

CAP. XXVII.

An Act to repeal certain Acts therein mentioned, and to amend, consolidate, and reduce into one Act, the several Statutory provisions now in force for the regulation of Elections of Members to represent the People of this Province in the Legislative Assembly thereof.

[30th May, 1849.]

WHEREAS it is expedient to amend, consolidate, and reduce into one Act, the several Statutory provisions now in force for the regulation of Elections of Members to represent the People of this Province in the Legislative Assembly thereof: 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, intituled, *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 the several Acts of the Parliaments of the late Provinces of Lower and Upper-Canada and of the Parliament of Canada, hereinafter in this section mentioned, shall be, and the same are hereby repealed, that is to say: the Act of the Parliament of the late Province of Lower-Canada, passed in the fifth year of the reign of His late Majesty, King George the Fourth, chapter thirty-three, and 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*,—and the Act of the same Parliament, passed in the Session held in the tenth and eleventh years of the same reign, chapter fifty, and 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*,—and the Act of the Parliament of the late Province of Upper-Canada, passed in the second Session held in the fourth year of the reign of His said late Majesty, chapter three, 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*,—and the Act of the same Parliament, passed in the Session held in the third year of the reign of His late Majesty King William the Fourth, chapter eleven, and intituled, *An Act to make perpetual an Act passed in the thirty-third year of the reign of His Majesty King George the Third, intituled, '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*,—and the Act of the same Parliament, passed in the Session held in the fourth year of the same reign, chapter fourteen, and intituled, *An Act to repeal part of and amend an Act passed in the fourth year of the reign of His late Majesty George the Fourth, intituled, 'An Act to repeal the several Statutes of this Province respecting the Elections of Members of the House of Assembly, and the qualifications 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,'*—and the Act of the Parliament of this Province, passed in the Session held in the fourth and fifth years of the reign of Her Majesty, chapter fifty-two, and intituled,

Preamble.

Certain Acts and part of Acts repealed.

Act of L. C. 5 G. 4. c. 33.

Act of L. C. 10 & 11 G. 4. c. 50.

Act of U. C. 4 G. 4. c. 3.

Act of U. C. 3. W. 4. c. 11.

Act of U. C. 4. W. 4. c. 14.

An

Act of Canada,
4 & 5 V. c. 52.

Act of Canada,
6. V. c. 1.

General repeal.

Proviso: re-
pealed Acts
not to revive.

An Act to compel all Candidates at any future Elections for Members of the Legislative Assembly to make and subscribe detailed declarations of the property by them possessed, and under which they qualify,—and the Act of the same Parliament, passed in the Session held in the sixth year of the same reign, chapter one, and intituled, An Act to provide for the freedom of Elections throughout this Province, and for other purposes therein mentioned; and all other Acts, enactments or provisions of law repugnant to or inconsistent with this Act: Provided always, that all Acts, enactments and provisions of law repealed by the Acts hereby repealed, or any of them, shall remain repealed, notwithstanding the repeal of the said last mentioned Acts.

In L. C.
Sheriffs to be
Returning
Officers for
the Cities and
Towns.

If there be
more than one
person in the
Office.

And the Re-
gistrars of
Deeds, for the
Counties.

If there be
more than one
Registrar in a
County.

II. And be it enacted, in and by the present section, which shall have force and effect in Lower-Canada only, That the Sheriffs for the time being for the several Districts of that part of the Province, shall be *ex officio* Returning Officers for the respective Cities or Towns over which their authority as such Sheriffs shall extend; and in case there should be two or more persons appointed to perform the office of Sheriff for any one of the said Districts, then the Writ of Election shall be directed to either of them, and the person to whom the Writ of Election shall have been directed, shall alone act as such Returning Officer; and that the Registrars of deeds and titles, for the time being, for the several Counties in Lower-Canada, shall be *ex officio* Returning Officers for the respective Counties over which their authority as such Registrars shall extend; and in case there should be two or more Registrars in any of the said Counties, according to the several divisions made thereof for registry purposes, then the Writ of Election shall be directed to any one of such Registrars, and the Registrar to whom the Writ of Election shall have been directed shall alone act as such Returning Officer.

In U. C.
High Sheriffs
to be Return-
ing Officers for
their Counties,
Cities and
Towns there-
in, if resident,
and where the
Sheriff is not
Returning
Officer, the
Registrar to be
so.

III. And be it enacted, in and by the present section, which shall have force and effect in Upper-Canada only, That the High Sheriffs for the time being for the several Districts in that part of the Province, shall be *ex officio* Returning Officers for such Counties or Ridings over which their authority as such Sheriffs shall extend, and in which they shall respectively reside, and also for the respective Cities and Towns, sending Members to Parliament within the limits of such Counties or Ridings, and that for the several other Counties for which the Sheriff shall not be *ex officio* Returning Officer as hereinbefore provided, the Registrars of Deeds therein for the time being shall be *ex officio* Returning Officers; Provided always, that the High Sheriff of the Home District, shall also be *ex officio* Returning Officer for the West Riding of the County of York, and that the said Registrar for the time being of the said County of York, shall be *ex officio* Returning Officer for the East Riding and North Riding of the said County.

Writs of Elec-
tion to be ad-
dressed accord-
ingly to the
Sheriffs and
Registrars.

IV. And be it enacted, That whenever a Writ of Election is issued for the election of a Member or Members to serve in the Legislative Assembly of this Province for any of the said Counties, Ridings, Cities or Towns, the same shall be addressed and directed to the said Sheriffs and Registrars respectively, as the case may be, according to the requirements of this Act.

Another Re-
turning Officer
to be appointed
if the Sheriff
or Registrar be
incapacitated.

V. And be it enacted, That in case any of the said Sheriffs and Registrars should be a Member of the Legislative Council of this Province, he shall be, to all intents and purposes, disqualified and incapacitated from acting as Returning Officer; and in that case, as well as in the case of the death of any Sheriff or Registrar, or of his being absent

absent from this Province, or incapacitated by sickness from performing the duties of Returning Officer, then it shall be lawful for the Governor-General of this Province to appoint, as heretofore, any qualified person to be Returning Officer in the place of such Sheriff or Registrar: Provided always, that no person, other than a Sheriff or Registrar as aforesaid, shall be so appointed or act as such Returning Officer for any County, Riding, City or Town in this Province, unless at the time of his appointment, such person be an elector for such County, Riding, City or Town, then duly and legally qualified to vote at the election of a Member or Members for the same, nor unless he shall have continually resided therein during at least twelve months immediately preceding his appointment; and that any person who shall be so appointed and shall act as Returning Officer for any one of the said Counties, Ridings, Cities or Towns, without possessing the qualifications hereinabove required, shall thereby incur a penalty of Fifty pounds, current money of this Province.

Proviso: qualification of any person so appointed.

Penalty for acting without qualification.

VI. And be it enacted, That none of the persons hereinafter designated in this section, shall in any case be appointed or act as such Returning Officer as aforesaid, or as Deputy Returning Officer, or as Election Clerk, or as Poll Clerk, that is to say:

Certain parties excluded from serving as Returning Officers, &c.

First. The Members of the Executive Council.

The parties.

Second. The Members of the said Legislative Council.

Third. The Members of the said Legislative Assembly.

Fourth. Any Minister, Priest, Ecclesiastic, or Teacher, under any form or profession of religious faith or worship.

Fifth. The Judges of the Courts of Superior Civil and Criminal Jurisdiction, as well as the Judges of Circuit Courts and District Courts.

Sixth. All persons who may have served in the Parliament of this Province as Members of the said Legislative Assembly, in the Session next immediately preceding the election in question, or in the then present Session, if the election shall take place during a Session of the said Parliament, and if any one of the persons above mentioned in this section shall be appointed to act and shall act as Returning Officer, or as Deputy Returning Officer, or as Election Clerk, or as Poll Clerk, he shall incur a penalty of Twenty-five Pounds, current money of this Province.

Penalty on parties excluded, acting as Returning Officers.

VII. And be it enacted, That none of the persons hereinafter mentioned in this section, unless they be such Sheriffs or Registrars, or Town Clerks or Assessors shall be obliged to act as such Returning Officer, or Deputy Returning Officer, or as such Election Clerk or Poll Clerk, that is to say:

Certain parties exempted from serving.

First. Physicians and Surgeons.

Second. Millers.

Third. Post-Masters.

Fourth.

Fourth. Persons being sixty years of age, or upwards.

Fifth. Persons who shall have previously served as Returning Officers.

Penalty on parties not exempted, refusing to serve as Returning Officers.

VIII. And be it enacted, That every Sheriff or Registrar, and every other person having the qualifications required by this Act for acting as Returning Officer, who shall refuse to perform the duty of Returning Officer at any such Election as aforesaid, after having received the Writ of Election, shall for such refusal incur a penalty of Fifty Pounds currency of this Province, unless such person, not being a Sheriff or Registrar, and having a right to claim the exemption granted by the next preceding section, shall in fact have claimed such exemption within two days next after the receipt of such Writ of Election.

Duty of the Returning Officer on receiving the Writ of Election.

Proclamation. Its form and contents.

Posting up of Proclamation.

Place of Election.

Hour.

Polling days.

Place of posting up Proclamation in Cities and Towns.

In Counties in U. C.

In Counties in L. C.

How the eight days' notice shall be reckoned.

Penalty for neglect.

IX. And be it enacted, That each Returning Officer shall, on receiving the Writ of Election, forthwith endorse thereon the date of its reception; and within eight days next after the day of such reception, he shall by a Proclamation under his hand, issued in the English language in Upper-Canada and in the English and French languages in Lower-Canada, and in the form A of the Schedule annexed to this Act, fix the place, day and hour, at which he will proceed to hold the Election; and he shall cause such Proclamation to be posted up, in the manner hereinafter prescribed, at least eight days before the day which by such Proclamation he shall have fixed for holding the said Election, which day so fixed shall be called the Nomination Day; and the place to be so fixed by the Returning Officer, shall be in the public place most central and most convenient for the great body of the Electors in the County, Riding, City or Town for which he shall then be acting as such Returning Officer, and the hour to be fixed shall be between eleven o'clock in the forenoon, and two o'clock in the afternoon of the day so by him fixed for opening such Election as aforesaid; and in and by the Proclamation aforesaid, the Returning Officer shall also fix the day on which, in case a Poll be demanded and granted as hereinafter provided, such Poll shall be opened, in conformity to this Act, in each Parish, Township, or union of Townships or Ward, or part of a Parish or Township (as the case may be) for taking and recording the Votes of the Electors according to law; if the Election be for a City or Town, he shall cause the said Proclamation to be posted up, in Upper-Canada, at the City or Town Hall and in some public place in each Ward of such City or Town, and in Lower-Canada at the door of at least one Church or Chapel, or other place of Public Worship, and in some public place in each Ward of such City or Town; and if the Election be for a County or Riding, he shall cause the said Proclamation to be posted up, in Upper-Canada, at the Town Hall where there is one, and in at least one other public place in each Township or union of Townships of such County or Riding in which such Election shall be held, and in Lower-Canada, at the door of at least one Church or Chapel, or other place of Public Worship, where there is one, and in at least one other public place in each Parish, Township or extra-parochial place in such County; and if it shall happen that only part of any Parish, Township or extra-parochial place in Lower-Canada shall be within such County, he shall cause the said Proclamation to be posted up in such part only, in the manner above prescribed; and that neither the day of nomination nor that of the posting of such Proclamation, shall be included within the said eight days; and any Returning Officer who shall refuse or neglect to cause such Proclamation to be posted up as above required, shall, for such neglect or refusal, incur a penalty of Twenty-five pounds currency.

X. And be it enacted, That each Returning Officer shall, before the said day by him fixed for opening the Election, make and subscribe before a Justice of the Peace for the County or District in which he resides, the Oath number One, in the Schedule to this Act annexed; and such Justice of the Peace, shall, under a penalty of Ten pounds currency, in case of refusal, deliver to him, under the hand of such Justice, and in the form B of the said Schedule, a certificate of his having taken the said Oath, which, together with the said certificate, shall be annexed to his Return to the Writ of Election; and any Returning Officer who shall refuse or neglect either to make and subscribe the said Oath, or to annex it with the said certificate to his Return, shall, for such refusal or neglect, incur a penalty of Ten pounds currency.

Returning Officer to take an oath of office.

Justice administering it, to grant a certificate.

Penalty for refusing to take the oath.

XI. And be it enacted, That each Returning Officer shall, before the day of nomination, appoint by a Commission under his hand, in the form C of the said Schedule, a fit and proper person to be his Election Clerk and to assist him in the performance of his duties as Returning Officer; and such Election Clerk shall make and subscribe, either before some Justice of the Peace for the County or District in which he resides, or before the said Returning Officer, the Oath number Two, in the said Schedule; and of his having taken such Oath, there shall be delivered to him by the person before whom he shall have been sworn, and under his hand, a certificate in the form D of the said Schedule; and any person so appointed as Election Clerk who shall refuse to accept the said Office, or who, having accepted it, shall refuse or neglect to take and subscribe the said Oath hereby above required of him, or to perform the duties of Election Clerk, shall for, such refusal or neglect, incur a penalty of Ten pounds currency: Provided always, that it shall be lawful for the said Returning Officer, either before or after the day of nomination, to appoint in the manner above mentioned, another person as his Election Clerk, whensoever the case may require, either by reason of the death, illness, or absence of any Election Clerk previously appointed, or of his refusal or neglect to act, or otherwise; and such new Election Clerk so appointed shall be bound to perform all the duties, and comply with all the obligations of his Office under the same penalty in case of refusal or neglect on his part, as is hereinbefore imposed in like cases; and whenever any Returning Officer shall become unable to perform the duties of his Office, whether by death, illness, absence or otherwise, the Election Clerk so by him appointed as aforesaid, shall have power and is hereby required, under the same penalties in case of refusal or neglect on his part, as are hereinabove imposed in like cases on the Returning Officer, to act as and shall be Returning Officer for the said Election, and shall perform all the duties and obligations of that Office, (which in such case he is hereby authorized and required to do), in like manner as if he had been duly appointed Returning Officer, and without being required to possess any other qualification, or to take any new Oath for that purpose; and in any such case, the Election Clerk shall annex to his Return to the Writ of Election the said certificate of the Oath he shall have taken as Election Clerk, and also the Oath itself.

