



ANNO SEXTO

# VICTORIÆ REGINÆ.

## CAP. I.

An Act to provide for the Freedom of Elections throughout this Province, and for other purposes therein mentioned.

[12th October, 1852.]

**W**HEREAS the practice of having but one polling place at Elections of Preamble. Members of Parliament, which prevailed both in Upper and Lower Canada, previous to the passing of the Act of the Imperial Parliament for the Union of those Provinces, and which by the provisions of that Act is continued as the Law of the land of this Province at this day, has proved to be of danger to the public peace, and is moreover in large Counties and Ridings attended with much inconvenience to the Electors generally; and whereas it is expedient to provide against such evils, and to afford every reasonable facility and convenience to the Electors for giving their votes; and whereas it is expedient to limit the time for holding Elections, and generally to provide more effectually for the freedom of Elections, and the holding and conducting the same; Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled

"An

Certain Acts  
repealed.

“*An Act to Re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada,*” and it is hereby enacted by the authority of the same, that so much of a certain Act of the Provincial Parliament of the late Province of Lower Canada, made and passed in the fifth year of the Reign of His late Majesty King George the Fourth, intituled, *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*; or of another certain Act of the same Parliament, made and passed in the tenth and eleventh years of the Reign of His said Majesty King George the Fourth, intituled, *An Act to amend a certain Act passed in the fifth year of His Majesty's Reign for the purpose of consolidating the Laws relating to Elections*; or of another certain Act of the Parliament of the late Province of Upper Canada, passed in the fourth year of the Reign of His late Majesty King George the Fourth, and intituled, *An Act to repeal the several Statutes of this Province respecting the Election of Members of the House of Assembly, and the qualification of voters and candidates at such Elections, and to reduce the provisions thereof with some amendments, into one Act, and also to provide against fraud in obtaining qualifications to vote at Elections*, or of any other Act or Law in force in any part of this Province, as may be inconsistent with or repugnant to this Act, or as makes any provision in any matter provided for by this Act, other than such as is hereby made in such matter, shall be, and so much of the said Act or of any other Act, is hereby repealed.

Separate Polls

II. And be it enacted, that hereafter at every Election of a Member or Members to represent any County, Riding, City, Town or Borough, in the Provincial Parliament of this Province, at which a Poll shall have been duly demanded and granted according to law, a separate Poll shall be opened and held for every Parish, Township and Ward, as the case may be, into which such County, Riding, City, Town or Borough, may be divided.

Duty of Re-  
turning Offi-  
cer therein.

III. And be it enacted, that until any City, Town or Borough shall be divided into Wards for general municipal purposes, it shall and may be lawful for the Returning Officer for such City, Town or Borough, when and as often as he shall receive any Writ for the Election of one or more Members to represent such City, Town or Borough in the Provincial Parliament, by an Instrument in writing under his hand and seal, to divide such City, Town or Borough for the purpose of such Election, into two or more Wards, having respect in such division as much as may be to the number and convenience of the voters for such City, Town or Borough.

Union of Par-

IV. And be it enacted, that in all cases where one or more Parishes or Townships

ships from their not containing the requisite number of Inhabitants, shall not have become entitled by law to hold Parish or Township Meetings, for the Election of Township and Parish Officers, and shall not as yet have held any separate meeting for such purposes, but shall for such purposes have been united to any adjoining Parish or Township, such Parish or Township shall for the purposes of this Act be also united to the same Parish or Township, and instead of a Poll being opened for each of such Parishes or Townships separately, one Poll only shall be opened and held for such united Parishes or Townships.

ishes, &c. in certain cases.

V. And be it enacted, that the terms 'Parish' and 'Township' wherever they occur in this Act, shall be understood to include all Towns for which by reason of their having Police Regulations established therein, no meetings are held for the Election of Parish or Town Officers under the authority of the general laws of the late Provinces of Upper or Lower Canada, which are now applicable to Parishes and Townships in general; and also to include respectively all such other places as are appointed under and by virtue of the said laws of Upper Canada or of Lower Canada respectively, for the holding of meetings for the Election of such Officers, whether the terms Parish or Township be or be not technically applicable to such place or places.

Terms 'Parish' and 'Township'—meaning thereof.

