

At the General Assembly of the Province of Nova Scotia, begun and holden at Halifax, on Thursday the Sixth day of February, 1812, and continued by several Prorogations to Thursday the Thirteenth day of February, 1817, in the Fifty-Seventh year of the Reign of our Sovereign Lord George the Third, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith &c. &c. being the Seventh Session of the Tenth General Assembly, convened in the said Province.

57 George III – Chapter 7

An Act for regulating Elections of Representatives to serve in General Assembly.

Be it enacted, by the Lieutenant-Governor, Council and Assembly, 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 general assembly of this province shall be directed, upon the receipt thereof shall indorse upon the back thereof the day he received the same, and shall forthwith give public notice of the day and place of election, by putting up advertisements at least ten days before the time of such election, at five of the most public places in the county or town; and shall, at the time appointed, at the county court house, if the election be held for the county, and at the time appointed, at the county court house, if the election be held for the county, and at the most central and convenient place if held for a township between the hours of ten and twelve in the morning, proceed by reading his writ, and shall appoint two freeholders as his assistants or clerks in conducting the election, who shall be sworn to the faithful and impartial discharge of their duty; and the sheriff 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, if a poll be required, fairly and impartially proceed from day to day 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 freeholders to come forward and give their votes; and if, after such proclamation made, no freeholder shall appear to vote for the space of one hour, the poll shall be closed, and the sheriff at the close of the poll, shall declare the person or persons 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 same, and shall, with his two assistants, proceed in such scrutiny, if the party demanding shall persist in his demand, the day following the close of the poll, and shall, if required by any candidate, scrutinize all votes that have been objected to, whether by the said candidate or by any other candidate.

Provided always, that no vote shall be scrutinized but such vote or votes as were objected to at the time such vote was given and marked as such on the poll book by the sheriff or his assistants; and the sheriff shall return his proceeding on such scrutiny to the House of Assembly, to be adjudged on and determined. And the sheriff or other officer is hereby directed and commanded, to appoint one clerk and one inspector for each candidate, who shall be nominated by the candidates respectively, which clerk shall be sworn by the sheriff

to take the poll fairly and impartially by setting down the names of the electors and the place of their abode, and the name of the candidate or candidates they give their vote for, and the sheriff shall give a copy of the poll to each of the candidates that shall desire the same. And if any elector be questioned as to his qualification by any candidate, the sheriff shall administer to him the following oath:—

I, A. B. do swear, that I am by law entitled to vote in the county or town of _____ in the province of Nova-Scotia; and that the lands, tenements or hereditaments, for which I claim a right to vote, consists 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; an 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, for the purpose of multiplying votes, or to qualify votes, or to qualify voters at elections, subject to an agreement to re-convey 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 to the person or persons, who shall prosecute the same to effect, and the other half to and for the use of the poor of the county or town concerned in such election; and if any elector shall, being thereunto required, refuse or neglect to take the said oath, or to affirm the effect thereof as aforesaid, that the poll or vote of such person neglecting or refusing, shall be, and is hereby declared to be, null and void, and as such shall be rejected.

II. And be it further enacted, 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 freehold estate, or shall have, within the county or town for which he shall vote, or be elected, in his own right, in [for example], a dwelling house, with the ground on which the same stands or one hundred acres of land, whereof five at least shall be under cultivation; such person or persons possessing any one of the beforementioned interests, shall be entitled to vote, or be elected for the county or town wherein the same shall be situate. Provided always, that no person shall be entitled to vote in any election, to be hereafter held in this province, or shall be eligible to serve as a member of assembly, who shall not have had the grant, or conveyance, under which he holds as aforesaid, registered six months before the test of the writ, for holding the election. Provided also, that nothing in this Act contained, shall be construed to extend to any person or persons, holding by descent, or devise of the yearly value aforesaid.

III. And be it further enacted, that if any candidate be questioned as to his qualification by any elector, at the commencement of the poll, such candidate shall state to the sheriff or

other officer, where the lands, tenements, or hereditaments do lie, whereby he makes out in his qualification, declaring his having an actual income of forty shillings per annum, in freehold estate, or otherwise qualified as the law directs, which statement and declaration of such candidate, shall, by the sheriff or other officer, be marked down at the same time in the poll book, and such candidate, shall, it required, take and subscribe the following oath:

I, A. B. do swear that I am by law qualified to be elected for the town or county of _____, and that the lands, tenements, and hereditaments, for which I claim a right to be elected, consists of _____, and are situate and lying in _____, and the same hath or have not been made or granted to me fraudulently, on purpose to qualify me to be elected. So help me God.