Returning Officer to appoint an Election Clerk who shall be sworn, &c.

Penalty on persons refusing to perform the duty.

Proviso: Another Election Clerk may be appointed in certain cases.

Duty of Election Clerk in case the Returning Officer shall be unable to perform his duty.

What shall be annexed to the Return in such case.

XII. And be it enacted, That each Returning Officer shall at the time and place by him fixed as aforesaid for opening the Election, proceed to the Hustings (which shall be held in the open air at such place as that all the Electors may have free access thereto) and shall make or cause to be made, in the English and French languages in Lower-Canada, and in the English language in Upper-Canada, in the presence of the Electors there assembled at the Hustings, a Proclamation in the form E of the said Schedule, and shall then and there read, or cause to be read publicly, in the English language

Proceedings of the Returning Officer on the day of Election.

Proclamation; reading of Commission, &c.

language in Upper-Canada, and in the English and French languages in Lower-Canada, the Writ of Election, and his Commission as Returning Officer when he shall have been appointed Returning Officer by Special Commission for such purpose, and shall then require the Electors there present to name the person or persons whom they wish to choose at the said Election to represent them in the said Legislative Assembly in obedience to the said Writ of Election; and if the Candidates or their respective Agents, and the Electors then and there present, upon a show of hands agree in the choice to be so made of the person or persons to represent the said Electors as aforesaid, and if after such show of hands, a Poll be not demanded in the manner hereinafter mentioned, the said Returning Officer shall forthwith close the Election, and shall then and there openly proclaim the person or persons so chosen, to be duly elected a Member or Members to represent in the Legislative Assembly, the County, Riding, City or Town for which such Election shall be had; but if a Poll be demanded (and any Elector present or any Candidate, either in person or by his Agent, shall have a right to demand a Poll) then it shall be the duty of the Returning Officer, and he is hereby required to grant such Poll for taking and recording the Votes of the Electors in the manner prescribed by this Act; and when at any such Election a Poll shall be demanded as aforesaid, if the Returning Officer shall refuse or neglect to grant the same, the Election shall be *ipso facto* null, and such Returning Officer shall, for such refusal or neglect, incur a penalty of Two hundred pounds currency.

If no Poll be demanded.

If a Poll be demanded.

Penalty for not granting a Poll if demanded.

Proceedings when a Poll is demanded.

How and where such Poll shall be had.

In U. C. in Counties.

In Cities and Towns.

In L. C.

Proviso: no Poll to be at a Tavern, and free access to be afforded.

At what Polling place each Elector shall vote. Penalty for voting elsewhere.

In certain wards of Quebec and Montreal, their Polling places to be appointed.

XIII. And be it enacted, That when at any Election as aforesaid, a Poll shall have been demanded and granted in the manner prescribed by this Act, such Poll shall be opened and kept separately in each Parish, Township or union of Townships, or Ward, or part of a Parish or Township (as the case may be) which shall lie within such County, Riding, City or Town, that is to say: in Upper-Canada, in Counties and Ridings, in some building at or near the place where the last Township Meeting was held; and in Cities and Towns, at the most convenient place in each Ward; and in Lower-Canada, at the most public and convenient place for the body of the Electors in such Parish, Township or Ward, or part of a Parish or Township, either in the open air or in some building close to the public highway; provided that such building, whether in Upper or Lower-Canada, be not a Tavern or place of public entertainment, and that there be free access thereto to every Elector: And at such Election the Electors shall vote at the Polling place so opened and kept in the Parish or Township or union of Townships, or Ward, or part of a Parish or Township within the limits whereof the property shall lie, upon which they shall respectively claim the right of voting at such Election, and not at any other Polling place: and if any Elector (except in the case hereinafter mentioned of a Tenant who may have resided in different Wards) shall vote at any other Polling place, he shall thereby incur a penalty of Ten pounds currency.

XIV. Provided always, and be it enacted, That three Polling places shall be appointed by the Returning Officer in each of the following Wards of the City of Montreal, that is to say: the Saint Anne's Ward, the Saint Antoine Ward, the Saint Lawrence Ward, the Saint Louis Ward, the Saint James Ward and the Saint Mary's Ward; and in the Saint Roch's Ward and the Saint John's Ward of the City of Quebec; and three Deputy Returning Officers shall be appointed for each of the said Wards by the Returning Officer for the City in which they respectively lie, and shall have like powers and duties with the other Deputy Returning Officers to be appointed under this Act: and

and the Polling places in each of the said Wards shall be selected by the Returning Officer, in such manner as in his judgment will afford the greatest facility to the Electors residing in different parts of the Ward to give their votes, without going further than is necessary from their respective places of residence; but each Elector entitled to vote in any Ward may vote at any one of the Polling places in such Ward: Provided also, that the said Cities of Quebec and Montreal shall for all the purposes of this Act remain divided into Wards, and such Wards shall remain bounded as they now are by law, notwithstanding any change which may be hereafter made in the division of either of the said Cities into Wards, or in the boundaries of such Wards, for municipal or other purposes, unless by the Act establishing such new division or boundaries, it shall be expressly provided that the same shall be used for the purposes of this Act and of the Election of Members of the Legislative Assembly.

Proviso: wards in the said Cities to remain as at present for election purposes though altered for others.

XV. And be it enacted, in and by the present Section, which shall have force and effect in Lower-Canada only, That for the purpose of voting under the provisions of this Act, the word "Parish" shall be understood wherever it occurs in this Act, to include any tract of land which at the date of the Writ of Election shall be generally reputed to form a Parish, whether such tract have or have not been wholly or in part originally erected into a Parish, either by the Civil authorities or by a Decree of the Ecclesiastical authorities; and when in any County there shall be an extra-parochial place, every Elector qualified to vote at the Election upon property lying within the limits of such extra-parochial place, may vote at that one of the Polling places opened and kept as aforesaid in the said County, which shall appear to him most convenient: and when only part of any Parish or any tract of land reputed to be a Parish within the meaning of this Section, or of any Township, shall lie within the County, no Polling place shall be opened within such part, unless there be therein at least one hundred proprietors of lands or tenements, qualified to vote at such Election; and when any such part shall not be entitled to have a Polling place, or where no Polling place shall be therein opened and kept in conformity to this Act, any Elector qualified to vote at the Election, upon any property lying within such part, may vote at such Election at that one of the Polling places opened and kept in the said County, which shall to him appear most convenient.

Interpretation of the word Parish as regards L. C.

As to extra-parochial places.

When part only of a Parish lies within any County.

XVI. And be it enacted, That when at any such Election for a County, Riding, City or Town, a Poll shall have been demanded and granted in the manner provided by this Act, the Returning Officer, immediately after having granted such Poll, and before adjourning his proceedings, shall publicly proclaim from the hustings the day previously fixed in and by his first proclamation, and the place at which the Poll shall be so opened separately in each Parish, Township or Union of Townships, or Ward, or part of a Parish or Township (as the case may be) for the purpose of then and there taking and recording the votes of the Electors according to law; and the said Returning Officer shall allow at least six days and not more than ten to elapse between the day so by him fixed as aforesaid for opening the Election, and the day by him fixed for opening the Poll, at separate places as aforesaid; and after having so proclaimed from the hustings the day and the places fixed for opening such Poll as aforesaid (which places shall be then by him specially designated and described) the Returning Officer shall adjourn his proceedings in such Election to another certain day, which shall be called the Day of the Closing of the Election, and which shall be one of the ten days next following that which he shall have previously fixed as aforesaid for opening the said Poll, in the manner hereinbefore mentioned.

Day of opening the Poll to be proclaimed from the Hustings.

Delay between Election and Poll.

Adjournment of the Election until after the Poll.

Poll not to be held on Sundays or certain holidays.

Polling days to be the same for each Division of the County, City, &c., and to be two in number, and consecutive unless Sundays or holidays intervene.

Hours of voting.

Deputy Returning Officers to be appointed to hold the Polls.

Their Oath of Office, &c.

Penalty for refusing to perform the duty.

Proviso: in U. C. certain local Officers to be appointed Deputy Returning Officers.

Deputy Returning Officers to appoint Poll Clerks.

Duties of Poll Clerks, Oath of Office, &c.

XVII. And be it enacted, That the day to be so fixed and proclaimed by the Returning Officer for opening the Poll at separate places as aforesaid, shall not be a Sunday, New Year's day, the Epiphany, the Annunciation, Good-Friday, the Ascension, *Corpus Christi*, St. Peter and St. Paul's day, All Saints day, the Conception, or Christmas day; and that such day shall be the same for each Parish, Township or union of Townships, or Ward, or part of a Parish or Township (as the case may be), and the Poll shall be opened and held on that day and the next following day only, so that there be two days polling in each Parish, Township or union of Townships, Ward, or part of a Parish or Township, (as the case may be); and such two days shall be two consecutive days, unless one of such days be a Sunday or one of the holy-days hereinbefore mentioned, in which case such Poll shall be opened and held on the next following day, in such manner always that there may be in each Parish, Township or union of Townships, Ward, or part of a Parish or Township, (as the case may be), two days of polling for taking and recording the votes of the Electors according to law; and during such two days of polling, the voting shall commence at Nine o'clock in the forenoon, and shall finish at Five in the afternoon of each of the said days.

XVIII. And be it enacted, That for the purpose of taking the votes at any such Election as aforesaid, the Returning Officer shall, by a Commission under his hand and in the form F of the said Schedule, appoint a Deputy Returning Officer for each Parish, Township or Union of Townships, or Ward, or part of a Parish or Township, (as the case may be), in which a Polling place is to be opened and kept according to law, three Deputy Returning Officers being appointed for each of certain Wards in the Cities of Montreal and Quebec as hereinbefore provided; and each such Deputy Returning Officer shall, before acting as such, take and subscribe, either before a Justice of the Peace for the County or District in which he resides, or before the Returning Officer, the Oath number Three in the said Schedule, of the taking of which Oath there shall be delivered to him by the Functionary before whom he shall have taken it, a Certificate under the hand of such Functionary in the form G of the said Schedule; and any person so appointed a Deputy Returning Officer who shall refuse to accept the said office, or who after having accepted the same shall refuse or neglect either to take and subscribe the said Oath hereby required of him, or to perform the duties of a Deputy Returning Officer, shall for such neglect or refusal incur a penalty of Twenty-five pounds currency: Provided always, that the Returning Officer for every County or Riding in Upper-Canada shall, and he is hereby required to appoint as such his Deputy for each Township or Union of Townships in which a Polling place is to be opened and kept according to law, the Town Clerk for the time being of such Township or Union of Townships, and in case of the absence, sickness or death of any such Town Clerk, then he shall appoint as such his Deputy, as aforesaid, instead of such Town Clerk, the Assessor or Collector of such Township or Union of Townships; and every Deputy Returning Officer, as well in Upper as in Lower-Canada, shall, by a Commission under his hand, and in the form H of the said Schedule, appoint a Poll Clerk to assist him in taking the Poll according to law; and each Poll Clerk appointed as aforesaid shall, before acting as such, take and subscribe, either before a Justice of the Peace for the County or District in which he resides, or before the Returning Officer, or such Deputy Returning Officer, the Oath number Four, in the said Schedule, of the taking of which Oath there shall be delivered to him, by the Functionary before whom it shall have been taken, a Certificate under his hand, in the form J in the said Schedule; and any person so appointed a Poll Clerk who shall

refuse

refuse to accept the said office, or who, after having accepted the same, shall refuse or neglect either to take and subscribe the Oath hereby required of him, or to perform the duties of a Poll Clerk, shall, for such neglect or refusal incur a penalty of Ten pounds currency; Provided always, that it shall be lawful for the Returning Officer to appoint in the manner above provided, another person to be Deputy Returning Officer, when and so often as the case may require such appointment, either by reason of the death, illness or absence of a Deputy Returning Officer previously appointed, or by reason of his refusal or neglect to act in that capacity, or otherwise; and such new Deputy Returning Officer so appointed shall be bound to perform all the duties and obligations of the said office under the same penalties, in case of refusal or neglect on his part, as are hereinabove imposed in like cases.

Penalty for refusing to perform the duty.

Proviso: Another Deputy Returning Officer may be appointed in certain cases. His duties, &c.

XIX. And be it enacted, That the Returning Officer shall, by a Warrant under his hand, in the form K of the said Schedule, and addressed to any of the Deputy Returning Officers by him appointed as aforesaid, require each such Deputy Returning Officer to open and hold the Poll according to law, at the time and place by him fixed as hereinbefore provided and set forth in his said Warrant, in the Parish, Township or Union of Townships, or Ward, or part of a Parish or Township (as the case may be), for which such Deputy shall have been so appointed, and to take and record at such Poll, in a Book which such Deputy shall keep or cause to be kept for that purpose, in the form L of the said Schedule, the votes of the Electors voting at the said Poll, and to return to him the said Poll Book signed with his hand and sealed with his seal, on or before the said day fixed by the Returning Officer for closing the Election.

