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C 9 Personation Act

Ontario

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CHAPTER 9.

An Act to provide for the Prompt Punishment for Personation at Elections for the Legislative Assembly.

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

1. This Act may be cited as The Punishment for Personation Act. 9 Edw. VII. c. 3, s. 1.

2. In this Act "county" shall include "district." 9 Edw. VII. c. 3, s. 2.

3. Where a person is charged at a place of registration under The Manhood Suffrage Registration Act, or at a polling place with having committed the offence of personation as defined by the said Act or by The Ontario Election Act, the registrar or deputy returning officer at such place may take the information on oath of the person making the charge, and it shall be the duty of the registrar or deputy returning officer to take the information when requested so to do by a candidate or his agent. 9 Edw. VII. c. 3, s. 3.

4. Where the information is laid before a registrar and a warrant is issued by him under this Act, or, notwithstanding the provisions of section 201 of The Ontario Election Act, where the information is laid before a deputy returning officer, and a warrant for the arrest of the offender is issued by him under this Act, the punishment or penalty imposed by law may be imposed by or recovered before a police magistrate or two justices of the peace in a summary manner under The Ontario Summary Convictions Act, and every warrant issued by such officer shall be presumed to have been issued under this Act. 9 Edw. VII. c. 3, s. 4.

5. Where the person against whom it is proposed to lay the information has not left the place of registration or the polling place, the registrar or deputy returning officer may, either of his own motion or at the request of any one proposing forthwith to lay any information against such person, detain him or direct his detention until an information can be laid and a warrant for his arrest issued. 9 Edw. VII. c. 3, s. 5.
6. Where the information is laid, the registrar may on any day during which a sitting for registration is held, or the deputy returning officer may on the polling day, but not afterwards, issue his warrant for the arrest of the person charged, in order that he may be brought before the police magistrate or justices of the peace to answer the information and to be further dealt with according to law. 9 Edw. VII. c. 3, s. 6.

7. The warrant shall be sufficient authority for any constable, peace officer or gaoler to detain such person until he is brought before the police magistrate or justices of the peace. 9 Edw. VII. c. 3, s. 7.

8. Where the correct name of the person charged is unknown to the informant, it shall be sufficient in the information and other proceedings to describe the person charged as a person whose name is unknown, but who is detained by the authority of the registrar or deputy returning officer under the provisions of this Act; or the person charged may be described in such other manner as may sufficiently identify him; but when the name of the person so charged has been ascertained, it shall be stated in any subsequent warrant or proceeding. 9 Edw. VII. c. 3, s. 8.

9. Every registrar's clerk and every poll clerk shall have the authority of a constable for the purpose of carrying out the provisions of this Act; and every registrar and deputy returning officer may appoint such special constables as he deems necessary for the like purpose; and such persons shall have full power to act without taking any oath. 9 Edw. VII. c. 3, s. 9.

10. Informations or warrants may be in accordance with the forms in the Schedule hereto, but it shall not be necessary that a warrant shall have a seal affixed thereto, and the omission of a seal, where a warrant purports to be sealed, shall not invalidate it. 9 Edw. VII. c. 3, s. 10.

11. Every crown attorney shall keep in his office a sufficient supply of printed forms of such informations and warrants, and shall upon the request of the chairman of a board of manhood suffrage registrars furnish him with as many of such forms as are necessary for the use of the registrars, and shall upon the request of the returning officer furnish him with as many of such forms as are necessary for the use of the deputy returning officers; and every returning officer shall, before the polling day, furnish each deputy returning officer with at least ten of each of such forms. 9 Edw. VII. c. 3, s. 11.

12.—(1) For providing and furnishing the forms, the crown attorney shall be allowed $4 for each election for which such forms are supplied, to be paid on the production
of the receipts of the officer or officers to whom they were furnished.

(2) The fees and the disbursements of the crown attorney in obtaining the forms shall form part of the expenses of criminal justice. 9 Edw. VII. c. 3, s. 12.

13. Every person 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, $400. 9 Edw. VII. c. 3, s. 13.

SCHEDULE.
FORM 1.

(See Section 87 of the Manhood Suffrage Registration Act.)

Information for Personation at a Place of Registration of Manhood Suffrage Voters.

