

*Laws of His Majesty's Province of Upper Canada*, passed in the year 1836. Toronto: Robert Stanton, 1836.

6 William IV – Chapter 32 (Session 1)

**An Act to regulate the next Election in the County of Leeds. Passed 7th March, 1836.**

Whereas it is expedient to make particular provision for regulating the next Election for the County of Leeds: 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 several laws of this Province relating to the election of Members of Assembly and manner of conducting Elections, shall be and the same are hereby repealed, in relation to the said County of Leeds, so far as the provisions thereof vary from this Act.

II. And be it further enacted by the authority aforesaid, That the election of Members to represent the said County of Leeds in Parliament, shall be held at four places within the said County, and for that purpose the said County shall be divided into four Sections—and that Section number one shall be composed of the Townships of Elizabethtown and Yonge, and the place at which the Election shall be held within such Section shall be Coleman's Corners, in Elizabethtown: Section number two, of the Townships of Leeds and Landsdown, and the place at which the Election shall be held within such Section shall be the Village of Gananoque: Section number three, of the Townships of Kitley, Burgess and Elmsley, and the place at which the Election shall be held within such Section shall be the Village of Smith's Falls: and Section number four, of the Townships of Bastard, North Crosby and South Crosby, and the place at which the Election shall be held within such Section shall be the Village of Beverley.

III. And be it further enacted by the authority aforesaid, That besides the Returning Officer now required to be appointed by Law, it shall be the duty of the Governor, Lieutenant Governor, or person administering the Government of this Province for the time being, to appoint in like manner a Deputy Returning Officer to each of three of the said Sections, whose duty it shall be to hold the Election in the Section to which he shall be appointed, in the same manner and subject to the same responsibilities and penalties as Returning Officers for Counties are now liable by the Laws of this Province, and to return to the Returning Officer appointed for the said County of Leeds the Poll Book for such Section, accompanied with an affidavit of such Deputy Returning Officer and his Poll Clerk, sworn before some Justice of the Peace of the District of Johnstown, that the same contains a faithful and true record of the votes taken at such Section Election according to Law.

IV. And be it further enacted by the authority aforesaid, That the Returning Officer for the said County shall take the votes in such one of the said Sections as he shall be directed to preside at in his appointment as Returning Officer for the said County, in the same manner and under the same responsibilities and penalties as other Returning Officers presiding at Elections in this Province; and upon receipt of the Poll Books or Returns from the Deputy Returning Officers of the other three Sections of the said County, which they are respectively required to return to him as aforesaid, within two days after the close of each Section Election, under the penalty of Two Hundred Pounds, it shall be the duty of the said Returning Officer, and he is hereby required to attend at the place where he received votes in the Section for which he was appointed to preside, at eleven of the clock in the forenoon, on the tenth day after the day on which such Section Election commenced (unless such day falls on Sunday, then on the Monday following) or in case the whole number of the Poll Books or Returns have not at such time been received by the said Returning Officer, then at some time thereafter (not exceeding two days after the receipt of the whole number of such Poll Books or Returns) as he shall appoint, giving the several Candidates, their Counsel or Agent, due notice to attend, and in the presence of such of the Candidates, their Counsels or Agents, and such persons as may be then and there assembled, shall exhibit the said Poll Books or Returns, and return as duly elected the two Candidates who have on the Poll Books of Returns of the four Sections the highest number of votes, taken according to the provisions of this Act, in the same manner as if the Election for the said County had been wholly held by the said Returning Officer in person.

V. And be it further enacted by the authority aforesaid, That the Election in each of the said Sections shall begin on the same day, and the time of keeping open the Poll for receiving votes shall be the same as is now required by the Laws of this Province at other Elections of Members of Assembly, except that on the sixth day (if the Election shall continue so long in any Section) the Poll shall be closed at three of the clock in the afternoon.

VI. And be it further enacted by the authority aforesaid, That the choice of Representatives for the said County shall be ascertained by the majority of the whole votes polled in the respective Sections aforesaid, and not otherwise.

VII. And be it further enacted by the authority aforesaid, That before proceeding to the discharge of his duty the Returning Officer for the said County shall take the same oath required by law to be taken by other Returning Officers at Elections of Members of Assembly in this Province, and also that he will faithfully, honestly and truly, perform the duties assigned to him in this Act as such Returning Officer, and every Poll Clerk shall take the same oath required in like manner to be taken by Poll Clerks, and that every Deputy Returning Officer shall take and subscribe the following oath: "I, A.B. do solemnly swear, that I have not directly or indirectly received any sum or sums of money, office, place or employment, gratuity or reward, or any bond, bill or note, or any promise or gratuity whatsoever, either by myself or any other person, to my use, benefit or advantage, for making any false return or statement in the Poll Book required by law to be by me transmitted to the Returning

Officer for the County of Leeds, and that I will conduct myself impartially and without favour or affection to any party concerned in the present Election for the said County of Leeds, and will faithfully, honestly and truly perform the duties assigned to me by Law;” —which several oaths may be administered by any Justice of the Peace of the District of Johnstown, and shall within one month after the same are administered be severally certified by the Justice of the Peace before whom the same may be taken, and returned unto His Majesty's Court of King's Bench in this Province, and shall be kept and filed of record in the Crown Office.