VI. And be it enacted, that the Poll for every such Election for every Parish and Township in such County or Riding, shall be held at the place where the then last Town Meeting for the Election of Parish and Township Officers for such Parish or Township shall have been held; and the Poll for every Ward in every such City, Town and Borough, at the place which the Returning Officer for the time being shall appoint: Provided always, that in every Parish or Township in which no such Town Meeting shall have been held, such Poll shall be held as nearly as may be at the most central and public place in such Parish or Township.

Poll—where to be held.

VII. And be it enacted, that at every such Election, the Electors of such County, Riding, City, Town or Borough voting at such Election, shall poll their votes for such Election at the Poll which shall be opened for the Parish or Township, or Ward, within which the property in right of which they shall respectively vote at such Election shall lie, and at no other, under a penalty of ten pounds currency, to be recovered before any Court of competent jurisdiction.

Regulations as to voters.

VIII. And be it enacted, that every Elector before he shall be received or allowed to poll his vote at any such Election, shall, if required by the Deputy Returning Officer to whom he shall tender such vote, or by any Elector or Candidate at such Election, or by the Counsel or Agent of any such Candidate, in addition to the oaths or affirmations which may now by Law be required of him, make oath

Elector's oath.

or

or affirmation before such Returning Officer (who is hereby authorized to administer the same,) that he hath not before voted at such Election, either at the polling place where he shall tender such vote, or at any other polling place within such County, Riding, City, Town or Borough, as the case may be.

Proclamation  
of Election by  
Returning Of-  
ficer.

IX. And be it enacted, that every Returning Officer to whom any writ for the Election of a Member or Members to represent any County, Riding, City, Town or Borough in this Province, shall be directed, shall by Proclamation under his hand issued and published at least eight days before the holding such Election, appoint the day for proceeding to such Election, at the most convenient place for such purpose in such County, Riding, City, Town or Borough, at which day and place he shall attend between the hours of twelve o'clock at noon, and two o'clock in the afternoon, and proceed by Proclamation to such Election, in obedience to such writ.

Poll to be  
granted by Re-  
turning Officer  
upon demand.

X. And be it enacted, that in the event of a Poll being demanded according to law at any Election for a Member or Members to represent any County, Riding, City, Town or Borough in this Province, the Returning Officer shall, and he is hereby required to grant the same, and forthwith to appoint some day, not less than four nor more than eight days thereafter, for taking such Poll, and he shall forthwith by public proclamation give notice of the time and place at which the Polls of such Election shall be taken in the several Parishes, Townships or Wards of such County, Riding, City, Town or Borough, as hereinbefore provided, and shall thereupon adjourn the further proceedings in such Election to some day within four days after the day fixed for the taking such Polls in the several Parishes, Townships or Wards, as aforesaid.

Hours of poll-  
ing.

XI. And be it enacted, that at every such Election, when a Poll shall be granted, the polling shall commence in all the Parishes, Townships and Wards, in such County, Riding, City, Town or Borough, respectively, at nine o'clock in the forenoon of the day fixed for taking the polls for such Election, and such polling shall continue for two days only in all such Counties, Ridings, Cities, Towns and Boroughs, as shall not have any Register of Voters for Members of the Provincial Parliament, and for one day only in all such Counties, Ridings, Cities, Towns and Boroughs, as shall have such Register; and such two days shall be consecutive days, except where Sunday, Christmas-day, or Good-Friday, (or other Holyday, being a *fête d'obligation*) or any two of them shall intervene, in which case the second day of polling shall be the day following any such Sunday, Christmas-day, Good-Friday, (or other Holyday, being a *fête d'obligation*) as the case may be; and the Polls shall be kept open for each day of polling, and no poll shall be kept open later than five o'clock in the afternoon of the second day of polling.

Number of  
days.

XII.

XII. And be it enacted, that for the purposes of taking the Polls for such Elections as hereinbefore directed, the Returning Officer to whom any Writ for the Election of a Member or Members to represent any County, Riding, City, Town or Borough, in this Province, shall be directed, shall by warrant under his hand and seal appoint a Deputy, and also a Poll-Clerk for each and every of the Parishes, or Townships, or Wards, as the case may be, within such County, Riding, City, Town or Borough, and shall by precept under his hand and seal require each of such Deputies to take the Poll of such Election for his Parish, Township or Ward, as the case may be, according to Law, and to return the same to him under his hand and seal, by the day to which such Returning Officer shall have adjourned such Election, as hereinbefore directed: on which day such Returning Officer shall proceed to sum up and ascertain the state of the general Poll of such Election, and to declare the same, and to declare elected and return the person or persons who shall have the majority of votes polled at such Election in the different Parishes, or Townships, or Wards, in such County, Riding, City, Town or Borough, as the case may be.

