelling house have not been granted or made over to you fraudulently, or on purpose to qualify you to vote at any Election, and that you have not already voted at this Election.”—“ So help you God.”

NUMBER FIVE.

“You swear, (or being one of the people called Quakers, you solemnly affirm,) that your name is _____ that your addition, profession or trade is _____ that you have resided as a tenant within the limits of this (Upper or Lower-Town of the City of Quebec, East-Ward or West-Ward of the City of Montreal, Town of Three-Rivers or Borough of William-Henry, as the case may be) during the space of twelve calendar months or upwards, next before the date of the Writ, of Summons for the present Election, that you have actually paid for the said twelve months, a rent not less than ten pounds sterling, equal to eleven pounds, two shillings and two pence and a half-penny, currency, and that you have not already voted at this Election.”—“ So help you God.”