CHAPTER 16.

An Act respecting Elections of Members of the Legislative Assembly.

[Assented to 30th November, 1939.]

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

**Short Title.**

1. This Act may be cited as the “Provincial Elections Act.” Short title.
R.S. 1936, c. 84, s. 1.

**Interpretation.**

2. (1.) In this Act, unless the context otherwise requires:— Interpretation of expressions.
   “Ballot” or “vote” means a ballot-paper which has been detached from the counterfoil, and has been furnished to a voter, and has been marked and deposited as a vote by the voter:
   “Ballot-paper” means a ballot-paper as prepared in accordance with the provisions of this Act:
   “Ballot-paper account” shall have the meaning assigned to that expression in subsection (8) of section 115:
   “Cancelled ballot-paper” shall have the meaning assigned to that expression in section 104:
   “Candidate” means any person elected to serve in the Legislature at an election, and any person who is nominated as a candidate at an election, pursuant to the provisions of section 57:
   “Chinese” means any native of the Chinese Republic or its dependencies not born of British parents, and shall include any person of the Chinese race, naturalized or not:
"Corrupt practice" or "corrupt practices" means bribery, treating, illegal payments, and undue influence, or any of such offences as defined by this or any Act of the Legislature, or any other law in force in this Province:

"Court" means the Supreme Court:

"Election" means the election of a member or members to serve in the Legislative Assembly:

"Elector" or "voter" means any person who is, or who claims to be, registered as an elector in the list of voters for any electoral district; or who is, or claims to be, entitled to vote at any election:

"Final count" shall have the meaning assigned to that expression in section 116:

"Hindu" means any native of India not born of Anglo-Saxon parents, and shall include any such person whether a British subject or not:

"Indian" means any person of pure North American Indian blood, and any person of North American Indian extraction having his home upon or within the confines of an Indian reserve:

"Japanese" means any native of the Japanese Empire or its dependencies not born of British parents, and shall include any person wholly or partly of the Japanese race, even if British by birth or naturalization:

"List of votes marked by the Deputy Returning Officer" shall have the meaning assigned to that expression in section 103:

"Nomination-day" shall have the meaning assigned to that expression in section 37:

"Person" includes females as well as males:

"Personal expenses," with respect to the expenditure of any candidate in relation to any election, shall include the reasonable travelling expenses of the candidate, and the reasonable expenses of his living at hotels, or elsewhere, for the purpose of and in relation to the election:

"Polling-booth" means the booth or room where votes are recorded at an election:

"Prescribed" means prescribed by or under this Act or by Rules of Court:

"Registrar" means the Registrar of Voters for an electoral district:

"Return-day," with respect to a writ of election, shall have the meaning assigned to that expression in section 44:

"Speaker" means the Speaker of the Legislative Assembly, and shall include the person for the time being lawfully acting as Speaker; and when the office of Speaker is vacant, the Clerk of the Legislative Assembly, or any
other officer for the time being performing the duties of the Clerk of the Legislative Assembly, shall be deemed to be substituted for and be included in the expression “the Speaker.”

(2.) Wherever in this Act words are used which import the masculine gender, those words shall include females as well as males.

(3.) The forms mentioned by number in the various sections of this Act refer to the corresponding forms as contained in the Schedule or as altered pursuant to this Act.

(4.) Wherever in this Act any expression is used requiring or authorizing or inferring that any act or thing is to be done in the presence of the candidates or of the agents of the candidates, that expression shall be deemed to refer to the presence of such candidates or agents of the candidates as may be authorized to attend, and as have in fact attended, at the time and place where the act or thing is being done, and the non-attendance of any candidate or agent at that time and place shall not, if the act or thing is otherwise duly done, in anywise invalidate the act or thing done. R.S. 1936, c. 84, s. 2 (altered).

Franchise extended to Women.

3. It shall be lawful for women to have their names placed upon the list of voters for an electoral district, and to vote at any election of members to serve in the Legislative Assembly, upon the same terms, in the same manner, and subject to the same conditions as men. R.S. 1936, c. 84, s. 3.

REGISTRATION OF VOTERS.

Elec tors—Qualifications and Disqualifications.

4. Every person who is not disqualified by this Act or by any other law in force in the Province, and who:

(a.) Is of the full age of twenty-one years; and

(b.) Is entitled within the Province to the privileges of a natural-born British subject; and

(c.) Has resided in the Province for six months, and in the electoral district in which he seeks registration as a voter for one month of that period immediately preceding the date of his making application under this Act to be registered as a voter,—shall be entitled to be registered as a voter, and being duly registered as a voter under this Act shall be entitled to vote at any election. R.S. 1936, c. 84, s. 4.

5. The following persons shall be disqualified from voting at any election, and shall not make application to have their names inserted in any list of voters:—
(a.) Every Chinese, Japanese, Hindu, or Indian: Provided that the provisions of this paragraph shall not disqualify or render incompetent to vote any Japanese who served in the Naval, Military, or Air Force of Canada in the Great War, and who produces a discharge from such Naval, Military, or Air Force to the Registrar upon the making of the list of voters and to the Deputy Returning Officer at the time of polling:

(b.) Every person disqualified from voting under the provisions of section 6:

(c.) Every person disqualified from voting under the provisions of this Act relating to bribery or personation:

(d.) Every person convicted of treason or any indictable offence, unless he has secured a free or conditional pardon for the offence, or has undergone the sentence imposed for the offence:

(e.) Every person, male, or female, exempted or entitled to claim exemption or who on production of any certificate might have become or would now be entitled to claim exemption from military service by reason of the Order of the Governor in Council of August thirteenth, 1873, or the Order of the Governor in Council of December sixth, 1898, or the Order of the Governor in Council of August twelfth, 1899; and every descendant of any such person, whether born in the Province or elsewhere.

R.S. 1936, c. 84, s. 5 (altered).

6. (1.) In this section:—

"Deserter" means:—

(a.) Any man who has at any time deserted or attempted to desert from His Majesty's Naval, Military, or Air service:

(b.) Any man who, having been taken on the strength of any unit of His Majesty's Military Forces, has been declared a deserter therefrom by a Court of inquiry held under any military law, but not including any absentee without leave so declared a deserter who, having subsequently returned to the service, has been exonerated by any competent military authority, or for whose absence from service reasonable excuse is established by satisfactory evidence:

(c.) Any man who, being required by any military law to report for service or for medical examination or re-examination, and not having been placed on active service, has without reasonable excuse failed to obey the requirement and to report accordingly:
“Military law” includes:—

(a.) The “Militia Act,” being chapter 41 of the “Revised Statutes of Canada, 1906,” and amendments:

(b.) The “Military Service Act, 1917,” being chapter 19 of the Statutes of Canada for the year 1917, and amendments:

(c.) The “Army Act” for the time being in force in the United Kingdom:

(d.) All proclamations, regulations, and orders made under the authority of any of the Acts mentioned in this subsection.

(2.) The following persons shall be disqualified from voting at any election:—

(a.) Every deserter:

(b.) Every man who has been granted a certificate of exemption from military service or from combatant service pursuant to section 11 of the “Military Service Act, 1917,” being chapter 19 of the Statutes of Canada for the year 1917, solely or in part on conscientious grounds within the meaning of that section, or who while on active service has obtained exemption from combatant service on the like grounds;

but the provisions of this subsection shall not apply to any person who performed military duty on active service in the Great War, in any theatre of actual war, and is held on the strength of any unit or has been honourably discharged from service.

(3.) Nothing in this section shall apply to any man who was comprised in the class called out on active service in the Canadian Expeditionary Force by Order of the Governor in Council of the twentieth day of April, 1918, and the Proclamation of the fourth day of May, 1918, made and issued under the authority of the “Military Service Act, 1917,” being chapter 19 of the Statutes of Canada for the year 1917, nor to any person whose offence against military law has been pardoned or obliterated by reason of any general or special amnesty. R.S. 1936, c. 84, s. 6.

Rules as to Residence of Voters.

7. For the purpose of registration of voters under this Act, the place of residence of a person shall be determined according to the following rules:—

(a.) The residence of a person shall be deemed to be the place in which his habitation is fixed, and to which, whenever he is absent, he has the intention of returning:

(b.) A person who leaves his home for temporary purposes only shall not thereby lose his residence:

(c.) A person shall not be considered to have gained a residence in the Province, or in an electoral district
thereof, if he has come into the Province for temporary purposes only, without the intention of making the Province and some place in the electoral district his home:

\(d.\) If a person goes to a place outside of the Province with the intention of making that place his residence, he loses his residence in this Province:

\(e.\) If a person goes to a place outside of the Province with the intention of remaining in that place for an indefinite time as a place of residence, he thereby loses his residence in the Province, notwithstanding the fact that he may have the intention of returning at some future time:

\(f.\) The place where a man's family resides shall be deemed to be his place of residence, but any man who takes up or continues his abode with the intention of remaining at a place other than where his family resides shall be deemed to be resident where he so resides:

\(g.\) The residence of a single man shall be where he usually sleeps, without regard to where he takes his meals or is employed:

\(h.\) A change of residence can only be made by the act of removal joined with the intent to remain in another place; there can be only one residence; a residence cannot be lost until another one is gained:

\(i.\) A person shall not lose or be deemed to have lost his residence in this Province by reason only of the fact that he has heretofore been or may hereafter be absent from his place of residence while serving as a sailor, soldier, chaplain, surgeon, or nurse, or in any other capacity in the Naval, Military, or Air Forces of Canada or in any other of His Majesty's Naval, Military, or Air Forces. R.S. 1936, c. 84, s. 7.

8. (1.) In this section the expression “unemployment relief camp” means any building or premises in the Province, other than a private dwelling-house, maintained wholly or in part at the expense of any Government or municipality for the relief of unemployment, at which unemployed or homeless persons are lodged and fed.

(2.) Subject to subsection (3), for the purpose of registration of voters under this Act, the time during which a person has been lodged and fed at an unemployment relief camp shall not be counted as part of any period referred to in clause \(c\) of section 4, nor shall any person by reason only of having lodged and been fed at an unemployment relief camp be deemed to have gained a residence in the Province, or in any electoral district thereof.
Where a person who is duly registered as a voter under this Act goes to an unemployment relief camp and is lodged and fed thereat, he shall not thereby lose his residence in the electoral district in which he is registered as a voter. R.S. 1936, c. 84, s. 8.

Registrars of Voters.

9. (1.) The Lieutenant-Governor in Council may appoint a Registrar-General of Voters who, subject to the Deputy Provincial Secretary, shall have general supervision of the registration of voters throughout the Province, and who shall perform such other duties in the execution of the provisions of this Act as the Deputy Provincial Secretary from time to time directs.

(2.) The Registrar-General of Voters shall hold office during good behaviour for such period as may be determined by the Lieutenant-Governor in Council at the time of the appointment. (New.)

10. A Registrar of Voters for each electoral district and such number of Deputy Registrars of Voters as may be necessary for any electoral district shall be appointed by the Lieutenant-Governor in Council. R.S. 1936, c. 84, s. 9.

Method of Registration.

11. (1.) The Registrar shall furnish without charge blanks, in Form 1 or Form 1A, as the case may be, to any person applying therefor; and shall receive from any person offering to file the same a sworn affidavit, in Form 1 or Form 1A, as the case may be, in support of an application for registration as a voter.

(2.) The Deputy Provincial Secretary shall from time to time determine in respect of each electoral district whether Form 1 or Form 1A shall be used for that district and shall instruct the Registrar accordingly. R.S. 1936, c. 84, s. 10 (altered).

12. Every person who is entitled to be registered as a voter and who is not so registered, may make an affidavit in support of an application for registration in accordance with this Act, and shall forthwith send or deliver it to the Registrar of the electoral district in which he is entitled to be registered as a voter. (New.)

13. For the general convenience of the public and for the purpose of securing the fullest registration of qualified voters, the Registrar of Voters shall cause Deputy Registrars of Voters to attend with all necessary blanks at such convenient times and places as to the Registrar may seem advisable for the purpose of assisting applicants in the preparation and filing of affidavits in
support of their respective applications for registration. R.S. 1936, c. 84, s. 11 (altered).

14. (1.) The affidavit in support of an application for registration may be sworn before any member of the Legislative Assembly, Justice of the Peace, Mayor, Reeve, Alderman, Councillor, Commissioner for taking Affidavits within British Columbia, Registrar of Titles, Notary Public, Registrar of Voters, Deputy Registrar of Voters, Provincial Constable, Special Provincial Constable, Government Agent, Government Assessor, Mining Recorder, Deputy Mining Recorder, Judge of any Court, Stipendiary Magistrate, Municipal Clerk, Municipal Assessor, Postmaster, Postmistress, Indian Agent, Provincial Elections Commissioner, or any person holding a commission as an officer in the Naval, Military, or Air Forces of Canada, and no fee shall be charged for taking such affidavit or affirmation; and, if sworn out of the Province, the affidavit may be sworn before any person mentioned in section 56 of the "Evidence Act," and shall be of like force and effect as if sworn within the Province before a Justice of the Peace or other competent official. During the period between a dissolution of the Legislative Assembly and the day fixed for the nomination of candidates at the next general election, any affidavit mentioned in this subsection may be sworn before any person who was a member of the Legislative Assembly at the time of the dissolution.

(2.) The Lieutenant-Governor in Council may appoint, without salary, any person whose name is on any list of voters prepared under the provisions of this Act a Provincial Elections Commissioner for the purposes of this section. Unless his appointment is previously revoked, every Provincial Elections Commissioner shall hold office until the holding of the general election next following the date of his appointment.

(3.) Where the affidavit sworn before any official mentioned in subsection (1) is retained by the official, he shall forthwith personally deliver it or forward it by registered mail, in case of an affidavit in support of an application for registration, to the Registrar of the electoral district named in the affidavit. If so requested by the deponent, the official who retains an affidavit so sworn shall deliver to the deponent at the time of swearing the affidavit a receipt, signed by the official, and acknowledging the retention of the affidavit for the purpose of forwarding it to the Registrar. R.S. 1936, c. 84, s. 12 (altered).

15. If it appears to the Registrar from the affidavit of the applicant filed with him that the applicant is entitled to be registered as a voter in the electoral district in which the Registrar is acting, he shall forthwith insert the name of the applicant
in the list of voters for that electoral district; but where an affidavit is filed after the Registrar has received notice of a writ of election pursuant to section 44 the Registrar shall not insert the name of the applicant on the list of voters until after the transmission to him of the original affidavits and other papers pursuant to subsection (3) of section 124. R.S. 1936, c. 84, s. 13 (altered).

16. If, at any time prior to the printing of the list of voters pursuant to section 33, any person whose name is registered as a voter proves to the satisfaction of the Registrar of the electoral district in which the person's name is registered that he is not resident at the address appearing in the list of voters, the Registrar of Voters may remove his name from the list. (New.)

17. Where the applicant claims to be a British subject by virtue of a certificate of naturalization given pursuant to the provisions of any Statute of Canada or of any British possession, or claims to be a British subject by reason of being the wife, son, or daughter of any person who is a British subject by virtue of such a certificate, the Registrar shall not insert the name of the applicant in any list of persons applying for registration, unless there is produced to him, in addition to the affidavit of the applicant, such further evidence as the Registrar may require to prove to his satisfaction that the applicant is entitled within the Province to the privileges of a natural-born British subject. R.S. 1936, c. 84, s. 14.

18. Where proof of the fact that any applicant is entitled within the Province to the privileges of a natural-born British subject has been furnished to the satisfaction of the Registrar, he shall make a note to that effect on the margin of the affidavit filed by the applicant, and may give to the applicant a certificate, in Form 2, showing that satisfactory proof has been furnished, and stating the grounds which entitle the applicant to such privileges. The certificate shall for all purposes of this Act be prima facie evidence of the facts stated in it, and of the right of the applicant to the privileges within the Province of a natural-born British subject. R.S. 1936, c. 84, s. 15 (altered).

19. (1.) For the purpose of making a revised list of voters for the electoral district for which he is appointed, the Registrar of Voters shall be a Court of Revision.

(2.) A sitting of the Court of Revision shall be held at the office of the Registrar on the first Monday in the months of February, May, August, and November respectively in each year.
but, when that day is a holiday, then the sitting shall be held on the day next following that is not a holiday.

(3.) In the case of an election a special sitting of the Court of Revision shall be held eleven days before nomination-day. At that special sitting the Registrar shall not add the name of any applicant to the list of voters, but he shall hear and determine all objections to the retention of any name appearing on the list of voters, and in respect of such objections he shall proceed in the manner prescribed in section 24.

(4.) Excepting as provided in subsection (3), no sitting of the Court of Revision shall be held during the period beginning twenty-one days before nomination-day and ending on the day on which the original affidavits with the lists and books with reference to the election, transmitted by the Returning Officer pursuant to the provisions of subsection (3) of section 124, are received by the Registrar.

(5.) Where from any cause the Registrar of Voters is unable to act at any sitting of the Court of Revision, the Registrar may designate any Deputy Registrar or other suitable person to act in his stead; and in the event of the Registrar failing to designate some person to act in his stead, the Provincial Secretary, or some other member of the Executive Council acting for the Provincial Secretary, shall appoint some suitable person to act in the place of the Registrar. R.S. 1936, c. 84, s. 16 (altered).

20. (1.) The Lieutenant-Governor in Council may from time to time, whenever he considers it expedient, order the cancellation of the then existing registrations of voters in any electoral district or in all the electoral districts throughout the Province, and direct the compilation of new lists of voters under this Act for the electoral district or electoral districts, as the case may be: Provided that the register of voters for any electoral district so cancelled shall be the list of voters to be used at all elections held in that electoral district prior to the certification of the new list of voters for that electoral district compiled pursuant to this section.

(2.) When it is intended to hold a general election the Lieutenant-Governor in Council shall first order the cancellation of the then existing registration of voters in all the following electoral districts, namely: Vancouver Centre, Vancouver-Burrard, Vancouver East, Vancouver-Point Grey, Burnaby, Victoria City, New Westminster, North Vancouver, and Oak Bay; and nomination day shall not be earlier than two months after the cancellation.

(3.) The Lieutenant-Governor in Council shall upon the cancellation of the registration of voters in any electoral district appoint, as enumerators, for such period as the Lieutenant-
Governor shall determine, as many Provincial Elections Commissioners as are necessary to afford a reasonable opportunity to every person who is entitled to be registered as a voter to be entered on the list of voters for that electoral district. The Registrar of Voters shall assign each enumerator to a specified polling division, and in the case of the following electoral districts—namely, Vancouver Centre, Vancouver-Burrard, Vancouver East, Vancouver-Point Grey, Burnaby, Victoria City, New Westminster, North Vancouver, and Oak Bay—there shall be paid to each enumerator a fee of ten cents for each application for registration as a voter obtained by him and delivered to the Registrar of Voters from a person qualified to be registered as a voter in the polling division to which the enumerator is assigned; and in the case of any other electoral district a fee to be fixed by the Lieutenant-Governor in Council.

(4.) The power to order the cancellation of the registration of voters and all other powers conferred by this section on the Lieutenant-Governor in Council may be exercised prior to the coming into operation of the “Constitution Act Amendment Act, 1938,” in respect of electoral districts to be constituted by virtue of that Act.

(5.) Within two days after the expiry of the period for which an enumerator is appointed pursuant to subsection (3), the enumerator shall prepare a complete list of the names, addresses, and occupations of the persons from whom he has received affidavits while acting as an enumerator, and he shall post the list in a conspicuous place in the polling division to which he was assigned.

(6.) For the purpose of all appointments of Provincial Elections Commissioners made pursuant to section 14, subsequent to the making of an order under subsection (1) or subsection (2) in respect of any electoral district and prior to the compilation of the new list of voters therefor, every person whose name is on the register of voters for that electoral district cancelled by the order shall be eligible for appointment.

(7.) In the event of a cancellation of any register of voters under this section, all expenses necessarily incurred in or about the preparation of the new list of voters, including the remuneration of any special Deputy Registrar of Voters, enumerators, or other officials, officers, and clerks employed for the purpose of the preparation of the new list, shall be paid by the Minister of Finance out of the Consolidated Revenue Fund. R.S. 1936, c. 84, s. 17 (altered).

21. (1.) At any time during the sitting of a Court of Revision, the Registrar of Voters or the person designated or appointed to
act in his stead may adjourn the sitting of the Court to such time and place as he thinks expedient in the public interest.

(2.) Where the adjournment is to a place other than the office of the Registrar, the Registrar or person acting in his stead shall first obtain the approval of the Provincial Secretary as to the person who is to hold the adjourned sitting, if it is to be held by a person other than the Registrar, and as to the place to which the sitting is proposed to be adjourned, and shall give public notice of the adjournment, stating the time and place to which the sitting is adjourned, by notice posted in three or more conspicuous public places in the electoral district, and by notice in such other manner as the Registrar or person so acting may think necessary.

(3.) Where any such adjournment is proposed, the Registrar or person so acting may, at any time before or during the sitting, give public notice in like manner of his intention to make such proposed adjournment; and where notice has been given of the proposed adjournment he shall, at a suitable time during the sitting of the Court, adjourn the sitting to the time and place named in the notice. R.S. 1936, c. 84, s. 18.

**Method of Revision.**

22. In the case of a sitting of a special Court of Revision held pursuant to subsection (3) of section 19, not less than five days before that sitting and, in the case of any other sitting of the Court of Revision, not less than twenty-one days before the sitting of the Court of Revision at which the name of any voter is liable to be struck off the last revised list of voters under clause (d) of section 24, the Registrar shall mail a notice addressed to the voter whose name is so liable to be struck off stating that his name is liable to be struck off the list of voters unless he applies for the retention on the list of his name before or during the sitting of the Court of Revision referred to in the notice. Any voter whose name is so liable to be struck off may at any time, either before or during the sitting of the Court of Revision, file with the Registrar a claim for the retention of his name on the list of voters. The claim shall be in Form 3. R.S. 1936, c. 84, s. 19 (altered).

23. (1.) Any person entitled to be registered as a voter in the electoral district may make objection to the retention of any name appearing on the last revised list of voters for the district (if any). Objection may be made under this section on the grounds of death, removal, or want of qualification, or on any ground that would disqualify the voter or applicant from having his name retained or registered as a voter on the list of voters prepared under this Act.
(2.) Every objection under this section shall be made by notice in writing, setting forth the grounds of the objection and the post-office address of the person against whom objection is made. The notice may be in Form 4, and shall be filed in the office of the Registrar.

(3.) The Registrar shall from time to time prepare a list of the objections filed with him pursuant to this section, setting forth the names of all persons against whom objection is made, and shall post up a copy of the list in his office. Upon the receipt of a notice of objection in Form 4, the Registrar shall forward to each person against whom objection is made a notice, in Form 5, stating the grounds of the objection, and the date of the sitting of the Court of Revision at which the objection will be heard. The notice shall be sent by registered mail addressed to the person at the address shown on the list on which his name appears; and where the address set forth in the notice of objection filed with the Registrar differs from the address shown on the list, the Registrar shall also send a copy of the notice, in Form 5, by registered mail addressed to the person at the address set forth in the notice of objection: Provided that where the objection is made on the ground of death, the Registrar instead of sending a notice shall cause a search to be made in the records of deaths kept under the "Vital Statistics Act"; and if no record of the death is found therein, the Registrar shall require the person making the objection to furnish satisfactory evidence in support of his objection.

(4.) Except in the case of a special sitting held pursuant to subsection (3) of section 19, no objection under this section shall be heard at any sitting of the Court of Revision that is held within twenty-one days after the date of the mailing by the Registrar of the notice in Form 5 in respect of the objection.

R.S. 1936, c. 84, s. 20 (altered).

24. Upon the holding of the Court of Revision, the Registrar shall, subject to the provisions of this Act relating to a special sitting held pursuant to subsection (3) of section 19, revise the list of voters for the electoral district in accordance with the following provisions:—

(a.) He shall hear and determine all objections to the retention of any name appearing on the last revised list of voters for the district (if any):

(b.) He shall deal with each objection separately upon the merits to be disclosed by examination on oath of the person making the objection, the person against whom the objection is made, and the witnesses present on their respective behalf. After each objection is dealt with the Registrar shall, in his discretion, either strike off the name of the person from the list in which it
appears or allow the name to stand. The onus of substantiating sufficient prima facie ground to strike off any name from the list shall be upon the person making the objection, and it shall not be necessary for any person against whom objection is made to adduce proof in the first instance that his name properly appears on the list, or until after the Registrar avers that in his opinion prima facie ground to strike off the name has been established. The absence from or non-attendance at the Court of Revision at the time the objection is dealt with of any person against whom objection is made shall not relieve the person making the objection from substantiating a prima facie case by evidence which, in the absence of rebuttal evidence, is considered by the Registrar sufficient to establish the fact that the name of the person objected to improperly appears on the list:

(c.) If the Registrar entertains a doubt as to whether any application for registration should be allowed, or if he is not satisfied with the evidence as to the personal identity of the applicant with the person whose name appears on any certificate of naturalization produced by the applicant in support of his application, the Registrar, on reasonable notice to the applicant, may require the applicant to appear before him in person for the purpose of proving the applicant's right to be registered as a voter; and if the applicant fails to appear at the time and place as required by the notice or fails to produce proof satisfactory to the Registrar, the Registrar may refuse the application and may strike off the name of the applicant from any list in which it appears:

(d.) He shall strike off from the last revised list of voters (if any) the names of all voters who, from an examination of the books kept pursuant to section 99, and the lists of absent voters furnished to him pursuant to this Act showing the names of voters who have tendered their votes at any general election since the completion of the last revised list of voters, are found by him to have failed to tender their votes at that election; except where the voter was debarred from voting by reason of the provisions of section 84, or where the voter has filed with him a claim for the retention of his name on the list under section 22:

(e.) He shall consider all applications for the correction of mistakes in names or in descriptions of residence or occupation appearing in any list of voters, and, upon satisfactory evidence being furnished to him, he shall
make the proper corrections in the list and initial them:

(f.) For the purpose of offering the widest scope for the registration of voters, any person claiming to be entitled to be registered as a voter in any electoral district may apply in person to have his name so entered on the list of voters at any of the sittings of the Court of Revision, other than a special sitting of the Court of Revision held pursuant to subsection (3) of section 19, notwithstanding that he has omitted to apply for registration at the time or in the manner hereinbefore provided; and upon his making an affidavit before the Registrar, in Form 1 or Form 1A, as the case may be, and furnishing such further evidence in support of his application as the Registrar may require, the Registrar may add the name of the applicant to the list of voters:

(g.) Where the Registrar of an electoral district receives from the Registrar or any District Registrar of Births, Deaths, and Marriages notification of the death of any person whose name is on the list of voters for that electoral district, the Registrar of the electoral district shall, on being satisfied of the identity, remove the name of that person from the list of voters:

(h.) In case any matter or thing necessary for the proper revision of the lists in the matter provided in this Act is not specifically or sufficiently set out, the Registrar shall deal with the same on principles of equity and justice. R.S. 1936, c. 84, s. 21 (altered).