Deputy Re-  
turning Officer  
and Poll  
Clerks.

XIII. And be it enacted, that no person except a Freeholder shall be appointed nor act as a Returning Officer nor Deputy Returning Officer, nor unless he shall have been a Freeholder during at least a twelve month next before the appointment, in the County, Riding, City, Town or Borough, for which he is appointed, and shall during that time have resided therein.

Must be a  
Freeholder.

XIV. And be it enacted, that in all cases where from any one or more of the precepts for taking the Polls in the several Parishes, Townships or Wards, in such County, Riding, City, Town or Borough, not having been returned to the said Returning Officer by the return day therein named, the said Returning Officer shall not be prepared on the day to which he had adjourned the further proceedings in such Election, to proceed to sum up, ascertain and declare the state of the general Poll of such Election, such Returning Officer instead of proceeding to examine such of the Returns as shall have been already made, shall further adjourn the proceedings in such Election to the following day, and so from day to day until the said precepts shall have been all returned; Provided always, that in proclaiming every such adjournment he shall publicly declare the reason thereof; and provided also, that he shall in no case continue such adjournment to so late a day as shall interfere with his being able to return the Writ of Election by the Return day therein named; and provided also, that he shall in no case adjourn such proceedings to any Sunday, Christmas-day, Good Friday or other Holy-day being a *fête d'obligation*, but shall in all cases where such adjournment shall be necessary, adjourn over every such Sunday, Christmas-day, Good Friday or other Holy-day being a *fête d'obligation*.

The General  
Poll—when to  
be declared.

Adjournment.

Fête days.

XV.

B

Powers of  
Deputy Re-  
turning Offi-  
cer.

XV. And be it enacted, that all powers and authorities now by law vested in Returning Officers, and necessary for the orderly and proper taking of the Polls at Elections for Members to represent the people of this Province in Provincial Parliament, shall be and the same are hereby vested in every such Deputy Returning Officer within his respective jurisdiction, as fully and absolutely as in his Principal.

Oath of De-  
puty Return-  
ing Officer  
and Poll Clerk  
before the  
Poll.

XVI. And be it enacted, that no Deputy Returning Officer or Poll Clerk, shall proceed to the receiving and recording of votes or to the discharge of any other of their respective duties at any such Election, until in a public manner they shall have severally taken and subscribed in the Poll Book, the following Oath or Affirmation, which Oath or Affirmation any Justice of the Peace of the District in which such Parish, or Township or Ward shall lie, is hereby authorized, and on request required to administer: Form of Oath--“I, A. B., do solemnly swear (or affirm, as the case may be,) that I have not directly or indirectly, received any sum or sums of money, office, place or emolument, gratuity, profit, or reward, or any bond, bill, note, or other written instrument or verbal agreement, whereby such is promised or secured, either by myself or any other person, for or to my use, benefit, or advantage, for making any false or incorrect statement or entry in the Poll Book to the taken at this Election or Return of the same, or for shewing any favor or partiality at this Election, and that I will faithfully and impartially perform my duty at this Election, to the best of my ability.—So help me God.”

Scrutiny of  
Votes.

XVII. And be it enacted, that hereafter no Returning Officer or Deputy Returning Officer, in this Province, shall have any power to grant or enter upon any scrutiny of the votes polled at any Election for a Member or Members to represent the people of this Province in the Provincial Parliament, other than such as shall or may be had or made into, or in respect of each vote prior to the recording thereof.

Oath of Voter.

XVIII. And be it enacted, that before any Voter shall be received to poll at any Election for a Member or Members to represent the people of this Province in Provincial Parliament, such Voter if so required either by the Deputy Returning Officer to whom he shall tender such vote, or by any Candidate at such Election or by any two Electors of the County, Riding, City, Town or Borough, for which such vote shall be tendered, shall take the following Oath or Affirmation, as the case may be, before such Deputy Returning Officer, (which Oath or Affirmation each Deputy Returning Officer is hereby authorized to administer:) “I, A. B., do swear (or solemnly affirm, as the case may be,) that I have not received or had, by myself or any person, for my use or benefit, any sum or sums of money, office, place, or employment, gift or reward, or any promise  
“ or

“ or expectation of any money, office, gift, place, employment or reward, in order  
 “ to give my vote at this Election.”

