

CAP. XXXVII.

An Act to regulate the Election of Members to serve in the General Assembly.

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| 1. Qualification of electors, what and how ascertained. | 32. Publication of candidates' names; oaths. |
| 2. Revisors to be elected in each Parish. | 33. Sheriff and Clerk may preside and assist anywhere without being again sworn. |
| 3. Assessors to give revisors a copy of assessment list, &c. | 34. Ballot box to be publicly shewn to be empty, before votes received. |
| 4. Revisors to make and post a list of electors. | 35. Where electors to vote; and after what statement and registry. |
| 5. Amendments proposed and time of hearing to be posted. | 36. Oath to be taken by electors. |
| 6. Objectors to notify parties objected to. | 37. Refusal to administer the oath, penalty. |
| 7. Revisors to correct lists, and send them to Clerk of Peace. | 38. Fraudulently voting, penalty. |
| 8. Incorrect lists, liability for. | 39. Proceedings if Sheriff die, or presiding officer or Clerk become incapacitated. |
| 9. Revisors in incorporated Counties; | 40. Presiding officers, Clerks, Candidates, and Agents may poll where acting. |
| 10. In incorporated Cities or Towns. | 41. Close of poll and security of ballot box, &c. |
| 11. Sheriff to superintend the digesting of lists for polling districts. | 42. Proceedings when all returns not received at the adjourned Court. |
| 12. Lists to be signed by 24th December, and be the register for next year; copy for Town Clerk. | 43. Opening ballot boxes, counting and declaration. |
| 13. On default last register to be used. | 44. Counting, how proceeded with; defective ballots. |
| 14. Lists for Saint John City, revision of. | 45. For failure to return ballot box, &c., compulsory proceedings. |
| 15. Witnesses, as to qualification, attendance and examination of. | 46. Scrutiny, demand of, entry, return, and abandonment. |
| 16. Compensation for preparing lists to be allowed by Sessions. | 47. False return by Sheriff, penalty. |
| 17. Election writs to be issued by Provincial Secretary. First proceedings by the Sheriff. | 48. On what days no election. |
| 18. Sheriff's Court, opening of; Sheriff's oath; | 49. Preservation of the peace at elections; power of Sheriff, and presiding officer. |
| 19. Oath to Clerk; further proceedings; nomination of candidates; close of election or grant of poll; adjournment. | 50. Remuneration of Sheriff, presiding officers and poll Clerks. |
| 20. Qualification of candidates; and declaration thereof if required; | 51. Giving electors money, provisions, &c., after writ of election ordered. |
| 21. By whom to be made. | 52. Entertainment not recoverable from a candidate or his agent. |
| 22. Time for questioning a candidate's qualification, limited. | 53. False declaration or oath to be perjury. |
| 23. Staying of poll when supernumerary candidates withdraw. | 54. Affirmation by Quakers. |
| 24. Time for opening the poll in the several districts. | 55. Corrupt voting or forbearing, penalty. |
| 25. Polling places appointed for the several Counties; | 56. Wilfully controverting provisions of Act. |
| 26. To continue unless altered. | 57. Time for prosecutions; declaration. |
| 27. Elections to be by ballot; supply of ballot boxes. | 58. Appropriation of penalty. |
| 28. Presiding officers and Clerks, appointment of. | 59. Parol proof of election to be sufficient. |
| 29. Ballot box and register for presiding officer, and check book for Clerk | 60. Prima facie evidence of a candidate's want of qualification. |
| 30. Register when presiding officer's copy is lost. | 61. Members may vacate their seats. |
| 31. Booths for polling to be provided; on opening poll. | 62. How Speaker may vacate his seat. |
| | 63. On vacancies, issue of warrants for writs, and the writs. |
| | 64. Writ when election set aside by the Assembly. |
| | 65. Number of Representatives. |
| | 66. Duration of the General Assembly. |
| | 67. Construction of Terms. |
| | 68. Repeal of certain Acts. |
| | 69. Time for Act coming into operation. Forms. |

Passed 12th April 1855.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. Every male person of the age of twenty one years or upwards, being a British subject, not subject to any legal

incapacity, who shall have been assessed for the year for which the Registry is made up, in respect of real estate to the amount of twenty five pounds, or personal property, or personal and real amounting together to one hundred pounds, or one hundred pounds annual income, shall be qualified to vote for Representatives of the County or City for which he shall be so assessed; if there be no assessment for the Parish in any year, then the possession of the qualification shall of itself be sufficient.