25. (1.) Any person may obtain from the Registrar an order, in Form 6, requiring the attendance at the Court of Revision at the time mentioned in the order of any witness residing or served with the order in any part of the Province, and requiring any witness to bring with him and produce to the Court of Revision any papers or documents mentioned in the order. Every witness served with an order under this section shall obey the same, upon an allowance for travelling expenses, at the rate of thirty cents per mile, one way, between the residence of the witness and the place where the Court of Revision is held, being paid or tendered to him at the time of service.

(2.) Where any person against whose right to be registered as a voter objection is made is served with an order for his attendance, and is paid or tendered the allowance for his expenses as provided in subsection (1), then, if he fails to attend the Court of Revision in obedience to the order, the Registrar, unless he is satisfied by sufficient evidence that the person is entitled to be ordered
registered as a voter, shall strike the name of that person from
the list upon which it appears. R.S. 1936, c. 84, s. 22.

26. (1.) Any person dissatisfied with any decision of the
Registrar at a Court of Revision may appeal therefrom to any
County Court held within the electoral district. Where no County
Court is held within the electoral district, the appeal shall be to
the County Court held nearest to the electoral district.

(2.) Within six days after the date on which the decision
appealed from is rendered, the appellant shall give notice of the
appeal by serving notice, in Form 7, upon the Registrar, and upon
the opposite party interested in the subject-matter of the appeal,
that is to say, the person by whom the objection was taken under
this Act, or the person whose registration or the retention of
whose name on the list of voters was allowed or disallowed, as
the case may be. The notice shall be given not less than ten days
before the hearing of the appeal, unless the County Court Judge
before whom the appeal is to be heard, by order allows a shorter
time for the giving of the notice.

(3.) The appeal shall be heard at one of the regular sittings of
the County Court, or at such other time and place as the Judge
may fix, of which time and place notice shall be given in like
manner and to the like persons as provided in this section in
respect of the notice of appeal; and the Judge shall either allow
or dismiss the appeal, and make such order as to costs and gen­
erally as to the premises as he may deem just, and the order may
be enforced in the same way as a judgment of the County Court
is usually enforced. The decision shall be final and not subject
to any appeal.

(4.) In case of an appeal under this section, the Registrar shall
be governed in placing, retaining, or removing any name on or
from the list of voters by the decision of the County Court Judge,
but the Registrar shall not be bound to await any decision before
proceeding with the completion of the list of voters. R.S. 1936,
c. 84, s. 23 (altered).

Completion of List of Voters.

27. (1.) Immediately after the conclusion of the Court of
Revision the Registrar shall make up the list of voters for the
electoral district, which shall consist of the names on the last
revised list of voters (if any) not struck off, with all names
that have been added and all corrections made during the holding
of the Court of Revision; and the Registrar shall see that all
names decided by him to be struck off are in fact struck off, and
that all names added by him are inserted in their proper places
in the completed list of voters prepared under this section.
(2.) On the disposal of any appeal that has been taken against any decision of the Court of Revision, the Registrar shall make any correction of the list of voters that may be required by reason of the judgment in the appeal.

(3.) For the purpose of any election the Registrar shall divide the list of voters into sections corresponding to the polling divisions into which the electoral district is divided, and shall arrange the names in each section alphabetically, and shall number the names of the voters consecutively throughout the list. R.S. 1936, c. 84, s. 24 (altered).

28. (1.) Where by reason of the indefinite boundaries of a polling division, or otherwise, a doubt arises as to the polling division in which a voter should be registered, the Registrar shall decide the matter, having regard in every case to the convenience of the voter and to any preference expressed by him.

(2.) Any person being a member of the Executive Council of the Province shall, on application and without any affidavit in support thereof, be entitled to have his name placed on the list of voters as an elector in a polling division of any one electoral district in the Province; and the wife of that person, if otherwise qualified, shall be entitled to have her name placed on the same list of voters as that on which her husband's name is placed, irrespective of the place of her residence.

(3.) The name of any person being a member of the Legislative Assembly shall, if upon the list of voters for the electoral district for which he is a member, unless otherwise requested in writing by that person, remain upon the said list for a period of six months after his ceasing to be a member for that electoral district. R.S. 1936, c. 84, s. 25.

29. (1.) The Registrar may at any time correct any error in the spelling or initials of any name or the address or the occupation of any voter upon the list of voters, and may, where necessary, correct the number placed opposite the name of the voter pursuant to subsection (3) of section 27.

(2.) Where the name of any female registered voter is changed in consequence of her marriage, the Registrar, upon application signed by the voter and accompanied by such evidence as he may require, shall amend the list of voters accordingly. R.S. 1936, c. 84, s. 26 (altered).

30. (1.) On completion of the list of voters, the Registrar shall certify it as correct, and shall send a certified copy thereof to the Deputy Provincial Secretary at such time as he may direct.

(2.) The Registrar shall retain in his custody the certified original list of voters, the original affidavits, and all other lists.
and documents had by him in connection with the revision of the list of voters, and shall deal with them as provided in this Act or as directed by the Deputy Provincial Secretary.

(3.) The Registrar shall furnish to any person written copies of the list of voters, or any part thereof, upon payment of the cost of preparing the same as determined by the Deputy Provincial Secretary. R.S. 1936, c. 84, s. 27.

31. Subject to the alterations and additions which may be made under the provisions of sections 29, 32, and 43, every list of voters revised and certified under the provisions of this Act shall be the list of voters to be used at all elections in the electoral district to which it refers until another list of voters for that district is revised and certified under this Act. R.S. 1936, c. 84, s. 28 (altered).

Transfer of Names and Printing of Lists of Voters.

32. (1.) Where an applicant for registration as a voter, in his application indicates that he is already registered as a voter at an address other than the address at which he is resident at the time of the application:—

(a.) If both addresses are in the same electoral district, the Registrar shall forthwith remove the application previously made by that applicant from the file of applications for registration and shall substitute the new application therefor; and he shall place the application previously made by the applicant on a file to be known as the “Removal File,” and he shall amend the list of voters by substituting the new address of the applicant:

(b.) If the address at which the applicant is resident at the time of his application is in an electoral district other than the electoral district in which he is already registered, the Registrar to whom the application is made shall, after completing the registration of the applicant, notify the Registrar of Voters for the electoral district in which the applicant claims to be already registered, and the last-named Registrar shall thereupon remove the name of the applicant from the list of voters for that electoral district, and shall remove the application for registration previously made by the applicant in that district from the file of applications for registration and shall place it on the Removal File.

(2.) It shall be the duty of the Registrar having the custody of the list of voters for any electoral district, upon receipt of the
poll-book kept pursuant to subsection (1) of section 99, to correct the address of any voter who still resides in the same electoral district, to the address registered in the poll-book, as required by subsection (1) of section 99. R.S. 1936, c. 84, s. 29 (altered).

33. The King's Printer, when directed by the Deputy Provincial Secretary, shall print or cause to be printed the list of voters for each electoral district, and copies of any list when printed shall be furnished by the King's Printer to any person upon payment of the sum of twenty-five cents for each copy, and every candidate at an election shall be entitled on demand to twenty copies of the list free of charge; and also, except in the electoral districts of Vancouver Centre, Vancouver-Burrard, Vancouver-Point Grey, Vancouver East, Victoria City, Oak Bay, and Burnaby, one additional copy for each polling division in the electoral district. R.S. 1936, c. 84, s. 30 (altered).

34. The list of voters for any electoral district, with any alterations or additions made under the provisions of subsection (2) of section 28 and sections 29, 32, and 43, as printed by the King's Printer or as certified under section 30, shall be deemed to be the list of voters for such electoral district as it purports to be; and any paper purporting to be a list of voters, or a list of names added, or a list of names struck off, or a list of other alterations, additions, or corrections made in the list of voters for any electoral district and purporting to be printed by the King's Printer, shall be received as prima facie evidence thereof in all Courts of law without further proof. R.S. 1936, c. 84, s. 31 (altered).

Penalties.

35. (1.) Any Registrar or Deputy Registrar who:—

(a.) Wilfully refuses or neglects to make out any list of voters; or

(b.) Wilfully neglects to insert in the list of voters the name of any person who applies to be registered as a voter and complies with all the provisions of this Act; or

(c.) Wilfully inserts in the list of voters the name of any person who has not applied for registration; or

(d.) Wilfully inserts in the list of voters the name of any person disqualified by this Act; or

(e.) Wilfully places on the list of objections the name of any person against whom no objection is filed; or

(f.) Wilfully refuses or neglects to publish, send, or mail any notice, post any list, or declines to give a copy of the same to any person entitled thereto at the time and in the manner required by this Act; or
(g.) Wilfully refuses or neglects to deliver or transmit the lists, books, or documents to the Deputy Provincial Secretary, or other person as required by or under this Act; or

(h.) Wilfully refuses or neglects to attend the Court of Revision for revising the lists of voters of his electoral district; or

(i.) Wilfully commits any act of omission or commission in contravention of the duties of his office under this Act,—

shall be guilty of an offence against this Act and be liable, on summary conviction, to a penalty of not less than one hundred dollars and not more than two hundred and fifty dollars.

(2.) Nothing in this section shall affect or abridge any right of action against any Registrar or Deputy Registrar which may arise under or by virtue of this Act or any law for the time being in force in this Province. R.S. 1936, c. 84, s. 32 (altered).

36. No person shall make or cause to be made an application on his behalf to be registered as a voter in any other electoral district than the electoral district in which he is entitled to be registered; and any person offending against the provisions of this section shall, on summary conviction, be liable to a penalty not exceeding fifty dollars. R.S. 1936, c. 84, s. 33 (altered).

ELECTIONS.

Election Proclamation.

37. (1.) The Lieutenant-Governor in Council may make provision from time to time for the holding of elections, and by Proclamation may appoint a day and place for the nomination of candidates in each electoral district in which the election is to be held, which day shall be known for all purposes as the "nomination-day."

(2.) In case of a general election the nomination of candidates shall be fixed for the same day in all the electoral districts. R.S. 1936, c. 84, s. 34.

Returning Officers.

38. (1.) The Lieutenant-Governor in Council may appoint from time to time a suitable person who is a voter within the Province to be the Returning Officer of each electoral district, and shall cause notice of the appointment to be published in the Gazette.

(2.) The Registrar of Voters for any electoral district may be appointed Returning Officer of that district. R.S. 1936, c. 84, s. 35.
39. (1.) None of the following persons shall be appointed or act as Returning Officer, Deputy Returning Officer, Election Clerk, or Poll Clerk:—

(a.) Members of His Majesty's Privy Council of Canada:
(b.) Members of the Senate of Canada:
(c.) Members of the Commons of Canada:
(d.) Members of the Executive Council or of the Legislative Assembly:
(e.) Judges of the Court of Appeal, or Judges of the Supreme Court, or Judges of any County Court:
(f.) The Registrar, District or Deputy Registrars of the Supreme Court:
(g.) Police Magistrates:
(h.) Any person who has served as a member of the Legislative Assembly in the session immediately preceding the election, or in the session then being held, if the election takes place during a session of the Legislature:
(i.) Any person who has been found guilty by any Court for the trial of controverted elections of any offence or dereliction of duty during an election, within the period of seven years next preceding the appointment:
(j.) Any person who is a candidate for election at the election then pending:
(k.) Any person who is a member of the Civil Service under the "Civil Service Act": Provided that this section shall not prevent a Registrar of Voters from acting as a Returning Officer.

(2.) Every person who acts as Returning Officer, Deputy Returning Officer, Election Clerk, or Poll Clerk in contravention of this section shall be liable, on summary conviction, to a penalty of one hundred dollars. R.S. 1936, c. 84, s. 36 (altered).

40. No person being sixty years of age or over that age and no physician, surgeon, barrister, solicitor, or postmaster shall be obliged to act as Returning Officer, Deputy Returning Officer, Election Clerk, or Poll Clerk. R.S. 1936, c. 84, s. 37.

41. Where any person who has been appointed to act as Returning Officer resides in the district for which he has been appointed, or has accepted the appointment of Returning Officer for any district, and is not disqualified from acting as Returning Officer, and is not incapacitated by sickness, and has received a writ of election directed to him under this Act, then, if he refuses or neglects to perform the duties of Returning Officer in the district at that election, he shall be liable, on summary conviction, to a penalty of one hundred dollars, unless he is a person entitled to claim the exemption granted by section 40, and has in fact
claimed exemption by notice given to the Deputy Provincial Secretary immediately upon receipt of the writ of election. R.S. 1936, c. 84, s. 38 (altered).

Polling Divisions.

42. (1.) The Lieutenant-Governor in Council shall from time to time divide each electoral district into such number of polling divisions for the purpose of registration of voters and the polling of votes at elections as he may think advisable. Notice of the boundaries of the respective polling divisions shall be published in the Gazette.

(2.) Where it is found impracticable to define specifically the boundaries of any polling division, it shall be sufficient to mention the name or local designation of some place, and to describe the polling division as comprising that place and the surrounding territory tributary to it from the standpoint of accessibility.

(3.) The Returning Officer shall assign to each polling division a polling-place at such location in or near the polling division as he considers most central and convenient for the majority of the voters.

(4.) In addition to the polling-place assigned by the Returning Officer under subsection (3), the Lieutenant-Governor in Council, at any time before the day fixed for the nomination of candidates at any election, may assign to any polling division of an electoral district, and in the case of a polling division in which there are more than 300 names on the list of voters shall assign to that polling division one or more special polling-places, at which, in the event of a poll being held at an election in that district, a polling-booth shall be maintained for the purpose only of taking the votes of absent voters entitled to exercise their franchise under section 113 or 114. All the provisions of this Act shall, so far as applicable, apply to the poll held at a special polling-place assigned under this subsection. Where the location of any special polling-place assigned under this subsection has not been stated in the notice of poll under subsection (2) of section 61, the Returning Officer shall, upon the election being adjourned for the purpose of taking a poll, give notice of its location to each candidate nominated at the election or his agent, and shall give such public notice of its location as may be practicable. R.S. 1936, c. 84, s. 39 (altered).

43. Where local conditions require a different arrangement of the territory included within established polling divisions, and the territory is redivided into suitable polling divisions under the powers contained in this Act, the Registrar shall where necessary change or correct the numbers or names of polling divisions.
appearing opposite the names of the voters upon the last revised list of voters in accordance with the polling divisions as redivided. R.S. 1936, c. 84, s. 40.

**Writ of Election.**

44. Whenever an election is to be held, a writ of election, in Form 8, shall be issued and published in the Gazette, and shall be addressed and directed to the Returning Officer for each electoral district in which the election is to be held; and the Deputy Provincial Secretary shall forthwith notify the Registrar of each electoral district in which the election is to be held. The day and place fixed by Proclamation for the nomination of candidates in the electoral district shall be stated in the writ of election, and in every writ of election shall be mentioned a day, to be known for all purposes as the “return-day” of the writ, on or before which the writ shall be returnable. R.S. 1936, c. 84, s. 41 (altered).

45. (1.) Every Returning Officer, on receiving the writ of election, shall endorse thereon the date of its receipt by him, followed by his signature, and before taking any further action thereon he shall make and subscribe a declaration, in Form 9, in the presence of a Judge of any Court of Record, or any Justice of the Peace, or any Notary Public, or any Commissioner for taking Affidavits within British Columbia, or any two of the voters of the electoral district, who shall attach their signatures to the declaration as witnesses. The declaration so signed shall be annexed to the return of the writ of election.

(2.) Every Returning Officer who fails to make and subscribe the declaration required by subsection (1), or fails to annex it to his return, shall be liable, on summary conviction, to a penalty of fifty dollars. R.S. 1936, c. 84, s. 42 (altered).

**Proclamation of Returning Officer.**

46. (1.) The Returning Officer for each electoral district shall cause a Proclamation, in Form 10, to be published, in which he shall state:—

(a.) The time and place fixed for the nomination of candidates:

(b.) The day on which the poll for taking the votes of the voters is to be held in case a poll is granted.

(2.) The Proclamation shall be published by being posted up in at least one conspicuous public place in each polling division of the electoral district for at least eight days before the nomination-day, and neither the day on which the posting-up of the Proclamation is completed nor the nomination-day shall be included within the eight days. R.S. 1936, c. 84, s. 43 (altered).
47. The day proclaimed for holding the poll shall be the same for every polling division of an electoral district, and the poll shall be opened and held at all polling-places in the district on that day only. R.S. 1936, c. 84, s. 44.

48. In all electoral districts, at a general election, the day for holding the polls shall be the twenty-first day next after the expiration of the day fixed for the nomination of candidates, exclusive of such nomination-day, or if such twenty-first day is a holiday, then on the next following day not being a holiday; and at any election other than a general election the day so fixed upon which the poll shall be opened shall be the nearest date practicable subsequent to the nomination-day, not being a holiday. R.S. 1936, c. 84, s. 45.

49. Where, from unforeseen delays, accidents, or otherwise, the Proclamation of the Returning Officer herein required cannot be posted up so as to have the required number of days between the posting-up of the Proclamation and the nomination-day, or in case any candidate dies after being nominated and before the close of the polls, the Returning Officer may fix another day for the nomination of candidates in his electoral district, which day shall be the nearest day possible, after allowing the number of days required, between the posting-up of the Proclamation and the nomination-day; and in every such case the Returning Officer shall make to the Deputy Provincial Secretary, with his return, a special report of the causes which have occasioned the delay in the holding of the election. R.S. 1936, c. 84, s. 46.

50. (1.) In case any Proclamation of the Returning Officer published in pursuance of this Act is destroyed, mutilated, defaced, or removed before nomination-day, or before polling-day in case a poll is granted, the Returning Officer, as soon as conveniently may be, shall cause another similar Proclamation to be published in like manner in its place.

(2.) Every person who destroys, mutilates, defaces, or removes any Proclamation of the Returning Officer posted up in pursuance of this Act, during the period for which it is required to be so posted up, shall be liable, on summary conviction, to a penalty not exceeding two hundred and fifty dollars. R.S. 1936, c. 84, s. 47.

51. Every Returning Officer who refuses or neglects to cause to be published any Proclamation which he is required by this Act to cause to be published shall be liable, on summary conviction, to a penalty of two hundred dollars. R.S. 1936, c. 84, s. 48.

52. No Proclamation shall be invalidated by reason of the fact that it has not been posted up in every place, or for the full period required for its publication; and no election shall be invalidated
by reason of the fact that the Proclamation has not been posted up in every place, or for the full period required for its publica-
tion; but nothing in this section shall be construed to exempt the
Returning Officer from any penalty to which he is liable under
this Act for his neglect or default. R.S. 1936, c. 84, s. 49.

_Election Clerk._

53. (1.) Every Returning Officer shall before the nomination-
day appoint by commission, in Form 11, a suitable person to be
his Election Clerk, and to assist him in the performance of his
duties as Returning Officer.

(2.) The Election Clerk, before entering on the duties of his
office, shall take and subscribe before a Justice of the Peace, or
any Notary Public, or any Commissioner for taking Affidavits
within British Columbia, or before the Returning Officer, an oath
in Form 12.

(3.) Where any person has been appointed an Election Clerk,
and is not disqualified from acting by reason of section 39, and
is not entitled to claim exemption by reason of section 40, and is
not incapacitated by sickness, then, if he refuses or neglects to
take and subscribe the oath of office required of him, or to perform
the duties of his office, he shall be liable, on summary conviction,
to a penalty of twenty-five dollars. R.S. 1936, c. 84, s. 50
(altered).

54. Where the Election Clerk so appointed refuses or neglects
to perform the duties of his office, or becomes unable to perform
them by reason of absence, illness, death, or other cause, the
Returning Officer, either before or after the nomination-day, may
appoint by like commission another person as his Election Clerk,
and the new Election Clerk so appointed shall perform all the
duties and may exercise all the powers of his office, and shall be
liable to penalty for refusal or neglect in the same manner as if
appointed under the provisions of section 53. R.S. 1936, c. 84,
s. 51 (altered).

55. In case the Returning Officer becomes unable to perform
the duties of his office, whether by death, illness, absence, or other-
wise, the Election Clerk appointed by him shall, under the same
penalties for refusal or neglect on his part as are hereinbefore
imposed in like case on the Returning Officer, act as Returning
Officer for the election, and shall perform all the duties and may
exercise all the powers of that office 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 every such case the Election Clerk shall
annex to his return to the writ of election the oath taken by him
as Election Clerk. R.S. 1936, c. 84, s. 52.
Proceedings on nomination-day.

Nomination of Candidates.

56. Every Returning Officer shall, on the date of nomination, be present at the place fixed therefor. All the voters shall be entitled to free access to such place, and the Returning Officer shall, at the hour of twelve of the clock noon, read or cause to be read publicly the writ of election, and shall forthwith read in an audible voice the nomination-papers which he has received, and from time to time until one o'clock in the afternoon of the same day shall read any further nomination-papers received. At the hour of one o'clock in the afternoon the time for the nomination of candidates shall close. R.S. 1936, c. 84, s. 53 (altered).

Mode of nominating candidates.

57. (1.) Every candidate for election as a member to serve in the Legislative Assembly shall be nominated in writing. The nomination-paper shall be subscribed by two registered voters in the electoral district for which the election is to be held as proposer and seconder; and by ten other registered voters in the same district as assenting to the nomination; and shall be delivered to the Returning Officer at any time between the date of the Proclamation and one o'clock in the afternoon of the day of nomination. The full Christian names and surname of the proposer and seconder and of each of the other registered voters assenting to the nomination shall be subscribed to the nomination-paper, and their respective addresses and occupations shall be stated therein as shown in the list of voters. The nomination-paper may be in Form 13, and shall state the name, residence, and occupation of the person nominated, and shall state the political party or interest which the person is nominated to represent; and the fact that the residence or occupation given in the nomination-paper is different from those appearing in the list of voters shall not invalidate the nomination.

(2.) Each candidate shall be nominated by a separate nomination-paper; but the same voters, or any of them, may subscribe as many nomination-papers as there are members to be elected and no more.

(3.) No person shall at the same time be a candidate for election as a member for more than one electoral district. R.S. 1936, c. 84, s. 54 (altered).

Separate nomination-paper for each candidate.

Candidature prohibited in more than one district.

Nomination-paper not valid unless accompanied by written consent of person nominated.

Returning Officer to give receipt for nomination-paper.

58. (1.) No nomination-paper shall be valid nor shall it be acted on by the Returning Officer unless it is accompanied by the consent in writing of the person therein nominated, except when that person is absent from the district in which the election is to be held, in which case the fact of his absence shall be stated in the nomination-paper.

(2.) The Returning Officer shall give his receipt for the nomination-paper; which receipt shall, in every case, be suffi
cient evidence of the production of the nomination-paper and of the consent of the candidate.

(3.) Where a person has been nominated as a candidate without his consent, nothing in this Act shall be construed to impose any liability on him, unless he afterwards gives his consent to his nomination, or is elected, or has personally taken part in the election in forwarding the election of himself or of some other candidate. R.S. 1936, c. 84, s. 55 (altered).

59. No election shall be declared invalid by reason of any nomination-paper having been signed by any unqualified elector: Provided such unqualified elector was, at the time of signing such nomination-paper, on the list of voters for the electoral district for which such election was held. (New.)

60. At the expiration of the time appointed for the nomination of candidates the Returning Officer shall declare the nomination closed, and, after satisfying himself of the validity of the nomination-paper or papers received by him, shall declare in an audible voice the names of the several candidates who have been nominated, and he shall deliver to every candidate or agent of a candidate applying for the same a duly certified list of the names of the several candidates. R.S. 1936, c. 84, s. 56.

61. (1.) If at the expiration of the time appointed for the nomination of candidates no more candidates stand nominated than there are vacancies to be filled, the Returning Officer shall then declare the candidates who stand nominated to be elected, and shall forthwith transmit to the Deputy Provincial Secretary the writ of election with his return thereupon certifying the names of the candidates elected.

(2.) If at the expiration of the time appointed for the nomination of candidates more candidates stand nominated than there are vacancies to be filled, the Returning Officer, after declaring the names of the candidates, shall publicly proclaim the day previously stated in his Proclamation for the purpose of taking the votes of the voters according to law, and he shall then adjourn the election and shall take a poll in manner hereinafter mentioned, and shall cause to be posted up notices, in Form 14, of his having granted a poll, indicating the names, residences, and occupations of the candidates so nominated as they appear in the respective nomination-papers, in the order in which they will be printed on the ballot-papers, and the place or places at which the poll will be opened in his district or in each polling division of his district (as the case may be), which notice shall, as soon as possible after the nomination, be posted up at all the places where the Proclamation for the election was posted up. In case
of a general election, the Returning Officer shall forward a copy of the notice to the Deputy Provincial Secretary by registered mail, and shall also immediately after the adjournment of the election transmit a copy to the Deputy Provincial Secretary by telegraphic dispatch or in such other manner as may be directed by the Deputy Provincial Secretary.