XIX. And be it enacted, that the Poll Clerk for every Parish, Township or Ward, shall after the close of the Poll for his Parish, Township or Ward, and before the Deputy Returning Officer for such Parish, Township or Ward shall have made his return to the precept for taking such Poll, take and subscribe in the Poll Book the following Oath or Affirmation, which Oath or Affirmation, any Justice of the Peace of the District in which such Parish, Township or Ward shall lie, is hereby authorized, and on request required, to administer:—“ I, A. B., Poll Clerk for the Parish, (Township or Ward, *as the case may be,*) of  
 “ in the County, (Riding, City, Town or Borough, *as the case may be,*) of  
 “ do hereby solemnly swear, (*or affirm, as the case may be,*) that this Poll Book was under the direction of the Deputy Returning Officer for the said Parish, (Township or Ward, *as the case may be,*) truly and correctly taken by me, to the best of my skill and judgment, and that to the best of my knowledge and belief the same contains a true and correct statement of the votes taken at the Poll for the said Parish, (Township or Ward, *as the case may be,*) as such votes were received and allowed by the said Deputy Returning Officer at the Poll for the said Parish, (Township or Ward, *as the case may be,*) held in pursuance of the precept of the Returning Officer for the said County, (Riding, City, Town or Borough, *as the case may be,*) to the said Deputy Returning Officer directed, and tested the day of  
 “ in the year of Our Lord one thousand eight hundred and .”

Oath of Poll Clerk after the Poll.

XX. And be it enacted, that every Deputy Returning Officer shall after the close of the Poll for his Parish, Township or Ward, and before making his return to the precept for taking such Poll, take and subscribe in the Poll Book the following Oath or Affirmation, which Oath or Affirmation, any Justice of the Peace of the District in which such Parish, Township or Ward shall lie, is hereby authorized, and on request required, to administer: “ I, A. B., Deputy Returning Officer for the Parish, (Township or Ward, *as the case may be,*) of  
 “ in the County, (City, Riding, Town or Borough, *as the case may be,*) of  
 “ do solemnly swear, (*or affirm, as the case may be,*) that to the best of my knowledge and belief, this Poll Book was truly and correctly taken under my direction, and contains a true and correct statement of the votes taken at the Poll for the said Parish, (Township or Ward, *as the case may be,*) held in pursuance of the precept of the Returning Officer for the said County, ( Riding, City, Town or Borough, *as the case may be,*) to me directed, and tested the day of  
 “ in the year of Our Lord one thousand eight hundred and .”

Oath of Deputy Returning Officer after the Poll.

XXI.

Power to Ad-  
minister Oath  
of Allegiance.

XXI. And be it enacted, that every Deputy Returning Officer at any Election for a Member or Members to represent the people of this Province in Provincial Parliament, shall be and he is hereby authorized and empowered, during the period that his authority as Deputy Returning Officer shall continue, to administer the Oath or Affirmation of Allegiance to any person or persons who may be willing or desirous of taking the same, which Oath or Affirmation so taken, shall to all intents and purposes whatsoever have a like effect upon the civil and political rights of the party taking the same, as if the same had been administered by a Commissioner or Commissioners for that purpose specially appointed by the Crown.

Custody of  
Poll Books.

XXII. And be it enacted, that it shall be the duty of the Returning Officer in all cases where a Poll shall have been taken, to keep copies of all the Poll Books returned to him by his several Deputies, and to transmit the original Poll Books with the Writ of Election and Return, to the Clerk of the Crown in Chancery, within at the least ten days after the closing of the Election for which the same shall have been taken; and that such original Poll Books, with the affidavits of the due taking of the same hereinbefore required to be made, in case the said Election shall be controverted, shall upon the trial thereof, without further proof thereof than the production of such original Poll Books from the files of the proper office, be taken and received as *prima facie* evidence of all that they contain.

Controverted  
Elections.

Death of Re-  
turning Officer  
during Elec-  
tion.