2. Three Revisors shall be annually elected or appointed for every Parish, in the same manner and at the same time as other Town or Parish officers, and subject to the like penalties.

3. The Assessors of every Parish shall, on or before the first day of August in each year, deliver to the Revisors a copy of the Assessment List for their Parish; and if from any cause any portion of the inhabitants are exempt from taxation therein, they shall either include their names in the same, or make a separate list of such portion, so that the list shall contain the names of all persons possessed of real or personal estate, or income; or if they have not received any warrant therefor, make out a list of the names of all persons possessed of real or personal estate, or income, in the form following, and deliver it to the Revisors:—

	Real Estate in the Parish of inhabitant.	Personal Estate of inhabitant.	Real Estate of Non-resident.	Annual Income.
A. B. . . .	£25 0 0	0 0 0	0 0 0	0 0 0
C. D. . . .	0 0 0	100 0 0	0 0 0	0 0 0
E. F. . . .	0 0 0	0 0 0	25 0 0	0 0 0
G. H. . . .	0 0 0	0 0 0	0 0 0	100 0 0

4. The Revisors shall before the first day of September in each year meet and prepare from the assessment list an alphabetical list of the qualified electors in their Parish, distinguishing the resident from the non-resident, and affixing the place of residence of the non-resident when known, and on or before the said first day of September in each year, post up a

copy of the said list in three of the most public places in each Polling-District of their Parish, with the following notice :—

“The Revisors will meet at _____ in the Parish of _____ on the twenty fifth [*if Sunday, say twenty sixth*] day of October next at _____ o'clock A. M., to revise the list of electors for the Parish of _____ and any person claiming to add to or strike off a name from the list, must give notice thereof, with the cause of objection, to either of us, on or before the first day of October next, and also notify every person proposed to be struck off.—Dated the _____ day of _____ 18 .

A. B. }
C. D. } *Revisors.*
E. F. }

5. The Revisors shall on or before the tenth day of October in each year post up in the said three most public places of the polling district, an alphabetical list of the persons proposed to be added or struck off respectively, with a notice appropriate to each list to the effect following :—

“The Revisors will on the twenty fifth [*if Sunday, say twenty sixth*] day of October instant, at _____ in the Parish of _____ adjudicate upon the propriety of adding (*or striking off, in case of striking off*) the foregoing names to (*or from*) the list of qualified voters.—Dated the _____ day of October, 18 .

A. B. }
C. D. } *Revisors.*
E. F. }

6. The person who proposes to strike a name from the list shall, on or before the first day of October, give notice in writing to the party objected to, either personally or by leaving it at his last or usual place of abode, and shall prove on oath the giving the notice to the satisfaction of the Revisors before they hear the objection.

7. At the time and place appointed, the Revisors shall attend and correct the lists, and shall, with all convenient dispatch, make out an alphabetical list of the resident electors of each polling district of the Parish, and of the non-resident electors, stating the residence when known, and on or before the tenth day of November in each year, transmit the same to the Clerk of the Peace; they shall add to or strike off from the list the name of any person whose qualification or disqualification is

satisfactorily proved to have existed at the date of the last assessment, or date of the list to be made up by the Assessors in the event of no assessment, if notice have been given to a Revisor of the claim on or before the first day of October, and in case of disqualification they prove to the satisfaction of the Revisor that notice in writing has been given to the party objected to within the same period. When a firm is assessed in respect of property or income sufficient to give each member a qualification, the several persons composing such firm shall be inserted on the list.