(3.) Every person who destroys, mutilates, defaces, or removes any notice posted by a Returning Officer pursuant to subsection (2) at any time between the date when it is so posted and the date when the poll is to be taken, shall be liable, on summary conviction, to a penalty not exceeding two hundred and fifty dollars. R.S. 1936, c. 84, s. 57 (altered).

62. No speeches or other interruption to the proceedings of nominating candidates shall be permitted by the Returning Officer between the reading of the writ of election and the closing of the proceedings on nomination-day by the Returning Officer. R.S. 1936, c. 84, s. 58.

63. (1.) Any candidate nominated may withdraw at any time after his nomination and before the day next preceding the opening of the poll, but not afterwards, by giving notice to that effect signed by him to the Returning Officer.

(2.) The proposer of a candidate nominated in his absence out of the Province may withdraw the candidate by a written notice signed by the proposer and delivered to the Returning Officer before the day preceding the opening of the poll, together with a statutory declaration of the continued absence of the candidate.

(3.) The Returning Officer shall, in such manner as he may deem best, give public notice of the name of any candidate withdrawn. R.S. 1936, c. 84, s. 59.

64. Where, after the withdrawal of any candidate pursuant to this Act, no more candidates remain than there are vacancies to be filled, the Returning Officer shall openly declare the remaining candidates to be elected, and shall give public notice countermanding the notice of the poll, and shall forthwith transmit to the Deputy Provincial Secretary the writ of election with his return thereupon certifying the names of the candidates elected. R.S. 1936, c. 84, s. 60.

65. If after the adjournment of an election by the Returning Officer for the purpose of taking a poll one of the candidates nominated dies before the poll has commenced, the Returning Officer, upon being satisfied of the fact of such death, shall countermand the notice of the poll, and all the proceedings with reference to the election shall be commenced afresh in all respects as if the writ
had been received by the Returning Officer on the day on which proof was given to him of the fact of such death; but no fresh nomination shall be necessary in the case of a candidate who stood nominated at the time of the countermand of the poll. R.S. 1936, c. 84, s. 61.

66. All votes given at any election for any person other than a candidate nominated in accordance with the provisions of this Act or for a candidate who has been withdrawn pursuant to the provisions of this Act shall be void. R.S. 1936, c. 84, s. 62.

Agents.

67. Any person authorized in writing may act as the official agent, counsel, attorney, or clerk of a candidate during the continuance of an election; but no person so acting as an official agent, counsel, attorney, or clerk shall receive, either before, during, or after the 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, either for himself or for any other person, or any consideration whatever, or receive any promise, pledge, or security whatsoever of or for any sum of money, fee, office, place, or employment, either for himself or for any other person, or any consideration whatever. Every person who acts in contravention of the provisions of this section shall be liable, on summary conviction, to a penalty not exceeding one hundred dollars. R.S. 1936, c. 84, s. 63 (altered).

68. (1.) Every candidate may appoint an official agent, in this Act termed the “official agent,” whose name, address, and occupation shall be declared to the Returning Officer in the nomination-paper of the candidate; and if any candidate does not appoint an official agent then the candidate shall himself perform all the duties of an official agent, and in that case any reference in this Act to an official agent shall, unless the context otherwise requires, be deemed to be a reference to the candidate.

(2.) In the event of the death or legal incapacity of any official agent, the candidate, or, if the candidate is absent from the electoral district, his proposer and seconder, may appoint another official agent, and in that case shall in writing communicate his name, address, and occupation to the Returning Officer, who shall thereupon make publication in the manner provided in subsection (4).

(3.) No Returning Officer, Deputy Returning Officer, or Election Clerk, or the partner or clerk of any of them, shall be eligible to act as the official agent of any candidate, and if any such person shall so act he shall be guilty of an offence against this Act and shall be liable, upon summary conviction, to a penalty not exceeding two hundred and fifty dollars.
Publication of name of official agent.

(4.) It shall be the duty of the Returning Officer to publish forthwith in one issue of a newspaper circulating in the electoral district, after the day of nomination, the name, address, and occupation of the official agent, if one is appointed, and if no official agent is appointed, the Returning Officer shall in like manner publish notice of the fact that the candidate is acting as his own official agent. R.S. 1936, c. 84, s. 64 (altered).

Scrutineer for any polling-booth in the Province.

69. Any candidate or, in the absence of the candidate, his proposer and seconder or his official agent, may in writing appoint any person to act as a scrutineer on behalf of that candidate in any polling-booth in the Province. (New.)

Scrutineer in electoral district of candidate.

70. Every candidate or his official agent may, by writing under his hand, appoint a scrutineer or scrutineers at each polling-booth in the electoral district for which he is a candidate. (New.)

Candidate acting as scrutineer.

71. A candidate may himself undertake the duties which any scrutineer of his if appointed might have undertaken, or may assist his scrutineer in the performance of such duties, and may be present at any place at which his scrutineer or official agent may, in pursuance of this Act, attend. R.S. 1936, c. 84, s. 65 (altered).

Disqualification of paid agent.

72. Any person other than a scrutineer who at any time, either during the election or before the election, is employed at the election, or in reference thereto, or for the purpose of forwarding the same by any candidate, or by any person whosoever, as official agent, counsel, attorney, or clerk at any polling-place at such election, and who has received, or expects to receive, either before, during, or after the said election, from any candidate, or from any person whosoever, for acting in any such capacity, any sum of money, fee, office, place, or employment, or any promise, pledge, or security whatsoever for any sum of money, fee, office, place, or employment, other than the fees or other moneys payable to Returning Officers, Election Clerks, Deputy Returning Officers, Poll Clerks, and other persons necessarily or properly employed by the Returning Officer for the conduct of the election, shall be disqualified from voting at the election, and his vote, if given, shall be void; and for having so voted he shall, upon summary conviction, be liable to a penalty of fifty dollars. R.S. 1936, c. 84, s. 66 (altered).

Declaration of Candidate.

73. (1.) Where, on or before the nomination-day at any election, and before a poll has been granted therein, any candidate
at the election is personally required by any other candidate, or
y by any registered voter, or by the Returning Officer to make a
declaration pursuant to this section, then, if the candidate so
required fails to make and to deliver or cause to be delivered to
the Returning Officer a declaration, in Form 15, pursuant to this
section, the candidate so required shall not be capable of being
elected at the election.

(2.) At any time after the date of the writ of election, any per-
son, with a view to his becoming a candidate at the election, may
make voluntarily, and without waiting to be required to do so, a
declaration in Form 15; and the declaration so made shall have
for all purposes the same force and effect as if it had been made by
that person after he had been required to make it pursuant to this
section.

(3.) The declaration shall be made before the Returning
Officer, or before a Justice of the Peace, or a Notary Public, or a
Commissioner for taking Affidavits within British Columbia; and
the candidate shall deliver it or cause it to be delivered to the
Returning Officer before the Returning Officer has made a decla-
ration of the candidates elected at the election. The possession
by any person of the declaration made by a candidate pursuant
to this section shall be prima facie evidence of that person having
been authorized by the candidate to deliver the declaration to the
Returning Officer.

(4.) Upon the delivery to the Returning Officer of a declaration
pursuant to this section, the Returning Officer shall give to the
candidate or person by whom it is delivered an acknowledgment
in writing, signed by the Returning Officer, stating the day and
hour of the delivery to him of the declaration; and the declara-
tion, for all purposes of the election, shall be deemed to have been
made and delivered at the time stated in the acknowledgment.
Every Returning Officer who in contravention of this subsection
refuses or neglects to give an acknowledgment to the candidate
or person requiring it shall be liable, on summary conviction, to
a penalty of two hundred dollars. R.S. 1936, c. 84, s. 67 (altered).

Deputy Returning Officers.

74. (1.) For the purpose of taking the votes at any election,
the Returning Officer, by commission in Form 16, shall appoint a
sufficient number of Deputy Returning Officers for each polling
division in the electoral district.

(2.) Where there is more than one polling-place in the electoral
district, the Returning Officer may appoint, in like manner, a
Deputy Returning Officer who, under the instructions of the
Returning Officer, and in addition to all other powers vested in a
Deputy Returning Officer, shall have general supervision over any
polling-place at which the Returning Officer is personally unable
Further appointments where necessary.

Oath of office.

75. Every Deputy Returning Officer, before entering on the duties of his office, shall take and subscribe, before a Justice of the Peace, or a Notary Public, or a Commissioner for taking Affidavits within British Columbia, or before the Returning Officer, or before any two registered voters of the electoral district, an oath in Form 17. R.S. 1936, c. 84, s. 70 (altered).

Penalty for default.

76. Where any person has been appointed a Deputy Returning Officer, and is not disqualified from acting by reason of section 39, and is not entitled to claim exemption by reason of section 40, and is not incapacitated by sickness, then, if he refuses or neglects to take and subscribe the oath of office required of him, or to perform the duties of his office, he shall be liable, on summary conviction, to a penalty of twenty-five dollars. R.S. 1936, c. 84, s. 71 (altered).

Poll Clerks.

77. (1.) Every Deputy Returning Officer may appoint for the polling-booth at which he presides, by commission in Form 18, a Poll Clerk to assist him in taking the poll; or the Returning Officer may himself appoint the Poll Clerk, in which case Form 18 shall be varied accordingly.

(2.) Where the Poll Clerk so appointed refuses or neglects to perform the duties of his office, or becomes unable to perform them, by reason of absence, illness, death, or other cause, the Deputy Returning Officer may appoint, by like commission, another person as Poll Clerk to perform the duties of the office. R.S. 1936, c. 84, s. 72 (altered).

Duties of Poll Clerk.

78. The Poll Clerk so appointed shall assist the Deputy Returning Officer in the performance of the duties of his office in opening and taking the poll in conformity with this Act at the polling-booth for which the Poll Clerk is appointed, and shall obey the orders of the Deputy Returning Officer. R.S. 1936, c. 84, s. 73.

Oath of office.

79. Every Poll Clerk, before entering on the duties of his office, shall take and subscribe before a Justice of the Peace, or a Notary Public, or a Commissioner for taking Affidavits within British
Columbia, or before the Returning Officer, or Deputy Returning Officer, or before any two registered voters of the electoral district, an oath in Form 19. R.S. 1936, c. 84, s. 74 (altered).

80. Where any person has been appointed a Poll Clerk, and is not disqualified from acting by reason of section 39, and is not entitled to claim exemption by reason of section 40, and is not incapacitated by sickness, then, if he refuses or neglects to take and subscribe the oath of office required of him, or to perform the duties of his office, he shall be liable, on summary conviction, to a penalty of twenty-five dollars. R.S. 1936, c. 84, s. 75 (altered).

81. (1.) Where the Deputy Returning Officer refuses or neglects to perform the duties of his office, or becomes unable to perform them, by reason of absence, illness, death, or other cause, and where no other Deputy Returning Officer duly appointed by the Returning Officer appears at the polling-booth to act in the taking of the poll, then the Poll Clerk, under the same penalties for refusal or neglect as are by this Act imposed in like cases on a Deputy Returning Officer, shall act at such polling-booth as Deputy Returning Officer, and shall perform all the duties and may exercise all the powers of that office in the same manner as if he had been appointed Deputy Returning Officer by the Returning Officer, and without being required to take any new oath of office.

(2.) Where the Poll Clerk acts as Deputy Returning Officer pursuant to this section, he may appoint, by commission in Form 18, another person as Poll Clerk to assist him in taking the poll, and may administer to the Poll Clerk the oath of office, in Form 19; and the Poll Clerk so appointed shall perform all the duties and may exercise all the powers of his office in the same manner as if he had been appointed Poll Clerk by the Deputy Returning Officer. R.S. 1936, c. 84, s. 76 (altered).

Voters.

82. (1.) Any person whose name is on the list of voters for any electoral district may vote at any election in the district for a member to serve in the Legislative Assembly, but, subject to sections 113 and 114, he shall vote only in the polling division for which he is registered as a voter. No person shall at any election vote in more than one polling division of an electoral district or in more than one electoral district. A voter may vote for any number of candidates not exceeding the number of members to be chosen.

(2.) Where the name of any female registered voter is changed in consequence of her marriage, the failure of that female registered voter to apply for or obtain an amendment
pursuant to the provisions of subsection (2) of section 29 shall not prevent her from voting in the name by which she is registered as a voter.

(3.) Where a person is entitled to be registered as a voter in any electoral district, and where he has caused to be delivered to the Registrar of that district an affidavit in support of an application for registration as a voter; and where, after a poll has been granted, that affidavit is one of the original affidavits furnished to a Deputy Returning Officer pursuant to section 94, but that person's name by mistake has not been put on the list of voters for that district, if, at any election in the district for a member to serve in the Legislative Assembly, that person proves these facts to the satisfaction of the Deputy Returning Officer, he shall be entitled to vote at that election in the same manner as if his name were on the list of voters.

(4.) Every person contravening any provision of this section shall be liable, on summary conviction, to a penalty not exceeding fifty dollars, and all votes given by him shall be void.

(5.) Nothing in this section shall entitle any unqualified person to vote, or entitle any person to vote who is prohibited from voting by any Statute or by reason of any disability, or relieve any person from any penalty for voting to which he may be liable. R.S. 1936, c. 84, s. 77 (altered).

83. No person whose name is registered in more than one section of the list of voters of an electoral district, or whose name is on the list of voters of more than one electoral district, shall have any right to vote at any election; and any person who votes in contravention of this section shall be liable, on summary conviction, to a penalty of fifty dollars; but where the name of a person appears more than once in the section of a list of voters applicable to one polling division, that person shall not thereby lose the right to vote; but he shall not vote more than once at any election. R.S. 1936, c. 84, s. 78 (altered).

84. No Returning Officer shall vote at any election except under the provisions of this Act in case of a tie. R.S. 1936, c. 84, s. 79.

85. Every officer, clerk, and every scrutineer in attendance at a polling-place shall maintain and aid in maintaining the secrecy of the voting in the polling-place; and no such officer, clerk, or scrutineer, and no person whatsoever, shall interfere with, or attempt to interfere with, a voter when marking his ballot, or otherwise attempt to obtain in the polling-booth information as to the candidate for whom any voter in such booth is about to vote or has voted, or communicate at any time to any person any
information obtained in a polling-booth as to the candidate for whom any voter is about to vote or has voted. Every officer, clerk, and every scrutineer in attendance at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting, and shall not communicate any information obtained at such counting as to the candidate for whom any vote is given in any particular ballot-paper. No person shall, directly or indirectly, induce any voter to display his ballot-paper after he has marked the same, so as to make known to any person the name of the candidate for or against whom he has so marked his ballot. R.S. 1936, c. 84, s. 80 (altered).

86. Every Returning Officer, Election Clerk, Deputy Returning Officer, and every officer, clerk, or scrutineer authorized to attend at a polling-place at the taking of the poll or at the counting of the votes, shall make a statutory declaration of secrecy, in Form 20. The declaration shall be made before the opening of the poll, and shall be in addition to any oath or declaration otherwise required by this Act. The Returning Officer shall make the declaration before a Notary Public, Justice of the Peace, or Commissioner for taking Affidavits within British Columbia; the Deputy Returning Officer shall make the declaration before the Returning Officer or before a Notary Public, Justice of the Peace, or Commissioner for taking Affidavits within British Columbia; or, if no such official is reasonably available within the polling division, before any two voters registered in that polling division; and in all other cases the declaration shall be made before the Returning Officer or Deputy Returning Officer or a Notary Public, Justice of the Peace, or Commissioner for taking Affidavits within British Columbia. R.S. 1936, c. 84, s. 81 (altered).

87. In any legal proceeding to question an election or return, no person who has voted at the election shall be required to state for whom he voted. R.S. 1936, c. 84, s. 82.

Provisions for holding Polls and Procedure at the Polls.

88. (1.) Where a poll is held at any election, all votes shall be given by ballot. The ballot of each voter shall consist of a ballot-paper provided and marked in accordance with the provisions of this Act.

(2.) Every ballot-paper shall contain a list of the candidates, as described in their respective nomination-papers and arranged in the manner prescribed in this Act.

(3.) Each ballot-paper other than those provided for absentee voting shall have a counterfoil and a stub attached with the name of the electoral district and the date of the poll printed on the face of the stub, and shall be in Form 21, and shall be printed in accor-
dance with the provisions of this section and the directions contained in Form 21. The stubs with the counterfoils and ballot-papers attached shall be bound or stitched together in books of a convenient size, and shall be numbered consecutively on the face of the stub and the face of the counterfoil, the same number being placed on the counterfoil as on the corresponding stub.

(4.) In the case of Vancouver-Burrard Electoral District, Vancouver Centre Electoral District, Vancouver East Electoral District, Vancouver-Point Grey Electoral District, and Victoria City Electoral District, respectively, the list of candidates contained in the ballot-paper shall be arranged alphabetically in groups corresponding to the respective political parties or interests represented by the candidates. Each group shall be indicated by the name of the political party or interest being printed as a heading preceding the group, or as a marginal notation on the left-hand side of the ballot-paper opposite the group; and the form of ballot-paper and directions for printing contained in Form 21 shall be varied so far as is necessary to carry out the provisions of this subsection. The group containing the names of candidates of the political party represented by the Premier of the Province shall be placed at the top of the ballot-paper, the group containing the names of candidates of the political party constituting the recognized Opposition Party in the Province shall be placed next, and the other groups shall follow in the alphabetical order of the respective names of the political parties or interests represented. The grouping of the names of candidates shall be determined by the Returning Officer in accordance with the statement of party affiliation contained in the respective nomination-papers, subject, in the case of the group placed at the top of the ballot-paper, to the written direction (if any) of the Premier of the Province as to the names to be placed in that group, and in the case of the next following group to the written direction (if any) of the recognized leader of the Opposition Party as to the names to be placed in that group; such written directions to be filed with the Returning Officer before twelve o'clock noon of the day next following nomination-day. Where any doubt arises as to the grouping or arrangement of the names of candidates under this subsection, the Returning Officer shall decide the matter, and his decision shall be final. The provisions of this subsection shall not apply where the ballot-paper is written with ink pursuant to subsection (2) of section 114.

(5.) In every electoral district other than those mentioned in subsection (4), the ballot-paper shall indicate the political party or interest represented by each candidate by the name of the political party or interest represented by him being printed as a marginal notation on the left-hand side of the ballot-paper oppo-
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Site the name of the candidate. The name of the candidate of the political party represented by the Premier of the Province shall be placed at the top of the ballot-paper, the name of the candidate of the political party constituting the recognized opposition party in the Province shall be placed next, and the other names shall follow in the alphabetical order of the respective names of the political parties or interests represented. Where any doubt arises as to the order of the names of candidates under this subsection, the Returning Officer shall decide the matter, and his decision shall be final. The provisions of this subsection shall not apply where the ballot-paper is written with ink pursuant to subsection (2) of section 114. R.S. 1936, c. 84, s. 83 (altered).

89. (1.) The fact that the ballot-paper contains in the list of candidates appearing thereon the name of a person who was duly nominated as a candidate, but who is withdrawn, shall not in any way invalidate the ballot-paper or prevent it being used at the election; nor shall the fact that a voter has marked his ballot-paper in favour of a candidate who is withdrawn in any way invalidate any vote lawfully given on the same ballot-paper for any other candidate.

(2.) Where the ballot-papers printed for an election contain the name of a candidate who is withdrawn, the Returning Officer may cause the word "withdrawn" to be printed or stamped over the name of the candidate withdrawn where it appears on the ballot-papers. R.S. 1936, c. 84, s. 84.

90. Every poll shall be opened for the taking of votes at eight o'clock in the forenoon and shall be closed at eight o'clock in the afternoon, unless adjourned as provided in this Act in case of riot or other interruption. R.S. 1936, c. 84, s. 85.

91. (1.) There shall be at each polling-place at least one separate polling-booth for each three hundred voters on the list of voters. Where there is more than one polling-booth at a polling-place, they shall be designated by letters of the alphabet affixed in a conspicuous place, and no voter shall be permitted to poll his vote in a polling-booth unless his surname commences with a letter indicated by the letters so affixed. Each polling-booth shall be furnished with one or more compartments in which the voters may mark their ballots screened from observation.

(2.) There shall be a Deputy Returning Officer and a separate ballot-box for each polling-booth. R.S. 1936, c. 84, s. 86 (altered).

92. (1.) Subject to the provisions of this Act and to the directions from time to time given him by the Deputy Provincial Secretary, every Returning Officer shall:
(a.) Cause all necessary rooms to be hired or procured at every polling-place within his electoral district:

(b.) Provide all necessary polling-booths, ballot-boxes, ballot-papers, blank forms, and materials for voters to use in marking their ballots:

(c.) Appoint and pay all necessary officers and clerks; and

(d.) Do such other acts and things as may be necessary for effectually conducting the election in accordance with the provisions of this Act. R.S. 1936, c. 84, s. 87 (altered).

93. (1.) The Deputy Provincial Secretary shall cause to be furnished to each Returning Officer a sufficient number of copies of the list of voters for his electoral district, certified under the hand of the Deputy Provincial Secretary or the Registrar of Voters for the electoral district.

(2.) The Returning Officer shall furnish the Election Clerk with a certified copy of the list of voters, and shall furnish every Deputy Returning Officer and every Poll Clerk with a certified copy of the section of the list of voters for the polling division for which the Deputy Returning Officer or Poll Clerk is appointed.

(3.) Every ballot-paper shall be printed upon a good grade of paper. All ballot-papers, either printed and ready for use or to be printed for use, shall be supplied to the Returning Officer for each electoral district by the authority of the Deputy Provincial Secretary. R.S. 1936, c. 84, s. 88 (altered).

94. Upon a poll being granted in any electoral district, the Registrar of Voters for that district shall arrange the original affidavits received under this Act in support of the applications for registration of all voters whose names appear on the list of voters for that district in sections corresponding to the respective polling divisions, and shall arrange alphabetically according to the surnames of the deponents the affidavits comprised in each section, and shall furnish to the Returning Officer of the district all the original affidavits so arranged. The Returning Officer shall then furnish to the Deputy Returning Officer in each polling-booth such of the original affidavits as have been signed by the voters entitled to poll their votes in that polling-booth, and the original affidavits shall be placed in the hands of the Poll Clerk for reference at the taking of each vote. R.S. 1936, c. 84, s. 89 (altered).

95. At every general election the Deputy Provincial Secretary shall prepare and cause to be printed a list of the names and post-office addresses of all persons who are appointed Returning Officers under the provisions of this Act; and shall also prepare
from the notices received by him from Returning Officers under section 61 a list showing the names, residences, and occupations of the candidates in each electoral district in which a poll is granted, and shall cause the list to be printed. The Deputy Provincial Secretary shall furnish an adequate supply of the printed lists of Returning Officers and of the candidates to the Returning Officer in each electoral district in which a poll is granted; and the Returning Officer shall place a copy of each of such lists in the hands of each Deputy Returning Officer. R.S. 1936, c. 84, s. 90 (altered).

96. The Returning Officer shall furnish to each Deputy Returning Officer such number of printed directions for the guidance of voters in voting, in Form 22, as may be required; and before the opening of the poll each Deputy Returning Officer shall cause them to be placarded on the outside of the polling-place and in every screened compartment in his polling-booth, and shall see that they remain so placarded until the close of the poll. R.S. 1936, c. 84, s. 91 (altered).

97. Every ballot-box shall be so constructed that the ballots can be introduced therein, but cannot be withdrawn therefrom without the box being unlocked. Every Deputy Returning Officer, at the opening of the poll, shall show the ballot-box empty to such persons as are then present in the polling-booth, so that they may see that it is empty, and shall then lock it up and place a seal upon it in such manner as to prevent its being opened without breaking the seal, and shall place it in his view for the receipt of ballots, and shall keep it so placed, locked, and sealed until the close of the poll. R.S. 1936, c. 84, s. 92 (altered).

98. Every person applying for a ballot-paper at any poll shall be deemed to "tender his vote" and to "assume to vote" within the meaning of this Act. R.S. 1936, c. 84, s. 93.

99. (1.) The Deputy Returning Officer having first ascertained that the name of the person tendering his vote is on the list shall require every person who tenders his vote to sign his name, present address, and occupation in a book to be kept in the polling-booth for that purpose, and any person being so required who, unless unable to write, refuses to sign his name, address, and occupation shall not receive a ballot-paper or be allowed to vote.

(2.) If any person when so required to sign his name in the book alleges that he is unable to write, the Deputy Returning Officer shall require him to take an oath before the Deputy Returning Officer, in form following:—

You swear [or solemnly affirm] that you are [name of the voter], whose name is entered on the copy of the list of voters now shown to you, and that you are unable to write. So help you God.
Upon the taking of the oath, the Deputy Returning Officer shall write the name given by the person tendering his vote, in the book kept under this section, and shall enter therein opposite the name the words “unable to write”; and any person being so required to take the oath who refuses to do so shall not be given a ballot-paper or be allowed to vote.

