



ANNO DOMINI GEO. IV. REGIS.

CAP. XXXVI.

An Act further to amend the Act for regulating Elections of Representatives in General Assembly.

Passed 5th April, 1828.

WHEREAS, by the third Section of an Act passed in the thirty-first year of the Reign of His late Majesty King George the Third, intituled, "An Act for regulating Elections of Representatives in General Assembly; and for limiting the duration of Assemblies in this Province," it is enacted, that the person to be chosen a Member of Assembly shall be possessed of Real Estate of the value of two hundred pounds, within the County for which he shall be chosen; And it is thereby provided, that no person, who shall have mortgaged his Lands and remain in possession thereof, and receive the income therefrom, shall by reason of such mortgage be debarred from being so elected; *And whereas*

Preamble.

whereas it is considered advisable to limit and restrain the operation of the said proviso.

I. *Be it therefore enacted by the Lieutenant Governor, Council and Assembly.* That from and after the end of the present House of Assembly, every person to be chosen a Member shall be possessed of freehold estate within the County, for which he shall be chosen, the value whereof shall be two hundred pounds, free from, or over and above all incumbrances, and shall have possessed the same, and had his Title Deed registered six months before the teste of the Writ of Election.

Candidates to be possessed of Freehold Estate within the County, of £200 value, clear of all Incumbrances.

No Freeman allowed to vote in the City of Saint John, unless registered in the list of Freemen six months before teste of the Writ.

II. *And be it further enacted;* That in any future Election to be holden for the City of Saint John, no freeman shall be entitled to vote as such, unless his name shall have been duly registered in the List of Freemen, at least six months before the teste of the Writ of Election.

Voters at Elections for the City of Saint John to declare whether they vote as Freemen or Freeholders.

III. *And be it further enacted,* That every person coming to vote at any Election hereafter to be holden for the said City of Saint John, shall distinctly declare whether he claims to vote as a freeman or freeholder; and it shall be particularly specified on the Poll Book whether his vote was given as a freeman or freeholder; and every freeholder shall, if required by any Candidate, specify the ward in which his freehold is situate, which shall also be noted on the Poll Book.

To be so entered on the Poll Book.

Freeholders if required to specify the Ward in which his freehold is situate.

IV. *And be it further enacted,* That henceforth in the event of any vacancy by death or appointment to His Majesty's Council, in the present or any future Assembly, during any recess of the General Assembly, it shall be the duty of the Speaker, within ten days after the same shall be certified to him in writing by at least two members, one of whom to be a member of the County or City in which the vacancy may happen (or of the adjoining County of Northumberland,

In case of vacancy in the House of Assembly and certified by two Members, Speaker may issue his warrant for electing a Member.

Northumberland, in case the vacancy shall occur in the Counties of Kent or Gloucester) to send his warrant to the Clerk of the Crown in Chancery, to cause a writ to be issued for the Election of a member to fill such vacancy; and that the said Clerk of the Crown shall upon the receipt of such warrant issue out a writ for that purpose, with as much expedition as the same may be done; and in case such vacancy shall be occasioned by the death of the Speaker, or his appointment to a seat in His Majesty's Council during any recess as aforesaid, any four members, one of whom to be a member of the County or City for which such Speaker shall have been elected, may send their warrant to the said Clerk of the Crown, to cause a writ to be issued for the Election of a member, to fill the vacancy so made; and that the said Clerk of the Crown shall upon the receipt of such warrant, issue out a writ for that purpose, with as much expedition as the same may be done. *Provided always*, that if the Speaker shall have been a member for either of the Counties of Kent or Gloucester; then the warrant to the Clerk of the Crown may be made by any four members, one of whom to be a member for the County of Northumberland.

In case of death of the Speaker, or his removal to His Majesty's Council, four Members, one to be of the County for which the Speaker had been elected, may issue a warrant for a new election.

Clerk of the Crown to issue warrant.

If the Speaker was a Member for Kent or Gloucester, the warrant may be issued by four members, one of whom to be for Northumberland.

V. *And whereas* the first oath prescribed in the seventh section of the said hereinbefore recited Act, for the Elector to take, if required, at the time of polling, is not sufficiently explicit.

—*Be it therefore further enacted*, That in lieu of the said oath, every Elector, at the time of polling, shall, if required by any Candidate, first take the following oath, that is to say:— You shall swear that you are by law qualified to vote at this Election; and that you have not been before polled at this Election; and that you have not procured your qualification to give your voice at this Election, and that the place of your abode is at ———

Oath to be taken by Electors in lieu of the oath required by the 7th Sec. of 31, Geo 3, c. 17.

VI. *And be it further enacted*, That this Act shall not be in force until His Majesty's Royal Approbation be thereunto had and declared.

N. B. This Act was approved by His Majesty in Council, on the 7th day of December, 1829.

CAP. XXXVII.

An Act to regulate the Trials of controverted Elections, or, Returns of Members to serve in General Assembly.

Passed 5th April, 1828.

WHEREAS the present mode of decision upon Petitions complaining of undue Elections or Returns of Members to serve in General Assembly, obstructs public business, occasions much expense, trouble and delay to the Parties, is defective, for the want of those Sanctions and Solemnities, which are established by law in other Trials. For remedy thereof—

I. *Be it enacted by the Lieutenant Governor, Council and Assembly*, That after the next General Election, whenever a Petition complaining of an undue Election or Return of a Member or Members to serve in General Assembly, shall be presented to the House of Assembly, a day and hour shall be appointed by the said House for taking the same into consideration, and notice thereof in writing shall be forthwith given by the Speaker to the Petitioners; and the sitting Member or their respective Agents, accompanied with an Order to them to attend the House, at the time appointed, by themselves, their Counsel or Agents.

Provided always, That the House may alter the day and hour so appointed, and appoint some subsequent day and hour for the same, as occasion shall require; giving the like notice as aforesaid.

II.

A day and hour to be appointed for considering Petitions, and notice thereof in writing to be given by the Speaker to the Parties with an order to attend.