8. If the Assessors neglect to make up and deliver the list, or wilfully deliver an incorrect list, or if the Revisors neglect to revise the list so delivered, or wilfully transmit an incorrect list, for every neglect or wilful delivery or transmission of an incorrect list, each Assessor or Revisor so contravening this Act shall pay a fine of twenty pounds, which any person may recover with costs, and each day a list is delayed shall be a separate offence.

9. In incorporated Counties the Councillors of each Parish, with a person to be appointed therefor by the County Council, shall be the Revisors for their respective Parishes; the list shall be sent to the Secretary Treasurer, and revision of the non-residents shall be made by the Warden.

10. In the Cities of Fredericton and Saint John, or any incorporated Town, any three or more of the Aldermen and Councillors to be appointed in each year by the respective Councils of such Cities or Towns, shall annually revise the list of electors qualified to vote therefor at County elections, in the manner and at the times herein prescribed.

11. The Sheriff of the County shall on or before the tenth day of December in each year, attend at the office of the Clerk of the Peace to ascertain the non-resident and resident electors who may be qualified to vote in more than one Parish, and the Clerk shall, under his direction, make a copy of the list of each polling district, with the name of any non-resident elector marked as such, who may have selected that poll. He shall make an alphabetical list of the remaining non-resident electors. Whenever a non-resident elector shall notify the Sheriff in writing of his selection of a particular poll, his name shall be inserted and continued in the list of that poll until he become disqualified,

or direct otherwise. If it appear by the list that a resident elector of any Parish is returned qualified to vote in any other, his name shall be only inserted on the list of the polling district in which he resides.

12. The list shall be made up and signed by the Sheriff and deposited with the Clerk of the Peace, on or before the twenty fourth day of December in each year, and shall be the Register of Electors for the County for which they are so made for the year next succeeding; and the Clerk of the Peace shall send a copy of the list for each polling district to the Town Clerk of the Parish for which such poll is held, on or before the thirtieth day of December in each year for inspection by any elector.

13. If from any cause the Register of Electors for any polling district is not made up in any year, the Register last made up shall be used in its stead for the purpose of elections.

14. The list of electors for the City of Saint John shall be revised and corrected by the Aldermen and Councillors at the time herein prescribed, and the Common Council may regulate the same by bye laws not inconsistent with this Act; and the name of every freeman of the City not included therein, assessed in the sum of twenty five pounds, shall be added to and inserted in the list, and when it is corrected, and an alphabetical list of every Ward or polling district made up, it shall be signed by the Mayor, filed with the City Clerk, and be the Register of Electors for the said City.

15. The Revisors shall have power to summon witnesses to attend at the time and place appointed, to give evidence as to the qualification or disqualification of any person, and to administer an oath, and examine the parties and such witnesses on oath; and every person so summoned who shall neglect to attend without good cause shewn therefor to the Revisors, or attending shall refuse to be sworn or give evidence, shall be liable to a penalty of five pounds; and every witness attending shall be entitled to receive the same fees and travelling charges as witnesses attending before Justices of the Peace in civil suits, to be paid by the person at whose instance the respective witnesses may be summoned.

16. The Sessions or Municipality shall allow the Sheriff, Clerk of the Peace, Warden, Assessors, Revisors, and any other person required by them to assist in preparing the Register of

Electors, a reasonable compensation for their services and any necessary expenses incurred, and charge the amount thereof on the County funds.

17. Every Writ of Election shall be issued by the Provincial Secretary, and have forty days at least between the teste and return thereof, and be delivered to the Sheriff to whom it is directed, who shall immediately after the receipt thereof, indorse thereon the day of the receipt, and within six days thereafter, and at least ten days before the day of opening the polls, cause public notice by handbills to be posted up in three or more of the most public places in each Parish of his County, stating the time at which he shall hold his Court for opening the election at the Shire Town; as also the day and places at which the poll shall be taken, if demanded, which shall not be less than three nor more than six days after the day of holding his Court for opening the said election; the Sheriff shall give the like notice to two or more of the Constables of each Parish.

