

be necessary in any such case to hold a poll for election, but in lieu thereof the said Sheriff for the first election under this Act shall make return to the Councillors elect, and thereafter the Town Clerk shall in each case make return to the Town Council, at their first meeting after such election, certifying the name or names of the candidate or candidates so nominated, and that no more have been duly nominated than the number requisite to be returned, or that the number of candidates has been reduced by such retirement to the number requisite to be returned, and every such return shall have the like effect as if the person and persons so nominated had been returned elected under the provisions of this Act.

#### POLLING.

31. The Commissioner for each Ward shall have, for the purposes of the election, and during the time of holding the same, all the power and authority of a Justice of the Peace, and shall at the opening of the poll read aloud the names of the candidates for such Ward, and open the ballot box, and in the presence of the candidates, or their agents, and the electors or such of them respectively as shall be present, ascertain that it is empty, and shall then proceed to receive the votes of the electors of such Ward; every elector before he shall be permitted to vote, shall state his name and residence, and the Commissioner must then find his name in the Register and mark it; and the Poll Clerk shall, under the direction of the Commissioner, enter the name of each elector voting on the check list, and any other fact such Commissioner may require him to note down; and all votes at such elections shall be given by ballot as hereinafter provided.

32. It shall be the duty of the said Sheriff for the first election under this Act, and thereafter of the Town Clerk, to prepare a list for each Ward, signed by such Sheriff or Town Clerk respectively, shewing all the persons nominated as Councillors for every such Ward; of which list, for the Ward in which he shall vote, each elector, in case it shall be necessary to hold a poll for election, shall be entitled to receive from the Commissioner holding the poll therein a printed copy.

33. Each elector qualified as aforesaid and wishing to vote, shall deliver to the Commissioner one of the said printed lists, having first struck out therefrom all names but those of the persons or person for whom he may intend to vote; and shall also produce to such Commissioner, for his inspection, a receipt from the Receiver or Collector of Taxes of the said Town for the payment of his taxes for the year next preceding such election, in evidence of his having paid the same, and no ballot shall be received by any Commissioner without the production of such receipt; provided that in the case of any fireman or member of any hook and ladder or hose company, exempted from the payment of any taxes by the provisions of this Act, a certificate of such exemption, signed by the Treasurer or Receiver of Taxes of the said Town, shall be received at every such election in lieu of the receipt aforesaid, to the amount of such exemption; and the said Treasurer shall, on the application of any such person, furnish such certificate to him without fee or reward.

34. The Commissioner shall ascertain that the ballot is single without reading it, and then shall deposit it without delay in the ballot box; and should he discover the same not to be single, the ballot shall be immediately rejected, and the party who tendered the same shall be deprived of his right of voting at that election.

35. Every elector before he shall be admitted to vote, if required by the Commissioner, or any candidate or elector, take the oaths following, or either of them, to be administered to him by the Commissioner, that is to say:—

“I, A. B., do swear that I am qualified to vote at this election, I reside at \_\_\_\_\_, that I am the person named in the Register, and that I have not given my vote before at this election.—So help me God.”

Also the following:—

“I, A. B., do swear that I have not received, by myself or another, or any person in trust for me, or to my use

directly or indirectly, any sum of money, office, place or employment, gift or reward, or any promise or security for any money, office or employment, or gift or reward, in order to give my vote in this election.—So help me God.”

And every Commissioner who shall, on request, refuse or neglect to administer either of the said oaths, shall for every offence forfeit the sum of one hundred dollars, which any person may recover with costs.

36. If any person shall fraudulently vote at any election by personating any elector, or being qualified shall vote more than once at any election, for every offence any such person shall commit he shall forfeit the sum of forty dollars, and it shall be the duty of the Town Clerk to prosecute therefor to the use of the said Town.

37. The poll for election shall be opened in each Ward at eight o'clock in the forenoon, and shall continue open till two o'clock in the afternoon of the same day; and immediately after the final close of the poll the ballot box shall be opened, and all the votes given in the Ward shall be sorted, counted, and publicly declared by the Commissioner in the presence of the candidates or their representatives if they choose to attend; and if in sorting the votes it shall be found that a ballot is double, or that two or more ballots are enclosed in the same cover, or if any ballot shall not have a sufficient number of names struck out therefrom to reduce the number of persons voted for to that of the Councillors or Councillor to be elected, or if any paper purporting to be a ballot shall be found not being one of the said printed lists, all such ballots shall be rejected, and in making such declaration the whole number of votes or ballots given in shall be distinctly stated, together with the name of every person voted for, and the number of votes given for each person respectively; and the Commissioner shall publicly make out a written statement or declaration of the result of such poll, and with the Poll Clerk shall subscribe the same, and also the said check list, and shall then publicly destroy the ballots deposited at the polling place, and close and seal the said statement and check list.

38. The said statements and check lists for the several Wards shall at the first election to be held under this Act, be deposited with the Sheriff of the City and County of Saint John by the said Commissioners respectively before ten o'clock in the morning of the day succeeding such election, and at every subsequent election shall in like manner be deposited with the Town Clerk of the said Town of Portland before ten o'clock in the morning of the day succeeding such election; and for the said first election under this Act the said Sheriff shall examine all the returns from the respective Wards, and shall by himself or his deputy attend the first meeting of Councillors elect, to be held as hereinafter provided, and then and there declare the persons having the greater number of votes in each Ward respectively to be duly elected; and at every subsequent election the said Town Clerk shall lay the said statements and check lists, so closed and sealed as aforesaid, before the Town Council of the said Town at their first meeting thereafter, and the Town Council shall thereupon publicly examine all the returns from the respective Wards, and shall declare the persons or person having the greater number of votes in each respectively at such election to be duly elected.

39. In case there shall be an equal number of votes polled at any election for two or more persons, a new election shall be held in respect of such persons to determine the same, and such election shall be held in all respects as hereinbefore provided for the election of Councillors at which such equal number of votes shall have been polled, or so nearly as may be in conformity thereto.

#### CONTESTED ELECTIONS.

40. If any candidate or duly qualified elector be dissatisfied with the decision of any Commissioner holding any election under this Act, in any case relating to the return of a Councillor or Councillors, such candidate or elector shall within ten days next after the day of such election, make application in writing through the said Sheriff or the Town Clerk to the