(3.) Before a ballot-paper is given to any person tendering his vote, the Poll Clerk shall compare the signature made by that person in the book kept under this section with the signature of the voter in whose name he assumes to vote, made on the original affidavit received by the Registrar of Voters in support of the voter's application for registration. If the signatures do not appear to the Poll Clerk to be identical, the Deputy Returning Officer shall show the original affidavit to the person tendering his vote and shall require him to take the oath contained in section 105, with the addition thereto, immediately preceding the words “So help you God,” of the words “and that you are the deponent named in the affidavit now shown to you, and that the signature of the deponent thereto was made by you in your own proper handwriting.” Upon the taking of such oath by the person tendering his vote, the Deputy Returning Officer shall give to him a ballot-paper. In case no such original affidavit is at the time in the hands of the Poll Clerk available for the comparison of signatures, the provisions of this subsection shall not affect the elector's right to receive a ballot-paper. The Poll Clerk shall write opposite the name of each voter in the book the number appearing opposite the name of that voter in the list of voters. R.S. 1936, c. 84, s. 94 (altered).

100. (1.) At the time of voting the ballot-paper shall be delivered to the voter within the polling-booth; and the number, name, and description of the voter, as stated in the certified copy of the list of voters, shall be called out; and the number of such voter shall be marked in ink on the face of the stub and on the face of the counterfoil, and a mark shall be placed in the list against the number of the voter to denote that he has received a ballot-paper, but without showing the particular ballot-paper which he has received.

(2.) Where a voter whose name is not on the list of voters has established his right to vote pursuant to the provisions of subsection (3) of section 82, the ballot-paper shall at the time of voting be delivered to him within the polling-booth; and the name and description of the voter, as appearing in the affidavit in support of his application for registration, shall be called out, and the Deputy Returning Officer shall mark his initials in ink on the face of the stub and on the face of the counterfoil, and shall in ink enter in the list of voters the name of the voter and his
address and description and also the words “granted the right to vote,” but without showing the particular ballot-paper which the voter has received; and that entry shall be deemed to denote that the voter has received a ballot-paper.

(3.) Any ballot-paper on which votes are given to more candidates than the voter is entitled to vote for, or on which anything is written or marked by which the voter can be identified, shall be void and shall be rejected. Ballots where the intent is shown without identification shall be counted. R.S. 1936, c. 84, s. 95 (altered).

101. The voter, on receiving the ballot-paper, shall forthwith proceed into one of the screened compartments in the polling-booth, and with a black-lead pencil shall then and therein mark his ballot-paper in the manner set out in the directions to voters posted up in the compartment (Form 22), by making a cross in the white square on the ballot-paper opposite to the division, or if there is more than one member to be elected, opposite to each of the divisions, containing the name of a candidate for whom he desires to vote, and he shall then fold the ballot-paper across so as to conceal the names of the candidates and the marks upon its face, but so that the numbers on the counterfoil can be seen without opening the ballot-paper, and, leaving the compartment, shall, without delay, and without showing the front to any one or so displaying the ballot-paper as to make known to any person the name of any candidate for whom he has marked his vote, hand the ballot-paper to the Deputy Returning Officer, who, by examining the numbers on the counterfoil, and without unfolding the ballot-paper, shall ascertain that it is the same ballot-paper given by him to the voter, and shall then, in full view of all present, including the voter, remove the counterfoil and destroy it and place the ballot-paper in the ballot-box. The voter shall then forthwith leave the premises. R.S. 1936, c. 84, s. 96 (altered).

102. While any voter is in any compartment for the purpose of marking his ballot-paper, no other person, except as herein-after provided, shall be allowed to enter the compartment or to be in any position from which he can observe the mode in which the voter marks his ballot-paper. R.S. 1936, c. 84, s. 97 (altered).

103. (1.) On the application of any voter who makes and leaves with the Deputy Returning Officer a declaration, in Form 23, that the voter is unable to read, by reason of blindness or of any other cause, or that by reason of physical incapacity he is unable to vote in the manner prescribed by other sections of this Act, the Deputy Returning Officer shall, in the presence of the scrutineers of the candidates, mark the vote of that voter on a
ballot-paper in manner directed by the voter, and shall place the
ballot-paper in the ballot-box, and shall enter on a list, in this
Act called the “list of votes marked by the Deputy Returning
Officer,” the name and number on the list of voters of every voter
whose vote is marked in pursuance of this section, and the reason
why it is so marked.

(2.) Instead of proceeding in the manner permitted by section
101, any voter who is unable to read by reason of blindness or of
any other cause, or who is incapacitated from any other physical
cause from voting in the manner prescribed by other sections of
this Act, and who makes and leaves with the Deputy Returning
Officer a declaration, in Form 23, and who is accompanied by a
friend, may request that he be permitted to vote in the manner
prescribed in subsection (3).

(3.) Where any voter is entitled to vote pursuant to a request
made under subsection (2), the Deputy Returning Officer shall
permit the friend to accompany the voter into one of the screened
compartments in the polling-booth and to mark the voter's ballot
for him. No person shall at any election act as the friend of
more than one voter under this section.

(4.) Any friend who is permitted to mark the ballot of any
voter under the provisions of subsection (3) shall first be
required to take an oath, in Form 24, that he will keep secret the
name or names of the candidate or candidates for whom the
ballot of the voter is marked by him, and that he has not already
acted as the friend of a voter for the purpose of marking his
ballot-paper at the pending election.

(5.) When any voter has had his ballot-paper marked as pro­
vided in subsection (3), the Deputy Returning Officer shall enter
in the poll-book opposite the voter's name, in addition to any other
requisite entry, the reason why the ballot-paper was so marked.
R.S. 1936, c. 84, s. 98 (altered).

104. In case a voter has inadvertently dealt with his ballot-
paper in such manner that it cannot be used conveniently as a
ballot-paper, then, if he proves the fact of the inadvertence to
the satisfaction of the Deputy Returning Officer, and delivers to
him the ballot-paper so inadvertently dealt with, the Deputy
Returning Officer shall give to the voter another ballot-paper in
the place of the ballot-paper so delivered up (in this Act called
a “cancelled ballot-paper”), and shall immediately cancel the
ballot-paper. R.S. 1936, c. 84, s. 99 (altered).

105. (1.) The Deputy Returning Officer at each polling-booth
shall receive the vote of every person whose name he finds in the
certified list of voters furnished to him, and who is a person
entitled under the provisions of this Act to vote at the election

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in that polling-booth: Provided that where the person tendering his vote is required by any candidate, or by the agent of any candidate, or by the Deputy Returning Officer to take an oath pursuant to this section, the Deputy Returning Officer shall not receive the vote of that person unless he takes an oath before the Deputy Returning Officer, as follows:—

You swear [or solemnly affirm] that you are [name of the voter], whose name is entered on the copy of the list of voters now shown to you [showing copy of list to voter]; that you have not before voted at this election either at this or any other polling-place, and that you have not received anything, nor has anything been promised to you, either directly or indirectly, in order to induce you to vote, or to refrain from voting, at this election, and that you are a British subject of the full age of twenty-one years, and that you are not disqualified as a voter. So help you God.

(2.) If a person applies for a ballot-paper after another person has voted in the name of the applicant, he shall be entitled, after establishing his identity and signing the poll-book and taking an oath in the form prescribed in subsection (1), to receive a ballot-paper and to vote. Thereupon the Poll Clerk shall make a note opposite the name of the voter in the poll-book that the voter has voted on a second ballot-paper, and he shall also make a note there of any objections made on behalf of any and of which of the candidates.

(3.) Except as provided in this Act, no other oath shall be required of any person whose name is entered on the list of voters. R.S. 1936, c. 84, s. 100 (altered).

106. Where any Deputy Returning Officer has reason to know or believe that frauds or violence are being practised, in violation of the rights of voters, by which undue votes are tendered, or that any voter is not qualified, or has already voted at the election, and offers to vote again, or tenders his vote under a false name or designation, or personates, or represents himself falsely as being on the list of voters, the Deputy Returning Officer shall administer the oath set out in section 105 to the voter, whether or not the voter is required by any other person to take the oath. R.S. 1936, c. 84, s. 101 (altered).

107. (1.) Where any voter has taken the oath set out in section 105, the Deputy Returning Officer shall note the fact that the oath was so taken by entering opposite the name of the voter in the list of voters the word “sworn.”

(2.) Where any voter has been required by the Deputy Returning Officer, or by any candidate, or by the scrutineer of any candidate to take the oath, and refuses to take the same, the Deputy Returning Officer shall note the fact of the voter’s refusal to take the oath by entering opposite the name of the voter in the list of voters the word “refused.” R.S. 1936, c. 84, s. 102 (altered).
108. Every Deputy Returning Officer who takes the vote of any voter who has refused to take any oath required by or under this Act shall be liable, on summary conviction, to a penalty of fifty dollars. R.S. 1936, c. 84, s. 103 (altered).

109. Every voter at any election who has been required by any candidate, or by the scrutineer of any candidate, or by the Deputy Returning Officer to take any oath pursuant to this Act, and who votes without having taken the oath so required, shall be liable, on summary conviction, to a penalty of fifty dollars. R.S. 1936, c. 84, s. 104 (altered).

110. Every Deputy Returning Officer, and every Poll Clerk appointed to attend at a polling-booth, shall have the power of asking any question and administering any oath authorized by law to be asked of or administered to voters. R.S. 1936, c. 84, s. 105 (altered).

111. (1.) Where any voter does not understand the English language, the Deputy Returning Officer may make use of an interpreter to translate the oath required of the voter; and the interpreter shall take before the Deputy Returning Officer the oath following:

I swear that I will faithfully translate such oaths, declarations, affirmations, and questions as the Returning Officer or Deputy Returning Officer shall require me to translate at this election. So help me God.

(2.) Where no interpreter can be found, the voter shall not be permitted to vote.

(3.) The Deputy Provincial Secretary may pay to an interpreter such fee as the Deputy Provincial Secretary thinks reasonable.

(4.) If the Deputy Returning Officer or the Poll Clerk understands the language of the voter he may, upon taking the oath prescribed in subsection (1), act as interpreter. R.S. 1936, c. 84, s. 106 (altered).

112. Except as provided in this Act, no Returning Officer or Deputy Returning Officer shall grant, make, or enter into any scrutiny of the votes given at any election. R.S. 1936, c. 84, s. 107.

Absentee Voting.

113. (1.) For the purpose of exercising his franchise, any voter whose name is on the list of voters for one polling division of an electoral district, and who is absent from that polling division on the day on which the poll is held, may obtain an
absent voter's ballot-paper in any other polling division of the same electoral district and may record his vote in the manner provided in this section.

(2.) The voter shall apply to the Deputy Returning Officer at any time between the opening and the closing of the poll, and upon his making an affidavit in Form 25, to be signed and sworn before the Deputy Returning Officer, the Deputy Returning Officer shall furnish to the voter an absent voter's ballot-paper supplied for use in the election. The form of affidavit supplied for use by the voter for the purpose of this subsection shall be printed on the ballot-paper to be marked by the voter. After the voter has signed and sworn to the affidavit, the Deputy Returning Officer shall fold and seal that portion of the ballot-paper containing the affidavit, so as to conceal the voter's name and signature, and in accordance with the directions issued by the Deputy Provincial Secretary. The Deputy Returning Officer shall then deliver the ballot-paper to the voter, who shall mark and fold the ballot-paper in the manner provided in section 101 and return it to the Deputy Returning Officer, who shall, in the presence of the voter, place the ballot-paper in the ballot-box, and shall further deal with the same in the manner provided in section 115. Where the Deputy Returning Officer is entitled to record his vote as an absent voter under this section, he may make the affidavit before the Poll Clerk at the poll at which he presides.

(3.) This section shall not apply to voters whose names are on the list of voters for Vancouver-Burrard Electoral District, Vancouver Centre Electoral District, Vancouver East Electoral District, Vancouver-Point Grey Electoral District, Victoria City Electoral District, or New Westminster Electoral District. R.S. 1936, c. 84, s. 108 (altered).

114. (1.) For the purpose of exercising his franchise at any general election, any voter whose name is on the list of voters for one electoral district, and who is absent from that district on the day on which a poll is held therein, may obtain an absent voter's ballot-paper for that district in any polling division of any other electoral district in which a poll is being held, and may record his vote in the manner provided in this section.

(2.) The voter shall apply to the Deputy Returning Officer of any polling-booth at any time between the opening and the closing of the poll, and upon his making an affidavit in Form 25, to be signed and sworn before the Deputy Returning Officer, the Deputy Returning Officer shall furnish to the voter an absent voter's ballot-paper for the electoral district in which the voter is shown by the affidavit to be registered as a voter; and where the stub and the counterfoil of the absent voter's ballot-paper does not contain the printed name of the electoral district wherein
the voter is entitled to vote, the Deputy Returning Officer shall write in with ink the name of the electoral district, both on the stub and the counterfoil. The form of affidavit supplied for use by the voter for the purposes of this subsection shall be printed on the ballot-paper to be used by the voter. After the voter has signed and sworn to the affidavit, the Deputy Returning Officer shall fold and seal that portion of the ballot-paper containing the affidavit, so as to conceal the voter's name and signature, and in accordance with the directions issued by the Deputy Provincial Secretary. The Deputy Returning Officer shall then deliver the ballot-paper to the voter, who shall then mark and fold the ballot-paper in the manner provided in section 101 and return it to the Deputy Returning Officer, who shall, in the presence of the voter, place the ballot-paper in the ballot-box and shall further deal with the same in the manner provided in section 115. Where the absent voters' ballot-papers supplied to the Deputy Returning Officer do not contain the printed names of the candidates for the electoral district where the applicant is registered as a voter, but contain blanks in Form 26, the Deputy Returning Officer shall prepare the ballot-paper for the voter by writing with ink therein the names, residences, and occupations of the candidates nominated for that electoral district as shown by the printed list of candidates furnished by the Deputy Provincial Secretary. In any case where the absent voter's ballot-paper does not contain sufficient spaces to contain the names of all the candidates the Deputy Returning Officer shall add by pasting thereto enough blanks in Form 26 to contain all the candidates' names. Where the Deputy Returning Officer is entitled to record his vote as an absent voter under this section, he may make the affidavit before the Poll Clerk at the poll at which he presides. R.S. 1936, c. 84, s. 109 (altered).

Procedure after the Poll.

115. (1.) Immediately after the close of the poll the ballot-boxes shall be sealed up so as to prevent the introduction of additional ballots; and the Deputy Returning Officer at each polling-booth, after first having ascertained and recorded the number of ballot-papers that have been issued by the Deputy Returning Officer at that polling-booth, shall, in the presence of the Poll Clerk and of the candidates or their scrutineers and of at least two voters, open the ballot-box and proceed to count the number of votes given for each candidate, and in doing so the Deputy Returning Officer shall reject all ballots which in his opinion should be rejected under the provisions of this Act.

(2.) On the counting of ballots under this Act, ballots shall be rejected for the following reasons:
(a.) Voting for more candidates than the voter is entitled to vote for:

(b.) Writing or mark by which voter could be identified:

(c.) Unmarked or void for uncertainty:

(d.) Being dissimilar to those officially supplied:

(e.) Being marked outside the white square on the ballot-paper:

(f.) Being marked otherwise than with a black-lead pencil:

(g.) Where the ballot is an absent voter's ballot within the provisions of section 113 or 114, and the affidavit of the voter is not signed by the deponent and the Deputy Returning Officer before whom it was sworn.

(3.) When votes are to be counted, either immediately after the close of the poll or at a final count, the Deputy Returning Officer or Returning Officer shall open and examine the ballots, and call out in a distinct voice the name of the candidate or candidates for whom votes are recorded thereon, keeping a record of the votes given for each candidate. Whilst the ballots are being counted they shall be placed on a table with their printed faces upwards, so that the candidates or their scrutineers can see the manner in which the face of the ballot is marked.

(4.) The Deputy Returning Officer, his assistants, Clerks, and constables, the candidates and scrutineers of the candidates, but no other person except with the sanction of the Deputy Returning Officer, shall be allowed in the polling-booth during the opening of the ballot-boxes and counting of the ballots.

(5.) The ballots having been counted, the Deputy Returning Officer shall make, in duplicate, a written statement of the poll, signed by himself, and such persons as are present and consent to sign the same, showing the number of votes given to each candidate and the number of rejected ballots and the number of absentee votes cast.

(6.) All the ballots indicating the votes given for the candidates, respectively, shall be put into a separate parcel, and those rejected, those cancelled, those unused, and the stubs of the ballot-papers shall, respectively, be put into a separate parcel, and all these parcels, being sealed and endorsed so as to indicate their contents, together with the marked copies of the list of voters, and the list of votes marked by the Deputy Returning Officer, and a statement of the number of the voters whose votes are so marked by the Deputy Returning Officer under the head "unable to read," and the declarations of inability to read, and the book containing the signatures of persons tendering their votes, and together with one of the duplicate statements made under subsection (5), shall be put into the ballot-box.

(7.) The Deputy Returning Officer shall then segregate into parcels the absent voters' ballot-papers according to the respec-
tive electoral districts to which they appertain, and he shall unfold and examine that portion of the absent voters' ballot-papers which shows the name of the electoral district and the names of the candidates, and he shall make a list showing the number of votes cast for each candidate in each respective electoral district. It shall not, however, be necessary for him to enter in such list the names of electoral districts or of candidates in respect of which no votes have been cast. Neither during the process of examination or compilation of the before-mentioned list shall the Deputy Returning Officer open that portion of any ballot-paper containing the affidavit and signature of the voter, and after the examination and compilation of the list as hereinbefore mentioned the absent voters' ballots shall be refolded so as not to disclose how the same has been marked by the voter and shall be sealed in accordance with directions issued by the Deputy Provincial Secretary, and the absent voters' ballots for the electoral district in which the polling-place is situate shall, together with a copy of the list in respect of that district, be placed in an envelope securely closed and marked on the outside "Absent Voters' Ballots." Such parcel shall then be placed in the ballot-box. All other parcels of absent voters' ballot-papers, together with the corresponding list of votes cast, shall be securely sealed and marked on the outside "Absent Voters' Ballots," and such parcels shall be forwarded without delay, properly addressed and fully prepaid, by registered mail to the Returning Officers for the respective electoral districts to which they appertain, and copies of all lists so mailed shall be placed in the ballot-box, and shall also be furnished to any candidate or to the scrutineer of any candidate present who applies for the same.

(8.) A statement made by the Deputy Returning Officer, showing the number of ballot-papers entrusted to him and accounting for them under the heads of ballot-papers used, unused, and cancelled, and absent voters' ballot-papers, which statement is in this Act called the "ballot-paper account," shall also be placed in the ballot-box. A copy of each statement accompanying absent voters' ballots mailed by the Deputy Returning Officer under subsection (7) shall also be placed in the ballot-box.

(9.) The ballot-box shall then be locked and sealed, and shall be delivered to the Returning Officer or to the Election Clerk, who shall collect the same; or in case neither of them is able to collect the ballot-box, then to a person specially appointed for that purpose by the Returning Officer. The original affidavits placed in the hands of the Poll Clerk for reference at the taking of the votes shall be enclosed in a parcel addressed to the Returning Officer, and shall accompany the ballot-box, and shall be held by the Returning Officer, subject to the provisions of this Act and to the direction of the Deputy Provincial Secretary.
(10.) The Deputy Returning Officer at each polling-booth shall deliver or mail to each of the candidates or their scrutineers who request him so to do a certificate of the number of ballots given for each candidate and of the number of rejected ballots, and also the number of absentee votes which have been cast, and shall send by telegraphic dispatch or by the most speedy method available to the Returning Officer of each electoral district in respect of which absent voters' ballot-papers have been deposited a statement of the number of votes cast for each candidate as shown by the written statement prepared pursuant to subsection (7).

(11.) If, in the course of counting the votes, any ballot-paper is found with a counterfoil still attached thereto the Deputy Returning Officer shall remove and destroy such counterfoil, carefully concealing the number thereon from all persons present and without examining it himself. He shall not reject the ballot merely because of his former failure to remove the counterfoil. R.S. 1936, c. 84, s. 110 (altered).

116. As soon as possible after the Returning Officer receives from the several Deputy Returning Officers the ballot-boxes transmitted to him as aforesaid, he shall make arrangements for a count, in this Act called the "final count," in the presence of the candidates or their scrutineers, and shall give to the scrutineers of the candidates appointed to attend at the counting of the ballots notice in writing of the time and place at which he will begin to make the final count. At a general election, the time fixed for beginning the making of the final count shall be not less than twenty-one days after the day on which the poll is held. R.S. 1936, c. 84, s. 111.

117. (1.) At the time and place named the Returning Officer shall, in the presence of the candidates or their scrutineers, proceed to make the final count as follows:—

(a.) He shall open each ballot-box and take thereout the statement of the poll, the parcel of absent voters' ballots, the poll-book, the marked copy of the list of voters, the original affidavits of the voters, and any other necessary papers, but shall not open any of the other parcels unless they are required for the purposes of the count under the following provisions of this section:

(b.) If any necessary document is missing, the Returning Officer may, in order to search therefor, open any sealed parcel and, after the search is completed, he shall reseal that parcel:
(c.) If so requested by any candidate or his scrutineer, the Returning Officer shall open the sealed parcels containing the ballots and the rejected ballots for all the polling divisions, or for any one or more polling divisions, and shall count the ballots therein:

(d.) He shall open each parcel containing absent voters' ballots taken from each ballot-box or received from each Deputy Returning Officer at any time before the completion of the final count, and shall deal with each parcel separately and in the following manner: Without unfolding that portion of the absent voter's ballot-paper containing the candidates' names and without disclosing how the ballot-paper is marked by the voter, he shall open that portion of the absent voter's ballot-paper containing the signature and the affidavit of the voter. After examining each affidavit and finding that it is signed by the deponent and by the Deputy Returning Officer before whom it was sworn, and finding that the deponent is a voter whose name appears on the list of voters for the polling division named in the affidavit, and that no person has in fact voted as such voter at the poll held in the polling division, and after comparing the signature made by the voter on the affidavit with the signature of the voter in whose name he assumes to vote made on the original affidavit received by the Registrar of Voters in support of the voter's application for registration, and finding the signatures to be identical, the Returning Officer shall detach that portion of the ballot-paper containing the names of the candidates from the counterfoil, and shall put the ballot without being opened into a ballot-box to be used for the purpose of counting absent voters' ballots, and shall note on the list of voters against the number of the voter the fact that he has voted as an absent voter. If the Returning Officer finds that the name of the deponent does not appear on the list of voters for the electoral district named in the affidavit, or that some person has in fact voted as such voter at the poll held in the electoral district, or if the signatures do not appear to the Returning Officer to be identical, he shall retain the whole ballot-paper unseparated as to any part thereof and unopened as to that portion of the ballot-paper containing the candidates' names. After all absent voters' ballot-papers from a polling division have been dealt with, the ballot-box shall be opened and the Returning Officer shall proceed to count the votes given for each candidate in like manner as that provided
for the counting of votes by a Deputy Returning Officer at the close of a poll, and shall make a written statement showing the result in respect to each polling division from which votes have been received, and shall seal up in separate parcels, marked so as to indicate their contents, the counted and the rejected ballots and the unopened absent voters' ballot-papers (if any), and also that portion of each ballot-paper containing the counterfoil, and the affidavit of the voter:

(e.) The Returning Officer shall, so far as practicable, proceed continuously with the final count, allowing only time for refreshment, and excluding (except so far as he and the scrutineers otherwise agree) the hours between seven o'clock at night and nine o'clock on the succeeding morning. During the excluded time the Returning Officer shall place the ballots and other documents relating to the election under his own seal and the seals of such of the scrutineers of the candidates as desire to affix their seals, and shall otherwise take proper precautions for the security of such papers and documents:

(f.) He shall add up the votes given for each candidate as shown by his count of the ballots for each polling division in respect of which he has counted the ballots under this section, and as shown by the statements of the polls contained in the ballot-boxes for all other polling divisions in the electoral district, and as shown by his count of the absent voters' ballots, and, subject to section 73, shall forthwith openly proclaim to be duly elected to represent the electoral district in the Legislative Assembly the candidate or candidates having the largest number of votes.

(2.) The Returning Officer at the final count shall make a list showing the name and number on the list of voters of each absent voter who appears from the statements and affidavits received by the Returning Officer to have tendered his vote within the meaning of section 98, whether or not the ballot of the absent voter has in fact been counted, and shall transmit the list to the Registrar of Voters for the electoral district at the time he transmits the documents mentioned in subsection (3) of section 124. R.S. 1936, c. 84, s. 112 (altered).

118. On the addition of votes by the Returning Officer in any electoral district, if the number of votes is found to be equal for any two or more candidates, and an additional vote would entitle any of them to be declared elected, the Returning Officer shall, by a casting-vote, and whether he be a voter for such district or
not, decide which of the candidates for whom the votes are equal
shall be elected. R.S. 1936, c. 84, s. 113.

119. The Returning Officer shall endorse the word “rejected”
on any ballot which he, on the final count, rejects as invalid; and
he shall add to that endorsement the words “rejection objected
to” if an objection to his decision is in fact made by any agent.
R.S. 1936, c. 84, s. 115.

120. The decision of the Returning Officer at the final count as
to any question arising in respect of any ballot shall be final, sub-
ject to reversal on recount before the County Court Judge, or on
appeal, or on petition questioning the election or return. R.S.
1936, c. 84, s. 116.

121. Where the ballot-box of any polling-booth has been de-
stroyed, lost, or for any other reason is not forthcoming for the
purposes of the final count, the Returning Officer shall receive a
copy of the written statement mentioned in subsection (5) of
section 115, certified by the Deputy Returning Officer by whom
the statement was made to be a true copy, as evidence of the
number of votes given for each candidate at that polling-booth,
and the Returning Officer shall base his final count, as far as
that polling-booth is concerned, upon the figures which are so
certified to him. R.S. 1936, c. 84, s. 118 (altered).

122. (1.) As soon as the state of the poll is proclaimed at the
close of the proceedings, the Returning Officer shall make out a
certificate in Form 27, under his hand and seal, naming the person
or persons elected as member or members as aforesaid, which
certificate shall be endorsed upon and be returned with the writ
of election.