18. On the day appointed for opening the election, the Sheriff shall open his Court at the County Court House, between the hours of ten and twelve o'clock in the forenoon, and shall read the Writ and this Act, and take the following oath, to be administered by a Justice, or any two electors of the County:—

'I, A. B., do swear that I have not, directly or indirectly, received any money, office, employment, gratuity, or reward, or any bond, bill, or note, or promise of gratuity whatsoever, either by myself or another, or to my use or advantage, for appointing any presiding officer to superintend the polling, or any Clerk, or for making the return at this election; and that I will, in all things to be done by me at this election, act impartially and according to law, and return the person having a majority of votes.'

19. And the Sheriff shall then administer to the Clerk whom he shall appoint to assist him in the election, and to keep the check list at the County Court House, the oath prescribed hereafter for the respective Clerks. The Sheriff shall keep his Court open until two o'clock in the afternoon, during which time the names of all the candidates who shall offer, or be handed in by one or more freeholders of the County, and shall, when required, have qualified, shall be entered in a general

poll book under his direction. If no poll be demanded, he shall proceed to the election by a show of hands, and declare the members chosen, close the election, and make his return. If a poll be demanded, he shall grant the same, and immediately make public proclamation of the time and place at which the poll shall be taken in the several districts of the County, and then adjourn the Court and further proceedings in the election until some day within three days after the day fixed for taking the polls.

20. A person capable of being elected a Member of the Assembly, shall be a male British subject of the age of twenty one years or upwards, and for six months previous to the teste of the writ of election have been legally seized as of freehold for his own use, of land in the Province of the value of three hundred pounds over and above all incumbrances whatever charged upon or affecting the same; and any candidate at any election shall, if required by any other candidate or any elector, or the Sheriff, make before the Sheriff the following declaration:—

‘ I, A. B., do declare and testify that I am a British subject
‘ of the age of twenty one years, and that I have been duly
‘ seized as of freehold for my own use of lands in this Province
‘ for six months previous to the teste of the writ of this election,
‘ of the value of three hundred pounds over and above all
‘ incumbrances charged upon or affecting the same, which are
‘ known, distinguished, and situated in the [*here particularly*
‘ *describe the Parish and County, or different Parishes and*
‘ *Counties where the lands comprising the qualification are*
‘ *situate, with the number or other specific description, by boun-*
‘ *daries of the lot or lots.]’*

21. The candidate, or any elector for him, may make and subscribe the declaration in the presence of a credible witness, and transmit it to the Sheriff, or it may be made on behalf of the candidate by an elector in presence of the Sheriff.

22. If the qualification of any candidate is questioned, it must be done on or before two o’clock of the day of opening the election, and the Sheriff shall give the candidate or his agent, or person nominating him, immediate notice thereof; and unless the necessary declaration of qualification is made before, or filed with the Sheriff by eight o’clock, he shall not enter his name on the general poll book.

23. If any time before the day appointed for taking the polls; all the candidates, except the number required by the writ to be returned, shall by writing under their hands, made in the presence of two or more credible witnesses, and of the Sheriff, signify to the Sheriff their resignation, he shall not hold any poll, but shall notify the respective officers appointed to take the poll not to proceed with the election; and shall, on the day to which the Court has been adjourned, declare the remaining candidates duly elected, and make his return accordingly.

24. Every poll shall be opened in the different districts at eight o'clock in the morning of the day fixed therefor, and continue to four o'clock in the afternoon, when it shall close.