Returning Officer to issue his Warrant for holding the Polls, &c., to each of his Deputies.

Form of Poll Book—return thereof, &c.

XX. And be it enacted, That each Deputy Returning Officer shall, at the Polling place kept by him in conformity to this Act, record or cause to be recorded in such Poll Book as aforesaid, and in the order in which they shall have been given, the votes of the Electors voting at such Polling places, by entering therein the name, surname, legal addition and residence of each Elector so voting, and by shewing by the insertion of the word "Proprietor," or the word "Tenant" in the said Poll Book, whether it be as a proprietor or as a tenant that such Elector claims the right of voting at such Poll; and when any elector shall have taken the oath required of him by this Act, the Deputy Returning Officer shall state in the Poll Book that such oath was taken by the Elector, by entering after the name of such Elector in the column for oaths in the said Poll Book, the word "Sworn" to oath number (as the case may be) and nothing more.

Mode of recording the votes in the Poll Book.

As to Electors sworn.

XXI. And be it enacted, That each Poll Clerk shall, at the Polling place for which he shall have been appointed, aid and assist in the performance of the duties of his office, the Deputy Returning Officer appointed to open and keep the Poll at such place in conformity to this Act, and shall obey the orders of the said Deputy Returning Officer; and in case the Deputy Returning Officer should refuse or neglect to perform the duties of his office, or shall become unable to perform them, either by death, illness, absence or otherwise, and if in any such case no other Deputy Returning Officer duly appointed by the Returning Officer in the place of the former shall appear at the Polling place, then such Poll Clerk is hereby required, (under the same penalties as are hereinbefore imposed in like cases on a Deputy Returning Officer,) to act at such Poll as Deputy Returning Officer, and to perform all the duties and obligations of that office, (which he is hereby in such case authorized and required to do in the same manner as if he had been appointed

Duty of the Poll Clerk.

To perform the duty of Deputy Returning Officer in certain cases.

In such case he may appoint another Poll Clerk.

Deputy Returning Officer may appoint another Poll Clerk in certain cases.

Poll Clerk to take a certain oath before the Poll Book is returned.

And also the Deputy Returning Officer.

When the Poll Book shall be returned, and to whom.

Penalties for non-compliance with this section.

Proceedings on the day appointed for closing the Election. Counting the votes.

Proclamation of the person elected.

Proviso: if

appointed Deputy Returning Officer by the Returning Officer, and without being bound to take any new oath, for that purpose); and whenever any Poll Clerk shall, in the case hereinbefore provided, act as Deputy Returning Officer, he shall have power to appoint by a Commission under his hand in the form H of the said Schedule, another person as Poll Clerk, to aid and assist him as aforesaid in the performance of the duties of his office, and to administer to such person the oath required of a Poll Clerk by this Act; and the Poll Clerk so appointed in conformity with this section shall have the same duties and obligations to perform as if he had been appointed Poll Clerk by the Deputy Returning Officer himself; and also whenever any Poll Clerk appointed under the requirements of this Act shall refuse or neglect to perform his duty as such, or shall become unable to perform it, either by death, illness, absence or other cause, the Deputy Returning Officer whose Poll Clerk he was, may appoint, by a Commission under his hand in the form H of the said Schedule, another person as Clerk at the said Polling place, to aid and assist him as aforesaid in the duties of his office, and may administer to him the oath required of a Poll Clerk by this Act.

XXII. And be it enacted, That every Poll Clerk shall, after the closing of the Poll at which he shall have acted as such, but before the Deputy Returning Officer who shall have kept the same shall have returned the Poll Book to the Returning Officer, as herein required, make and subscribe, either before a Justice of the Peace for the County or District in which he resides, or before the said Deputy Returning Officer, or before the Returning Officer himself, the oath in the form M. of the said Schedule, which oath shall thereafter be annexed to the said Poll Book; and that the Deputy Returning Officer who shall have kept and closed the Poll shall, before returning the Poll Book as aforesaid to the Returning Officer, make and subscribe, either before a Justice of the Peace for the County or District where he resides, or before the said Returning Officer, the oath in the form N. of the said Schedule, which oath shall thereafter be annexed to the said Poll Book; and the Deputy Returning Officer shall then return the Poll Book to the Returning Officer on or before the day fixed in the manner above prescribed for closing the election; and any Deputy Returning Officer or Poll Clerk who shall refuse or neglect to perform any of the obligations or formalities required of him by this section, shall, for each such refusal or neglect, incur the penalty hereinafter mentioned, that is to say: any Deputy Returning Officer a penalty of Fifty pounds currency; and any Poll Clerk a penalty of Twenty pounds currency.

XXIII. And be it enacted, That on the day so fixed as aforesaid by the Returning Officer for closing the Election, the said Returning Officer shall proceed at the appointed hour to the same place at which he shall have opened the Election and granted a Poll as aforesaid; and he shall then and there, in the presence of the Electors assembled, proceed to ascertain the state of the General Poll at the Election, by counting and adding up from each Poll Book the total number of votes taken and recorded at the Election in the whole County, Riding, City or Town, for which the Election shall have been had; and as soon as he shall have so ascertained the total number of votes, he shall then and there openly proclaim, as being duly elected a Member or Members to represent such County, Riding, City or Town in the said Legislative Assembly, the person or persons who shall have a majority of the total number of votes so counted and added up which shall have been taken and recorded according to law in all the Parishes, or Townships or Unions of Townships, or Wards, or parts of Parishes or Townships (as the case may be,) in such County, Riding, City or Town: Provided always,

always, that the Returning Officer shall not in any case proclaim any such person or persons duly elected, unless all the Poll Books shall have been returned to him by all his Deputy Returning Officers.

all the Poll Books have not been returned.

XXIV. And be it enacted, That if on the day fixed by the Returning Officer for closing the election, it should happen that one or more of the Poll Books shall not have been returned by the Deputy Returning Officer or Officers, and it should consequently become impossible for him to ascertain the total number of votes as required by the next preceding section of this Act, then such Returning Officer, instead of proceeding on the said day to examine the Poll Books which shall have been previously returned to him, shall again adjourn the proceedings of the Election to the following day, and so from day to day until all the said Poll Books shall have been returned to him: Provided always, That in proclaiming such adjournment he shall publicly assign the reason thereof, and shall in no case continue the said adjournment to so late a day as to prevent his returning the Writ of Election on the day appointed for that purpose; and provided also, that he shall in no case adjourn such proceedings to a Sunday or to any of the Holy-days hereinbefore mentioned, but if the case shall occur, he shall adjourn the proceedings to the day next after such Sunday or Holy-day.

Proceedings to be adjourned until all the Poll Books shall be returned.

Proviso. reason of adjournment to be proclaimed.

Proviso: Adjournment over any Sunday or Holy-day.

XXV. And be it enacted, That immediately after any Election shall be closed, by the Proclamation to be made by the Returning Officer, in manner aforesaid, of the person or persons duly elected as aforesaid, the Returning Officer shall forthwith execute under his hand and seal, and the hands and seals of at least three Electors, an Indenture of the Election in the form O of the said Schedule; and such Indenture shall be in duplicate or in triplicate, as the case may require, and one copy shall be delivered by the Returning Officer to each person so elected, and the Returning Officer shall transmit one copy thereof to the Clerk of the Crown in Chancery, with the return of the Writ of Election.

Indenture to be executed, and one copy returned with the Writ.

XXVI. And be it enacted, That when any Poll Book of any such Election shall be stolen or taken from its lawful place of deposit for the time being, or shall have been lost or destroyed, or shall have been otherwise placed beyond the reach of the Deputy Returning Officer, to whom the custody of such Poll Book for the time being belonged at any time before he shall have made his return of the same to the Returning Officer, it shall be the duty of such Deputy Returning Officer and he is hereby required to attend personally on the Returning Officer, and report to him the fact of such loss of the said Poll Book, and it shall be also the duty of the Poll Clerk of such Deputy Returning Officer, so soon as he shall have been informed of such loss personally or by letter, either by or from such Deputy Returning Officer, or the Returning Officer himself, or shall have had other good reasons for believing that such loss had occurred, forthwith to attend personally on such Returning Officer, and it shall be the duty of such Returning Officer to examine such Deputy Returning Officer and Poll Clerk upon oath or affirmation as the occasion may require, as to such loss of the said Poll Book and the contents thereof, which examination shall be taken down by him in writing, and subscribed by such Deputy Returning Officer and Poll Clerk, and annexed to the Return in lieu of such Poll Book; and the number of votes that the said Returning Officer shall by this means find to have been recorded in such Poll Book for each Candidate at such Election, shall be included in his summing up of the Votes of such Election, as if the same had been taken from such Poll Book; Provided always, nevertheless, that

Proceedings in case any Poll Book shall be stolen, lost or destroyed.

Examination of Deputy Returning Officer and Poll Clerk, &c.

Proviso: Punishment

that

of Deputy Returning Officer or Poll Clerk refusing to attend or be sworn.

that if either the Deputy Returning Officer or the Poll Clerk shall omit to attend on such Returning Officer as hereby required of them, or shall refuse to be sworn or affirmed by such Returning Officer as aforesaid, they shall be each subject to a Penalty of Fifty Pounds and in the case of such refusal to be sworn or affirmed as aforesaid, shall and may be committed by the said Returning Officer to the common Gaol of the County or District, until thence discharged by an order of the said Legislative Assembly in that behalf.

Returning Officer to have copies of the Poll Books made, and deposit the same.

To be open to the public.
Fee.

Originals to be returned with the Writ of Election.

Their effect as evidence.

XXVII. And be it enacted, That it shall be the duty of each Returning Officer to make or cause to be made exact copies of all the Poll Books which shall have been returned to him by his several Deputies, and within ten days after the closing of the Election, to deposit such copies duly certified by him in the Office of the Registrar of Deeds and Titles for that County, or part of a County within which the place where the nomination of the Candidates at such Election shall have been made, is situate; and the said Registrar shall be bound to allow inspection thereof to any person who may demand the same on payment of a fee of one shilling currency, and to allow such person to take copy of the same at his own expense; and it shall also be the duty of the Returning Officer then to transmit the originals of the said Poll Books with the Writ of Election and his return thereupon, to the Clerk of the Crown in Chancery, within fifteen days after the closing of the Election; and the said original Poll Books, with the affidavits and certificates hereinabove required, shall in all cases be *primâ facie* evidence of the truth of the allegations therein contained.

Returning Officer or Deputy, not to grant any scrutiny.

XXVIII. And be it enacted, That hereafter no Returning Officer or Deputy Returning Officer shall have power to grant, make or enter into any scrutiny of the votes given at any such Election, excepting only such as may be granted and made with reference to each vote before it is recorded in the Poll Book.

Who may act as the Agent of any Candidate.

No paid Agent, Attorney, Counsel, &c. of any Candidate to vote at the Election.

XXIX. And be it enacted, That at any Election as aforesaid, whether at the Hustings on the day of the opening or of the closing of the Election, or at the Polling places opened and kept for such Election in conformity to this Act, in the absence of any person authorized in writing to act as Agent for any absent Candidate, any Elector in the interest of such Candidate, may at any time during the Election, declare himself to be and may act as the Agent of any such Candidate without producing any special authority in writing for that purpose; and that any person who, at any time, either during the Election or before the Election, shall be employed at the said Election or in reference thereto, or for the purpose of forwarding the same, by any Candidate or by any person whomsoever, as Counsel, Agent, Attorney or Clerk, at any Polling place at such Election, or in any other capacity whatever, and who shall have received or expect to receive, either before, during or after the said Election, from any Candidate or from any person whomsoever, for acting in any such capacity as aforesaid, any sum of money, fee, office, place or employment or any promise, pledge or security whatever, for any sum of money, fee, office, place or employment, shall be deemed incompetent to vote at such Election, and his vote, if given, shall be null and void, and such person shall further incur, for having so voted, a penalty of Twenty-five pounds currency.

Penalty for voting.

Qualification of Electors, for Counties or Ridings.