(2.) The Returning Officer, if requested so to do, shall also give
to each candidate who is elected a certificate in Form 28. R.S.
1936, c. 84, s. 119 (altered).

123. (1.) Upon the completion of the final count, the Return-
ing Officer shall reseal all sealed parcels of counted or rejected
ballots opened by him, and shall seal up in separate parcels the
absent voters’ ballots which he has counted and those which
he has rejected.

(2.) The Returning Officer shall report to the Deputy Pro-
vincial Secretary the result of every verification made at the final
count of the ballot-paper account of any Deputy Returning Offi-
cer, and shall also report in respect of all ballots examined by the
Returning Officer at the final count the number of ballots rejected
and not counted by him under the several heads following:—
(a.) Voting for more candidates than the voter is entitled to vote for:

(b.) Writing or mark by which voter could be identified:

(c.) Unmarked or void for uncertainty:

(d.) Being dissimilar to those officially supplied:

(e.) Being marked outside the white square on the ballot-paper:

(f.) Absent voters’ ballots of which the portion containing the names of the candidates has not been opened at the final count;

and, on request before the report is sent, the Returning Officer shall allow the scrutineers of the candidates to copy the report.

(3.) In case of the loss of any ballot-box, the Returning Officer shall report the loss to the Deputy Provincial Secretary, and shall enclose with the report the certified copy of the written statement received under section 121. The Returning Officer shall also furnish the Deputy Provincial Secretary with a statement showing the number of votes given for each candidate at every polling-place. R.S. 1936, c. 84, s. 120 (altered).

124. (1.) In every electoral district in which a poll has been held, the Returning Officer shall keep in his possession the writ of election, ballots, ballot-boxes, and generally all the documents in connection with the election, for the period of ten clear days after having openly proclaimed as being duly elected a member or members to represent the electoral district in the Legislature.

(2.) At the expiration of the ten days, unless the Returning Officer has received notice of recount as provided by section 125, he shall forthwith transmit by registered mail to the Deputy Provincial Secretary the writ of election with his return thereupon, and all the ballots and documents in connection with the election, other than the original affidavits of voters supplied for the purposes of comparison of the signatures of voters and the lists of voters marked pursuant to section 100, endorsing on each package a description of its contents and the date of the election to which they relate, and the name of the electoral district for which such election was held.

(3.) The Returning Officer shall transmit to the Registrar of Voters for the electoral district the parcels of original affidavits of voters supplied for the purpose of comparison of the signatures of voters, together with all lists of absent voters made pursuant to subsection (2) of section 117 and all books kept pursuant to section 99.

(4.) In case the Returning Officer, through error or inadver-
expiration of the time mentioned in the said subsection (1), then, notwithstanding anything contained in this Act, the County Court Judge who is to hold a recount, or any Supreme Court Judge, may order the person in whose possession the said writ of election, ballots, ballot-boxes, or other election documents may be to appear before the County Court Judge who is to hold the recount, and to produce the writ of election, ballots, ballot-boxes, and other election documents. R.S. 1936, c. 84, s. 121 (altered).

Recount of Ballots.

125. (1.) In case it is made to appear, on the affidavit of a credible witness, to the County Court Judge of any County Court within the territorial limits of which the electoral district or any part thereof is situate, at any time before the Returning Officer makes his return, that the Returning Officer or a Deputy Returning Officer at an election in the electoral district has in counting the votes improperly counted or rejected any ballot-papers, the County Court Judge may, where the majority for a successful candidate is under fifty votes, appoint a time, within the time hereinafter limited, to recount the votes, and shall give notice in writing to such candidate or his official agent of the time and place at which he will proceed to recount the same.

(2.) The affidavit required in order to obtain a recount of votes may be made before either a Commissioner for taking Affidavits within British Columbia, or a Justice of the Peace, or the Election Clerk.

(3.) The application for such appointment shall be made within eight clear days after the Returning Officer has, under section 117, proclaimed the candidate or candidates having the highest number of votes.

(4.) The time appointed for the recount shall not be more than eight days from the date of appointment.

(5.) Notice of the time appointed for the recount shall be served on the Returning Officer and the candidates appearing to be elected, or their agents, not less than four days before such time, or within such other time as such Judge may direct.

(6.) The Judge may require any Clerk of the County Court to be present at any recount of votes. R.S. 1936, c. 84, s. 122 (altered).

126. The County Court Judge, the Returning Officer and his Election Clerk, and the candidates, and one agent for each candidate, appointed in writing by the candidate to attend, shall be entitled to be present during the proceedings, and if any candidate is not present in person, two agents for each such candidate, appointed as aforesaid, shall be entitled to be present; and, except with the sanction of the County Court Judge, no other person shall be present at such recount of the votes. R.S. 1936, c. 84, s. 123.
127. At the time and place appointed, the County Court Judge shall proceed to recount all the votes or ballot-papers counted by the Returning Officer, and all those returned by the several Deputy Returning Officers, and shall, in the presence of the parties aforesaid, if they attend, open the sealed packets containing:

(a.) The used ballot-papers which have not been objected to and which have been counted:
(b.) The ballot-papers which have been objected to but which have been counted:
(c.) The rejected ballot-papers:
(d.) The cancelled ballot-papers:
(e.) The unopened envelopes containing absent voters' ballots;
but no other ballot-papers or stubs; and in recounting the votes care shall be taken that the mode in which any particular elector has voted shall not be discovered. R.S. 1936, c. 84, s. 124 (altered).

128. The County Court Judge shall, as far as is practicable, proceed continuously with the recount of the votes, allowing only time for refreshment, excluding only Sundays, and, on other days (except so far as he and the other parties aforesaid agree), the hours between six o'clock in the evening and nine on the succeeding morning. During the excluded time the County Court Judge shall keep the ballot-papers and other documents relating to the election under his own seal and the seals of such other of the parties as desire to affix their seals, and shall otherwise take precautions for the security of such papers and documents. R.S. 1936, c. 84, s. 125.

129. (1.) The County Court Judge shall proceed to recount the votes according to the rules set forth in this Act for the counting of votes, and shall verify or correct the ballot-paper account and statement of the number of votes given for each candidate; and upon the completion of such recount, or as soon as he has thus ascertained the result of the poll, he shall seal up all the ballot-papers in separate packets, and shall certify the result to the Returning Officer, who shall then declare to be elected the candidate having the highest number of votes, and in case of an equality of votes the Returning Officer shall have the casting-vote, as provided in section 118.

(2.) The Judge shall delay sending his certificate to the Returning Officer for two days after the completion of the recount in order to allow of an appeal as hereinafter provided.

(3.) In case no notice of appeal from the County Court Judge is given within two days after the completion of the recount, the Judge shall certify the result to the Returning Officer forthwith. R.S. 1936, c. 84, s. 126 (altered).
130. (1.) In case any candidate desires to appeal from the decision of the County Court Judge on a recount, he may do so by giving notice in writing to the other candidate and to the Judge of his intention to appeal to the Court of Appeal within two days after the completion of such recount, and he may by the notice limit the appeal to certain specified ballots. The notice shall state the place where the appeal will be heard. The notice may be served upon the candidate personally, or upon the solicitor who acted for him upon the recount by leaving the notice with such solicitor personally, or at his office.

(2.) Where the appeal is limited as aforesaid, the County Court Judge shall seal up the ballot-papers which are the subject of appeal in a separate packet, and shall forward the same, together with the notice and a certificate showing his findings as to the ballots in dispute, by registered letter to the Registrar of the Court of Appeal at the place where the appeal is to be heard; but if the appeal is not limited, then the Judge shall forward all the ballots and other papers to the said Registrar in manner aforesaid, and shall await the result of the appeal before sending his certificate to the Returning Officer, under section 129. The Judge shall, upon request, allow each party to make a copy of the certificate of his findings before the same is forwarded to the Registrar.

(3.) On receipt of the ballots and notice, the said Registrar shall forthwith obtain an appointment from one of the Judges of the Court of Appeal for proceeding with the matter, and shall inform the parties or their solicitors of the time so appointed.

(4.) The time appointed for hearing the appeal shall not be more than four days from the date of the appointment.

(5.) At the time appointed the Court of Appeal shall proceed to recount the ballots or such of them as are the subject of appeal, and shall forthwith certify the decision of that Court to the County Court Judge, and it shall be the duty of such Judge to conform to the said decision, and to certify the result of the recount without delay to the Returning Officer in accordance therewith.

(6.) The Court of Appeal may direct by and to whom the costs of the appeal shall be paid, and shall order accordingly. R.S. 1936, c. 84, s. 127 (altered).

131. The Returning Officer, after the receipt of a notice from the County Court Judge of such recount of ballots, shall delay making his return to the Deputy Provincial Secretary until he receives a certificate from the County Court Judge of the result of the recount, and upon receipt of such certificate the Returning Officer shall proceed to make his return as provided in this Act. R.S. 1936, c. 84, s. 128.
132. In case of a recount of votes or ballot-papers under the last seven preceding sections, the Returning Officer shall, on a written notice from the Judge, produce the ballot-papers and election documents, including the original affidavits of voters, at the time and place appointed for the recount, and the same shall, subject to the provision of said sections, continue in the custody of the Returning Officer; and he shall continue to be responsible therefor, subject to any directions which the Judge may give in respect of the said ballot-papers or documents. R.S. 1936, c. 84, s. 129.

133. Where parcels containing absent voters' ballot-papers in respect of any electoral district which have not been counted either at the final count or at a subsequent recount are received by the Deputy Provincial Secretary, he shall, within two months after the day on which the poll was held, in the presence of the Judge of the County Court of Victoria, without unfolding that portion of the absent voter's ballot-paper containing the candidates' names and without disclosing how the ballot-paper is marked by the voter, open that portion of the absent voter's ballot-paper containing the affidavit of the voter; and shall make a list stating the name of each absent voter so shown to have tendered his vote within the meaning of this Act, and shall transmit the list to the Registrar of Voters for the electoral district. All absent voters' ballot-papers so partially opened by the Deputy Provincial Secretary shall be forthwith sealed up in a parcel and dealt with by him pursuant to the provisions of section 134. R.S. 1936, c. 84, s. 130.

Custody and Production of Documents.

134. The Deputy Provincial Secretary shall retain all documents and ballot-papers relative to an election forwarded to him in pursuance of this Act until the Legislative Assembly to serve in which a member or members was or were elected at the election has been dissolved, and until every cause pending in the Courts of the Province at the time of the dissolution, and of which the Deputy Provincial Secretary shall have received written notice from some party to the cause, relative to that election has been finally determined, and then, unless otherwise directed by an order of the Speaker, or of the Supreme Court or a Judge thereof, shall cause them to be destroyed. R.S. 1936, c. 84, s. 131.

135. All documents forwarded by a Returning Officer, in pursuance of this Act, to the Deputy Provincial Secretary, other than ballots, rejected ballots, and stubs, shall be open to public inspection at any time during the office hours of the Deputy Provincial Secretary; and the Deputy Provincial Secretary shall supply
copies of, or extracts from, the said documents to any person demanding the same, on paying therefor at the rate of twenty-five cents per folio of one hundred words. R.S. 1936, c. 84, s. 132.

136. No person shall be allowed to inspect any rejected ballots in the custody of the Deputy Provincial Secretary, except under the order of the Speaker, the Court of Appeal or a Judge thereof, or of the Supreme Court or a Judge thereof, to be granted by the Speaker or the Court of Appeal or a Judge thereof, or by the Supreme Court or a Judge thereof, on being satisfied by evidence on oath that the inspection or production of such ballot-papers is required for the purpose of a recount or of instituting or maintaining a prosecution for an offence in relation to ballot-papers or ballots, or for the purpose of a petition questioning an election or return; and any such order for the inspection or production of ballots may be made, subject to such conditions as to persons, time, place, and mode of inspection and production as the Speaker or Court or Judge making the same may think expedient, and shall be obeyed by the Deputy Provincial Secretary. R.S. 1936, c. 84, s. 133.

137. No person shall, except by order of the Speaker, the Court of Appeal or a Judge thereof, or the Supreme Court or a Judge thereof, open the sealed packet of stubs after the same has been once sealed up, or be allowed to inspect any counted ballots in the custody of the Deputy Provincial Secretary; such order to be granted by the Speaker, or by either of the said Courts or a Judge thereof, on being satisfied by evidence on oath that the opening or inspection is required for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot-papers or ballots, or for the purpose of a petition questioning an election or return, and to be made, subject to such conditions as to persons, time, place, and mode of opening or inspection as the Speaker or Court or Judge making the order may think expedient: Provided that, on making and carrying into effect any such order, care shall be taken that the mode in which any particular elector has voted shall not be discovered until he has been proved to have voted and his vote has been declared by a competent Court to be invalid. R.S. 1936, c. 84, s. 134.

Evidentiary Effect of Documents.

138. The declarations, affidavits, and certificates hereinbefore required shall in all cases be prima facie evidence of the truth of the allegations therein contained. R.S. 1936, c. 84, s. 135.

139. Where an order is made for the production by the Deputy Provincial Secretary of any document in his possession relating to
any specified election, the production by the Deputy Provincial Secretary of the document ordered, in such manner as may be directed by the order, or by a rule of the Court having power to make the order, shall be conclusive evidence that the document relates to the specified election, and any endorsement appearing on any packet of ballot-papers produced by the Deputy Provincial Secretary or his agent shall be evidence of such papers being what they are stated to be by the endorsement. R.S. 1936, c. 84, s. 136.

140. The production from proper custody of a stub having a number marked thereon in writing shall be prima facie evidence that the person who voted by the ballot-paper attached to the stub was the elector who at the time of the election had affixed to his name in the list of voters at the election the same number as the number written on the stub. R.S. 1936, c. 84, s. 137.

141. Any person who has received from the Returning Officer a ballot-paper, as shown by the mark against his name on the list of voters, and by the number on the stub, shall be deemed to have voted under this Act. R.S. 1936, c. 84, s. 138.

Validity of Election.

142. No election shall be declared invalid by reason of a non-compliance with the rules of procedure contained in this Act, or any mistake in the use of the forms in the Schedule, if it appears to the tribunal having cognizance of the question that the election was conducted in accordance with the principles of this Act, and that such non-compliance or mistake did not affect the result of the election. R.S. 1936, c. 84, s. 139.

143. No election shall be held to be void in consequence of there being no Returning Officer at the time of the issue of the writ of election, or in consequence of any delay in the holding of the election at the time appointed, or in taking the poll, or in the return of the writ, such delay not extending beyond the day named for the return of the writ, or in consequence of any impediments of a technical or formal nature; and it shall be lawful for the Lieutenant-Governor in Council to cause to be adopted such measures as may be necessary for removing any obstacle or the doing of, or the omission to do, any act of a technical or formal nature, by which, or the want of which, the due course of any election may be impeded: Provided that the measures so taken as aforesaid shall be forthwith declared by the Lieutenant-Governor by a Proclamation to be for that purpose published in the Gazette. R.S. 1936, c. 84, s. 140.

Maintenance of Order.

144. Where the proceedings at any election are interrupted or obstructed by any riot or open violence, whether such proceedings
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consist of the nomination of candidates or of the taking the poll, the Returning Officer, or Deputy Returning Officer, or Poll Clerk shall not for such cause terminate the business of the nomination, or finally close the poll, but shall adjourn the nomination or the taking the poll at the particular polling-place at which such interruption or obstruction happened to a later hour in the same day or to the following day; and if necessary shall further adjourn the nomination or poll, as the case may be, until such interruption or obstruction has ceased, when the Returning Officer or Deputy Returning Officer shall again proceed with the business of the nomination or with the taking of the poll, as the case may be, at the place at which the same was respectively interrupted or obstructed; and the day on which the business of the nomination is concluded shall be deemed to have been the day fixed for the nomination, and the commencement of the poll shall, if practicable, be put off for an equal number of days for which any such nomination may have been adjourned; and any day whereto the poll has been so put off or adjourned shall, as to such place or places, be reckoned the day of polling at the election, within the meaning of this Act: Provided that no adjournment shall be made to any day beyond that named as the return-day in the writ; and if the election has not been completed by that day, the Returning Officer shall specially return that fact; and where any such poll has been adjourned by the deputy of any Returning Officer, he shall forthwith give notice of the adjournment to the Returning Officer, who shall not finally declare the state of the poll, or the name or names of the member or members chosen, until the poll so adjourned as aforesaid has been finally closed. R.S. 1936, c. 84, s. 142 (altered).

145. From the time when any Returning Officer has received the writ of election, or Deputy Returning Officer has taken and subscribed the oath of office as such, until the day next after the final closing of the election, such Returning Officer or Deputy Returning Officer, respectively, shall 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 break the law or trouble the peace, with the same powers with which Justices of the Peace are invested in this Province.  R.S. 1936, c. 84, s. 143.

146. For the maintenance of peace and of good order at the election, each Returning Officer or Deputy Returning Officer, respectively, may require the assistance of all Justices of the Peace, constables, and other persons present at the election, whether at the place of nomination or at any polling-place, and may also swear in so many special constables as he deems neces-
147. 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 swear in such special constables. R.S. 1936, c. 84, s. 145.

148. Every Deputy Returning Officer shall keep order at his polling-booth, shall regulate the number of electors to be admitted at a time, and may exclude all other persons except the Clerks, the candidates, the official agent, the scrutineers of the candidates, and the constable on duty. R.S. 1936, c. 84, s. 146 (altered).

149. During the time appointed for polling, no person shall be entitled or permitted to be present in any polling-booth other than the officers, candidates, official agents, clerks, or scrutineers authorized to attend at the polling-booth, and such voters as are for the time being actually engaged in voting: Provided that it shall at all times be lawful for the Deputy Returning Officer to have present, or to summon to his assistance, in the polling-booth any police constable or peace officer for the purpose of maintaining order, or of preserving the public peace, or preventing any breach thereof, or of removing any person or persons who may, in the opinion of the Deputy Returning Officer, be obstructing the polling or wilfully violating any of the provisions of this Act. R.S. 1936, c. 84, s. 147 (altered).

150. Any Returning Officer or Deputy Returning Officer may, during any part of the days whereon any election is to be begun, holden, or proceeded with, demand and receive from any person whomsoever any offensive weapon, such as firearms, swords, staves, bludgeons, or the like, with which the person is armed, or which the person has in his hands or personal possession. R.S. 1936, c. 84, s. 148.

151. Every such person who, upon such demand, declines or refuses to deliver up to the Returning Officer or Deputy Returning Officer any offensive weapon as aforesaid shall, on summary conviction, be punishable by fine not exceeding fifty dollars, or imprisonment not exceeding six calendar months, or by both, in the discretion of the convicting Justice. R.S. 1936, c. 84, s. 149.

152. Except the Returning Officer for the election, the Deputy Returning Officers, or constables or special constables appointed by the Returning Officer or his deputy for the orderly conduct of the election or poll and the preservation of the public peace thereat, no person who has not had a stated residence in the
district for at least three months next before the day of the elec-
tion shall come, during any part of the day upon which the poll
is to remain open, into the district armed with offensive weapons
of any kind, as firearms, swords, staves, bludgeons, or the like;
nor shall any person whomsoever being in the district arm him-
self during any part of that day with any such offensive weapons,
and thus armed approach within the distance of two miles of the
place where the poll for the district or division is held, unless
called upon to do so by lawful authority. R.S. 1936, c. 84, s. 150.

153. If any person misconducts himself in the polling-booth,
or fails to obey the lawful orders of the Deputy Returning Officer,
his immediately, by order of the Deputy Returning Officer,
be removed from the polling-place by any constable, or any other
person authorized in writing by the Deputy Returning Officer to
remove him; and the person so removed shall not, unless with
the permission of the Deputy Returning Officer, again be allowed
to enter the polling-place during the day. R.S. 1936, c. 84, s. 151
(altered).

154. Any person so removed as aforesaid, if charged with the
commission in such polling-booth of any offence, may be kept in
custody until he can be brought before a Justice of the Peace:
Provided that the powers conferred by this and the last preceding
section shall not be exercised so as to prevent any elector who is
otherwise entitled to vote at any polling-booth from having an
opportunity of voting at that polling-booth. R.S. 1936, c. 84,
s. 152.

155. (1.) Each Returning Officer or Deputy Returning Officer,
respectively, may arrest, or cause to be arrested by verbal order,
and may place in the custody of one or more constables or other
persons, for such time as in his discretion he deems expedient,
any person disturbing the peace and good order, or may cause
that 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 obey without delay,
under a penalty, on summary conviction, for any refusal or neg-
lect so to do of twenty-five dollars.

(2.) Each Returning Officer or Deputy Returning Officer may
in like manner arrest, or cause to be arrested, and, if he deems it
expedient, imprison in like manner, any person who, upon pre-
senting himself at a polling-place, acts in such manner as to
arouse suspicion that he is about to personate or attempt to per-
sonate any elector or deceased elector. And no person so arrested
shall be allowed to vote until he has satisfied the Deputy Return-
ing Officer of his bona fides. R.S. 1936, c. 84, s. 153 (altered).
156. 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 anything by him done contrary to the true intent and meaning of this Act or otherwise. R.S. 1936, c. 84, s. 154.

Personation.

157. Every person who:

(a.) Applies for a ballot-paper in the name of some other person, whether the name is that of a person living or dead, or of a fictitious person; or

(b.) Having voted once at any election, again applies at the same election for a ballot-paper,—

is guilty of personation, and shall, on summary conviction, be liable to a penalty of not less than two hundred dollars and not more than four hundred dollars, and to imprisonment for a term not exceeding one year, with or without hard labour. Any attempt to commit such offence, or any attempt on the part of any person to induce any other person to commit the offence specified in this section, or any inducement of any person by any other person to commit the offence specified in this section, shall be punishable in the same manner in which the offence itself is punishable. R.S. 1936, c. 84, s. 155.

Bribery.

158. The following persons shall be deemed guilty of bribery and shall be punishable accordingly:

(a.) Every person who, directly or indirectly, by himself or by any other person on his behalf, gives, lends, or agrees to give or lend, or offers, promises, or promises to procure, or to endeavour to procure, any money or valuable consideration to or for any voter, or to or for any person on behalf of any voter, or to or for any other person, in order to induce any voter to vote or refrain from voting, or corruptly does any such act as aforesaid on account of any voter having voted or refrained from voting, at any election:

(b.) Every person who, directly or indirectly, by himself or by any other person on his behalf, gives or procures, or agrees to give or procure, or offers, promises, or promises to procure, or to endeavour to procure, any office, place, or employment to or for any voter, or to or for any person on behalf of any voter, or to or for any other person, in order to induce that voter to vote or refrain from voting, or corruptly does any such act as afore-
said on account of any voter having voted or refrained from voting, at any election:

(c.) Every person who, directly or indirectly, by himself or by any other person on his behalf, makes any such gift, loan, offer, promise, procurement, or agreement as aforesaid to or for any person in order to induce that person to procure, or endeavour to procure, the return of any person to serve in the Legislature, or the vote of any voter at any election:

(d.) Every person who, upon or in consequence of any such gift, loan, offer, promise, procurement, or agreement, procures, or engages, promises, or endeavours to procure, the return of any person to serve in the Legislature, or the vote of any voter at any election:

(e.) Every person who advances, or pays, or causes to be paid, any money to or to the use of any other person, with the intent that the money, or any part thereof, shall be expended in bribery at any election, or who knowingly pays, or causes to be paid, any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any election.

And any person so offending shall be guilty of an offence against this Act, and shall, in addition to any other penalty or punishment to which he may by any other law or Statute be liable or subject, be liable, on summary conviction, to a penalty of not less than one hundred dollars and not more than two hundred and fifty dollars, and shall also be liable to forfeit the sum of five hundred dollars to any person who sues for the same, together with the full costs of suit: Provided that this section shall not extend, or be construed to extend, to any money paid, or agreed to be paid, for or on account of any legal expenses bona fide incurred at or concerning any election. R.S. 1936, c. 84, s. 156.

159. The following persons shall also be deemed guilty of bribery, and shall be punishable accordingly:

(a.) Every elector who, before or during any election, directly or indirectly, by himself or by any other person on his behalf, receives, agrees, or contracts for any money, gift, loan, or valuable consideration, office, place, or employment, for himself or for any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting, at any election:

(b.) Every person who, after any election, directly or indirectly, by himself or by any other person on his behalf, receives any money or valuable consideration on account of any person having voted or refrained from
voting, or having induced any other person to vote or refrain from voting, at any election.

And any person so offending shall be guilty of an offence against this Act, and shall, in addition to any other penalty or punishment to which he may by any other law or Statute be liable or subject, be liable, on summary conviction, to a penalty not exceeding one hundred dollars, and shall also be liable to forfeit the sum of fifty dollars to any person who sues for the same, together with the full costs of suit.  R.S. 1936, c. 84, s. 157.

_Treating._

160. Every candidate at an election who corruptly, by himself or by or with any person, by any other ways or means on his behalf, at any time either before, during, or after any election, directly or indirectly, gives or provides, or causes to be given or provided, or is accessory to the giving or providing, or pays, wholly or in part, any expenses incurred for any meat, drink, or provision to or for any person in order to be elected, or for being elected, or for the purpose of corruptly influencing that person, or any other person, to give or refrain from giving his vote at the election, or on account of any person having voted or refrained from voting, or being about to vote or refrain from voting, at the election, shall be deemed guilty of the offence of treating, and shall forfeit the sum of two hundred and fifty dollars to any person who sues for the same, together with the full costs of suit; and every elector who corruptly accepts or takes any such meat, drink, or provision shall be incapable of voting at the election, and his vote, if given, shall be utterly void and of none effect.  R.S. 1936, c. 84, s. 158 (altered).