25. The following shall be the Polling Places in the several Counties, and in the City of Saint John, where the votes shall at every Election be taken, that is to say:—

In the County of York :

For the City of Fredericton and the Parish of New Maryland, at the County Court House ;

For the Parish of Saint Mary's, at or near Brown's, on the Nashwaak ;

For the Parish of Stanley, at or near Logan's ;

For the Parish of Douglas—

The northern District to comprise that part of the said Parish which lies northerly and northeasterly from the rear line of granted lands fronting on the Saint John and Keswick Rivers and Jones' Mill Stream, at or near Dan Richards' in Hamtown ;

The southern District to comprise the part of the Parish of Douglas which lies southerly and southwesterly from the rear line of granted lands fronting on the Saint John and Keswick Rivers and Jones' Mill Stream, at or near the mouth of the Keswick ;

For the Parish of Kingsclear, at or near the Lower Village ;

For the Parish of Manners Sutton, at or near John Cockburn's, in Harvey Settlement ;

For the Parish of Prince William, at or near Marshall's ;

For the Parish of Queensbury, at or near Lewis Huestis' ;

For the Parishes of Dumfries and Canterbury, at or near Asa Dow's ;

For the Parish of Southampton, at or near Lenentine's.

In the County of Saint John :

For that part of the City of Saint John lying on the east side of the Harbour, at such place in each Ward as the Sheriff shall appoint ;

For that part of the City of Saint John lying on the west side of the Harbour, at or near the Market House in Carleton ;

For the Parish of Portland, at or near the National School House ;

For the Parish of Saint Martins, at Quaco ;

For the Parish of Simonds—

District number one, commencing at Cape Spencer and running in a direct line to the Bridge at M'Kenzie's on Mispeck River ; thence in a direct line to a point where the Hibernia Settlement Road meets the Mountain Road from Black River to Loch Lomond ; thence in a westerly direction at a distance of half a mile south from the Road from Loch Lomond to Saint John by Frog Pond, and parallel to the same, to the Colebrook Nail Factory ; thence northeast to the County line ;

District number two, bounded northwest by District number one, southerly by the Bay of Fundy, northeasterly by a line running parallel to the Hibernia and Brown roads, and distant half a mile southwest from said roads ;

District number three, bounded southwest by Districts numbers one and two ; northerly by the County line, and easterly by the Parish of Saint Martins ;

For the Parish of Lancaster—

District number one, that part of the Parish bounded westerly by a line beginning at the mouth of Frenchman's Creek, Musquash, and running east to lot number twelve granted to John Coleson, thence north to the County line ;

District number two, that part of the Parish west of the above described District number one ;

The Sheriff shall appoint a polling place in the most central and convenient place in each District.

In the City of Saint John :

Each Ward shall be a polling district, and the poll shall be held at such convenient and central place therein as the Sheriff shall appoint.

In the County of Westmorland :

Each Parish shall be a polling district, and the Sheriff shall

appoint the place for holding the poll, being the most central and convenient in each Parish.

In the County of Charlotte;

For the Parish of Saint James, at or near the Kirk on the Scotch Ridge, and at or near the residence of John King in the Baillie Settlement; the dividing line to commence at the end of the bridge at Moore's mills, thence along the road passing the English Church through the Oak Hill Settlement to the Canoose Stream;

For the Parish of Saint Stephen, at Salt Water near the head of the Tide Waters;

For the Parish of Saint David, near the head of Oak Bay;

For the Parish of Saint Andrews, at the County Court House;

For the Parish of Saint Patrick, at Digdeguash Mills, and at the Rolling Dam; the dividing line to commence at the northeastern corner of the Parish of Saint Andrews, thence running in a direct line to the Digdeguash River, at the southern boundary of the grant to John Gilman, thence through the Clarence Hill Settlement, between lots number ten and eleven, to the westerly line of the Parish of Saint George;

For the Parish of Saint George, at the Lower Falls, and at the Upper Mills; the dividing line between the polling places is to be the south line of the Linton Farm now owned by A. H. Gillmor, following that line from the rear until it strikes the Magaguadavic River; thence across the River, following the south line of the Tanney Farm, until it strikes the Lake Utopia; then following the shore of the Lake round until it strikes the north line of the Farm formerly owned by Henry Seelye; thence following that line in an easterly direction until it strikes the Parish of Pennfield;

For the Parish of Pennfield, at the School House near the Episcopal Church, and at or near M'Gowan's, New River, in the Parish of Pennfield, to include all that part of the Parish east of Popologan River;

For West Isles and Campo Bello, at Indian Island;

For Grand Manan, at Grand Harbour.