XXIII. And be it enacted, that in case any Returning Officer appointed to hold an Election, or take a Poll, after commencing the same, shall before the final termination of the same, die or become incapacitated by accident or sickness, it shall and may be lawful for his Election or Poll Clerk to act in his stead, who shall be authorized to appoint his Poll Clerk and finish the Election and make the Return, in the same way and manner as though he, the said Poll Clerk had been originally appointed the Returning Officer, or Deputy Returning Officer; Provided always, that such Election or Poll Clerk, before entering upon his duties as Returning Officer, or Deputy Officer, shall appoint his Poll Clerk, who with the said new or acting Returning Officer, or Deputy Returning Officer, previous to entering upon their duties respectively, shall take and subscribe the oaths prescribed by Law for Returning Officers, Deputy Returning Officers and Poll Clerks.

Fees and al-  
lowances.

XXIV. And be it enacted, that every Returning Officer for the respective Counties, Ridings, Cities, Towns or Boroughs in this Province, shall be entitled to the following fees and allowances for the services and disbursements hereinafter specified respectively, that is to say: For attendance on the day of opening the Election, twenty-five shillings: For attendance on the day of closing the Election where Polls have been taken, twenty-five shillings: For an Election Clerk



Clerk on the former day, twenty shillings : For an Election Clerk on the latter day, twenty shillings : For two Constables on the day of opening the Election, and the same on the day of closing it, where a Poll has been taken, ten shillings : For two Constables at each Poll per diem, each ten shillings : For Messenger to each Returning Officer, per mile, for each mile travelled, six pence : For each Deputy per diem, while taking the Poll, one pound : For each Poll Clerk while taking the Poll, one pound : And that such fees and allowances shall in all cases be paid to every Returning Officer respectively, by the like persons, out of the like funds, and in the like manner, as the fees and allowances heretofore payable to Returning Officers in that part of Canada heretofore forming the Province of Lower Canada, except only such part thereof, as in that part of this Province heretofore the Province of Lower Canada hath been chargeable against, and payable by the Candidates at such Election, or the representatives of such Candidates, all which last mentioned expenses shall henceforth be allowed and paid to such Returning Officer in like manner, and out of the like funds, as the other fees and expenses of such Election.

XXV. And be it enacted, that from the time any Returning Officer, or Deputy Returning Officer, or Poll Clerk, shall take and subscribe the Oath required to be taken by Returning Officers or Deputy Returning Officers by Law, until the final close of such Elections or Polls respectively, they shall be and are hereby declared to be Conservators of the Peace, and severally vested with the same powers for the preservation of the Peace, and apprehension and committal for trial, or holding to bail, or trying and convicting violators of the Law and good order, as are vested in the Justices of the Peace of the Province ; and that for the purpose of keeping the peace and preserving good order at any Election, it shall and may be lawful for the Returning Officer or Deputy Returning Officer to command the assistance of all Justices of the Peace, Constables and other Persons present at such Elections, to aid and assist him in doing so, also to swear in as many special Constables as he may deem necessary and expedient : and it shall and may be lawful for any Returning Officer or Deputy Returning Officer aforesaid, to commit any person for a breach of the Peace or violation of good order to the custody and charge of any Constable or Constables, person or persons on view, for such time as he in his discretion shall deem expedient, or by a writing under his hand to commit to prison for the like offence for any period not exceeding the final close of the Election or Poll respectively.

Preservation  
of the Peace  
during Elec-  
tion.

XXVI. And be it enacted, that upon the written application of any Candidate or of the Counsel or Agent of any Candidate, or of any two or more Electors, any Returning Officer or Deputy Returning Officer shall, and he is hereby required to swear in such special Constables.

Special Con-  
stables.

XXVII.

Offensive  
weapons to be  
delivered up  
during the  
Election.

XXVII. And be it enacted, that it shall and may be lawful for any Returning Officer or Deputy Returning Officer, during any part of the days whereon any such Election shall be to be begun, holden, or proceeded with, or on which any Poll for such Election shall be to be begun, holden, or proceeded with, to demand and receive from any person whomsoever, any offensive weapon, such as fire-arms, swords, staves, bludgeons, or the like, with which any such person shall be armed, or which any such person shall have in his hands or personal possession, and every such person, who, upon such demand, shall decline or refuse to deliver up to such Returning Officer or Deputy Returning Officer, any such offensive weapon as aforesaid, shall be deemed guilty of a misdemeanor, punishable by fine not exceeding twenty five pounds, and imprisonment not exceeding three calendar months, or by both, in the discretion of the Court whose duty it shall be to pass the sentence of the Law upon such person upon his conviction : Provided always, that upon reasonable request made to such Returning Officer or Deputy Returning Officer, after the close of such Election, any such weapon that shall have been delivered up to such Returning Officer or Deputy Returning Officer, shall be restored by such Returning Officer or Deputy Returning Officer, to the person from whom the same may have been taken as aforesaid.

