

Laws of Her Majesty's Province of United Canada, passed in the year 1851. Quebec: Stewart Derbyshire and George Desbarts, 1852.

16 Victoria – Chapter 7

An Act for avoiding doubts as to the true meaning of a certain enactment in the Act regulating elections of Members of the Legislative Assembly. 10th November, 1852.

Whereas in the twenty-third section of the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *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*, it is 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":— and doubts might arise as to the true meaning of the words, "a majority of the total number of votes" used in the said enactment: For avoiding such doubts, Be it declared and enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby declared and enacted by the authority of the same, That the true intent and meaning of the enactment recited in the Preamble to this Act is, that the Returning Officer shall add together the votes given for each Candidate at the several Polling places, as taken and recorded in the several Poll Books, and having so ascertained the total number of votes which each Candidate shall have received in the County, Riding, City or Town, shall proclaim as duly elected the Candidate who shall have received the greatest number of votes, and if two Members are to be elected, then also the Candidate who shall have the next greatest number of votes: and that it was not the intent of the said enactment that it should be necessary that the Candidate or Candidates proclaimed as elected should have an absolute majority of the whole number of votes polled.