161. The giving, or causing to be given, to any elector on the day of nomination, or the day of polling, on account of the elector having polled, or being about to poll, any meat, drink, by way of refreshment, or any money or ticket to enable the elector to obtain refreshment, shall be deemed an illegal act, and the person so offending shall forfeit the sum of ten dollars for each offence to any person who sues for the same, together with the full costs of suit.  R.S. 1936, c. 84, s. 159 (altered).

_Undue Influence._

162. Every person who, directly or indirectly, by himself or by any other person on his behalf, makes use of, or threatens to make use of, any force, violence, or restraint, or inflicts or threatens the infliction, by himself or by or through any other person, of any injury, damage, harm, or loss, or in any other manner practises intimidation upon or against any person, in

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Penalty.

Penalty.
order to induce or compel that person to vote or refrain from voting, or on account of that person having voted or refrained from voting, at any election, or who, by abduction, duress, or any fraudulent device or contrivance, impedes or prevents or otherwise interferes with the free exercise of the franchise of any elector, or thereby compels, induces, or prevails upon any elector either to give or refrain from giving his vote at any election, shall be deemed to have committed the offence of undue influence, and shall be guilty of an offence against this Act, and shall be liable, on summary conviction, to a penalty not exceeding two hundred and fifty dollars, and shall also be liable to forfeit the sum of two hundred and fifty dollars to any person who sues for the same, together with the full costs of suit. R.S. 1936, c. 84, s. 160.

Cockades and Flags.

163. No candidate before, during, or after any election shall in regard to such election, by himself or agent, directly or indirectly give or provide to or for any elector, or to or for any inhabitant of the electoral district, division, or place for which such election is had, any cockade, ribbon, or other mark of distinction; and every person so giving or providing shall, for every such offence, forfeit the sum of ten dollars to any person who sues for the same, together with the full costs of suit; and all payments made for or on account of any chairing, or any such cockade, ribbon, or mark of distinction as aforesaid, or of any bands of music, flags, or banners, shall be deemed illegal payments within this Act. R.S. 1936, c. 84, s. 161.

164. No person, corporation, or organization shall, after the issue of the writ for any election, take any straw vote which will, prior to the election, distinguish the political opinions of the voters in any electoral district. (New.)

165. No candidate or any other person shall furnish or supply any cockade, ribbon, or other mark of distinction with intent that the same should be worn or used within any electoral district on the day of election, or within eight days before that day, or during the continuance of the election, by such person or any other, as a party badge to distinguish the wearer as the supporter of any candidate, or of the political or other opinions entertained, or supposed to be entertained, by any candidate; nor shall any person use or wear any cockade, ribbon, or other mark of distinction as such badge within any electoral district on the day of any election, or within eight days before that day, or during the continuance of the election. R.S. 1936, c. 84, s. 162.

166. No candidate or any other person shall furnish or supply any ensign, standard, or set of colours, or any other flag, to or
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for any person whomsoever, with intent that the same should be carried or used in any electoral district on the day of election, or within eight days before that day, or during the continuance of the election, by that person or any other, as a party flag to distinguish the bearer thereof and those that might follow the same as the supporters of any candidate, or of the political or other opinions entertained, or supposed to be entertained, by any candidate; nor shall any person, for any reason, carry or use any such ensign, standard, set of colours, or other flag as a party flag within any electoral district on the day of any election, or within eight days before that day, or during the continuance of the election. R.S. 1936, c. 84, s. 163.

167. No person shall on the day of any election distribute any printed circulars or cards or carry on any political activities whatsoever within five hundred feet of any polling-place. (New.)

168. Every person offending against any of the provisions of the last two preceding sections shall be guilty of an offence against this Act, and shall be liable, on summary conviction, to a penalty not exceeding two hundred and fifty dollars. R.S. 1936, c. 84, s. 164.

Candidate's Election Expenses.

169. No payment (except in respect of the personal expenses of a candidate) and no advance, loan, or deposit shall be made by or on behalf of any candidate at an election, before or during or after the election, on account of or in respect of the election, otherwise than through his official agent; and any person making any such payment, advance, loan, or deposit, otherwise than through the official agent shall be guilty of an offence against this Act, and shall be liable, on summary conviction, to a penalty not exceeding two hundred and fifty dollars. R.S. 1936, c. 84, s. 165 (altered).

170. All persons who have any bills, charges, or claims against or upon any candidate for or in respect of any election shall send in such bills, charges, or claims within one month from the day of the declaration of the election to the official agent as aforesaid, otherwise those persons shall be barred of their right to recover such bills, charges, or claims and every or any part thereof: Provided that in case of the death within the said month of any person claiming the amount of such bill, charge, or claim, the legal representative of that person shall send in such bill, charge, or claim within one month after obtaining probate, or letters of administration, or confirmation as executor, as the case may be, or the right to recover such bill, charge, or claim shall be barred as aforesaid: Provided also that such bills, charges, and
claims shall and may be sent in and delivered to the candidate if and so long as during the said month there is, owing to death or legal incapacity, no official agent. R.S. 1936, c. 84, s. 168 (altered).

171. Within thirty-five days after the day on which the declaration of the result of any election takes place, each candidate at the election and the official agent shall transmit to the Deputy Provincial Secretary a true return, in Form 29, or to the like effect, containing statements of all election expenses incurred by or on behalf of the candidate at the election, and all disputed and unpaid claims of which the candidate or the official agent is aware. The returns shall be accompanied by the separate statutory declarations of the candidate and the official agent verifying the correctness thereof, and that neither has any reason to believe that any moneys, other than those mentioned in the return and those spent by the central committee of the political party to which the candidate belongs for purposes of publicity, have been expended with his or their authority and consent by any person for the purpose of assisting the candidate in the election. R.S. 1936, c. 84, s. 169 (altered).

172. No person shall, for the purpose of promoting or procuring the election of a candidate at any election, be engaged or employed for payment or promise of payment for any purpose or in any capacity whatever, nor shall any person pay or promise to pay any other person for any such engagement or employment, except only for any of the purposes following:—

(a.) The personal expenses of the candidate:
(b.) The expenses of printing and advertising, and the expenses of publishing, issuing, and distributing addresses and notices:
(c.) The expenses of stationery, messages, postage, and telegrams:
(d.) The expenses of public meetings:
(e.) The expenses of a central committee-room, and of not more than one committee-room in each polling division:
(f.) The expenses of transporting voters to and from polling-places within the electoral district, but not from one electoral district to another electoral district. R.S. 1936, c. 84, s. 170.

173. No candidate at any election shall during the time that he is a candidate make any special contribution or donation for any purpose, and it shall be an offence for any person to solicit any such contribution or donation from any candidate during the time that he is a candidate, and any contravention of this section
shall be deemed to be a corrupt practice within the meaning of this Act. R.S. 1936, c. 84, s. 171.

174. (1.) Within thirty-five days after the day on which the final declaration of the polls at any election takes place, the secretary and treasurer of the central committee of every political party, or other officers who acted in such capacity, shall transmit to the Deputy Provincial Secretary a true return, in Form 30, or to the like effect, containing, as respects the political party, statements in detail of:

(a.) All electoral expenses; and

(b.) All disputed and unpaid claims of which the secretary or treasurer is aware.

(2.) A political party within the meaning of this section is an affiliation of electors comprised in a political organization which has expended money in the support of any candidate in the election. R.S. 1936, c. 84, s. 172 (altered).

175. No direct or indirect contribution or other thing of value for use for political purposes or for election or campaign purposes within the Province shall be made or contributed by any person within or without the Province, corruptly or in consideration of any favour or promise thereof; and no person within the Province shall receive for use for political purposes from any person any contribution or other thing of value so made or contributed. R.S. 1936, c. 84, s. 173.

Offences and Penalties.

176. Every person contravening or committing any breach of any of the provisions of sections 171 to 175 shall be liable, on summary conviction, to a penalty of not less than two hundred dollars and not more than one thousand dollars, and, in default of payment, to imprisonment for six months. R.S. 1936, c. 84, s. 174 (altered).

177. Every person who:

(a.) Without due authority supplies any ballot-paper to any person; or

(b.) Fraudulently puts into any ballot-box any paper other than the ballot-paper which he is authorized by law to put in; or

(c.) Fraudulently takes out of the polling-booth any ballot-paper; or

(d.) Without due authority destroys, takes, opens, or otherwise interferes with any ballot-box or packet of ballot-papers then in use for the purposes of the election; or

(e.) Opens and exhibits his ballot-paper to any one after having duly marked the same, preparatory to depositing it in the ballot-box; or...
(f.) Without due authority opens, defaces, tampers with, or destroys any envelope containing an absent voter's ballot; or

(g.) Refuses or neglects to perform any duty imposed on him under subsection (3) of section 14; or

(h.) Being a Deputy Returning Officer at any polling-booth, neglects to sign the jurat of any affidavit sworn before him under this Act,—

shall, on summary conviction, be liable to a penalty not exceeding one hundred dollars, or to imprisonment for any term not exceeding twelve months, if he is a Returning Officer or an officer or Clerk in attendance at a polling-booth, and, if he is any other person, to imprisonment for any term not exceeding six months. Any attempt to commit any offence specified in this section shall be punishable in the manner in which the offence itself is punishable. R.S. 1936, c. 84, s. 175 (altered).

178. In any prosecution for an offence in relation to the ballot-boxes, ballot-papers, counterfoils of ballot-papers, and marking instruments at an election, the property in such ballot-boxes, ballot-papers, counterfoils of ballot-papers, and marking instruments may be stated to be in the Returning Officer at the election. R.S. 1936, c. 84, s. 176 (altered).

179. Every Returning Officer, Deputy Returning Officer, or Clerk who is guilty of any wilful misfeasance or any wilful act or omission in contravention of this Act shall, in addition to any other penalty or liability to which he may be subject, forfeit to any person aggrieved by such misfeasance, act, or omission a penal sum not exceeding five hundred dollars. R.S. 1936, c. 84, s. 177 (altered).

180. All pecuniary penalties imposed by this Act, other than or in addition to pecuniary penalties on summary conviction, shall be recoverable, with full costs of suit, by any person who sues for the same in any of His Majesty's Courts in the Province having competent jurisdiction; and in default of payment of the amount which the offender is condemned to pay, within the period to be fixed by the Court, such offender shall be imprisoned in the common gaol until he has paid the amount which he has been condemned to pay, with the costs, or until he is discharged by the order of the Court. R.S. 1936, c. 84, s. 178.

181. It shall be sufficient for the plaintiff in any action or suit under this Act to state in the statement of claim that the defendant is indebted to 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. R.S. 1936, c. 84, s. 179.

182. In any complaint or information for bribery or undue influence, and in any action or proceeding for any penalty for bribery, treating, illegal payment, or undue influence, it shall be sufficient to allege that the defendant was, at the election at or in connection with which the offence is intended to be alleged to have been committed, guilty of bribery, treating, illegal payment, or undue influence (as the case may require); and in any proceedings in relation to any such offence the certificate of the Returning Officer in this behalf shall be sufficient evidence of the due holding of the election, and of any person therein named having been a candidate thereat. R.S. 1936, c. 84, s. 180.

183. It shall be sufficient, in any complaint or information for any other 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. R.S. 1936, c. 84, s. 181.

184. It shall not be necessary, on the trial of any action 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. R.S. 1936, c. 84, s. 182.

185. It shall be lawful for any Court, before which any prosecution is instituted for bribery, treating, illegal payment, or undue influence, to order payment to the prosecutor of such costs and expenses as to the Court appear to have been reasonably incurred in and about the conduct of the prosecution. R.S. 1936, c. 84, s. 183.

186. In case of any complaint or information by a private prosecutor for bribery, treating, illegal payment, or undue influence, if judgment is given for the defendant he shall be entitled to recover from the prosecutor the costs sustained by the defendant by reason of the complaint or information; such costs to be taxed by the proper officer of the Court in which judgment is given. R.S. 1936, c. 84, s. 184.

187. It shall not be lawful for any Court to order payment of the costs of a prosecution for bribery, treating, illegal payment, or undue influence, unless the prosecutor, before or upon the making or laying of the complaint or information, enters into a bond, with two sufficient sureties, in the sum of two hundred and
fifty dollars (to be acknowledged and justified by affidavit in like manner as would be required in the case of a bond to be given and filed in any action pending in the Supreme Court), with the conditions following, that is to say: that the prosecutor shall conduct the prosecution with effect, and shall pay to the defendant or defendants, in case he or they shall be acquitted, his or their costs. R.S. 1936, c. 84, s. 185.

188. No person shall be liable to any penalty or forfeiture hereby enacted or imposed, or be tried for any offence against this Act, unless some prosecution, action, or suit for the offence commenced against such person within the space of one year next after the offence against this Act has been committed, and unless such person is summoned or otherwise served with writ or process within the same space of time, so as such summons or service of writ or process is not prevented by such person absconding or withdrawing out of the jurisdiction of the Court out of which the writ or other process has been issued as aforesaid, and the prosecution, action, or suit is proceeded with and carried on without any wilful delay. R.S. 1936, c. 84, s. 186.

Miscellaneous.

189. (1.) All necessary expenses incurred in or about the registration of voters, or the preparation and revision of the lists of voters, or in or about any election, as by this Act provided, or otherwise in the execution of the provisions of this Act, and all expenses consequent thereupon, including the compensation (if any) of Registrars of Voters, Revising Officers, Returning Officers, and all deputies, officials, and clerks, shall, in the absence of a special vote of the Legislature available therefor, be paid by the Minister of Finance out of the Consolidated Revenue Fund.

(2.) All accounts for services and expenses payable under this section shall be rendered in duplicate, duly certified to, and accompanied by satisfactory vouchers showing disbursements made (if any), and shall be forwarded to the Deputy Provincial Secretary, who shall determine the sums to be allowed and paid, subject to any regulations made by the Lieutenant-Governor in Council. R.S. 1936, c. 84, s. 187.

190. Where any matter or thing is directed by this Act, or by any writ issued in pursuance thereof, to be performed on a certain day, and that day shall happen to be a holiday, as defined by the "Interpretation Act," such matter or thing shall be performed on the next succeeding day not being a holiday. R.S. 1936, c. 84, s. 188.

191. Where any power is conferred or any duty imposed by this Act upon any person by his name of office, if that person is
for any reason incapacitated from exercising that power or performing that duty the Lieutenant-Governor in Council may appoint another person to act in his place, and that person shall thereupon have and may exercise all the powers and perform all the duties of the person who is incapacitated.  (New.)

192. One copy of this Act for the Returning Officer and one for each of his deputies shall be transmitted with the writ of election to each Returning Officer.  R.S. 1936, c. 84, s. 189.

193. In order to give full and due effect to the meaning and intent of the provisions contained in this Act, the Lieutenant-Governor in Council may, by regulations, provide for any proceeding, matter, or thing for which express provision has not been herein made, or for which only partial provision has been made, and where any alteration of any of the forms contained in this Act may be found necessary, or where it is found that the time allowed to do any act is insufficient, and an alteration or extension of such time, and any alteration of dates consequent thereon, appears to be necessary, the Lieutenant-Governor in Council may declare, either by regulation or notification in the Gazette, that such alteration or extension shall be made, and thereupon the same shall be made and take effect accordingly.  R.S. 1936, c. 84, s. 190.

194. Where any impediment, misfeasance, or omission has happened in the preparation or transmission or printing or publication of any list of voters or other document, of what kind soever, the Lieutenant-Governor in Council may take all such measures and make such regulations as may be necessary for removing such impediment or rectifying such misfeasance or supplying such omission.  R.S. 1936, c. 84, s. 191.

195. All regulations in the last two preceding sections mentioned shall be published in one issue of the Gazette, and thereupon shall have the full force of law as if hereby expressly enacted, and the same shall be laid before the Legislature within fourteen days after such publication, if the Legislature is then in session, and if not, then within fourteen days after the commencement of the next ensuing session.  R.S. 1936, c. 84, s. 192.

196. Polling-day in any electoral district shall be a public holiday, and every registered elector of the electoral district who is within the electoral district on that day and who is a workman or employee for hire shall be allowed by his employer to be free from his employment on that day for at least four consecutive hours between the opening and the closing of the poll, and every
Questions to be determined in accordance with Act.

To whom and by whom an election petition may be presented.

Regulations as to presentation of election petition.

employer who offends against this provision, without reasonable justification, shall be liable to a penalty in the case of an individual of not more than one hundred dollars, and in the case of a corporation of not less than two hundred and fifty dollars, to be recovered under the “Summary Convictions Act.” R.S. 1936, c. 84, s. 193 (altered).

Election Petition.

197. No election, or return to a writ of election, shall be questioned, except in accordance with the provisions of this Act. R.S. 1936, c. 84, s. 194.

198. A petition (hereinafter referred to as an “election petition” or as the “petition”), complaining of an undue return or undue election of a member to serve in the Legislature for any electoral district, may be presented to the Court by any one or more of the following persons:—

(a.) Some person who voted, or who had a right to vote, at the election to which the petition relates; or

(b.) Some person claiming to have had a right to be returned or elected at that election; or

(c.) Some person alleging himself to have been a candidate at that election. R.S. 1936, c. 84, s. 195.

199. The following provisions shall apply with respect to the presentation of an election petition under this Act:—

(a.) The petition shall be signed by the petitioner, or all the petitioners if more than one:

(b.) The petition shall be presented within twenty-one days after the return has been made to the Deputy Provincial Secretary of the election of the member to whose election the petition relates, unless it questions the return or election upon an allegation of corrupt practices, and specifically alleges a payment of money or other reward to have been made by any member, or on his account, or with his privity, since the time of such return, in pursuance or in furtherance of such corrupt practices, in which case the petition may be presented at any time within three months after the date of such payment:

(c.) Presentation of the petition shall be made by filing the same in the office of the Registrar of the Supreme Court at Victoria during office hours:

(d.) At the time of the presentation of the petition, or within three days afterwards, security for the payment of all costs, charges, and expenses that may become payable by the petitioner to the member whose election
or return is complained of (who is hereafter referred to as the "respondent"), or to any other person who may be made a respondent under this Act, shall be given on behalf of the petitioner:

(e.) The security shall be to an amount of five hundred dollars. It shall be given either by recognizance to be entered into by any number of sureties, not exceeding four, or by a deposit of money in Court, or partly in one way and partly in the other. R.S. 1936, c. 84, s. 196.

200. Notice of the presentation of an election petition under this Act, and of the nature of the proposed security, accompanied by a copy of the petition, shall within one month after the presentation of the petition, or within such longer time as the Court or a Judge thereof may allow, be served on the respondent or respondents. If service cannot be effected on the respondent or respondents personally within the time allowed, then the Court or a Judge thereof may allow substitutional service, and an application for the allowance of substitutional service may be made before or after the expiry of the time allowed for personal service. R.S. 1936, c. 84, s. 197.

201. Within ten days after the service of the petition and the accompanying notice, the respondent may present in writing any preliminary objections which he has to urge against the petition, or the petitioner, or the security proposed, or against any further proceedings on the petition, and shall in such case file a copy thereof for the petitioner, and a Judge of the Court shall hear the parties upon such objections, and shall decide the same in a summary manner. There shall be an appeal to the Court of Appeal from any such decision. Such appeals shall be regulated by the practice of the Court in cases of appeals from orders made in Chambers. R.S. 1936, c. 84, s. 198.

202. Within five days after the final decision upon the preliminary objections if presented and not allowed, or on the expiration of the time for presenting the same if none are presented, the respondent may file a written answer, together with a copy thereof, for the petitioner; but whether such answer is or is not filed the petition shall be held to be at issue after the expiry of the said five days, and a Judge of the Court may at any time thereafter, upon the application of either party, fix some convenient time and place for the trial of the petition. R.S. 1936, c. 84, s. 199.

203. Two or more candidates may be made respondents to the same petition, and their cases may, for the sake of convenience, be tried at the same time; but for all the purposes of this Act
204. Where under this Act more petitions than one are presented relating to the same election or return, all such petitions shall in the election list be bracketed together, and shall be dealt with as one election petition. R.S. 1936, c. 84, s. 201.

205. Where an election petition under this Act complains of the conduct of a Returning Officer, the Returning Officer shall for all the purposes of this Act, except the admission of respondents in his place, be deemed to be a respondent. R.S. 1936, c. 84, s. 202.

206. An election petition under this Act complaining of no return may be presented to the Court, and shall be deemed to be an election petition within the meaning of this Act, and the Court may make such order thereon as it thinks expedient for compelling a return to be made, or may allow the petition to be heard by the Judge in manner hereinbefore provided with respect to ordinary election petitions. R.S. 1936, c. 84, s. 203.

207. An election petition under this Act shall be served as nearly as may be in the manner in which a writ or summons is served, or in such other manner as may be prescribed. R.S. 1936, c. 84, s. 204.

208. If before the trial of any election petition under this Act any of the following events happen in the case of any member whose election or return is complained of, that is to say:—

(a.) If he dies:

(b.) If the Legislative Assembly has resolved that his seat is vacant:

(c.) If he gives, in the prescribed manner and at the prescribed time, notice to the Court that he does not intend to oppose the petition,—

notice of such event having taken place shall be given in the electoral district to which the petition relates, and any person or persons, not exceeding three, who might have been a petitioner or petitioners in respect of the election to which the petition relates may within the prescribed time after the notice is given apply to the Court or a Judge to be admitted as a respondent or respondents to oppose the petition, and such person or persons shall, on the application, be admitted accordingly, either with the respondent if there is a respondent, or in place of the respondent. R.S. 1936, c. 84, s. 205.

209. The Supreme Court shall, subject to the provisions of this Act, have the same powers, jurisdiction, and authority, with reference to an election petition and the proceedings thereon, as
it would have if the petition were an ordinary cause within its jurisdiction. R.S. 1936, c. 84, s. 206.

Evidence.

210. Witnesses shall be subpoenaed and sworn in the same manner, as nearly as circumstances admit, as in a trial of a civil case. R.S. 1936, c. 84, s. 207.

211. On the trial of an election petition under this Act, the Judge may, by order under his hand, compel the attendance of any person as a witness who appears to him to have been concerned in the election to which the petition refers; and any person refusing to obey such order shall be guilty of contempt of Court. R.S. 1936, c. 84, s. 208.

212. The Judge may examine any witness so compelled to attend, or any person in Court, although the witness is not called and examined by any party to the petition. After the examination of a witness as aforesaid by a Judge, the witness may be cross-examined by or on behalf of the petitioner and respondent, or either of them. R.S. 1936, c. 84, s. 209.

213. No person who is called as a witness before any Judge on the trial of an election petition under this Act shall be excused from answering any question relating to any corrupt practice at or connected with any election forming the subject of inquiry by the Judge, on the ground that the answer thereto may criminate or tend to criminate himself: Provided that where any witness answers every question relating to the matters aforesaid which he is required by the Judge to answer, and the answer to which may criminate or tend to criminate him, he shall be entitled to receive from the Judge a certificate under the hand of the Judge, stating that as such witness he was, upon his examination, required by the Judge to answer questions or a question relating to the matters aforesaid, the answers or answer to which criminated or tended to criminate him, and had answered such questions or question; and if any information, indictment, or action is at any time thereafter pending in any Court against that witness for any offence under this Act, or any other law in force in the Province, or for which he might have been prosecuted under this Act, or under any other law as aforesaid, committed by him previously to the time of his giving his evidence, and at or in relation to the election concerning or in relation to which the witness has been so examined, the Court shall, on production and proof of such certificate, stay the proceedings in the information, indictment, or action, and may at its discretion award to the witness such costs as he may have been put to in the information,
indictment, or action; and no statement made by any person in answer to any question put by the Judge shall, except in cases of indictments for perjury, be admissible in evidence in any proceeding, civil or criminal. R.S. 1936, c. 84, s. 210.

214. The reasonable expenses incurred by any person in appearing to give evidence at the trial of an election petition under this Act, according to the scale allowed to witnesses on the trial of civil actions, may be allowed to that person by a certificate under the hand of the Judge or the prescribed officer, and such expenses, if the witness was called and examined by the Judge, shall be deemed part of the expenses incurred under this Act, and in other cases shall be deemed to be costs of the petition. R.S. 1936, c. 84, s. 211.

215. Upon its appearing to the Judge, from the nature of the case and the number of witnesses to be examined relative to any particular allegation or allegations in the election petition, that the same cannot be effectually inquired into before the Judge without great inconvenience and expense to the parties or either of them, the Judge may, upon application of any of the parties before the Judge, at any period during the course of the proceedings upon the petition, make an order for the nomination and appointment of a Commission to examine witnesses in the manner prescribed. The Commission shall be directed to such person as the Judge appoints for the purpose, and the powers and authorities of the Commissioner, the proceedings before the Commissioner, and the return of the Commissioner shall all be as prescribed; and the expenses attending the execution of the Commission shall be considered as expenses incurred under this Act. R.S. 1936, c. 84, s. 212.