Penalty.

To be restored  
after Election.

Conviction for  
battery within  
two miles of  
the place of  
Election.

XXVIII. And be it enacted, that every person who shall be convicted of a battery committed during any part of the days whereon any such Election shall be to be begun, holden or proceeded with, or on which any Poll for such Election shall be to be begun, holden and proceeded with, within the distance of two miles of the place where such Election or such Poll shall be to be begun, holden, or proceeded with, shall be punishable by a fine of not more than twenty five pounds and imprisoned for not more than three calendar months, or either, in the discretion of the Court whose duty it shall be to pass the sentence of the Law upon such person upon his conviction.

Punishment.

Against Bri-  
bery and Cor-  
ruption.

XXIX. And be it enacted, that it shall not be lawful for any Candidate at any Election, directly or indirectly to employ any means of corruption by giving any sum of money, office, place, employment, gratuity, reward, or any bond, bill, or note of conveyance of land, or any promise of the same, or to threaten any Elector of losing any office, salary, income, or advantage, either by himself or his authorised Agent for that purpose, with the intent to corrupt or bribe any Elector to vote for such Candidate, or to keep back any Elector from voting for any other Candidate, nor to open and support, or cause to be opened and supported at his costs and charges, any house of public entertainment for the accommodation of the Electors within the County, Riding, City, Town or Borough, for which he is a Candidate; and in case any Representative returned to Parliament shall be proved guilty of using any of the above means to procure his Election before the proper tribunal

tribunal, his Election shall thereby be declared void, and he be incapable of being a Candidate, or being elected or returned during that Parliament.

XXX. And be it enacted, that any person who shall give, or cause to be given, or loan any sum of money, or give any office, place, or employment, gratuity or reward, or any bond, bill or note, or conveyance of land or other property, or promise of the same to any Elector, in consideration of or for the purpose of corrupting him to give his vote for any Candidate, or to forbear to give his vote to any Candidate, or as a compensation to any Elector for his loss of time or expenses in going to, or returning from voting, or by any other pretence whatsoever, or any voter who shall accept the same for the aforesaid purpose, shall forfeit and pay a sum not less than five pounds, nor more than one hundred pounds, in the discretion of the Court and Jury having jurisdiction of the same, with costs of suit, and which may be sued for and recovered by action or plaint in any Court of Record in this Province having competent jurisdiction.

Fine upon conviction of Bribery.

XXXI. And be it enacted, that upon it being proved before the proper tribunal of the Legislative Assembly at the trial of any contested Election, that any Elector voting at the said Election had been bribed to give his vote, the name of such Voter shall be struck from such Poll Book.

Bribed vote disallowed.

XXXII. And be it enacted, that from and after the passing of this Act, if any person shall either during any Election of a Member or Members of the Legislative Assembly for any County, Riding, City, Town or Borough, or within three calendar months previous to such Election, or within fourteen days after it shall have been completed, be employed at or for the purposes of such Election, as Counsel, Agent, Attorney, Poll or Check Clerk, or in any other capacity, and shall at any time, either before, during or after such Election, accept or take from any such Candidate or Candidates, or from any person whatsoever, for or in consideration of, or with reference to such employment, any sum or sums of money, retaining fee, office, place or employment, or any promise or security for any sum or sums of money, retaining fee, office, place or employment, such person shall be deemed incapable of voting at such Election, and his vote if given, shall be utterly void, and of non-effect.

Paid Agents at Election not to vote.