XXX. And be it enacted, That no person shall be entitled to vote at any such Election, for a County or Riding, unless at the time of giving his vote he shall be possessed, for his own use and benefit as proprietor, by virtue of some legal title vesting such

such property in him, either in Fee Simple or in Freehold under the tenure of free and common soccage, or in *fief*, or in *roture*, or in *franc-allevu*, or by virtue of a certificate, derived under the authority of the Governor and Council of the late Province of Quebec, or by virtue of any Act or Acts of the Legislature of either the late Province of Upper or Lower-Canada, or of the Legislature of Canada, of Lands or Tenements lying and being in such County or Riding, and being of the clear yearly value of Forty-four shillings and five pence and one farthing currency, (equal, at the time of the passing of the Act of the Imperial Parliament, passed in the thirty-first year of the Reign of His Majesty King George the Third, commonly called "The Constitutional Act," and 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,'* to forty shillings sterling,) or upwards over and above all annual rents, whether ground rents (*rentes foncières*) or constituted rents (*rentes constituées*) or any other rents and charges payable out of or in respect of the same, nor unless such person be at the time of giving his vote at such Election, and shall have been in actual and uninterrupted possession of such lands or tenements, or in the receipt of the rents and profits thereof as proprietor as aforesaid, by virtue of and under some such title as aforesaid, for his own use and benefit, during at least six calendar months next before the date of the Writ of Election, unless the same shall have come to him by descent or inheritance, or by devise, marriage or contract of marriage, or unless the Deed of Conveyance or Patent from the Crown under which he claims to hold such Estate in Upper-Canada, shall have been registered three calendar months before the date of such Writ of Election: Provided always, that any Deed or Instrument in writing containing a promise of sale (*promesse de vente*) in favor of any person claiming to vote at any such Election, and being in possession of the property mentioned in such Deed or Instrument in writing, or in favour of any other person or persons through whom he holds, shall, in Lower-Canada, be considered for the purposes of this Act as a legal title vesting such property in the person so claiming to vote; Provided nevertheless, that every such Deed or Instrument, not being a notarial Deed or Instrument, shall have been enregistered at least twelve months before such Election: And provided also, that no person shall be entitled to vote in Upper-Canada at any such Election as aforesaid by virtue of any Conveyance made to his wife after marriage unless such Conveyance shall have been registered for three calendar months as aforesaid, or such person shall have been in possession of the Lands and Tenements mentioned in such Deed for six calendar months next before the date of the Writ of Election.

XXXI. And be it enacted, That no person shall be entitled to vote as proprietor at any such Election, for any City or Town in this Province, unless at the time of giving his vote at such Election he shall be possessed for his own use and benefit as proprietor, by virtue of some legal title vesting such property in him, either in Fee Simple or in Freehold under the tenure of free and common soccage, or in *fief*, or in *roture*, or in *franc-allevu*, or by virtue of a certificate derived under the authority of the Governor and Council of the late Province of Quebec, or by virtue of any Act or Acts of the Legislature of either the late Province of Upper or Lower-Canada, or of the Legislature of Canada, of a lot of ground with a dwelling house thereon, lying and being within the limits of such City or Town or of the liberties thereof, such lot and dwelling house being of the yearly value of five pounds, eleven shillings, one penny and one farthing currency of this Province, (equal, at the time of the passing of the Imperial Act last

Imperial Act
31 Geo. 3, c.
31, cited.

During what
time the quali-
fication must
have been
possessed.

Exception.

Proviso.

Qualification
of Electors in
Cities or
Towns—as
proprietors.

above

During what time the qualification must have been possessed.

Proviso.

Proviso.

Exception.

above cited, to Five Pounds sterling) or upwards, over and above all annual rents, whether ground rents (*rentes foncières*) or constituted rents (*rentes constituées*) or any other rents and charges payable out of or in respect of the same, nor unless such person be at the time of giving his vote at such Election, and shall have been in actual and uninterrupted possession of such lot and dwelling house, or in the receipt of the rents and profits thereof as proprietor as aforesaid by virtue of and under some such title as aforesaid, for his own use and benefit, during at least six calendar months next before the date of the Writ of Election, unless such lot and dwelling house shall have come to him by descent or inheritance, or devise, marriage or contract of marriage, or unless the deed of conveyance or patent from the Crown, under which he claims to hold such estate in Upper-Canada, shall have been registered three calendar months before the date of such Writ of Election; Provided always, that any Deed or Instrument in writing containing a promise of sale (*promesse de vente*) in favour of any person claiming to vote at any such Election, and being in possession of the property mentioned in such Deed or Instrument in writing, or in favour of any other person or persons through whom he holds, shall, in Lower-Canada, be considered for the purposes of this Act as a legal title, vesting such property in the person so claiming to vote; Provided, nevertheless, that every such Deed or Instrument, not being a Notarial Deed or Instrument, shall have been enregistered at least twelve months before such Election; And provided also, that no person shall be entitled to vote in Upper-Canada at any such Election as aforesaid by virtue of any Conveyance made to his wife after marriage, unless such Conveyance shall have been registered for three calendar months as aforesaid, or such person shall have been in possession of the lands and tenements mentioned in such Deed for six calendar months next before the date of the Writ of Election.

Proprietors of dwelling houses not to be disqualified by certain circumstances or agreements respecting the same.

XXXII. Provided always, and it is hereby declared and enacted by the authority aforesaid, That every such person being otherwise duly qualified in that behalf to vote as proprietor as aforesaid, is and shall be entitled to vote at any such Election upon or in respect of any such lot and dwelling house, whether such dwelling house shall have been erected upon the said lot by himself or those under whom he claims, or by any tenant or tenants holding under building or other leases, or by any other person or persons whomsoever, and whether there shall be or shall not be any subsisting covenant, contract or agreement between landlord and tenant, either in such lease or separate from it, for the removal of any such dwelling house from such lot during or at the end of any term of years for which it may be let, or for any allowance in money or otherwise in lieu of such removal.

Qualification of Electors in Cities and Towns—as Tenants.

XXXIII. And be it enacted, That no person shall be entitled to vote as a Tenant at any such Election for any City or Town in this Province, unless at the time of giving his vote at such Election he shall reside as a Tenant within the limits of such City or Town, or of the liberties thereof, nor unless he shall have so resided as a Tenant during the period of twelve calendar months next before the date of the Writ of Election, nor unless he shall, during the same period, as such Tenant, and as a separate Tenant, have occupied and shall occupy at the time he shall give his vote at such Election, by actual residence therein (*en y tenant feu et lieu*) a dwelling house or dwelling houses, or part or parts of a dwelling house or dwelling houses, lying and being within the limits of such City or Town, or of the liberties thereof, nor unless he shall have really and *bond fide* paid one year's rent for such dwelling house or dwelling houses, or part or parts of a dwelling house or dwelling houses, at the rate of eleven pounds, two shillings and two pence

One year's Rent must have been paid.

pence half penny currency, (equal, at the time of the passing of the Imperial Act last above cited, to Ten pounds sterling) or upwards, a year; Provided always, that the year's rent so required to be paid to entitle such tenant to vote at any such Election, shall be the year's rent up to the last yearly, half yearly, quarterly or other day of payment (as the case may be) of such rent, which shall have occurred next before the date of the said Writ of Election; And provided also, that whenever such annual rent shall exceed the said sum of Eleven pounds, two shillings and two pence half penny currency, then, in every such case, payment of Eleven pounds two shillings and two pence half penny currency, shall be deemed and taken to be a payment of rent within the requirements of this section; And provided also, that any person who shall only hold and occupy within the limits of such City or Town or the liberties thereof, a shop, a counting house, office or other place of business, and who shall not live and have his actual residence therein, (*n'y tienda pas feu et lieu*), shall not be entitled to vote at such Election; And provided also, that a change of residence in any such City or Town, or the liberties thereof, shall not in any case deprive any such Tenant of his right to vote at any such Election, provided he be in all other respects qualified to vote thereat; and in case of such change of residence being from one Ward to another, he shall vote only at the Polling place opened and kept in the Ward within the limits whereof he shall reside on the day when he shall vote at such Election.

Proviso: what shall be such year's Rent.

Proviso: Payment of £11 2s 2½d. to be sufficient

Proviso as to occupiers of buildings not being dwelling houses.

Proviso as to change of residence.

XXXIV. Provided always, and it is hereby declared and enacted by the authority aforesaid, That every such person being otherwise duly qualified in that behalf to vote as tenant as aforesaid, is and shall be entitled to vote at any such election upon or in respect of any such dwelling house, whether such dwelling house shall have been erected upon the lot of ground on which the same shall stand, by himself or those under whom he claims, or by any other person or persons whomsoever, and whether there shall or shall not be any subsisting covenant, contract or agreement between landlord and tenant, either in the lease under which he shall hold or separate from it, for the removal of any such dwelling house from such lot during or at the end of any term of years for which the same may be let, or for any allowance in money or otherwise in lieu of such removal.

Tenants not to be disqualified by certain circumstances, or agreements as to their dwelling houses.

XXXV. And be it enacted, That any person who, being in the Civil or Military Service of Her Majesty, or of any Corporation, or Incorporated Society or Company, shall occupy within the limits of such City or Town, or the liberties thereof, any dwelling house or part of a dwelling house, which shall belong to the Crown or to any Department of Her Majesty's Government, or to such Corporation, Society or Company, or which shall have been provided for such person in any manner whatever by the Crown or any Department of Her Majesty's Government, or by such Corporation, Society or Company, whether it be or be not reckoned as part of the Salary, Wages or pay, which such person, by reason of such service, shall be entitled to receive or shall receive from the Crown, or any Department of Her Majesty's Government, or from such Corporation, Society or Company, shall not be entitled, by reason of his occupying any such dwelling house or part of a dwelling house, to vote at such Election, whatever be the amount of the rent or the value of the occupation (*la valeur du loyer*) of such dwelling house or part of a dwelling house so occupied by such person, and whether he do or do not actually live and have his residence therein, (*y tienne ou non feu et lieu*), unless such party shall have contracted to pay, and shall *bonâ fide* have paid one year's rent for such dwelling house as aforesaid.

Occupiers of dwellings provided for them by Her Majesty, Government Departments, Corporations, &c. not to be thereby qualified.

Exception.

XXXVI.

As to lands partly within one county and partly within another.

XXXVI. And be it enacted, That whenever at any such Election for a County or Riding, any person shall claim the right of voting as the proprietor of any lands or tenements which lie partly within such County or Riding and partly within another, the part thereof lying within the County or Riding for which the Election shall be had, shall be held to be lands or tenements within the meaning of the thirtieth section of this Act, and such person may accordingly vote at such Election, provided he be in all other respects duly qualified so to do within the intent of the said thirtieth section; and when any lands or tenements, although wholly within the same County or Riding, shall nevertheless lie partly within the limits of one of the Polling places opened and kept in such County or Riding, and partly within the limits of another of the said Polling places, the person who shall be entitled to vote as the proprietor of such lands or tenements may vote at either of the said Polling places at his discretion.

And as to lands partly within one polling place and partly within another.

As to lands partly within and partly without any City or Town.

XXXVII. And be it enacted, That whenever at any such Election for any City or Town in this Province, any person shall claim the right of voting under the provisions of the thirty-first section of this Act, as the Proprietor of a lot of ground lying partly within and partly without the limits of such City or Town, or the liberties thereof, such person shall not be entitled to vote at such Election upon the said lot of ground, unless the dwelling house erected on such lot shall be wholly upon that part thereof which shall lie within the said limits, nor unless such person be in all other respects duly qualified within the meaning of the said thirty-first section, to vote at such Election.

As to lands, &c., in L. C. of which one person shall have the right of property and another the usufructuary enjoyment.

XXXVIII. And be it enacted, in and by the present section which shall have force and effect in Lower-Canada only, That whenever any person shall have the mere right of property in any lands or tenements in a County, or in any lot of ground having a dwelling house thereon in any City or Town, and some other person shall have the usufructuary enjoyment (*la jouissance et l'usufruit*) of the same for his own use and benefit, the person who shall have the mere right of property therein shall not have the right of voting upon such lands or tenements, or lot of ground, at any such Election; but in such case such usufructuary (*usufruitier*) shall alone be entitled to vote at such Election upon such lands or tenements.

Joint tenants, or tenants in common, may vote.

XXXIX. And be it enacted, That whenever the right of property in any lands or tenements in any County or Riding, or in any lot of ground having a dwelling house thereon in any City or Town, shall be vested undividedly (*par indivis*), whether as joint tenants or tenants in common, in any two or more persons, each of such persons shall have the right of voting at any such election upon his undivided part or share of such property; Provided always, that such part or share be of the yearly value of at least Two pounds four shillings and five pence and one farthing currency, as required by the thirtieth section of this Act, if such lands or tenements be situate in any County or Riding, or of the yearly value of at least Five pounds, eleven shillings and one penny and one farthing currency, as required by the thirty-first section, if such lands or tenements be situate in any of the Cities or Towns aforesaid, over and above all annual rents, whether ground rents (*rentes foncières*), or constituted rents (*rentes constituées*) or any other rents and charges payable out of or in respect of such part or share, and not otherwise; but whenever any such lands or tenements shall be vested in any Incorporated Company or Society, no one of the shareholders or partners in such Company or Society shall in any case be entitled to vote upon such property at any such Election.

Proviso. Each undivided part must be of the proper value.

Shareholders in incorporated companies or societies, excepted.

XL. And be it enacted, That in every case where the vote of any person shall be objected to by any Candidate or his Agent, the Deputy Returning Officer shall enter the objection in his Poll Book by writing or causing to be written after the name of the voter, in the column for objections, the words "objected to" only, mentioning at the same time by which Candidate or Candidates, or on behalf of what Candidate or Candidates the objection shall have been made, by adding after the words "objected to" the name only of such Candidate or Candidates; and whenever any Elector shall be thereunto required by the Deputy Returning Officer, or by any one of the Candidates or his Agent, such Elector shall, before his vote be taken and recorded in the Poll Book, declare the local situation of the lands or tenements on which he claims to vote, and such declaration shall be made verbally by such Elector, by his merely mentioning either the street or streets, public square or squares on or to which such lands or tenements front or are adjacent, or the names of his neighbours so far as they may be known to him, if such lands or tenements be situate in any one of the said Cities or Towns, or by his merely mentioning the street or square, range or concession, in or on which such lands or tenements are situate, or the names of his neighbours so far as they may be known to him, if such property be in any County or Riding; and whenever such Deputy Returning Officer shall be thereunto required by any Candidate or his Agent, and not in any other case, he shall state in his Poll Book the situation of such lands or tenements by merely entering or causing to be entered therein, after the name of the voter in the column of "description," either the name of the street or streets, or of the square or squares, lot, range or concession in which such lands or tenements are situate, or the names of the neighbours thereof in so far as they shall be known to the voter, (as the case may be), the whole according to the declaration of the situation of such lands or tenements as given by the voter.