**Trial of Election Petitions.**

216. The following provisions shall apply with respect to the trial of election petitions under this Act:

(a.) Except where some question of law is raised for the determination of the Court as hereinafter mentioned, the Judges of the Supreme Court for the time being shall try alternately, without a jury, the election petitions standing for trial under this Act, unless they otherwise agree among themselves, in which case the trial of each election petition shall be taken in manner provided by such agreement; and every election petition shall, except where it raises a question of law for the determination of the Court as hereinafter mentioned, be tried by such Judge as aforesaid (hereinafter referred to as the "Judge"), sitting in open Court without a jury:
(b.) Notice of the time and place at which an election petition is to be tried shall be given not less than fourteen days before the day on which the trial is held:

(c.) The Judge presiding at the trial may adjourn the same from time to time, and from any one place to any other place, as to him may seem expedient:

(d.) At the conclusion of the trial, the Judge who tried the petition shall determine whether the member whose return or election is complained of, or any and what other person was duly returned or elected, or whether the election was void; and shall forthwith certify in writing his determination to the Speaker, and upon such certificate being given the determination, subject to the right of appeal hereinafter conferred, shall be final to all intents and purposes:

(e.) Where any charge is made in an election petition of any corrupt practice having been committed at the election to which the petition refers, the Judge shall, in addition to such certificate, and at the same time, report in writing to the Speaker, as follows:—

(i.) Whether any corrupt practice has or has not been proved to have been committed by or with the knowledge and consent of any candidate at the election, and the nature of the corrupt practice:

(ii.) The names of all persons (if any) who have been proved at the trial to have been guilty of any corrupt practice:

(iii.) Whether corrupt practices have, or whether there is reason to believe that corrupt practices have, extensively prevailed at the election to which the petition relates:

(f.) The Judge may at the same time make a special report to the Speaker as to any matters arising in the course of the trial, an account of which in his judgment ought to be submitted to the Legislative Assembly:

(g.) Where upon the application of any party to a petition, made in the prescribed manner to the Court, it appears to the Court that the case raised by the petition can be conveniently stated as a special case, the Court may direct the same to be stated accordingly, and any such special case shall, as far as may be, be heard before the Court, and the decision of the Court shall be final; and the Court shall certify to the Speaker its determination in reference to such special case. R.S. 1936, c. 84, s. 213.
Applications to the Court respecting trials.

217. If it appears to the Judge, on the trial of the petition, that any question or questions of law or as to the admissibility of evidence or otherwise require further consideration by the Supreme Court, then it shall be lawful for the Judge to postpone the granting of his certificate until the determination of the question or questions by the Court, and for this purpose to reserve any such question or questions in like manner as questions are usually reserved by a Judge on a trial at Nisi Prius in England. R.S. 1936, c. 84, s. 214.

Evidence of corrupt practice, how received.

218. On the trial of an election petition under this Act, unless the Judge otherwise directs, any charge of a corrupt practice may be gone into, and evidence in relation thereto received, before any proof has been given of agency on the part of any candidate in respect of the corrupt practice. R.S. 1936, c. 84, s. 215.

Acceptance of office not to stop petition.

219. The trial of an election petition under this Act shall be proceeded with notwithstanding the acceptance by the respondent of an office of profit under the Crown. R.S. 1936, c. 84, s. 216.

Proclamation of Assembly.

220. The trial of an election petition under this Act shall be proceeded with notwithstanding the prorogation of the Legislative Assembly. R.S. 1936, c. 84, s. 217.

Trial not to take place during session of Legislature.

221. The trial of an election petition shall not be commenced or proceeded with during a session of the Legislative Assembly, or within fifteen days before or after any session. R.S. 1936, c. 84, s. 218.

Re crimination when petition for undue return.

222. On the trial of a petition under this Act, complaining of an undue return, and claiming the seat for some person, the respondent may give evidence to prove that the election of that person was undue in the same manner as if he had presented a petition complaining of the election. R.S. 1936, c. 84, s. 219.

Power of Judge.

223. On the trial of an election petition under this Act, the Judge shall, subject to the provisions of this Act, have the same powers, jurisdiction, and authority as when sitting for the trial of civil or criminal cases, and the Court held by him shall be a Court of Record. R.S. 1936, c. 84, s. 220.

Attendance on Judge and allowance for expenses.

224. The Judge shall be attended on the trial of an election petition under this Act in the same manner, and shall have the same allowance for travelling and other expenses, from time to time, as if he were sitting for the trial of civil or criminal cases, and the expenses of such attendance and the travelling and other expenses and allowances of the Judge shall be deemed to be part of the expenses incurred under this Act. R.S. 1936, c. 84, s. 221.
225. Where a candidate, on the trial of an election petition claiming the seat for any person, is proved to have been guilty by himself, or by any person on his behalf, of bribery, treating, or undue influence in respect of any person who voted at the election, or where any person retained or employed for reward by or on behalf of the candidate for all or any of the purposes of the election, as agent, clerk, messenger, or in any other employment, is proved on the trial to have voted at the election, there shall, on a scrutiny, be struck off from the number of votes appearing to have been given to the candidate one vote for every person who voted at the election and is proved to have been so bribed, treated, or unduly influenced, or so retained or employed for reward as aforesaid. R.S. 1936, c. 84, s. 222.

226. A respondent who has given the prescribed notice that he does not intend to oppose the petition shall not be allowed to appear or act as a party against the petition in any proceedings thereon, and shall not sit or vote in the Legislative Assembly until the certificate and report or reports (if any) of the Court or Judge have been entered on the Journals of the Legislative Assembly as aforesaid, and the Legislative Assembly has given a decision therein in favour of the respondent; and the Court or Judge shall, in all cases in which such notice has been given in the prescribed manner and at the prescribed time, report the same to the Speaker, or, if there is no Speaker, to the Clerk of the House. R.S. 1936, c. 84, s. 223.

227. On the trial of an election petition under this Act, a shorthand writer shall, on an Order of the Lieutenant-Governor in Council being made for that purpose, attend, and shall be sworn by the Judge faithfully and truly to take down the evidence given at the trial, and from time to time, as occasion requires, to write or cause the same to be written in words at length; and it shall be the duty of the shorthand writer to take down the evidence, and from time to time to write or cause the same to be written at length; but if no shorthand writer is employed, then the evidence shall be taken down in such manner as the Court directs, and a copy of the evidence taken shall accompany the certificate made by the Judge to the Speaker; and the expenses incurred under this section shall be deemed to be part of the expenses incurred in carrying out this Act. R.S. 1936, c. 84, s. 224.

228. Any candidate who has been unseated upon the trial of an election petition and who is dissatisfied with the decision of the Judge on any question of law or fact, and desirous to appeal against the same, may, within ten days from the day on which
the decision was given, deposit with the District Registrar of the
Supreme Court at Victoria the sum of one hundred dollars by
way of security for costs, and thereupon the District Registrar
shall set the matter of the petition down for hearing before the
Court of Appeal. If the decision is given more than twenty days
before any of the days fixed for the sittings of the Court of
Appeal, the appeal shall be set down for hearing at the then next
regular sittings of the Court of Appeal; but if the decision is
given within twenty days of any of the days fixed for the sittings
of the Court of Appeal, then at the second regular sittings next
after the decision was given. R.S. 1936, c. 84, s. 225.

229. The party so appealing shall thereupon within five days
after the security for costs has been given, or such further time
as any Judge of the Supreme Court may upon application allow,
give to the other parties affected by the appeal, or the respective
solicitors by whom such parties were represented on the trial of
the petition, notice in writing that the matter of the petition has
been so set down to be heard in appeal as aforesaid, and in and
by the same notice the party so appealing as aforesaid may, if he
so desires, limit the subject of the appeal to any special and
definite question or questions. R.S. 1936, c. 84, s. 226.

230. The appeal shall thereupon be heard and determined by
the Court of Appeal, and such judgment shall be pronounced, both
upon questions of law and of fact, as in the opinion of the Court
of Appeal should have been delivered by the Judge whose decision
is appealed against. R.S. 1936, c. 84, s. 227.

231. Upon appeal in cases on or involving questions of fact,
the Court of Appeal shall review the decision upon questions of
fact as well as of law, and shall draw such inference from the
facts or evidence as the Judge who tried the case should have
drawn. R.S. 1936, c. 84, s. 228.

232. The Court of Appeal shall have all the powers and duties,
as to amendment and otherwise, of the Judge from whom the
appeal is had, together with full discretionary power to receive
further evidence upon questions of fact; such evidence to be
either by oral examination in Court, by affidavit, or by deposition
taken before any Judge or other person whom the Court of Appeal
may name. R.S. 1936, c. 84, s. 229.

233. Where any decision given by any Judge depends in whole
or in part upon the credit given by him to particular witnesses,
and the decision is appealed against, the Judge may make a writ-
ten report as to the demeanour of the principal witnesses and
their mode of giving their evidence, together with the reasons of
the Judge for giving credit to the particular witnesses; and with
or without such a report the Court of Appeal, in view of the whole
case as it then appears, may reverse or confirm the decision
appealed against, or the said Court may require any witnesses to
be re-examined and further evidence to be given orally before the
said Court or otherwise upon any question of fact, and after such
re-examination and further evidence the said Court shall pro-
nounce the proper judgment in the case. R.S. 1936, c. 84, s. 230.

234. The Court of Appeal may make such order as to the
return of the said deposit, and as to the costs of the appeal, as the
said Court may think just. R.S. 1936, c. 84, s. 231.

235. The Registrar of the Court shall thereupon certify to the
Speaker, or, if there is no Speaker, to the Clerk of the House, the
judgment and decision of the Court of Appeal upon the several
questions and matters of fact as well as of law upon which the
Judge whose decision is appealed against might otherwise have
determined or certified, in the same manner as the Judge whose
decision is appealed against would otherwise have done; and the
said judgment or decision shall be final to all intents and purposes.
R.S. 1936, c. 84, s. 232.

236. Instead of certifying as aforesaid, the Court of Appeal,
anon such conditions as to costs and otherwise as the said Court
may think fit, may grant a new trial for the purpose of taking
evidence or additional evidence, and may remit the case back to
the Judge who tried the same, or to some other Judge; and, sub-
ject to the directions given by the Court of Appeal, the case shall
be thereafter proceeded with as if there had been no appeal.
R.S. 1936, c. 84, s. 233.


237. The Legislative Assembly, on being informed by the
Speaker of such certificate and report or reports (if any), shall
order the same to be entered in its Journals, and shall give the
necessary directions for confirming or altering the return, or for
issuing a writ for a new election, or for carrying the determina-
tion into execution, as circumstances may require. R.S. 1936,
c. 84, s. 234.

238. Where the Judge makes a special report, the Legislative
Assembly may make such order in respect of such special report
as it thinks proper. R.S. 1936, c. 84, s. 235.

239. Where the Judge reports to the Legislative Assembly that
certain persons named by him have been guilty of corrupt prac-
tices, and have not been furnished by him with certificates of
indemnity, such report, with the evidence taken by the Judge, shall be laid before the Attorney-General with a view to his instituting a prosecution against those persons, if the evidence is in his opinion sufficient to support a prosecution. R.S. 1936, c. 84, s. 236.

Withdrawal and Abatement.

240. An election petition under this Act shall not be withdrawn without leave of the Court or Judge, upon special application to be made in the manner and at the time and place prescribed. R.S. 1936, c. 84, s. 237.

241. No application shall be made for the withdrawal of a petition until after a notice of intention to apply for leave to withdraw has been published in two issues of the Gazette, and in two issues at least one week apart of a daily or weekly newspaper published or circulating in the electoral district to which the petition relates. R.S. 1936, c. 84, s. 238.

242. On the hearing of the application for withdrawal, any person who might have been a petitioner in respect of the election to which the petition relates may apply to the Court or Judge to be substituted as a petitioner for the petitioner so desirous of withdrawing the petition. R.S. 1936, c. 84, s. 239.

243. The Court or Judge may, if it or he thinks fit, substitute as a petitioner any such applicant as aforesaid, and may further, if the proposed withdrawal is, in the opinion of the Court or Judge, induced by corrupt bargain or consideration, by order direct that the security given on behalf of the original petitioner shall remain as security for any costs that may be incurred by the substituted petitioner, and that to the extent of the sum named in such security the original petitioner shall be liable to pay the costs of the substituted petitioner. R.S. 1936, c. 84, s. 240.

244. If no such order is made with respect to the security given on behalf of the original petitioner, security to the same amount as would be required in the case of a new petition, and subject to the like conditions, shall be given on behalf of the substituted petitioner before he proceeds with his petition, and within ten days after the order of substitution. R.S. 1936, c. 84, s. 241.

245. Subject as aforesaid, a substituted petitioner shall stand in the same position as nearly as may be, and be subject to the same liabilities, as the original petitioner. R.S. 1936, c. 84, s. 242.
246. If a petition is withdrawn, the petitioner shall be liable to pay the costs of the respondent. R.S. 1936, c. 84, s. 243.

247. Where there are more petitioners than one, no application to withdraw a petition shall be made, except with the consent of all the petitioners. R.S. 1936, c. 84, s. 244.

248. In every case of the withdrawal of an election petition under this Act, the Court or Judge shall report to the Speaker whether, in its or his opinion, the withdrawal of the petition was the result of any corrupt arrangement, or in consideration of the withdrawal of any other petition, and, if so, the circumstances attending the withdrawal. R.S. 1936, c. 84, s. 245.

249. An election petition under this Act shall be abated by the death of a sole petitioner or of the survivor of several petitioners. R.S. 1936, c. 84, s. 246.

250. The abatement of a petition shall not affect the liability of the petitioner to the payment of costs previously incurred. R.S. 1936, c. 84, s. 247.

251. On the abatement of a petition, notice of the abatement shall be given in the same manner as is provided in section 241, and within ten days after such notice has been given any person who might have been a petitioner in respect of the election to which the petition relates may apply to the Court or Judge to be substituted as a petitioner. R.S. 1936, c. 84, s. 248 (altered).

252. The Court or Judge may, if it or he thinks fit, substitute as a petitioner any such applicant who is desirous of being substituted, and on whose behalf security to the same amount is given as is required in the case of a new petition. R.S. 1936, c. 84, s. 249.

Practice.

253. The practice of the Supreme Court shall apply to election petitions, except in so far as the same is modified by the provisions of this Act. The rules of the Supreme Court as to endorsing the names and addresses of solicitors upon a writ of summons shall apply to an election petition. R.S. 1936, c. 84, s. 250.

Costs.

254. All costs, charges, and expenses of and incidental to the presentation of an election petition under this Act, and to the proceedings consequent thereon, with the exception of such costs, charges, and expenses as are by this Act otherwise provided for, shall be defrayed by the parties to the petition, in such manner
and in such proportions as the Court or Judge may determine, regard being had to the disallowance of any costs, charges, and expenses which may, in the opinion of the Court or Judge, have been caused by vexatious conduct, unfounded allegations, or unfounded objections on the part either of the petitioner or the respondent, and regard being had to the discouragement of any needless expense by throwing the burden of defraying the same on the parties by whom it has been caused, whether such parties are or are not on the whole successful. R.S. 1936, c. 84, s. 251.

255. The costs may be taxed in the prescribed manner, but according to the same principles as costs between solicitor and client are taxed in an action in the Court; and such costs may be recovered in the same manner as the costs of an action at law, or in such other manner as may be prescribed. R.S. 1936, c. 84, s. 252.

256. If any petitioner in an election petition presented under this Act neglects or refuses, for the space of six months after demand, to pay to any person summoned as a witness on his behalf, or to the respondent, any sum certified to be due to him for his costs, charges, and expenses, and if such neglect or refusal is within one year after such demand proved to the satisfaction of the Supreme Court, every person who has entered into a recognizance relating to the petition under the provisions of this Act shall be held to have made default in his recognizance, and the prescribed officer shall thereupon certify such recognizance to be forfeited, and the same shall be dealt with in manner provided by law for the return and levying of estreated recognizances. R.S. 1936, c. 84, s. 253.

Offences and Penalties.

257. If any candidate at an election for any electoral district is reported by a Judge on the trial of an election petition guilty by himself of corruptly treating, making any illegal payment, or of undue influence, or of any other corrupt practice or practices other than bribery, at the election, the candidate shall be incapable of being elected or sitting in the Legislative Assembly for that electoral district during the time for which members are elected for the Legislative Assembly then in existence. R.S. 1936, c. 84, s. 254.

258. Where it is found by the report of the Judge upon an election petition under this Act that bribery has been committed by or with the knowledge and consent of any candidate at an election, the candidate shall be deemed to have been personally guilty of bribery at the election, and his election, if he has been elected,
shall be void, and he shall be incapable of being elected to and of sitting in the Legislature during the seven years next after the date of his being found guilty; and he shall further be incapable during the said period of seven years:—

(a.) Of holding any municipal office; or
(b.) Of holding any judicial office, and of being appointed and of acting as a Justice; or
(c.) Of being registered as a voter, or of voting at any election under this Act. R.S. 1936, c. 84, s. 255.

259. If on the trial of any election petition questioning the election or return for any electoral district any candidate is found by the report of the Judge by himself or his agents to have been guilty of personation, or by himself or his agents to have aided, abetted, counselled, or procured the commission at the election of the offence of personation by any person, the candidate shall be incapable of being elected or sitting in the Legislative Assembly for that electoral district during the Legislative Assembly then in existence. R.S. 1936, c. 84, s. 256.

260. If on the trial of any election petition under this Act any candidate is proved to have personally engaged at the election to which the petition relates as a canvasser or agent for the management of the election any person knowing that such person has within seven years previous to his engagement been found guilty of any corrupt practice by any competent legal tribunal, or been reported guilty of any corrupt practice by the report of the Judge upon an election petition under this Act, the election of the candidate shall be void. R.S. 1936, c. 84, s. 257.

261. Any person, other than a candidate, found guilty of bribery or personation in any proceeding in which, after notice of the charge, he has had an opportunity of being heard shall, during the seven years next after the time at which he is so found guilty, be incapable of being elected to or sitting in the Legislative Assembly; and also be incapable:—

(a.) Of holding any municipal office; or
(b.) Of holding any judicial office, and of being appointed and of acting as a Justice; or
(c.) Of being registered as a voter, or of voting at any election under this Act. R.S. 1936, c. 84, s. 258.

262. If at any time after any person has become disqualified by virtue of this Act the witnesses, or any of them, on whose testimony that person has so become disqualified are convicted of perjury in respect of such testimony, it shall be lawful for that person to move the Court to order, and the Court shall, upon being
263. If any Returning Officer wilfully delays, neglects, or refuses duly to return any person who ought to be returned to serve in the Legislative Assembly for any electoral district, that person may, in case it has been determined on the hearing of an election petition under this Act that he was entitled to have been returned, sue the officer having so wilfully delayed, neglected, or refused duly to make the return at his election, in the Supreme Court, and shall recover double the damages he has sustained by reason thereof, together with full costs of suit; provided such action is commenced within one year after the commission of the act on which it is grounded, or within six months after the conclusion of the trial relating to the election. R.S. 1936, c. 84, s. 260.

264. If upon a petition to the Legislative Assembly verified by affidavits sworn by the petitioners and presented to the Clerk of the House within twenty-one days after the return of a member to serve in the Legislative Assembly for any electoral district, or within fourteen days after the beginning of the first meeting of the Legislative Assembly after the return, and signed by two or more electors of the district, and alleging that corrupt practices have extensively prevailed at the then last election for the district, or that there is reason to believe that corrupt practices have there so prevailed, or if upon the Judge making a report to that effect to the Legislative Assembly as hereinbefore provided, an address is presented by the Legislative Assembly to the Lieutenant-Governor, praying that such allegation may be inquired into, the Lieutenant-Governor may appoint Commissioners to inquire into the same. R.S. 1936, c. 84, s. 261 (altered).

265. In case any of the Commissioners so appointed dies, resigns, or becomes incapable to act, it shall be lawful for the surviving or continuing Commissioners or Commissioner to act in such inquiry as if they or he had been solely appointed to be Commissioners or a sole Commissioner for the purposes of such inquiry, and (as to such sole Commissioner) as if this Act had authorized the appointment of a sole Commissioner; and all the provisions of this Act concerning the Commissioners appointed to make any such inquiry shall be taken to apply to the surviving or continuing Commissioner or Commissioners. R.S. 1936, c. 84, s. 262.
266. Every Commissioner appointed in pursuance of this Act shall, before entering upon the duties of his office, take the following oath, namely:—

I, A. B., do swear [or affirm, as the case may be] that I will truly and faithfully execute the powers and trusts vested in me by His Honour the Lieutenant-Governor, under and pursuant to the "Provincial Elections Act," according to the best of my knowledge and judgment. So help me God.

before a Judge of the Supreme Court. R.S. 1936, c. 84, s. 263.

267. It shall be lawful for any Commissioners appointed under this Act to appoint, and at their pleasure dismiss, a secretary, and also, with the consent of the Lieutenant-Governor in Council, to appoint so many clerks and stenographers as are deemed necessary for the purpose of conducting the inquiry to be made by them, and to pay to such secretary, clerks, and stenographers such salaries and allowances as are fixed and provided by the Lieutenant-Governor in Council. R.S. 1936, c. 84, s. 264.

268. The Commissioners appointed under this Act to make inquiry as aforesaid in relation to any electoral district shall, upon their appointment, or so soon thereafter as conveniently may be, proceed to the electoral district, and shall from time to time hold meetings for the purposes of the inquiry at some convenient place within the district, and shall have power to adjourn such meetings from time to time, and from any one place to any other place within the electoral district, as to them may seem expedient: Provided that if it is made to appear to the Commissioners that the convenience of the electors of the electoral district, and of the persons desiring or summoned to appear and testify before the Commissioners in relation to the inquiry, would be served by holding a meeting or meetings at any place or places without the limits of the electoral district, the Commissioners may, in their discretion, hold a meeting or meetings at such place or places without the limits of the district, either in addition to or in lieu of holding meetings within the limits of the district. R.S. 1936, c. 84, s. 265.

269. Notice of the appointment of any Commissioners appointed under this Act, of the purpose and scope of the inquiry which they are appointed to make, and of the time and place of holding their first meeting shall be published in the Gazette and in some newspaper or newspapers published or in general circulation in the electoral district in which such inquiry is to take place. R.S. 1936, c. 84, s. 266.

270. The Commissioners shall by all lawful means inquire into the manner in which the then last election in the electoral district
in which the inquiry is taking place has been conducted, and
whether any corrupt practices have been committed at the elec-
tion, and, if so, the manner of the commission of such corrupt
practices, and all such particulars in relation thereto as may be
necessary to fully inform the Commissioners in regard to such
corrupt practices, and of the person or persons guilty thereof
and concerned, aiding, or abetting therein, and all acts done or
omitted in the commission of such corrupt practices, whether
before or after the election; and in case the Commissioners find
that corrupt practices have been committed at the election into
which they are hereinbefore authorized to inquire, it shall be
lawful for them to make the like inquiries concerning the latest
previous elections for the electoral district, and so in like manner
from election to election as far back as they may think fit; but
where, upon inquiry as aforesaid concerning any election, the
Commissioners do not find that any corrupt practices have been
committed thereat, they shall not inquire concerning any previous
election. R.S. 1936, c. 84, s. 267.

271. The Commissioners shall from time to time report to the
Lieutenant-Governor in Council the evidence taken by them and
what they find concerning the matters in the last preceding
section referred to, and especially the Commissioners shall report,
with respect to each election, the names of all persons whom they
find to have been guilty of corrupt practice at the election, and as
well of those who have given bribes for the purchase or for the
purpose of purchasing the votes of others as of those who have
themselves received money or any other valuable consideration
for having given or having refrained from giving, or for the
purpose of inducing others to give or refrain from giving, their
votes at the election, and all other things whereby, in the opinion
of the Commissioners, the truth may be better known touching
the premises. R.S. 1936, c. 84, s. 268.

272. Every report which the Commissioners make to the
Lieutenant-Governor in Council in pursuance of this Act shall be
laid before the Legislative Assembly within fifteen days next
after the report is made, if the Legislative Assembly is then sit-
ting, or if the Legislative Assembly is not then sitting, then
within fifteen days next after the then next meeting of the Legis-
Lative Assembly. R.S. 1936, c. 84, s. 269.

273. It shall be lawful for the Commissioners, by a summons
under their hands and seals, or under the hand and seal of any
one of them, to require the attendance before them, at a place
and time to be mentioned in the summons, which time shall be a
reasonable time from the date of the summons, of any persons
whomsoever whose evidence, in the judgment of the Commissioners, may be material to the subject-matter of the inquiry to be made by the Commissioners, and to require all persons to bring before them such books, papers, deeds, and writings as to the Commissioners appear necessary for arriving at the truth of the things to be inquired into by them under this Act; all which persons shall attend the Commissioners, and shall answer all questions put to them by the Commissioners touching the matters to be inquired into by them, and shall produce all books, papers, deeds, and writings required of them, and in their custody or under their control, according to the tenor of the summons: Provided that no statement made by any person in answer to any question put by the Commissioners shall, except in cases of indictment for perjury committed in such answers, be admissible in evidence in any proceeding, civil or criminal. R.S. 1936, c. 84, s. 270.

274. For the more effectually prosecuting any inquiry under this Act, every person who has been engaged in any corrupt practice at or connected with an election to which any inquiry under this Act relates, and who is examined as a witness, and gives evidence touching such corrupt practice before the Commissioners appointed under this Act to make the inquiry, and who, upon such examination, makes a true discovery to the best of his knowledge touching all things to which he is so examined, shall be freed from all penal actions, forfeitures, punishments, disabilities, and incapacities, and all criminal prosecutions to which he may have been or may become liable or subject at the suit of the Crown or any other person, for anything done by him in respect of such corrupt practice; and no person shall be excused from answering any question put to him by the Commissioners on the ground of any privilege, or on the ground that the answer to the question will tend to criminate such person. R.S. 1936, c. 84, s. 271.

275. Where any witness is so examined as aforesaid, the witness shall not be indemnified under this Act unless he receives from the Commissioners a certificate in writing under their hands stating that the witness has, upon his examination, made a true disclosure touching all things to which he has been so examined; and if any action, information, or indictment is at any time pending in any Court against any person so examined as a witness in manner above mentioned for any corrupt practice at any election to which the inquiry made by the Commissioners had reference, such Court shall, on the production and proof of such certificate, stay the proceedings in the action, information, or indictment, and may, in its discretion, award to such person such
costs as he may have been put to in the action, information, or
indictment. R.S. 1936, c. 84, s. 272.

