

Laws of His Majesty's Province of Upper Canada, passed in the year 1833. York: Robert Stanton, 1833.

3 William IV – Chapter 12

An Act to make perpetual An Act passed in the thirty-third year of the Reign of His Majesty King George the Third, entitled “An Act to provide for the appointment of Returning Officers of the several Counties of this Province,” and to make provisions respecting the duties of Returning Officers, and expenses attending Elections. Passed 13th February, 1833.

Whereas an Act passed in the thirty-third year of the Reign of His late Majesty King George the Third, entitled “An Act for the appointment of Returning Officers of the several Counties within this Province,” unless continued will shortly expire:—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 Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled “An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty’s Reign, entitled ‘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 by the authority of the same, That the said first recited Act shall be and is hereby made perpetual.

II. And be it further enacted by the authority aforesaid, That the Returning Officer for any Riding, County or Town in this Province, shall be entitled to receive from the Treasurer of the District in which such Riding, County or Town may be situated, the following fees and expenses, and no more:—

For each days attendance in taking the Poll—One Pound, Five Shillings.

For a Poll Clerk, (per diem)—One Pound.

For Hustings, (when necessary)—Five Pounds.

For two Constables, (each per diem)—Ten Shillings.

III. And be it further enacted by the authority aforesaid, That it shall be the duty of the Returning Officer, in all cases where a Poll shall be demanded, to keep a Book in which a true and correct state of the Poll shall be inserted and contained in the following form:—

| Number of Votes. | Names of Voters. | Township. | Lot. | Concession. | Names of Candidates. | | Remarks. |
|---------------------|---------------------|-----------|------|-------------|-------------------------|-------|----------|
| | | | | | A. B. | C. D. | |
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of which Poll Book the Returning Officer shall keep a correct copy, and shall transmit the original, with the Writ of Election and return, to the Clerk of the Crown in Chancery, within ten days after the closing of the Election for which the same shall be taken, and the Returning Officer shall attach the following oath to such Poll Book at the time of transmitting of the same:—

“I, A. B. Returning Officer for the ___ (Riding, County or Town,) of ___, do solemnly swear, that the Poll Book hereto annexed was truly and correctly taken under my direction, to the best of my knowledge and belief, and that the same contains a true and correct statement of the votes taken at the Election for the (Riding, County or Town,) of ___,”

which oath may be administered by any of His Majesty’s Justices of the Peace, or by a Commissioner of the Court of King’s Bench.

IV. And be it further enacted by the authority aforesaid, That any Returning Officer who shall wilfully and corruptly forswear himself in taking the said oath shall be subject to the penalties of wilful and corrupt perjury; and that such Poll Book proved as aforesaid shall be received and taken as prima facie evidence on the trial of any contested Election.