Votes objected to, how to be distinguished in the Poll Book.

Situation of the property voted upon, may be asked of any voter.

And the answer shall be noted in the Poll Book if required by any Candidate.

XLI. And be it enacted, That whenever any person who shall have or claim to have the right of voting at any Election, shall be thereunto required by one of the Candidates or his Agent, and not otherwise, he shall take before the Deputy Returning Officer at the Polling place at which he shall offer to vote and before his vote shall be taken and recorded in the Poll Book, one of the Oaths or Affirmations respectively marked numbers five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen and nineteen, in the said Schedule, that is to say: if the Election be for a County or Riding, such person shall take, in Lower-Canada, the oath or affirmation number five or six, (as the case may be,) and, in Upper-Canada, the oath or affirmation number ten, eleven, twelve or thirteen, (as the case may be); if the Election be for a City or Town, he shall take, in Lower-Canada, the oath or affirmation number seven or eight, (as the case may be), and, in Upper-Canada, the oath or affirmation number fourteen, fifteen, seventeen or eighteen, (as the case may be,) if he vote as a proprietor, or the oath or affirmation number nine, in Lower-Canada, and number sixteen in Upper-Canada, if he vote as a Tenant; and any such voter either in Upper or Lower-Canada may be required to take the oath number nineteen; which said oaths or affirmations the Deputy Returning Officer is hereby authorized and required to administer, under a penalty, for any refusal or neglect so to do, of Ten pounds currency; and in case any Deputy Returning Officer shall take upon himself to administer to any such voter any of the said oaths or affirmations, without the voter having been required to take the same by one of the Candidates or his Agent as aforesaid, then and in each such case such Deputy Returning Officer shall incur a penalty of Ten pounds currency; and that in case any voter shall vote as aforesaid at any such election without having

Oaths to be taken by the voters, if required.

What oaths may be required of any voter, at a county election, at a city or Town Election in L. C.

In U. C.

in L. C.

in U. C.

Penalty for refusing to administer such oaths.

Or for administering any oaths without being required.

Or for voting

previously

without taking the Oath if required.

Voter refusing to take the required Oath.

Penalty for recording such votes.

previously taken such oath or made such affirmation, when he shall have been thereunto required by one of the Candidates or his Agent, such voter shall incur a penalty of Ten pounds currency; and when any such voter shall have been so required by any of the Candidates or his Agent to take such oath or make such affirmation, and shall refuse to take or make the same, his refusal shall be stated by the Deputy Returning Officer in his Poll Book, by entering or causing to be entered after the name of such voter the word "refused," and in every such case the vote shall not be taken or recorded in the said Poll Book; and if any vote be in any such case taken and recorded, it shall be *ipso facto* null and void, and the Deputy Returning Officer shall, for having taken and recorded the same, or for having caused it to be taken and recorded in his said Poll Book, incur a penalty of Ten pounds currency.

None but British subjects of full age to vote.

XLII. And be it enacted, That no person shall be entitled to vote at any such Election, unless at the time of his voting at such Election he shall be a British subject by birth or naturalization, and shall have attained the full age of twenty-one years, and in case any question shall arise when any person shall offer himself to vote at any Polling Place, as to such person being at the time a British subject by birth or naturalization, such person shall be allowed to prove the same by the production of a lawful certificate of his naturalization, or at his option by taking the oath or affirmation number nineteen in the Schedule hereunto annexed which the Deputy Returning Officer shall, if requested, administer to him.

Every Deputy Returning Officer may administer the oath of allegiance to any person who needs only such oath to become a subject by naturalization.

XLIII. 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, during the period that his authority as such Deputy shall continue, be and he is hereby authorized and empowered to administer the oath or affirmation of allegiance to any person or persons who under the authority of any Act or Acts either of the Parliament of this Province or of either of the late Provinces of Lower or Upper-Canada would upon taking such oath or affirmation become entitled to the privileges of British Birth in this Province without further residence therein or other formality than the taking such oath or affirmation; which oath or affirmation so taken before such Deputy Returning Officer 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 such oath or affirmation had been administered by any Commissioner or other Public Officer directed by such Acts or any of them.

Penalty on unqualified persons voting.

Proof of qualification to lie on the person voting.

Penalty for voting more than once at the same election.

XLIV. And be it enacted, That any person who shall have wilfully voted at any such Election, without having, at the time of his so voting, all the qualifications required by law for entitling him so to vote at such Election, knowing at the time that he was not so entitled, shall for so doing incur a penalty of Ten pounds currency, and his vote shall moreover be null and void; and in any action or prosecution brought or instituted as hereinafter provided against any such person for the recovery of the said penalty, the burden of the proof of such person having, at the time of his so voting at such Election, all the said qualifications, or for believing so, shall fall upon him and not upon the party bringing or instituting such action or prosecution; and any person who shall vote more than once at the same Election shall for so doing incur a like penalty of Ten pounds currency, and every vote he shall have given subsequently to his first vote shall be null and void.

XLV. And be it enacted, That if any lands or tenements shall be transferred or conveyed to any person, by any title or instrument whatsoever, fraudulently and for the purpose of giving him the qualification requisite to enable him to vote at any Election, and if such person shall vote at such Election upon such lands or tenements, his vote shall be void, and he shall moreover incur a penalty of Twenty-five pounds currency; and nevertheless such transfer or conveyance, notwithstanding any agreement to annul or revoke the same, or to reconvey such lands or tenements, shall be valid, and shall transfer such lands or tenements out of and from the person who shall have so transferred or conveyed the same, and shall vest them in the person to whom they shall have been so transferred or conveyed, to all intents and purposes whatsoever; and every such agreement to annul or revoke any such transfer or conveyance, or to reconvey such lands or tenements, whether such agreement have been made with the person so transferring or conveying, or with the person to whom such lands or tenements are so transferred or conveyed, or with any person or persons acting for them or on their behalf, shall be null and void to all intents and purposes whatsoever.

Penalty for fraudulently conveying lands in order to give a vote.

But the conveyance shall be valid.

Any agreement to the contrary notwithstanding.

XLVI. And be it declared and enacted, That no woman is or shall be entitled to vote at any such Election, whether for any County or Riding, City or Town.

No woman shall vote.

XLVII. And be it enacted, That whenever any Elector shall not understand the English language, or the French language, or shall understand neither of the said languages, it shall be lawful for any Deputy Returning Officer to make use of an Interpreter to translate any Oath or Affirmation which shall be required of such Elector, as well as the questions which shall be put to him and his answers; and such Interpreter shall take before the said Deputy Returning Officer the Oath, or if he be one of the persons permitted by law to affirm in civil cases, the Affirmation following:

Interpreter may be employed and sworn, in certain cases.

“ I swear (or affirm) that I will faithfully translate such oaths, declarations, affirmations, questions and answers as the Deputy Returning Officer shall require me to translate at this Election. So help me God.”

His oath.

XLVIII. And whereas by the twenty-eighth Section of the said Act of the Parliament of the United Kingdom of Great Britain and Ireland, intituled, *An Act to re-unite the Provinces of Upper and Lower-Canada, and for the Government of Canada*, it is enacted, “ That every Candidate at such Election, before he shall be capable of being elected, shall, if required by any other Candidate, or by any Elector, or by the Returning Officer, make the following declaration :

Recital.

Union Act cited. Section 25.

“ I, A. B., do declare and testify that I am duly seized at law or in equity, as of freehold, for my own use and benefit, of lands or tenements held in free and common socage, (or duly seized or possessed for my own use and benefit of lands or tenements held in fief, or in roture, as the case may be) in the Province of Canada, of the value of Five hundred pounds of sterling money of Great Britain, over and above all rents, mortgages, charges and incumbrances charged upon or due and payable out of or affecting the same, and that I have not collusively or colourably obtained a title to or become possessed of the said lands and tenements or any part thereof, for the purpose of qualifying or enabling me to be returned a Member of the Legislative Assembly of the Province of Canada :”

Candidate to add to his declaration under the said Section, a description of the property forming his qualification.

Form of such addition.

Wilfully false statement in such description to be a misdemeanor.

Declaration may be voluntarily made before hand.

How construed in such case.

In what cases only a Candidate may be called upon to make same.

When it may be made, if required.

Before whom it may be made, and how attested.

Returning Officer to certify the delivery to him of the declaration under a penalty of £50.

Proviso: what shall be deemed the date of any such declaration: and who

Be it therefore declared and enacted, That every such Candidate, when he shall be personally required as aforesaid to make the said declaration, shall, before he shall be elected as aforesaid, give and insert at the foot of the declaration hereinabove required of him as aforesaid, a correct description of the lands or tenements aforesaid on which he shall claim to be qualified according to law to be so elected, and of their local situation, by adding immediately after the word "Canada," (which is the last word in the said declaration) the following words: "And I further declare that the lands or tenements aforesaid consist of, &c." (*here insert the description above required*); and any person who, in giving the description of such lands or tenements as above required, shall knowingly and wilfully make any false statement relative to the situation, position, extent or bounds of such lands or tenements, shall be deemed guilty of a misdemeanor, and shall, on being duly convicted thereof, incur the same pains and penalties as may by law be inflicted on persons guilty of wilful and corrupt perjury.

XLIX. And be it enacted, That it shall be lawful for any person, with a view to his becoming a Candidate at any such Election, to make, at any time, as well before as after the date of the Writ of Election, voluntarily and without waiting to be required so to do, any such declaration as is mentioned in the next preceding Section; and that any such declaration so made voluntarily as aforesaid, shall to all intents and purposes have the same force and effect as if it had been made after his being thereunto required according to law; but no such declaration, when any Candidate shall be required to make the same by any other Candidate, or by any Elector, or by the Returning Officer, in the manner hereinabove provided, need be so made by such Candidate, unless the same shall have been personally required of him on or before the day of nomination of Candidates at such Election, and before a Poll shall have been granted, and unless he shall not have already made the same voluntarily as he is hereinabove allowed to do, and not in any other case; and when any such declaration shall have been so required according to law, the Candidate called upon to make the same may do so at any time during such Election; Provided always, that it be made before the Proclamation, to be made by the Returning Officer at the closing of the Election, of the person or persons elected at such Election; and when such declaration shall be so made by any Candidate, whether voluntarily or in consequence of his being thereunto so required as aforesaid, it shall be made either before the Returning Officer or before some Justice of the Peace, or the Mayor, or one of the Aldermen of some City or Town in this Province, and such Returning Officer, Justice of the Peace, Mayor or Alderman shall take the same and shall attest it by writing at the foot thereof, the words "taken and acknowledged before me," or other words to the like effect, and by dating and signing such attestation; and any Candidate who shall deliver or cause to be delivered such declaration so made and attested to the Returning Officer at any time before the proclamation made by him at the closing of the Election as above mentioned in this section, shall be deemed to have complied with the law to all intents and purposes as regards such declaration; and any Returning Officer who shall be thereunto so required, shall be bound (under a penalty of Fifty pounds currency, in case of refusal) to give forthwith, after such declaration shall be delivered to him, to the Candidate or other person who shall have delivered the same, an acknowledgment under his hand of the delivery of such declaration; Provided always, that every such declaration shall for all the purposes of such Election, be deemed to have been made on the day on which it shall have been so delivered to the Returning Officer by the Candidate or by any person on his behalf, whatever be the date of its receipt or of its attestation, and the possession of such declaration

declaration shall be *prima facie* evidence of the possessor's having been authorized by the Candidate to deliver it to the Returning Officer.

may deliver it to the Returning Officer.

L. And be it enacted, That from the time when any Returning Officer or Deputy Returning Officer shall have taken and subscribed the Oath of Office as such, until the day next after the final closing of such Election, such Returning Officer or Deputy Returning Officer, respectively, shall be and is hereby declared to be a Conservator of the Peace, and invested, for the maintenance of the Peace, for the arrest, detention or admission to Bail, trial and conviction of any person or persons who shall break the law or trouble the Peace, with the same powers with which Justices of the Peace are invested in this Province; and for the maintenance of the Peace and of good order at such Election, it shall and may be lawful for each such Returning Officer or Deputy Returning Officer, respectively, to require the assistance of all Justices of the Peace, Constables, and other persons present at the election, whether at the Hustings or at any Polling place, to aid him in so doing, and also to swear in so many Special Constables as he shall deem necessary; and it shall be lawful for each such Returning Officer or Deputy Returning Officer, respectively, to arrest or cause to be arrested by verbal order, and to place in the custody of one or more Constables or other persons, for such time as in his discretion he shall deem expedient, any person who shall disturb the peace and good order, or to cause such person to be imprisoned for any such offence under an order signed by him, until any period not later than the final closing of the Election or of the Poll, respectively; which order, whether given verbally or in writing, all persons shall be bound to obey without delay, under a penalty for any refusal or neglect so to do, of Five pounds currency: Provided always, that no such arrest, detention or imprisonment shall in any manner exempt the person so arrested, detained, confined or imprisoned, from any pains or penalty to which he may have become liable by reason of any thing by him done contrary to the true intent and meaning of this Act, or otherwise.

Returning Officer and his Deputies to be conservators of the Peace, during a certain time.