XXXIII. And be it enacted, that it shall not be lawful for any Candidate for the representation of any County, Riding, City, Town or Borough, in this Province, with intent to promote his Election, or for any other person, with intent to promote the Election of any such Candidate, either to provide or furnish entertainment at his expense to any meeting of Electors, assembled for the purpose of promoting such Election, previous to or during the Election at which he shall be

Treating.

a Candidate, or to pay for, procure or engage to pay for any such entertainment, or to furnish any money or other property to any person or persons whomsoever, for the purpose of being expended in procuring the attendance of Voters at the Polls, or to engage to pay any money, or deliver any property, or otherwise compensate any person or persons whomsoever for procuring the attendance of Voters at the Polls, or to contribute money for any other purpose intended to promote the Election of any particular person or persons for any such County, Riding, City, Town or Borough, except only for defraying the expenses of printing, and the circulation of votes, hand-bills, and other papers previous to or during any such Election: Provided always, that nothing herein contained shall be construed to extend to any entertainment furnished to any such meeting of Electors, by or at the expense of any person or persons at his, her, or their usual place of residence.

Persons armed  
not to come  
within two  
miles of an  
Election.

**XXXIV.** And be it enacted, that except for the Returning Officer for such Election, or his Deputy for such Parish, Township or Ward, or the Poll Clerk for such Parish, Township or Ward, or one of the Constables or Special Constables, appointed by such Returning Officer or his Deputy, for the orderly conduct of such Election or Poll, and the preservation of the public peace thereat, it shall not be lawful for any person who hath not had a stated residence in such Parish, Township or Ward, for at least six calendar months next before the day of such Election, to come during any part of the days upon which such Poll shall be to remain open, into such Parish, Township or Ward, armed with offensive weapons of any kind, as fire-arms, swords, staves, bludgeons, or the like, or for any such person being in such Parish, Township or Ward, to arm himself during any part of either of such days with any such offensive weapons, and thus armed to approach within the distance of two miles of the place where the Poll for such Parish, Township or Ward shall be held.

Party Flags  
and Colours.

**XXXV.** And be it enacted, that it shall not be lawful for any Candidate for the representation of any County, Riding, City, Town, or Borough, in this Province, or for any other person, to furnish or supply any Ensign, Standard or set of Colours, or any other Flag, to or for any person or persons whomsoever, with intent that the same should be carried or used in such County, Riding, City, Town or Borough on the day of Election, or within one fortnight before or after such day, by such person, or any other as a Party Flag, to distinguish the bearer thereof and those who might follow the same, as the supporters of such Candidate, or of the political or other opinions entertained or supposed to be entertained by such Candidate, or for any reason to carry or use any such Ensign, Standard, set of Colours, or other Flag as a Party Flag, within such County, Riding, City, Town or Borough, on the day of any such Election, or within one fortnight before or after such day.

**XXXVI.**

XXXVI. And be it enacted, that it shall not be lawful for any Candidate for the Representation of any County, Riding, City, Town or Borough in this Province, or for any other person, to furnish or supply any Ribbon, Label, or the like Favor, to or for any person whomsoever, with intent that the same should be worn or used within such County, Riding, City, Town or Borough, on the day of Election, or within one fortnight before or after such day, by such person or any other, as a Party Badge, to distinguish the Wearer as the supporter of such Candidate, or of the political or other opinions entertained or supposed to be entertained by such Candidate, or for any person to use or wear any such Ribbon, Label, or other Favor, as such Badge, within such County, Riding, City, Town or Borough, on the day of any such Election, or within one fortnight before or after such day.

Party Ribbons  
and Favors.

XXXVII. And be it enacted, that every person offending against any of the provisions of the next four preceding sections of this Act, shall be deemed guilty of a misdemeanor, punishable by fine not exceeding fifty pounds, and imprisonment not exceeding six calendar months, or by both, in the discretion of the Court whose duty it shall be to pass the sentence of the Law upon such person upon his conviction.

Offenders  
against this  
Act how pun-  
ished.

XXXVIII. And be it enacted, that one copy of this Act for himself, and one for each of his Deputies, shall be transmitted with the Writ of Election to each and every Returning Officer throughout the Province.

Copies of Act.

XXXIX. And be it enacted, that this Act may be amended or repealed by any Act to be passed in the present Session of the Provincial Parliament.

Repeal of Act.

## CAP. II.

An Act to make the Law for vacating the Seats of Members of the Legislative Assembly accepting Office, uniform throughout this Province.

[12th October, 1842.]

**W**HEREAS it is expedient to make the Law for vacating the Seats of Members of the Legislative Assembly accepting Office, uniform throughout the Province, and for that purpose to extend to Members elected for places in Canada West the enactments in that behalf applicable to Members elected for places in Canada East: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the

Preamble.