

At the General Assembly of the Province of Nova Scotia, begun and holden at Halifax, on the fifth day of December 1785, in the Twenty Sixth Year of his said Majesty's Reign, and there continued by several Prorogations unto the Fifth Day of March, 1789, in the Twenty Ninth Year of his Majesty's Reign, being the Fourth Session of the Sixth General Assembly convened in the said Province.

29 George III – Chapter 1

An Act for the better Regulation of Elections.

Be it enacted by the Lieutenant Governor, Council and Assembly, and it is hereby enacted by the authority of the same, that from and after the publication hereof, every sheriff or other officer to whom any writ for electing a member or members to serve in the General Assembly of this province, shall be directed upon receipt thereof shall forthwith give public notice of the day and place of the election, by putting up advertisements at least twenty days before the time of such election at three of the most public places in their county, and shall, at the time appointed at the county court house, if the election be held for the county, and at the usual and accustomed place, if held for a township between the hours of ten and twelve in the morning proceed to the election by reading his writ, and shall not declare the choice upon the view, nor adjourn from that to any other place without the consent of the candidates, nor by any unnecessary adjournment delay the election, but shall, if a poll be required, fairly and indifferently proceed from day to day and time to time to take the poll, until all the electors then and there present be polled, and before the sheriff shall close the poll so opened, unless with the consent of the candidates, he shall make proclamation, for the freeholder to come forward and give their votes, and if, after such proclamation made, no freeholders shall appear to vote for the space of one hour, the poll shall be closed, and the sheriff, after reading his writ and before he opens the poll, shall appoint two respectable freeholders to be his assistants in conducting the election, who shall be sworn to the faithful and impartial discharge of their duty, and the sheriff, at the close of the poll, shall declare the person, having the majority of votes, to be duly elected, and in case a scrutiny shall be demanded the sheriff shall grant the same, and shall, with his two assistants, proceed in such scrutiny if the party demanding the poll shall persist in his demand, the day following the close of the poll. Provided always, that no vote shall be scrutinized but such vote or votes as were excepted to at the time of holding the poll, and marked as such on the poll book, and the sheriff shall return his proceedings on such scrutiny to the house to be adjudged on and determined, and the sheriff or other officer as aforesaid, is hereby directed and commanded to appoint one clerk and one inspector for each candidate, who shall be nominated by the candidates respectively, which clerks shall be sworn by the sheriff or other officer to take the poll fairly and indifferently by setting down the names of the electors and the place of their abode, and the person they give their vote for, and the sheriff or other officer shall give a copy of the poll to every person that shall desire the same, he paying reasonable fees for writing the same; and if any elector be questioned as to his qualification by any candidate, the sheriff or other officer shall administer to him the oath of allegiance, as prescribed by law, and shall likewise administer the following oath:

I _____ do swear that I am, by law, intitled to a vote in the town of county of _____ in the province of Nova-Scotia, and that the lands, tenements or hereditaments for which I claim a right to vote, consist of _____ and are situate, lying and being in _____ and the same hath or have not been made or granted to me fraudulently on purpose to qualify me to give my vote, and that I have not received or had by myself or any person whatever, in trust for me or for my use and benefit directly or indirectly, any sum or sums of money, office, place, or employment, gift or reward, or any promise or security for any money, office, employment, or gift, in order to give my vote at this election, and that I have not before been polled at this election, and that the place of my abode is at _____. So help me God. Or if Quakers the test or affirmation to the same effect, and all fraudulent conveyances of land to multiply votes or to qualify voters at elections subject to an agreement to reconvey the same, shall be taken against the grantors as free and absolute, and all collateral securities for defeating such estate shall be void, and the person making such conveyances or voting by colour thereof shall forfeit ten pounds to any person that will sue for the same in any Court of Record in this province, one half part thereof to any person or persons who shall prosecute the same to effect, and the other moiety to and for the use of the poor of the township concerned in such election.

II. And be it further enacted by the authority aforesaid, that each person hereafter to be chosen a member of assembly, and each elector at the time of giving his vote in any election hereafter to be held in this province, shall actually have an income of forty shillings per annum in real estate, or shall have within the county or town for which he votes, or shall be elected for in his own right in fee simple, a dwelling house with the ground on which the same stands, or one hundred acres of land cultivated or uncultivated, such person or persons, possessing any one of the before mentioned interests shall be entitled to vote or be elected for the county or town wherein the same shall be situate, and persons holding any of the before mentioned possessions by licence of occupation under the crown shall have a right to vote notwithstanding any defect in such mode of conveyance.

III. And be it further enacted by the authority aforesaid, that every sheriff or other officer to whom the execution of any writ for the electing any member or members to serve in the General Assembly of this province, shall be directed and that act contrary or otherwise than by this act is directed, or shall return any person or persons not duly elected by the majority of the freeholders, every such officer shall forfeit the sum of two hundred pounds, one third part thereof to the king, his heirs and successors, one third part to the poor of the county or township concerned in such election, the remaining third part thereof to the party grieved that will sue for the same, with costs of suit to be recovered in any court of record in this province by action of debt, bill, plaint or information.

IV. And be it further enacted, by the authority aforesaid, that any person or persons who shall at the request of any candidate at any future election, furnish any meat, drink or entertainment of any kind, during such candidates election, to any freeholder or body of freeholders, or to any other description of people, such person or persons so furnishing the

same shall be totally disabled and prevented from recovering from such candidate, or from any of his friends, any reward or payment whatsoever for such entertainment, or any part thereof; and if any person or persons shall sue any candidate, or any of his friends, for the whole or any part of the expences of such entertainment, it shall and may be lawful for the judges of the court wherein such suit shall be brought (on due proof being made that such demand arises for and on account of the entertainment of the freeholders at or during any election in this province) to order the party, bringing such suit, (to be nonsuited, and to enter judgement accordingly. Provided always, that nothing herein contained shall extend to prevent any person or persons from recovering from any individual person the value of such entertainment as he or they may during an election furnish, or provide for such individual person for his own use and at his own special instance and request.

V. And be it further enacted by the authority aforesaid, that any person or persons who shall bribe or corrupt any freeholder or freeholders at any election within this province, such person or persons so offending shall suffer all the penalties prescribed by the laws of England for such offences.

VI. And be it further enacted, by the authority aforesaid, that the sheriff or his deputy at the opening the poll each day shall read this act, and no other oath, save as herein before directed, shall be required from any voter at any election hereafter to be held in this province, nor shall any religious test be required from such voter, liberty of conscience being one amongst many other blessings conferred on this province by our most gracious sovereign.

VII. And be it further enacted, that the poll for any one election shall not be kept open more than six days, after which time it shall and may be lawful for the sheriff to close it and return the candidate who shall then have the majority of votes, and that for each day the poll shall be kept one, the sheriff shall be entitled to receive from each candidate the sum of ten shillings, to be recovered by action of debt before any one Justice of the Peace for the county in which the election shall be held, and if a scrutiny is demanded, twenty shillings for his attendance on it, each day to be paid by the candidate demanding it, and to be recovered as aforesaid.