They may require the aid of Justices of the Peace, Constables, &c. and swear in Special Constables.

May arrest disturbers or order them to be arrested, for a certain time.

Such order to be obeyed under a penalty of £5.

Proviso: such detention not to prevent other punishment.

LI. And be it enacted, That on a requisition in writing made by any Candidate or by his Agent, or by any two or more Electors, any Returning Officer or Deputy Returning Officer shall be and is hereby bound to swear in such Special Constables.

Special Constables to be sworn if required by any Candidate, &c.

LII. 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 Five pounds, currency, or 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.

Returning Officer or his Deputies may demand the surrender of all arms.

Penalty for refusing to surrender the same.

LIII. 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,

Certain batteries during election time

to be deemed
"aggravated
assaults."

holden, or proceeded with, or on which any Poll for such Election shall be to be begun, holden, or 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 deemed guilty of an aggravated assault, and shall be punished accordingly.

Provisions
against bribery
and corrup-
tion.

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

Punishment of
members
against whom
bribery or
corruption
shall be
proved.

Penalty on
parties giving
or receiving
corruptly any
consideration
for voting.

LV. 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 on any other pretence whatsoever, and 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 Fifty pounds in the discretion of the Court 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.

How recover-
able.

Votes corruptly
given to be
struck off the
Poll Book.

LVI. 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 the Poll Book.

Entertainment
not to be fur-
nished to Elec-
tors.

LVII. And be it enacted, That it shall not be lawful for any Candidate for the representation of any County, Riding, City or Town, 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 a Candidate, or to pay for, procure or engage to pay for any such entertainment; 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.

Except at the
residence of
the party fur-
nishing it.

With certain
exceptions, no

LVIII. And be it enacted, That except for the Returning Officer for such Election, or his Deputy for such Parish, Township or union of Townships, or Ward, or the Poll Clerk

Clerk for such Parish, Township or union of Townships, 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 union of Townships, 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 union of Townships, or Ward, armed with offensive weapons of any kind, as fire-arms, swords, staves, bludgeons, or the like, or for any person whomsoever being in such Parish, Township, union of Townships 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 union of Townships, or Ward shall be held, unless called upon to do so by lawful authority.

stranger shall come armed into any Parish, &c. while the Poll shall be open therein.

Nor shall any armed person approach within two miles of the Poll.

LIX. And be it enacted, That it shall not be lawful for any Candidate for the representation of any County, Riding, City or Town 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 or Town, on the day of Election, or within eight days before such day or during the continuance of such Election, 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 or Town, on the day of any such Election, or within eight days before such day, or during the continuance of such Election.

Party Ensigns, Flags, &c., not to be carried during any Election or within eight days before it.

LX. And be it enacted, That it shall not be lawful for any Candidate for the representation of any County, Riding, City, or Town 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, or Town, on the day of Election, or within eight days before such day, or during the continuance of such Election, 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 ribbon, label, or other favor, as such badge, within such County, Riding, City or Town, on the day of any such Election, or within eight days before such day, or during the continuance of such Election.

Party Badges, &c., not to be used, during a like time.

LXI. 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 Twenty-five pounds, or 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.

Punishment for contravening the four next preceding sections.

LXII. And be it enacted, That if any person shall steal or unlawfully or maliciously, either by violence or stealth, take from any Deputy Returning Officer or Poll Clerk, or from any other person having the lawful custody thereof, or from its lawful place of deposit for the time being, or shall unlawfully or maliciously destroy, injure or obliterate,

Persons stealing or destroying, &c., the Writ, Return, Indenture, &c., relating to any

OR

Election, to be guilty of felony.

Punishment of such persons.

What need not be stated in the Indictment.

Oaths, &c., under this Act to be administered gratuitously.

How penalties under this Act shall be recoverable.

Payment thereof, how enforced.

What it shall be sufficient to state in the declaration.

And in any indictment under this Act.

Proviso: Limitation of suits under this Act.

Cities and Towns not to form, for election purposes, part of Counties or Ridings in which they lie.

No proprietor shall vote in a County or Riding on pro-

or shall aid, counsel or assist in so stealing, taking, destroying, injuring or obliterating any Writ of Election, or any Return to a Writ of Election, or any Indenture, Poll Book, Certificate or Affidavit, or any other document or paper, made, prepared or drawn out according to, or for the purpose of meeting the requirements of this Act or any of them, every such offender shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, whose duty it shall be to pass the sentence of the law upon such offender, to be imprisoned at hard labour in the Provincial Penitentiary, for any term not exceeding seven years nor less than three years, or to be imprisoned in any other place of confinement for any term not exceeding two years, or to suffer such other punishment by fine or imprisonment, or by both, as the Court shall award; and it shall not in any indictment for any such offence be necessary to allege that the article in respect of which the offence is committed is the property of any person, or that the same is of any value.

LXIII. And be it enacted, That any person before whom it is hereby required that any oath or oaths shall be taken, or any affirmation or affirmations made in the manner herein provided, shall be and he is hereby authorized and required to administer such oath or oaths, affirmation or affirmations gratuitously.

LXIV. And be it enacted, That all penalties hereby imposed shall be recoverable, with full costs of suit, by any person who shall sue for the same by action of debt, bill, plaint or information, in any of Her Majesty's Courts in this Province having competent jurisdiction; and that in default of payment of the amount which the offender shall be condemned to pay, within the period to be fixed by such Court, such offender shall be imprisoned in the Common Gaol of the District until he shall have paid the amount which he shall have been so condemned to pay and the costs; and it shall be sufficient for the plaintiff in any action or suit 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 had acted contrary to this Act, without mentioning the Writ of Election 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 Election or the Return thereof, or the authority of the Returning Officer founded upon any such Writ of Election, nor shall it be necessary on the trial of any suit or prosecution under this Act to produce the Writ of Election or the Return thereof or the authority of the Returning Officer founded upon any such Writ of Election, but general evidence of such facts shall be sufficient evidence: 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.

LXV. And be it declared and enacted, That from and after the passing of this Act, the several Cities and Towns of this Province, which have the right to elect Members to represent them respectively in the said Legislative Assembly, shall cease to form part, and be deemed, hereafter, not to form part, respectively, of the Counties or Ridings within the limits of which they respectively lie, as regards the election of Members to represent the said Counties or Ridings in the Legislative Assembly; and that no one shall have the right to vote at any such Election for any of the said Counties or Ridings, upon lands or tenements, or lots of ground lying within the limits of any of the said
Cities

Cities or Towns respectively, whether there is erected thereon a dwelling house or not; partly in any City or Town.
any law, custom or usage to the contrary notwithstanding.

LXVI. And be it enacted, That the Fees hereinafter mentioned, and no other, shall Fees for services and disbursements at elections.
be allowed to the several Officers hereinafter mentioned, respectively, for their services and disbursements at any Election, that is to say:

TO THE RETURNING OFFICER.

For attendance on the day of opening the Election, two pounds currency. Returning Officer's fees.

For attendance on the day of closing the Election, when polls have been taken, two pounds.

For an Election Clerk, for each of those two days when attendance is required, one pound.

For two Constables, on each of those two days, each *per diem* five shillings.

For each Copy of Proclamation or Notification of Election, which may be required by law to be posted, whether in English and French, or in English only, two shillings and six pence.

For each Commission appointing Deputy Returning Officers and an Election Clerk, two shillings and six pence.

For each Warrant to Deputy Returning Officer to take the Poll, two shillings and six pence.

For each Indenture, five shillings.

For each mile actually and necessarily travelled for attending the place of Election, for posting Proclamations or Notifications, and for transmitting Commissions to Deputies, and Election Clerk, and Poll Books, six pence.

For each Poll Book furnished to Deputies, five shillings.

For each Copy of the same, (and when such Copy is furnished by him to any Elector to be paid for by such Elector), at three pence per folio of a hundred words.

The Returning Officer to be allowed the actual reasonable expenses incurred by him in providing Hustings or places for holding Elections, and such reasonable expenses as may be incurred in transmitting Poll Books and Returns to the Clerk of the Crown in Chancery. Certain disbursements allowed.

TO EACH DEPUTY RETURNING OFFICER.

For each day of holding the Poll, one pound. Deputy Returning Officer's Fees.

For the Commission appointing a Poll Clerk, two shillings and six pence.

For a Poll Clerk, each day, ten shillings.

To the Deputy and Clerk respectively, for each mile actually and necessarily travelled to and from the place of polling for the purpose of taking the oaths required by law, six pence.

For two Constables, each *per diem*, five shillings.

Certain disbursements allowed.

For each mile actually and necessarily travelled for transmitting Poll Books and Returns to the Returning Officer, six pence.

The reasonable and actual expenses incurred in providing Hustings or Polling places to be allowed.

Mileage to Justices of the Peace in certain cases.

When the attendance of any Justice of the Peace is required to administer the oaths to be taken in a *public manner* by the Deputy Returning Officer and Polling Clerks, such Justice of the Peace to be allowed for each mile actually and necessarily travelled by him, in going and returning, to be charged in the account of the Returning Officer, six pence.

How the said allowances shall be paid, and accounted for.

Which said fees, allowances and disbursements shall be paid over to the Returning Officer, by Warrant of the Governor, directed to the Receiver-General, out of the Consolidated Revenue Fund of the Province, and shall be distributed by such Returning Officer to the several Officers and persons entitled to the same under the provisions of this Act, which distribution he shall report to the Governor of the Province through the Provincial Secretary thereof.

To whom copies of this Act shall be sent.

LXVII. And be it enacted, That one copy of this Act with a copious alphabetical Index prefixed for the Returning Officer, and one for each of his Deputies, shall be transmitted with the Writ of Election to each and every Returning Officer throughout Canada.

Recital.

Time of Polling in the Township of Waterloo or of Wilmot, in the County of Waterloo may be extended in certain cases and on certain conditions.

LXVIII. And whereas it is requisite to make a special provision for extending the time for polling under certain circumstances in the County of Waterloo, which it is not considered necessary to extend to other constituencies: Be it therefore enacted, That if at any Election for the said County of Waterloo, a written requisition shall be presented to any Deputy Returning Officer to be appointed under the authority of this Act for either of the Townships of Waterloo or Wilmot, in the said County of Waterloo, at any time before the hour of five o'clock in the afternoon of the second day fixed for taking the Poll, signed by twelve Electors of such Township, resident within the same, setting forth that in their belief, the number of Electors of such Township remaining unpolled within the same is so great that their votes cannot conveniently be recorded without an extension of the time for taking the Poll and requiring him to extend the same accordingly, it shall be the duty of such Deputy Returning Officer, when the hour of five o'clock in the afternoon of the said second day shall arrive, instead of closing the Poll, to adjourn the same to the hour of nine o'clock in the forenoon of the day following, except the same shall be Sunday, Christmas-day or Good-Friday, in which case it shall be his duty to adjourn the same to the hour of nine o'clock in the forenoon of the day following such Sunday or Holy-day, and that he shall keep such adjourned Poll open till the hour of five o'clock in the afternoon of the day to which it shall have been so adjourned: and provided also, and be it enacted, that if at any time before the hour of five o'clock in the afternoon of the day to which such Poll shall have been adjourned as aforesaid, a similar requisition to that aforesaid shall be presented to such Deputy Returning Officer, requiring for the like cause a further extension of the time for taking the Poll, it shall be his duty, when the hour of five o'clock in the afternoon of the said day shall arrive, to adjourn the Poll to the hour of nine o'clock in the forenoon of the day next following, except the same shall be Sunday, or one of the Holy-days

Proviso.

days last aforesaid, in which case it shall be his duty to adjourn the same to the hour of nine o'clock in the forenoon of the day following such Sunday or Holy-day, and that he shall keep such adjourned Poll open till the hour of five o'clock in the afternoon of the said day to which it shall have been so adjourned, and then finally close the same for that Election; and provided also, and be it enacted, that if on either of such two additional Polling days to be held as aforesaid the space of half an hour shall elapse without any person entitled to vote at such Poll tendering his vote thereat, then, at the expiration of such half hour, such Poll shall be finally closed for that Election.

Proviso.

LXIX. 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.

Act may be amended in this Session.

SCHEDULE.

1.—FORM A

Referred to in the Ninth Section of this Act.

PROCLAMATION OF THE RETURNING OFFICER fixing the time and place for the opening of the Election, and also the day for opening the Poll.

PROCLAMATION.

County, (Riding, City or Town), of _____ to wit :

Public notice is hereby given to the Electors of the County, (Riding, City or Town) of _____ that in obedience to Her Majesty's Writ to me directed, and bearing date the _____ day of the month of _____, I require the presence of the said Electors at _____ in the Parish (or Township, or in the City or Town) of _____ (here, describe the place distinctly, whether the Election be for a County or Riding, or for a City or Town,) on the day of the month of _____ at _____ o'clock in the _____ noon, for the purpose of electing a person (or persons, as the case may be), to represent them in the Legislative Assembly of this Province; and that in case a Poll shall be demanded and allowed in the manner by law prescribed, such Poll will be opened on the day of the month of _____ in the Parish of _____ (or in the Township of _____ or in the _____ Ward, or in the part of the Parish of _____, as the case may be. Here, mention each of the Parishes, Townships, Wards, parts of Parishes or Townships, in which a Polling place is to be opened and kept according to law.) Of all which every person is hereby required to take notice and to govern himself accordingly.

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

(Signature) A. B.
Returning Officer.