IV. And be it further enacted, that every sheriff, or other officer, to whom the execution of any writ for the electing any member or members, to serve I the General Assembly of this province shall directed, and that act contrary or otherwise than by this is directed, or shall return any person or persons, not duly elected by the majority of the freeholders, every such sheriff or other 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 town in which such election is held, and the remaining third thereof to the party aggrieved that will sue for the same, with costs of suit, to be recovered in any court of record within this province, by action of debt, bill, plaint or information.

V. And be it further enacted, 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 candidate's 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 judge 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 non-suited, 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 any election, furnish or provide for such individual person, for his own use, and his own special instance and request.

VI. And be it further enacted, 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.

VII. And be it further enacted, that the sheriff or other officer, 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 within 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.

VIII. And be it further enacted, that the poll for any one election, shall not be kept open more than six days, (unless such poll shall be removed as hereinafter directed,) after which time it shall and may be lawful for the sheriff or other officer to close it, and return the candidate or candidates, who shall then have the majority of votes; and that for each day the poll shall be kept open, the sheriff or other officer shall be entitled to receive from each candidate, the sum of ten shillings: and if a scrutiny is demanded, ten shillings for his attendance on it each day, to be paid by the candidate or candidates demanding it, or whose votes made be scrutinized on such scrutiny.

IX. And be it further enacted, that it shall and may be lawful (on application of either of the candidates, or of any freeholder on their behalf,) on the day the poll is first opened, for every sheriff or other officer, of the counties herein after named, to whom any writ for electing a member or members for such counties, to serve in General Assembly of this province, shall be directed, after having opened a poll at the county court-house, if demanded, and having received the votes of the freeholders of such county, in manner and form as is directed in and by this act, to remove or adjourn the poll (held as aforesaid,) in each of the counties herein after named, and to the respective places following, that is to say:—In the county of Halifax, on application as aforesaid, the poll to be adjourned to the court-house in Truro, and to the court-house of Pictou. In the county of Annapolis, to Scissabou [Sissiboo], opposite to the town plot of New Edinburg [New Edinburgh]. In the county of King's to the town plot of Parrsborough [Parrsboro]. In the county of Shelburne, to the court-house, and to the French meeting-house in the township of Argyle. In the county of Sydney, to Country Harbour, and Antigonishe [Antigonish]. In the county of Cumberland, to Remsheg [Wallace], at or near the meeting-house. In the county of Queen's, to Brookfield, on the Annapolis Road.

X. And be it further enacted, that the application aforesaid, for the removal or adjournment of the poll, shall be made on the day on which the poll is opened at the county court-house, and that the sheriff or other officer, shall, on application duly made, forthwith notify the freeholders of the county of the said adjournment, by putting up advertisements at the court-house where the poll is then held, and at two of the most public places in the district to which it is to be adjourned, that he will, on the twelfth day from the opening of the poll, continue the same within the county or district, to which it is adjourned, and the he will, then and there, proceed, for the space of four days, to take the poll or until the electors then and there present be polled; and the sheriff or other officer, on opening the poll at the second place of holding the same, shall give the like notice of holding a poll in the third place, in such counties where the poll shall or may be removed to such third place, as before directed by this act; and in case the poll shall be removed from one place to another, in any of the before named counties, it shall and may be lawful for the said sheriff or other officer, if he shall think proper, to appoint two other assistants within such district or place to which

the poll is so removed, in the place of the two first assistants, who shall in like manner be sworn to the faithful performance of their duty, as the first assistants were.

XI. And be it further enacted, that every person who shall be hereafter elected to serve in the General Assembly of this province, shall, (if thereto required by the order of the House) before he presumes to vote in the assembly, or sit there during any debate in the said assembly, after their speaker is chosen, produce, and deliver, in to the clerk of the said house, at the table, (and whilst the house is there duly sitting with the speaker in the chair,) a paper or schedule, signed by every such member, containing the name or names of the county or township in which the lands, tenements or hereditaments do lie whereby he makes out his qualification to sit as a member of such assembly; and the said paper or schedule, so signed and delivered in to the said clerk as aforesaid, shall be fitted and carefully kept by him.

XII. And be it further enacted, that an act, passed in the twenty-ninth year of his present Majesty's reign, entitled, "An Act for the better regulation of Elections"; also, an act passed in the thirty-second year of his said Majesty's reign, entitled, "An Act in amendment of an Act, for the better regulating of Elections"; also, an Act, passed in the thirty-seventh year of his said Majesty's reign, entitled, "An Act in amendment of the Act, passed in the twenty-ninth year of his said Majesty's Reign, entitled, An Act for the better regulation of Election"; and every clause, matter, and thing, contained in either of the said above recited acts, be, and the same is hereby repealed.