VIII. And be it further enacted by the authority aforesaid, That the Electors residing in each of the said Sections shall vote at the Election held in the Section wherein they are so resident, or in case the Voter shall not be a resident of the said County but is otherwise legally qualified to vote therein, he shall vote in the Section in which the property on which he votes is situated: Provided nevertheless, that nothing herein contained shall prevent or be construed to prevent any Elector entitled to vote in the said County from voting in any of the said Sections, if he make oath or affirmation before the Returning Officer, or Deputy Returning Officer presiding, that he apprehends personal injury or insult if he attempts to vote in the Section in which he is so resident or his property is so situated as aforesaid, (as the case may be) Provided, that besides the oaths which may now by law be administered to Electors, every Elector before he be admitted to vote shall, if required by the Returning Officer or Deputy Returning Officer, at any Section Election at which the vote is offered, or any Candidate thereat, his Counsel, Agent, or Agents, or any Freeholder of the said county, take the following oath or affirmation before the said Returning Officer or Deputy Returning Officer, who is hereby authorised and required to administer the same. “You, A.B., do solemnly swear or affirm, that you have not before voted at the present Election for the County of Leeds, in any other Section than the one at which you now come forward to vote; that you reside in, (state the place) and that the property on which you now propose to vote, is situate in Section number (stating the number of the Section.)”

IX. And be it further enacted by the authority aforesaid, That any Candidate, at any Election in the said County, may by writing, appoint as many persons as he may think proper, not exceeding Five in number, to act as Counsel, Agent or Agents for him, at any Section Election.

X. And be it further enacted by the authority aforesaid, That the said Returning Officer and Deputy Returning Officers in the said County, from the time they are respectively appointed such Returning Officer and Deputy Returning Officers, until the Election shall be finally declared by the said Returning Officer for the said County, as aforesaid, shall be, and are hereby declared to be Conservators of the Peace, and severally vested with the same powers within the District of Johnstown, for the preservation of the peace, and apprehension, punishment, committal for trial, or holding to bail of violators of the law, as are vested in Justices of the Peace in this Province, and that the said Returning Officer and Deputy Returning Officers, may, and each of them is hereby required to appoint and swear in, such and so many Special Constables, as he may deem necessary, and as shall be sufficient for the preservation of peace and order at, and during the said Section Election, for which the said

Returning Officer or Deputy Returning Officer may be appointed, and for such time thereafter as may be deemed by him expedient and necessary.

XI. And be it further enacted by the authority aforesaid, That every person not being a Candidate, his Counsel, Clerk, Agent or Agents, at any Section Election, or not being exempt by law, who shall refuse to be sworn in as a Special Constable, or who shall neglect his duty as such, without a legal excuse; and every person who by threats, force, or violence, attempts to destroy the freedom of any of the said Section Elections, or hinder any Elector or Electors from coming forward to vote thereat, or who creates or causes any riot, tumult, or disturbance thereat, or threatens, or uses violence to any Elector who may have voted, on account of any vote given thereat, shall be deemed guilty of a high misdemeanor, and be subject to fine and imprisonment, in the discretion of the Court, before whom the conviction shall be had.

XII. And be it further enacted by the authority aforesaid, That every Justice of the Peace in the District of Johnstown, who upon being required by the Returning Officer, or Deputy Returning Officer, or any Candidate at any such Election, or any Three Freeholders of the said County, to assist in keeping the peace, who shall unreasonably refuse or neglect to use his exertions for the preservation of the peace at such Section Elections, or shall encourage or willingly permit any violence or disorder thereat, shall be deemed guilty of a high misdemeanor.

XIII. And be it further enacted by the authority aforesaid, That the penalty of Two Hundred Pounds imposed by this Act may be recovered in His Majesty's Court of King's Bench in this Province, by action of debt, bill, plaint, or information in the common form, one moiety whereof shall be paid into the hands of the Treasurer of the District of Johnstown, to and for the public uses of the District, and the other moiety to the person who shall sue for the same.

XIV. And be it further enacted by the authority aforesaid, That if any person or persons shall wilfully and corruptly swear falsely in any matter which he is required to slate upon oath or affirmation by this Act, he shall on conviction thereof suffer the like pains and penalties to which any other person convicted of wilful and corrupt perjury is liable by the Laws and Statutes of this Province.

XV. And be it further enacted by the authority aforesaid, That this Act shall not extend to any Election for the said County except that which shall be holden next after the passing of this Act.