2.—OATH No. 1

Referred to in the Tenth Section of this Act.

OATH OF THE RETURNING OFFICER.

I, the undersigned, A. B, Returning Officer for the County (Riding, City or Town), of _____, solemnly swear, (or, if he be one of the persons permitted by law to affirm in civil cases, solemnly affirm) that I am legally qualified according to law to act as Returning Officer for the said County, (Riding, City or Town,) of _____ and that I will act faithfully in that capacity, without partiality, fear, favor, or affection. So help me God.

(Signature)

A. B,
Returning Officer.

3.—FORM B

Referred to in the Tenth Section of this Act.

CERTIFICATE of the Returning Officer having taken the Oath of office.

I, the undersigned, hereby certify that on the _____ day of the month of _____ A. B., the Returning Officer for the County, (Riding, City or Town), of _____, took and subscribed before me the Oath (or affirmation) of office in such case required of a Returning Officer by the Tenth Section of the Act of the Parliament of this Province, intituled, *An Act, &c.*, (title of this Act.)

In testimony whereof, I have delivered to him this Certificate.

(Signature)

C. D.
Justice of the Peace.

4.—FORM C

Referred to in the Eleventh Section of this Act.

COMMISSION OF AN ELECTION CLERK.

To E. F. (set forth his legal addition and residence.)

Know you, that in my capacity of Returning Officer for the County, (Riding, City or Town), of _____ I have appointed and do hereby appoint you to be my Election Clerk, to act in that capacity according to law at the approaching Election for the said County, (Riding, City or Town) of _____, which Election will be opened by me on the _____ day of the month of _____

Given under my hand, at _____
the month of _____

in the year _____
(Signature)

A. B.
Returning Officer.

5.—OATH No. 2

Referred to in the Eleventh Section of this Act.

OATH OF THE ELECTION CLERK.

I, the undersigned E. F., appointed Election Clerk for the County, (Riding, City or Town), of _____, solemnly swear, (or, if he be one of the persons permitted by law to affirm, solemnly affirm) that I will act faithfully in my said capacity as Election Clerk, and also in that of Returning Officer, if required to act as such, according to law, without partiality, fear, favor, or affection. So help me God.

(Signature)

E. F.
Election Clerk.

6.—FORM D

Referred to in the Eleventh Section of this Act.

CERTIFICATE of the Election Clerk having taken the Oath of office.

I, the undersigned, hereby certify that on the _____ day of the month of _____ E. F., Election Clerk for the County, (Riding, City or Town), of _____ took and subscribed before me the Oath (or affirmation) of office required in such case of an Election Clerk, by the Eleventh Section of the Act of the Parliament of this Province, intituled, *An Act, &c.*, (title of this Act.)

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

(Signature)

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

7.—FORM E

Referred to in the Twelfth Section of this Act.

PROCLAMATION which the Returning Officer is to cause to be read at the Hustings, on the day of the opening of the Election.

OYEZ. OYEZ. OYEZ ;

All persons are commanded and strictly enjoined to keep silence while Her Majesty's Writ for the present Election is publicly read, under the pains and penalties in such case provided.

8.—FORM F

Referred to in the Eighteenth Section of this Act.

COMMISSION OF A DEPUTY RETURNING OFFICER.

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

Know you, that in my capacity of Returning Officer for the County, (Riding, City or Town) of _____ I have appointed and do hereby appoint you to be Deputy Returning Officer, or one of the Deputy Returning Officers (*as the case may be*) for the Parish of _____ (or, for the Township of _____ or, for the Ward, or for part of the Parish of _____ or, for part of the Township of _____ *as the case may be*) in the said County, (Riding, City or Town), there to take and record the Votes of the Electors according to law, at the Polling place to be by you opened and kept for that purpose.

Given under my hand, at
in the year

this

day of the month of

(Signature)

A. B.
Returning Officer.

9.—OATH No. 3

Referred to in the Eighteenth Section of this Act.

OATH OF DEPUTY RETURNING OFFICER.

I, the undersigned G. H. appointed Deputy Returning Officer, (*or one of the Deputy Returning Officers, as the case may be*), for the Parish of _____ (or for the Township of _____ or for the Ward, or for part of the Parish of _____ or for part of the Township of _____) in the County, (Riding, City or Town) of _____ solemnly swear (*or, being one of the persons permitted by law to affirm in civil cases, solemnly affirm*) that I will act faithfully in my said capacity of Deputy Returning Officer, without partiality, fear, favour, or affection. So help me God.

(Signature)

G. H.
Deputy Returning Officer.

10.—FORM G

Referred to in the Eighteenth Section of this Act.

CERTIFICATE of the Deputy Returning Officer (*or one of the Deputy Returning Officers, as the case may be,*) having taken the oath of office.

I, the undersigned, hereby certify that on the _____ day of the month of _____, G. H. the Deputy Returning Officer for the Parish of _____ (*or for the Township of _____ or for the Ward, or for part of the Parish of _____ or for part of the Township of _____*) in the County (Riding, City or Town) of _____ took and subscribed the oath (*or affirmation*) of Office required in such case of a Deputy Returning Officer, by the Eighteenth Section of the Act of the Parliament of this Province, intituled, *An Act, &c., (title of this Act.)*

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

(Signature)

C. D.

Justice of the Peace.

or A. B.

Returning Officer.

11.—FORM H

Referred to in the Eighteenth and Twenty-first Sections of this Act.

COMMISSION OF A POLL CLERK.

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

Know you, that in my capacity of Deputy Returning Officer (*or one of the Deputy Returning Officers, as the case may be,*) for the Parish of _____ (*or for the Township of _____ or for the Ward, or for part of the Parish of _____ or for part of the Township of _____*) in the County (Riding, City or Town) of _____ I have appointed and do hereby appoint you to be Poll Clerk, for the said Parish of _____ (*or for the said Township of _____ or for the said Ward, or for the said part of the Parish of _____ or for the said part of the Township of _____*)

Given under my hand, at _____ of the month of _____

this _____ day
in the year _____

(Signature)

G. H.

Deputy Returning Officer.

12.—OATH No. 4

Referred to in the Eighteenth Section of this Act.

OATH OF A POLL CLERK.

I, the undersigned, I. J., appointed Poll Clerk for the Parish of _____
 (or for the Township of _____ or for the _____ Ward,
 or for part of the Parish of _____ or for part of the
 Township of _____) in the County _____
 (Riding, City or Town) of _____ do solemnly swear (or, if he be
one of the persons permitted by law to affirm in civil cases, do solemnly affirm) that I
 will act faithfully in my capacity of Poll Clerk, and also in that of Deputy Returning
 Officer, if required to act as such, according to law, without partiality, fear, favour, or
 affection. So help me God.

(Signature)

I. J.
 Poll Clerk.

13.—FORM J

Referred to in the Eighteenth Section of this Act.

CERTIFICATE OF THE POLL CLERK having taken the oath.

I, the undersigned, hereby certify that on the _____ day of the m o t
 of _____, I. J., Poll Clerk for the Parish of _____
 (or for the Township of _____ or for the _____ Ward,
 or for part of the Parish of _____ or for part of the Township
 of _____) in the County (Riding, City or Town) of _____
 took and subscribed before me the oath (or affirmation) of office required of a Poll
 Clerk in such cases by the Eighteenth Section of the Act of the Parliament of this
 Province, intituled, *An Act, &c. (title of this Act.)*

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

(Signature)

C. D.
 Justice of the Peace.
 or A. B.
 Returning Officer.
 or G. H.
 Deputy Returning Officer.

14.—FORM K

Referred to in the Nineteenth Section of this Act.

WARRANT OF THE RETURNING OFFICER to each of his Deputies, for opening and holding the Polls.

County (Riding, City or Town) of

To G. H. Deputy Returning Officer (or one of the Deputy Returning Officers, as the case may be,) for the Parish of _____ (or for the Township of _____ or for the _____ Ward, or for part of the Parish of _____ or for part of the Township of _____) in the County (Riding, City or Town) of _____ to wit :

Whereas by Her Majesty's Writ to me directed, and bearing date the _____ day of the month of _____

I am commanded to hold an election of _____ Member (or Members) to represent the County (Riding, City or Town,) of _____ in the Parliament of this Province; and whereas a Poll having been demanded, was granted by me according to law; These are therefore to authorize and require you to open and hold the Poll of such Election for the Parish (or Township or union of Townships, or Ward, or part of the Parish or Township) aforesaid, on the _____ day of the month of _____, at nine o'clock in the forenoon, (*here, describe particularly the place at which the Poll is to be held*), and there to keep the said Poll open during the days and at the hours prescribed by law, and to take and record at the said Polling place, in a Book which you shall keep for that purpose in the manner by law provided, the votes of the Electors voting at the said Polling place, and to return to me the said Poll Book, signed with your hand and sealed with your seal, together with this Warrant, on or before the _____ day of the month of _____

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

(Signature)

A. B.
Returning Officer.

15.—FORM L
 REFERRED TO IN THE NINETEENTH SECTION OF THIS ACT.
 FORM OF A POLL BOOK.

Number of the Voters.	NAMES OF THE VOTERS.	Their legal addition.	Their place of residence.	Proprietors.	Tenants.	Description of Lots and Range or Concession, or otherwise, as the case may be	Objections.	Oaths. No.	Voters refusing to take the Oaths.	Names of Candidates.

16.—FORM M

Referred to in the Twenty-second Section of this Act.

OATH OF THE POLL CLERK after the closing of the Poll.

I, the undersigned, Poll Clerk for the Parish of _____ (or for the Township of _____ or the union of Townships of _____ or for the _____ Ward, or for part of the Parish of _____ or for part of the Township of _____) in the County, (Riding, City or Town) of _____ do solemnly swear (or, if he be one of the persons permitted by law to affirm in civil cases, do solemnly affirm) that the Poll Book kept in _____ and for the said Parish of _____ (or as above, as the case may require) under the direction of G. H., who hath acted as Deputy Returning Officer therein, hath been so kept by me under his direction as aforesaid, correctly, and to the best of my skill and judgment; and that to the best of my knowledge and belief it contains a true and exact record of the votes given at the Polling place in the said Parish of _____ (or as above, as the same may be) as the said votes were taken at the said Poll by the said Deputy Returning Officer.

(Signature)

I. J.
Poll Clerk.

Sworn (or affirmed) and subscribed before me, at _____
of the month of _____ in the year _____

this _____ day

(Signature)

C. D.
Justice of the Peace.
or A. B.
Returning Officer.
or G. H.
Deputy Returning Officer.

17.—FORM N

Referred to in the Twenty-second Section of this Act.

OATH OF THE DEPUTY RETURNING OFFICER after the closing of the Poll.

I, the undersigned, Deputy Returning Officer, (or one of the Deputy Returning Officers, as the case may be) for the Parish of _____ (or for the Township of _____ or for the _____ Ward, or for part of the Parish of _____ or for part of the Township of _____) in the County, (Riding, City or Town) of _____ do solemnly swear (or, if he be one of the persons permitted by law to affirm in civil cases, do solemnly affirm) that to the best of my knowledge and belief the Poll Book kept for the said Parish of _____ (or as aforesaid, as the case may be,) under my direction, hath been so kept correctly, and contains a true and exact record of the votes given at the said _____
said

said Polling place in and for the said Parish of (or as aforesaid, as the case may be,) as the said votes were taken at the said Polling place.

(Signature)

G. H.,
Deputy Returning Officer.

Sworn (or affirmed) and subscribed before me, at the _____ day of the month of _____ in the _____ year

(Signature)

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

18.—FORM O

Referred to in the Twenty-fifth Section of this Act.

INDENTURE.

This Indenture made this _____ day of _____ in the year of Our Lord, one thousand eight hundred and _____ between A. B., Returning Officer for the County, (Riding, City or Town,) of _____ in the Province of Canada, of the one part, and C. D., E. F., and G. H., Electors of the said County, (Riding, City or Town) of _____ of the other part, witnesseth, that in obedience to Her (or His) Majesty's Writ, bearing date the _____ day of the month of _____ last (or instant,) and after the notice and formalities prescribed by law had been given and observed, they, the said C. D., E. F., G. H., and other Electors of the said County, (Riding, City or Town) of _____ have chosen D. E., Esquire, (or D. E. and F. G. Esquires,) to represent the said County, Riding, City or Town) of _____ in the Legislative Assembly of this Province, during the next (or present) Parliament; and they, the said Electors, have given 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, (Riding, City or Town) of _____ to do and consent to such matters and things as in the said Parliament, by the Common Council of the said Province, shall by the favour of God be ordained.

In testimony whereof, the said parties have to these presents made and executed in two (or in three) parts, severally set and subscribed their respective names, and affixed their respective seals on the day and in the year first above mentioned.

(Signature)

A. B., [L. S.]
Returning Officer.

Electors { C. D. [L. S.]
 { E. F. [L. S.]
 { G. H. [L. S.]

19.—OATHS

Nos. 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18 and 19, referred to in the Forty-first Section of this Act, and No. 19, also referred to in the Forty-second Section of this Act

LOWER-CANADA.

No. 5.—OATH OF AN ELECTOR voting at the Election for any County in Lower-Canada, upon an Estate to him belonging in virtue of a legal title, other than derived from descent, inheritance, devise, marriage or contract of marriage.