276. It shall be lawful for the Commissioners, or one of them,
to administer an oath, or an affirmation where an affirmation
would be admitted in a Court of justice on the ground of religious
scruples, to all persons who are examined before them touching
the things to be inquired into by them under this Act. R.S. 1936,
c. 84, s. 273.

277. If any person on whom any summons has been served, by
the delivery thereof to him, or by the leaving thereof at his usual
place of abode, fails to appear before the Commissioners at the
time and place specified in the summons, or, having appeared
before the Commissioners, refuses to be sworn, or to make answer
to such questions as are put to him touching the matters in ques-
tion by the Commissioners, or to produce and show to the
Commissioners any papers, books, deeds, or writings being in
his possession or under his control, which the Commissioners may
deer necessary to be produced, or if any person is guilty of any
contempt of the Commissioners or their office, the Commissioners
shall have such powers, to be exercised in the same way, as any
Judge of the Supreme Court; and all gaolers, Sheriffs, constables,
bailiffs, and all other police officers shall give their aid and assis-
tance to the Commissioners in the execution of their office. R.S.
1936, c. 84, s. 274.

278. The Commissioners shall have power, if they deem fit, to
award to any witness summoned to appear before them a reason-
able sum for his travelling expenses, and for his maintenance,
according to a scale to be determined and approved by the Lieu-
tenant-Governor in Council, and the Commissioners shall certify
to the Lieutenant-Governor in Council the names of the witnesses,
together with the sums allowed to each, and such sums shall be
paid to the witnesses out of any moneys which may be provided
by the Legislative Assembly for the purposes of the Commission,
or, failing a special vote for the Commission, then out of any
moneys which may have been voted for "Elections" or "Miscel-
lanous." R.S. 1936, c. 84, s. 275.

279. It shall be lawful for the Lieutenant-Governor in Council
to make an order for the payment of the necessary expenses of
any inquiry under this Act; and every Commissioner to be
appointed under this Act shall be paid, at the conclusion of the
inquiry, over and above his travelling and other expenses, such
sum as the Lieutenant-Governor in Council may think fit; and
any Commissioners so appointed shall, after the termination of
their last sitting, and after they have made their report to the Lieutenant-Governor in Council as hereinbefore directed, lay or cause to be laid before the Lieutenant-Governor in Council a statement of the number of days they have been actually employed in the inquiry made by them, together with an account of the travelling and other expenses of each of the Commissioners; and the Lieutenant-Governor in Council shall make an order for the payment to each Commissioner of the sum which the Lieutenant-Governor in Council thinks fit to be paid to him, and in respect of his travelling and other expenses, which payments shall be made out of any moneys which may be provided by the Legislative Assembly, as mentioned in the last preceding section. R.S. 1936, c. 84, s. 276.

280. All Commissioners appointed under this Act shall have the like protection and privileges, in case of any action brought against them for any act done or omitted to be done in the execution of their duty, as is given by law or by any Act in force to the Judges of the Supreme Court. R.S. 1936, c. 84, s. 277.

281. No action shall be brought against any Commissioners appointed under this Act, or any other person whomsoever, for anything done in the execution of this Act, unless the action is brought within six calendar months next after the doing of such thing. R.S. 1936, c. 84, s. 278.

282. This Act shall come into operation and the “Provincial Elections Act,” being chapter 84 of the “Revised Statutes of British Columbia, 1936,” shall be repealed at such time as may be fixed by the Lieutenant-Governor by his Proclamation. (New.)

SCHEDULE.

FORM 1.

(Section 11.)

AFFIDAVIT IN SUPPORT OF APPLICATION FOR REGISTRATION AS A PROVINCIAL VOTER.

CANADA: [Province of British Columbia.]

I,* do hereby apply to have my name inserted in the list of voters for Polling Division of the Electoral District, and I do hereby make oath and say [or solemnly affirm]:—

1. That I now reside at*, in the Electoral District, and my post-office address is , British Columbia.

2. [Insert here street and house number, or number of lot or block and section, etc.]

3. [Insert here Christian names and surname in full, and occupation.]

4. [Signatures of witnesses.]

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2. That I am of the sex, of the full age of twenty-one years, and a British subject by birth [or naturalization].

[Or as appears by the Certificate of Naturalization submitted herewith]:

[Or by reason of my name having been included in a Certificate of Naturalization granted to my father [or mother], whose name is , while resident at , and during my minority]:

[Or by reason of my husband, whose name is , having become naturalized by virtue of a Certificate of Naturalization granted to him at , on the day of , 19 , while I was his wife]:

[Or by reason of my having become the wife of a British subject whose name is , by a marriage which took place at on the day of , 19 ].

3. That I have resided in the Province of British Columbia for six months immediately preceding the date of this my application to be registered as a voter.

4. That I have for one month of that period immediately preceding the said date resided in the Electoral District, and am not registered as a Provincial voter in any electoral district in British Columbia.

[Or That I am registered on the list of voters for the Electoral District and am not now resident in that electoral district and desire that my name be removed from the list of voters for that electoral district.]

5. That I am in no respect disqualified from being registered as a voter in the Electoral District.

Sworn [or affirmed] before me at , in the Province of British Columbia, this day of , 19 .

(Applicant will sign here in ink.)

__________

FORM 1A.

(Section 11.)

AFFIDAVIT IN SUPPORT OF APPLICATION FOR REGISTRATION AS A PROVINCIAL VOTER.

_____________________________________________________

(Surname.) (Christian names.) (Address.) (Occupation.)

Do not write in above spaces.

CANADA:

PROVINCE OF BRITISH COLUMBIA.

I,* , do hereby apply to have my name inserted in the list of voters for Polling Division of the Electoral District.

1. I now reside at* , in the Electoral District, and my post-office address is , British Columbia.

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2. I am of the sex, of the full age of twenty-one years, and a British subject by birth [or naturalization].

[Or as appears by the Certificate of Naturalization submitted herewith):

[Or by reason of my name having been included in a Certificate of Naturalization granted to my father [or mother], whose name is , while resident at , and during my minority]:

[Or by reason of my husband, whose name is , having become naturalized by virtue of a Certificate of Naturalization granted to him at , on the day of , 19 , while I was his wife]:

[Or by reason of my having become the wife of a British subject, whose name is , by a marriage which took place at , on the day of , 19 ].

3. I have resided in the Province of British Columbia for six months immediately preceding the date of this my application to be registered as a voter.

4. I have for one month of that period immediately preceding the said date resided in , in the Electoral District, and am not registered as a Provincial voter in any electoral district in British Columbia.

[Or I am registered on the list of voters for the Electoral District and am not now resident in that electoral district and desire that my name be removed from the list of voters for that electoral district.]

5. That I am in no respect disqualified from being registered as a voter in the Electoral District.

FORM 2.

(Section 18.)

Certificate of Proof of Naturalization.

Canada:

Province of British Columbia.

This is to certify that , who now resides at , in the Electoral District, being an applicant for registration as a Provincial voter in the said electoral district, has furnished to me, pursuant to section 18 of the "Provincial Elections Act," proof of the fact that the said applicant is entitled within the Province of British Columbia to the privileges of a natural-born British subject; and the grounds which entitle the said applicant to such privileges are as follows:—

Dated at this day of , 19 .

(Signature.)

Registrar of Voters for Electoral District.

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FORM 3.
(Section 22.)

NOTICE TO VOTER LIABLE TO BE STRUCK OFF LIST.

To Mr. John Doe: No. on Voters List

Sir or Madam,—Section 24 (d) of the "Provincial Elections Act" requires me to strike off from the list of voters the names of all voters who did not vote at the last election. As it appears that you did not so vote, your name will be removed from the list at the next Court of Revision unless you file a claim for the retention of your name on the list; this you may do by signing and mailing to me the subjoined claim.

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Registrar of Voters, Electoral District.

CLAIM.

(Date.) , 19

I am still a permanent resident in this electoral district.
I claim the retention of my name on the list of voters.
Address
Occupation

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Signature of Voter.

NOTE.—If you no longer reside in this electoral district you should make application for registration to the Registrar of the District in which you now reside.

[The reverse side of the card.]

Registrar of Voters, Electoral District, B.C.

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FORM 4.
(Section 23.)

NOTICE OF OBJECTION.

To the Registrar of Voters for Electoral District:

I, being a person entitled to be registered as a voter in the said electoral district, object to the name of [describe person objected to as he is described in the list of voters], whose present post-office address is , being retained on the list of voters for the said electoral district, on the following grounds: [Here set forth the grounds of objection].

Dated this day of , 19 .

(Signature.)

(Post-office address.)
Notice to Person against Whom Objection is Filed.

In the Electoral District.

You are hereby notified that an objection has been filed with me to the retention of your name on the list of voters for the said electoral district prepared pursuant to the "Provincial Elections Act," and that a sitting of the Court of Revision to revise the said list of voters will be held at , commencing at o'clock in the noon on the day of , 19 , when and where such objection will be heard, of which you are hereby required to take notice and govern yourself accordingly.

The grounds of the said objection are as follows:—

Dated this day of , 19 .

(Signature.)

Registrar of Voters.

To______________________________

(Address.)________________________

N.B.—This notice must be sent by registered mail.

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Order for Attendance of Witnesses at Court of Revision.

To [here insert name, occupation, and residence]:

I, , Revising Officer for the Electoral District, do, pursuant to the provisions of the "Provincial Elections Act" in that behalf, order you personally to attend before the Court of Revision to be held on the day of , 19 , at o'clock in the noon, at , in the of , in the Province of British Columbia, and then and there to testify what you may know concerning the objection or application then to be investigated by the said Court, and so on from day to day, and you shall bring with you the papers herein particularly described, that is to say:—

Given under my hand at , in the Province of British Columbia, this day of , 19 .

(Signature.)

Revising Officer.
FORM 7.

*(Section 26.)*

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**NOTICE OF APPEAL.**

*To the Registrar of Voters for Electoral District:*

I hereby give you notice that on the day of , 19 , before the County Court of , to be holden at , I intend to have reviewed your decision, made on the day of , 19 , whereby you allowed [or disallowed] the name of to be placed on the list of voters for [or whereby you removed or refused to remove the name of from the list of voters for ] Electoral District.

Dated this day of , 19 .

*(Signature.)*

*(Post-office address.)*

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FORM 8.

*(Section 44.)*

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**WRIT OF ELECTION.**

________________________

*Lieutenant-Governor.*

GEORGE VI., by the Grace of God, of Great Britain, Ireland, and the British Dominions beyond the Seas, KING, Defender of the Faith, Emperor of India.

*To the Returning Officer of the Electoral District:*

We command you that, notice of the time and place of election being duly given, you do cause election to be made, according to law, of a member [or members, as the case may be] to serve in the Legislative Assembly of British Columbia for the Electoral District, and that you do cause the nomination of candidates at such election to be held at , in the said electoral district, on the day of , and do cause the name [or names] of such member [or members], when so elected, to be certified to the Deputy Provincial Secretary, at the City of Victoria, on or before the day of next, being the return-day of this Our Writ, distinctly and openly under your seal duly endorsed upon this Our Writ.

*In testimony whereof, We have caused these Our Letters to be made Patent under the Great Seal of Our Province of British Columbia.*

WITNESS, His Honour , at Our Government House, this day of , 19 .

*By Command.*

*(Signature.)*

*Deputy Provincial Secretary.*
FORM 9.
(Section 45.)

DECLARATION OF RETURNING OFFICER.

I, the undersigned, Returning Officer for the Electoral District, do solemnly declare that I will act faithfully in the capacity of Returning Officer, without partiality, fear, favour, or affection.

Dated this day of , 19 .

(Signature.)

Returning Officer.

Signed in the presence of—

FORM 10.
(Section 46.)

PROCLAMATION OF RETURNING OFFICER.

PROVINCE OF BRITISH COLUMBIA.

IN THE ELECTORAL DISTRICT.

To Wit:

Public notice is hereby given to the voters of Electoral District that in obedience to His Majesty's Writ to me directed, and bearing date the day of . in the year of our Lord one thousand nine hundred and , I require the presence of the said voters at [this must be the place fixed by the Lieutenant-Governor in Council for the nomination of candidates] on the day of , at twelve o'clock noon, for the purpose of nominating and electing a person [or persons, as the case may be] to represent them in the Legislature of this Province.

The mode of nomination of candidates shall be as follows:—

The candidates shall be nominated in writing; the writing shall be subscribed by two registered voters of the district as proposer and seconder, and by ten other registered voters of the said district as assenting to the nomination, and shall be delivered to the Returning Officer at any time between the date of this Proclamation and one p.m. of the day of nomination. In the event of a poll being necessary, such poll will be taken on the day of at , of which every person is hereby required to take notice and govern himself accordingly.

Given under my hand at this day of , 19 .

(Signature.)

Returning Officer.

Every person who destroys, mutilates, defaces, or removes any Proclamation of the Returning Officer posted up in pursuance of this Act, during the period for which it is required to be so posted up, shall be liable, on summary conviction, to a penalty not exceeding two hundred and fifty dollars.
FORM 11.

(Section 53.)

COMMISSION APPOINTING ELECTION CLERK.

To [set forth his name, profession, trade, or calling, and residence]:

Know you that, in the capacity of Returning Officer for the Electoral District, I have appointed and do hereby appoint you to be Election Clerk, to act in that capacity according to law, at the approaching Provincial election for this district.

Given under my hand at this day of , 19 .

(Signature.)

Returning Officer.

FORM 12.

(Section 53.)

OATH OF ELECTION CLERK.

I, the undersigned, appointed Election Clerk for the Electoral District, do solemnly swear [or, if he be one of the persons permitted by law to affirm, do 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, favour, or affection. So help me God.

Sworn [or affirmed] before me at this day of , 19 .

(Signature.)

Election Clerk.

FORM 13.

(Section 57.)

NOMINATION-PAPER.

We, the undersigned registered voters of the Electoral District, hereby nominate [names, residence, and additions or description of person nominated] as a candidate to represent the [name of person nominated] at the election now about to be held of a member to represent the said electoral district in the Legislative Assembly of the Province of British Columbia. The said [name of person nominated] is absent from the district in which the said election is to be held [if such is the case].

Witness our hands at , in the said electoral district, this day of , 19 .

(1) * Proposer.
(2) * Seconder.
(3) * Assenting
(4) * to the
(5) * nomination.

(Add sufficient numbered lines here to accommodate the required number of signatures.)

* In each case give full Christian names and surname, and their respective addresses and occupations.
CONSENT OF CANDIDATE.

(Section 58.)

I, the said , nominated in the foregoing nomination-paper, hereby consent to such nomination.

Witness my hand at this day of , 19.

Signed by the said nominee in the presence of—

(Signature.)

FORM 14.

(Section 61).

NOTICE OF POLL.

PROVINCE OF BRITISH COLUMBIA.

IN THE ELECTORAL DISTRICT.

To Wit:

Public notice is hereby given to the voters of the electoral district aforesaid that a poll has become necessary at the Provincial election now pending for the same, and that I have granted such poll; and, further, that the persons duly nominated as candidates at the said election, and for whom only votes will be received, are:

<table>
<thead>
<tr>
<th>Surname</th>
<th>Other Names</th>
<th>Abode</th>
<th>Rank, Profession, or Occupation</th>
<th>Party or Interest represented</th>
</tr>
</thead>
<tbody>
<tr>
<td>BROWN</td>
<td>JOHN</td>
<td>Victoria City</td>
<td>Merchant</td>
<td></td>
</tr>
<tr>
<td>JONES</td>
<td>WILLIAM DAVID</td>
<td>New Westminster</td>
<td>Esquire</td>
<td></td>
</tr>
<tr>
<td>MERTON</td>
<td>JAMES</td>
<td>Cariboo</td>
<td>Miner</td>
<td></td>
</tr>
<tr>
<td>SMITH</td>
<td>HENRY SIDNEY</td>
<td>Nanaimo</td>
<td>Barrister-at-law</td>
<td></td>
</tr>
</tbody>
</table>

(As in the Nomination-papers.)

Polling-places will be open on the day of , at the following places:

Of which all persons are hereby required to take notice and to govern themselves accordingly.

Given under my hand at this day of , 19.

(Signature.)

Returning Officer.

Every person who destroys, mutilates, defaces, or removes any Proclamation of the Returning Officer posted up in pursuance of this Act, during the period for which it is required to be so posted up, shall be liable, on summary conviction, to a penalty not exceeding two hundred and fifty dollars.
FORM 15.

(Section 73.)

DECLARATION OF CANDIDATE.

PROVINCE OF BRITISH COLUMBIA.

To Wit:

I, do hereby most solemnly and sincerely declare that I am duly registered on the current list of voters for the Electoral District as revised pursuant to the "Provincial Elections Act," and that I have resided in this Province for the space of twelve months, and that I am not, to the best of my belief, in any way disqualified for election as a member of the Legislative Assembly of the said Province.

Taken and acknowledged before me at this day of , 19 .

(Signature.)

FORM 16.

(Section 74.)

COMMISSION APPOINTING DEPUTY RETURNING OFFICER.

To [insert his title or occupation and address]:

Know you that, in my capacity of Returning Officer for the Electoral District, I have appointed and do hereby appoint you to be a Deputy Returning Officer for Polling Division No. in the Electoral District, to take and record the votes of the electors at , in the said polling division, at the Provincial election now pending.

Given under my hand at this day of , 19 .

(Signature.)

Returning Officer.

FORM 17.

(Section 75.)

DECLARATION OF DEPUTY RETURNING OFFICER.

I, the undersigned, appointed Deputy Returning Officer for Polling Division No. of the Electoral District, 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 said capacity of Deputy Returning Officer, without partiality, fear, favour, or affection.

Dated this day of , 19 .

(Signature.)

Deputy Returning Officer.
FORM 18.
(Section 77.)

COMMISSION APPOINTING POLL CLERK.

To [insert name, profession, trade, or calling, and residence]:

Know you that, in my capacity of Deputy Returning Officer for Polling Division No. of the Electoral District, I have appointed and do hereby appoint you to be Poll Clerk to assist me in taking the poll at the Provincial election now pending.

Given under my hand at this day of , 19 .

(Signature.)

Deputy Returning Officer.

FORM 19.
(Section 79.)

OATH OF POLL CLERK.

I, the undersigned, , appointed Poll Clerk to assist in taking the poll in the Polling Division of the Electoral District at the Provincial election now pending, 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.

Sworn [or affirmed] before me at this day of , 19 .

(Signature.)

Poll Clerk.

FORM 20.
(Section 86.)

DECLARATION OF SECRECY.

I, , do solemnly declare that I will not at this election for [set forth the object of the election and the electoral district in which it is to be held] do anything forbidden by section 85 of the "Provincial Elections Act," which has been read to me; and I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the "Canada Evidence Act."

Declared before me at this day of , 19 .

(Signature.)

Note — The section must be read to the declarant by the person taking the declaration.
DOE,
John Doe, of Victoria, Merchant.
(Space for political party or interest.)

ROE,
Richard Roe, of Richfield, Miner.
(Space for political party or interest.)

STILES, GEORGE,
George Stiles, of Nanaimo, Solicitor.
(Space for political party or interest.)

STILES, JOHN,
John Stiles, of Atlin, Barrister-at-law.
(Space for political party or interest.)
DIRECTIONS FOR PRINTING BALLOT-PAPERS.

Nothing is to be printed on the ballot-paper or counterfoil or stub except in accordance with this form.

The surname of each candidate, and if there are two or more candidates of the same surname, also the other names of such candidates, shall be printed in large characters, as shown in the form, and the name, address, and description, and the political party or interest of each candidate respectively shall be printed in small characters. The names shall be as in the nomination-paper.

The whole ballot-paper shall be coloured black, except the spaces in which are printed the names of the candidates and the square spaces opposite, which shall be white as shown in the above form. There shall be no white margin on any side of the ballot-paper. The dotted lines indicate lines of perforations for easily detaching the counterfoil and ballot-paper from the stub and the ballot-paper from the counterfoil.

FORM 22.

(Section 96.)

DIRECTIONS FOR THE GUIDANCE OF VOTERS IN VOTING.

The voter may vote for candidate .

The voter will go into one of the compartments and, with a black-lead pencil, place a cross in the white square opposite the name of each candidate for whom he votes, thus X.

The voter will then fold the ballot-paper across so as to conceal the names of the candidates and the marks upon its face, but so as to expose the numbers on the counterfoil, and, leaving the compartment, will, without showing the front of the ballot-paper to any one, hand it to the Deputy Returning Officer, who shall in full view of the voter remove the counterfoil and destroy it before placing the ballot-paper in the ballot-box. The voter will then leave the polling-booth.

If a voter inadvertently spoils a ballot-paper he can return it to the Deputy Returning Officer, who will, if satisfied of such inadvertence, give him another ballot-paper.

If a voter votes for more than candidate , or places any mark on the ballot-paper by which he may be afterwards identified, his ballot-paper will be cancelled and not counted.

If the voter takes a ballot-paper out of the polling-booth, or deposits in the ballot-box any other paper than the one given him by the Deputy Returning Officer, he shall, on summary conviction, be liable to imprisonment for any term not exceeding six months.

NOTE.—These directions shall be illustrated by examples of the ballot-paper.
FORM 23.
(Section 103.)

DECLARATION OF INABILITY TO READ.

I, A. B., being numbered on the list of voters for the Electoral District, do hereby declare that I am unable to vote in the manner prescribed by reason of blindness or other physical incapacity.

A. B., [his mark or signature].

Dated this day of , 19 .

I, the undersigned, being a Deputy Returning Officer at the polling-place of Polling Division No. of the Electoral District, do hereby certify that the above declaration, having been first read to the above-named A. B., was signed by him in my presence with his mark or signature.

Dated this day of , 19 .

(Signature.) C. D., Deputy Returning Officer.

FORM 24.
(Section 103.)

OATH OF FRIEND OF VOTER.

You swear [or solemnly affirm] that you will keep secret the name of the candidate or candidates for whom you mark the ballot-paper of the voter on whose behalf you act and that you have not already acted as the friend of any other voter for the purpose of marking his ballot-paper at this election. So help you God.

FORM 25.
(Sections 113 and 114.)

AFFIDAVIT ON APPLICATION FOR ABSENT VOTER'S BALLOT-PAPER.

I, , do hereby apply for an absent voter's ballot-paper at the election now pending, and I do hereby make oath and say:—

1. That I am duly registered, pursuant to the "Provincial Elections Act" of British Columbia, under the above name as a Provincial voter in the Electoral District, and at the time of my application for registration therein I resided at [here insert street and house number, or number of lot, or other local description], in the said electoral district, and I am not disqualified by law from voting at the election now pending.

2. At the election now pending, it is not convenient for me to attend personally for the purpose of voting in the polling division in which I am registered.

3. I am of the sex, and I have not marked any ballot-paper for the election now pending, nor have I received anything, nor has anything been promised to me, either directly or indirectly, in order to induce me to vote, or to refrain from voting, at the election now pending.

Sworn [or affirmed] before me at in the Province of British Columbia, this day of , 19 .

(Signature of Applicant.)

Deputy Returning Officer.

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N.B.—The whole ballot-paper shall be coloured black, except the spaces in which the names, residences, and occupations of the candidates are to be written, and the square spaces opposite, which shall be white as shown in the above form. There shall be no white margin on any side of the ballot-paper.

FORM 27.
(Section 122.)

CERTIFICATE OF NAMES OF PERSONS ELECTED.

PROVINCE OF BRITISH COLUMBIA.

To Wit:

I do hereby certify that, in obedience to the annexed writ of election to me directed, I have caused an election to take place within the Electoral District, and that the voters of the said district have chosen to represent the said district in the Legislative Assembly.

Dated this day of , 19 .

[Seal.]

(Signature.)

Returning Officer, Electoral District.
FORM 28.
(Section 122.)

CERTIFICATE TO CANDIDATE ELECTED.

Province of British Columbia.

To Wit:

To:

I do hereby certify that, in obedience to the writ of election to me directed, I have caused an election to take place within the Electoral District, and that the voters of the said district have chosen you to represent the said district as a member [or one of the members] for the said district in the Legislative Assembly.

Dated this day of , 19 .

(Signature.)

Returning Officer.

FORM 29.
(Section 171.)

RETURN OF CANDIDATE’S ELECTION EXPENSES.

Province of British Columbia.

In the Electoral District:

The following is a true return of all the election expenses incurred by me, the candidate, or, so far as I am aware, by any agent on my behalf, at the election held in the said Electoral District on the day of , 19 , and of all disputed and unpaid claims against me or my agent in respect of said election of which I am aware.

The said election expenses were as follows:—

The said disputed and unpaid claims are as follows:—

The foregoing statement includes all the expenses and claims aforesaid of which I, the official agent of said candidate, am aware.

Dated this day of , 19 .

(Candidate.)

(Official agent.)

(Note.—If no official agent was appointed, so state.)

FORM 30.
(Section 174.)

RETURN OF ELECTORAL EXPENSES INCURRED BY CENTRAL COMMITTEE.

We, the undersigned, Secretary and Treasurer of the central or general committee of the [state name of political party] Party in the Province of British Columbia, hereby severally certify the following to be a true return of the total electoral expenses incurred by the said committee, or by or through any officer or member thereof, in connection with the election for the Legislative Assembly for the Province of British Columbia held on the day of , 19 , that is to say:—
(a.) The following is a statement of all electoral expenses incurred:—

(b.) The following is a statement of all disputed and unpaid claims against the said committee in respect of the said election of which the said Secretary or Treasurer is aware:—

The foregoing statement includes all the expenses and claims aforesaid of which we, the said Secretary and Treasurer, or either of us, are aware.

Dated this day of , 19 .

(Secretary.) ____________________________

(Treasurer.) ____________________________

R.S. 1936, c. 84, Sch. (altered).