County of

The information of the of

of this day of 19 , before

the undersigned, a Registrar under The Manhood Suffrage Registration Act, for the

The informant says that he believes that (1) on this day at the sittings held in the of the at a place of registration in the said for the registration of voters under the said Act did commit the offence of personation contrary to the said Act for that the said (2) did apply to be registered in the name of another person, that is to say, in the name of C. D. (3).

A. B.,
Informant.

Taken and sworn (4) before me at the said place of registration and on the day and year above mentioned.

W. J.

NOTE.—(1) If the name of the person charged is unknown to the informant substitute "a person whose name is unknown to the informant, but who is now detained in the said place of registration under my order."

(2) Or "person, whose name is unknown."

(3) Or "having been once registered did apply to be again registered under the said Act."

(4) Or, if the informant is a person who may by law affirm in civil cases then for "sworn" substitute "solemnly affirmed."

9 Edw. VII. c. 3, Form 1.
FORM 2.

(See Section 174 of The Ontario Election Act.)

Information for Personation at a Polling Place.

County of __________, __________.
The information of __________, taken this day of __________, 19__ , before the undersigned, a Deputy Returning Officer at a polling place in the __________, for an election then being held of a Member of the Legislative Assembly for the Electoral District of __________.

The informant says that he believes that (1) on this day at the said polling place did commit the offence of personation contrary to The Ontario Election Act, for that the said (2) did apply for a ballot paper in the name of another person, that is to say, in the name of C. D. (3).

A. B.,
Informant.

Taken and sworn (4) before me at the said polling place and on the day and year above mentioned.

W. J.

Note.—(1) If the name of the person charged is unknown to the informant substitute "a person whose name is unknown to the informant but who is now detained in the said polling place under my order."

(2) Or "person whose name is unknown."

(3) Or, "having voted at the same election, did apply for a ballot paper in his own name." Or "did vote more than once at the same election."

(4) Or, if the informant is a person who may by law affirm in civil cases then for "sworn" substitute "solemnly affirmed."

9 Edw. VII. c. 3, Form 2.

FORM 3.

Warrant for Personation at Place of Registration.

County of __________, __________.

To all or any of the constables and other peace officers in the County of __________, and of __________.

To Wit: __________.

Whereas information on oath has this day been taken before the undersigned, a Registrar for the __________ under The Manhood Suffrage Registration Act, for that (1) on this day at a sittings held in the __________ at a place of registration in the said __________ for the registration of voters under the said Act, did commit the offence of personation contrary to the said Act, for that the said (2) did apply to be registered in the name of another person, that is to say, in the name of __________ (or as the case may be, describing the offence as in the information);

These are therefore to command you in His Majesty's name forthwith to apprehend the said __________ and to bring him before the Police Magistrate of the said __________ or before two Justices of the Peace for the said county to answer to the said information and to be further dealt with according to law.

Given under my hand this __________ day of __________, 19__. W. J.

Note.—(1) If the name of the person charged is unknown substitute "a person whose name is unknown to the informant, but who is now detained in the said place of registration by my order and is being delivered into the custody of G.D., a constable of the said __________.

(2) Or, "person whose name is unknown."
Warrant for Personation at Polling Place.

County of , To all or any of the constables and
of , other peace officers in the of
To Wit: Whereas information on oath has this
day been taken before the undersigned, a deputy returning officer
at a polling place in the of for an
election then being held of a Member of the Legislative Assembly
for the electoral district of
for that
(1) on this day at the said polling place did
commit the offence of personation, contrary to The Ontario
Election Act, for that the said
(2) did apply
for a ballot paper in the name of another person, that is to say,
in the name of
(or as the case may be, describ­
ing the offence as in the information);
These are therefore to command you in His Majesty's name
forthwith to apprehend the said
and to bring him
before the Police Magistrate of the said
or before two
Justices of the Peace for the said county, to answer the said
information and to be further dealt with according to law.

Given under my hand and seal this day of

W. J.

NOTE.—(1) If the name of the person charged is unknown substitute "a
person whose name is unknown to the informant, but who is now detained in the said
polling place, and is being delivered into the custody of G. D., a constable of the
said"
(2) Or, "person whose name is unknown."

9 Edw. VII. c. 3, Form 4.