You swear (*or, if he be one of the persons permitted by law to affirm in civil cases, you solemnly affirm*) that you are actually possessed, and that you have been *bonâ fide* possessed, in virtue of a legal title, during the six calendar months immediately preceding the _____ day _____ (*here, mention is to be made of the date of the Writ of Election*), for your own use and benefit, as Proprietor, of the Estate which you have just described as giving you the right to vote at this Election; that the said Estate is of the clear yearly value of forty-four shillings and five pence and one farthing currency, or more, over and above all annual rents and charges payable out of or in respect of the same; that you verily believe you are of the full age of twenty-one years; that you have not already voted at this Election; and that you have not received any thing, nor has there any thing been promised to you, either directly or indirectly, in order to induce you to give your vote at this Election. So help you God.

No 6.—OATH OF AN ELECTOR voting at the Election for any County in Lower-Canada, upon an Estate to him belonging by descent or inheritance, devise, marriage or contract of marriage.

You swear (*or, if he be one of the persons permitted by law to affirm in civil cases, you solemnly affirm*) that you are actually *bonâ fide* possessed, for your own use and benefit, as proprietor, by descent or inheritance, (*or by devise, marriage, or contract of marriage, as the case may be*) of the estate which you have just described as giving you the right to vote at this Election; that the said estate is of the clear yearly value of forty-four shillings and five pence and one farthing currency, or more, over and above all annual rents and charges payable out of or in respect of the same; that you verily believe you are of the full age of twenty-one years; that you have not already voted at this Election; and that you have not received any thing, nor has there any thing been promised to you, either directly or indirectly, in order to induce you to give your vote at this Election. So help you God.

No. 7.—OATH OF AN ELECTOR voting *as Proprietor* at the Election for any City or Town, in Lower-Canada, upon an Estate to him belonging in virtue of a legal title, other than derived from descent, inheritance, devise, marriage or contract of marriage.

You swear (*or, if he be one of the persons permitted by law to affirm in civil cases, you solemnly affirm*) that you are actually possessed, and that you have been *bonâ fide* possessed, in virtue of a legal title, during the six calendar months immediately preceding the _____ day of _____ (*here, mention is to be made of the date of the Writ of Election*), for your own use and benefit, as Proprietor, of the Estate which you have just described, with a dwelling house thereupon, as giving you the right to vote at this Election; that the said Estate is of the clear yearly value of five pounds, eleven shillings and one penny farthing currency, or more, over and above all annual rents and charges payable out of or in respect of the same; that you verily believe you are of the full age of twenty-one years; that you have not already voted at this Election; and that you have not received any thing, nor has there any thing been promised to you either directly or indirectly, in order to induce you to give your vote at this Election. So help you God.

No. 8.—OATH OF AN ELECTOR voting *as Proprietor* at the Election for any City or Town, in Lower-Canada, upon an Estate to him belonging by descent or inheritance, devise, marriage or contract of marriage.

You swear (*or, if he be one of the persons permitted by law to affirm in civil cases, you solemnly affirm*) that you are actually *bonâ fide* possessed, for your own use and benefit, as Proprietor, by descent or inheritance, (*or by devise, marriage or contract of marriage, as the case may be*) of the Estate which you have just described, with a dwelling house thereupon, as giving you the right to vote at this Election; that the said Estate is of the clear yearly value of Five pounds, eleven shillings and one penny farthing currency, or more, over and above all annual rents and charges payable out of or in respect of the same; that you verily believe you are of the full age of twenty-one years; that you have not already voted at this election; and that you have not received any thing, nor has there any thing been promised to you, either directly or indirectly, in order to induce you to give your vote at this Election. So help you God.

No. 9.—OATH OF AN ELECTOR voting *as a Tenant* at the Election for any City or Town in Lower-Canada.

You swear (*or, if he be one of the persons permitted by law to affirm in civil cases, you solemnly affirm*) that you actually reside and have so resided as a Tenant within the limits of the City, (*or Town, as the case may be*) of _____ or the liberties thereof, during the period of twelve calendar months next before the _____ day of _____ (*here, mention is to be made of the date of the Writ of Election*) at the rate of Eleven Pounds, Two Shillings and two pence, half penny currency, of rent, a year, or upwards; that you have, as such Tenant, really and *bonâ fide* paid Eleven pounds, two shillings, and two pence half penny currency of such rent for _____

for the year ending at the last yearly (*or* half yearly, quarterly, *or* other day of payment, as the case may be) day of payment of such rent, which occurred next before the said day of (*date of the said Writ*); that you verily believe you are of the full age of twenty-one years; that you have not already voted at this Election; and that you have not received any thing, nor has any thing been promised to you, either directly or indirectly, in order to induce you to give your vote at this Election. So help you God.

UPPER-CANADA.

No. 10.—OATH OF AN ELECTOR voting at the Election, for a County or Riding, in Upper-Canada, upon an Estate derived by conveyance.

You swear (*or, if he be one of the persons permitted by law to affirm in civil cases, you solemnly affirm*) that the Estate which you have just described as giving you the right to vote at this Election, is a Freehold, which you hold by Deed of conveyance, which Deed has been executed for upwards of six calendar months, and that you have been in the actual possession of such Estate, or in the receipt of the rents and profits thereof, under and by virtue of such conveyance for upwards of six calendar months, immediately preceding the day of (*here, mention is to be made of the date of the Writ of Election*); that the said Estate is of the clear yearly value of Forty-four shillings and five pence and one farthing, currency, or more, over and above all annual rents and charges, payable out of or in respect of the same; that you verily believe you are of the full age of twenty-one years; that you have not already voted at this Election; and that you have not received any thing, nor has there any thing been promised to you, either directly or indirectly, in order to induce you to give your vote at this Election. So help you God.

No. 11.—OATH OF AN ELECTOR voting at the Election for the County or Riding in Upper-Canada, upon an Estate held under Patent from the Crown.

You swear (*or, if he be one of the persons permitted by law to affirm in civil cases, you solemnly affirm*) that the Estate which you have just described as giving you the right to vote at this Election is a Freehold which you hold by grant from the Crown, and that the Patent therefor has been registered during three calendar months preceding the day of (*here, mention is to be made of the date of the Writ of Election*); that the said Estate is of the clear yearly value of Forty-four shillings and five pence and one farthing currency, or more, over and above all annual rents and charges payable out of or in respect of the same; that you verily believe you are of the full age of twenty-one years; that you have not already voted at this Election, and that you have not received any thing, nor has there any thing been promised to you, either directly or indirectly, in order to induce you to give your vote at this Election. So help you God.

No.

No. 12.—OATH OF AN ELECTOR voting at the Election for a County or Riding in Upper-Canada, upon an Estate derived by conveyance.

You swear (*or, if he be one of the persons permitted by law to affirm in civil cases, you solemnly affirm*) that the Estate which you have just described as giving you the right to vote at this Election is a Freehold which you hold by Deed of Conveyance; and that such conveyance has been registered during three calendar months preceding the day of *(here, mention is to be made of the date of the Writ of Election)*; that the said Estate is of the clear yearly value of Forty-four shillings and five pence and one farthing currency, or more, over and above all annual rents and charges payable out of or in respect of the same; that you verily believe you are of the full age of twenty-one years; that you have not already voted at this Election; and that you have not received any thing, nor has there any thing been promised to you, either directly or indirectly, in order to induce you to give your vote at this Election. So help you God.

No. 13.—OATH OF AN ELECTOR voting at the Election for a County or Riding in Upper-Canada, upon an Estate derived by inheritance, devise or marriage.

You swear (*or, if he be one of the persons permitted by law to affirm in civil cases, you solemnly affirm*) that you are actually possessed to your own use and benefit of the Estate which you have just described as giving you the right to vote at this Election, which is a Freehold Estate, and which you hold by inheritance (*or by descent or marriage, as the case may be*); and that the same is of the clear yearly value of Forty-four shilling and five pence and one farthing currency, or more, over and above all annual rents and charges payable out of or in respect of the same; that you verily believe you are of the full age of twenty-one years; that you have not already voted at this Election; and that you have not received any thing, nor has there any thing been promised to you, either directly or indirectly, in order to induce you to give your vote at this Election. So help you God.

No. 14.—OATH OF AN ELECTOR voting as a Freeholder in any City or Town in Upper-Canada, upon an Estate derived by Conveyance.

You swear (*or, if he be one of the persons permitted by law to affirm in civil cases, you solemnly affirm*) that the Estate which you have just described as giving you the right to vote at this Election, is a freehold upon which a dwelling house is erected, and which you hold by Deed of Conveyance, which Deed has been executed for upwards of six calendar months, and that you have been in the actual possession of such Estate, or in the receipt of the rents and profits thereof, under and by virtue of such Conveyance for upwards of six calendar months, immediately preceding the day of *(here, mention is to be made of the date of the Writ of Election)*; that the said Estate is of the clear yearly value of Five pounds eleven shillings and one penny farthing, currency, or more, over and above all annual rents and charges payable out of or in respect of the same; that you verily believe you are of the full age of twenty-one years;

years; that you have not already voted at this Election; and that you have not received any thing, nor has there any thing been promised to you, either directly or indirectly, in order to induce you to give your vote at this Election. So help you God.

No. 15.—OATH OF AN ELECTOR voting as a Freeholder in any City or Town in Upper-Canada upon an Estate derived by inheritance, devise or marriage.

You swear (*or, if he be one of the persons permitted by law to affirm in civil cases, you solemnly affirm*) that you are actually possessed to your own use and benefit of the Estate which you have just described as giving you the right to vote at this Election, which is a Freehold Estate upon which a dwelling house is erected, and which you hold by inheritance (*or by descent or marriage, as the case may be*); and that the same is of the clear yearly value of Five pounds, eleven shillings and one penny farthing currency, or more, over and above all annual rents and charges payable out of or in respect of the same; that you verily believe you are of the full age of twenty-one years; that you have not already voted at this Election and that you have not received any thing, nor has there any thing been promised to you, either directly or indirectly in order to induce you to give your vote at this Election. So help you God.

No. 16.—OATH OF AN ELECTOR voting as a Tenant at the Election for any City or Town in Upper-Canada.

You swear (*or, if he be one of the persons permitted by law to affirm in civil cases, you solemnly affirm*) that you actually reside and have so resided as a Tenant within the limits of the City (*or Town, as the case may be,*) of or the liberties thereof during the period of twelve calendar months, next before the day of (*here, mention is to be made of the date of the Writ of Election*) at the rate of Eleven pounds, two shillings and two pence half penny currency, of rent, a year, or upwards; that you have as such Tenant really and *bonâ fide* paid Eleven pounds, two shillings and two pence half penny currency, of such rent, for the year ending at the last yearly (*or half yearly, quarterly or other day of payment, as the case may be*) day of payment of such rent, which occurred next before the said day of (*date of the said Writ*); that you verily believe you are of the full age of twenty-one years; that you have not already voted at this Election; and that you have not received any thing, nor has there any thing been promised to you, either directly or indirectly in order to induce you to give your vote at this Election. So help you God.

No. 17.—OATH OF AN ELECTOR voting at the Election for a City or Town in Upper-Canada, upon an Estate derived by Conveyance.

You swear (*or, if he be one of the persons permitted by law to affirm in civil cases, you solemnly affirm*) that the Estate which you have just described as giving you the right to vote at this Election, is a Freehold upon which a dwelling house is erected, which

which you hold by Deed of Conveyance; and that such Conveyance has been registered during three calendar months preceding the day of *(here, mention is to be made of the date of the Writ of Election)*; that the said Estate is of the clear yearly value of Five pounds, eleven shillings and one penny farthing, currency, or more, over and above all annual rents and charges payable out of or in respect of the same; that you verily believe you are of the full age of twenty-one years; that you have not already voted at this election; and that you have not received any thing, nor has there any thing been promised to you, either directly or indirectly in order to induce you to give your vote at this Election. So help you God.

No. 18.—OATH OF AN ELECTOR voting at the Election for a City or Town in Upper-Canada, upon an Estate held under Patent from the Crown.

You swear *(or, if he be one of the persons permitted by law to affirm in civil cases, you solemnly affirm)* that the Estate which you have just described as giving you the right to vote at this Election, is a Freehold on which a dwelling house is erected which you hold by grant from the Crown, and that the Patent therefor has been registered during three Calendar months preceding the day of *(here, mention is to be made of the date of the Writ of Election)*; that the said Estate is of the clear yearly value of Five pounds, Eleven shillings and one penny farthing currency, or more, over and above all annual rents and charges payable out of or in respect of the same; that you verily believe you are of the full age of Twenty-one years; that you have not already voted at this Election, and that you have not received any thing, nor has there any thing been promised to you either directly or indirectly in order to induce you to give your vote at this Election. So help you God.

No. 19.—OATH OF AN ELECTOR voting at any Election for a County, Town or Riding either in Upper or Lower-Canada, that he is a British Subject by birth or naturalization.

You swear *(or, if he be one of the persons permitted by law to affirm in civil cases, you solemnly affirm)* that you are a British Subject by birth or by naturalization, according to Law, to the best of your knowledge and belief. So help you God.

C A P. XXVIII.

An Act to make certain General Provisions with regard to the Services which the Government may require of Rail-road Companies, whose Acts of Incorporation make them subject to such general provisions.

[30th May, 1849.]

Preamble.

WHEREAS in divers Acts authorizing the construction of Rail-roads in this Province, a provision has been inserted, that such Rail-roads should be subject to the provisions of any general Act relating to Rail-roads which might be passed by the Provincial Parliament, and it is expedient to make certain general provisions with regard to such Rail-roads: Be it therefore enacted by the Queen's Most Excellent Majesty,