In the County of Northumberland:

For the Parish of Newcastle, at the Court House in the Shire Town, for all electors residing between the upper of westerly

line of said Parish and the Mill Stream owned by Gilmour, Rankin and Company, opposite Middle Island; and for all electors residing below said Mill Stream and the lower or easterly line of said Parish, at or near Alexander Goodfellow's;

For the Parish of Nelson, at or near M'Ghee's Tavern in said Parish, for all electors residing west of the Semogan Bridge on Barnaby River, and above Wilson's Point in said Parish; and at or near Flett's Cove in Nelson, for all electors residing east of the Semogan Bridge on Barnaby River, and all residing on the south side of the South West, east of the upper side of lot number thirteen granted to George Henderson, including Beaubear's Island, except the electors on both sides of Semogan road, who shall poll at or near M'Ghee's;

For the Parish of Alnwick, at or near the residence of Alexander and James Davidson, Oak Point, for all the electors of said Parish residing west of Grand Down Creek; and for the remainder of the electors residing in said Parish, at Lower Neguac;

For the Parish of Chatham, at the Town of Chatham;

For the Parish of Northesk, at or near James Hutchison's, for the electors of said Parish residing on the east side of the North West, below the lower line of the grant to the late James Walsh, and all on the west side, below the lower line of the lot formerly owned and occupied by the late Andrew M'Grath; and for the remainder of the electors residing in said Parish, at or near Michael M'Kendrick's Mills;

For the Parish of Blackville, at or near Bartholomew's Mills, in said Parish;

For the Parish of Blissfield, at or near John DeCantlin's, in said Parish;

For the Parish of Ludlow, at or near John Wilson's, in the said Parish;

For the Parish of Glenelg, at or near John M'Kay's, at Black River Bridge, on the Richibucto Road;

For the Parish of Hardwick, at or near the residence of Robert Noble, in said Parish.

In the County of King's:

For the Parish of Kingston, at the Court House;

For the Parish of Sussex, at or near Sheck's;

For the Parish of Springfield, at or near White's;

- For the Parish of Upham, at or near J. Wanamaker's ;
- For the Parish of Hampton, at or near Campbell's ;
- For the Parish of Norton, at or near Hayes' ;
- For the Parish of Greenwich, at or near Oak Point ;
- For the Parish of Westfield, at or near Jacob Waters' ;
- For the Parish of Studholm—

Southwest division, bounded easterly by the western side line of the grant of nine hundred and ninety seven acres to Thomas Leonard, the northern prolongation thereof to the County line, and the southerly prolongation of said western line of the grant to Thomas Leonard, as far as the southwest angle of lot number one, granted to James Carnith, thence southeast to the Parish of Sussex, at or near J. Ryan's ;

Northwest division, remainder of the Parish, at or near Henry Keith's.

In the County of Queen's :

For the Parish of Gagetown, at the Court House ;

For the Parish of Petersville, at or near Government House (so called) ;

For the Parish of Hampstead, at or near Vanwart's, lower end of Long Island ;

For the Parish of Wickham, at or near Archilaus Bulyea's ;

For the Parish of Johnston, at or near Thomas Thorn's ;

For the Parish of Brunswick, at or near Charles Keith's ;

For the Parish of Waterborough, at or near Abraham Wiggins', Young's Cove, on the south side of the Grand Lake ;

For the Parish of Chipman, at or near Andrew M'Donald's ;

For the Parish of Canning, at or near George W. Hoben's.

In the County of Sunbury :

For the Parishes of Maugerville, Burton, and Lincoln, at the Court House in Burton ;

For the Parish of Sheffield—

Eastern District, bounded westerly by the western side line of lot number nine in the New Zion Settlement, at or near William Scott's, Hardwood Ridge ;

Western District, remainder of said Parish of Sheffield, at or near Tilley's ;

For the Parish of Blissville, at or near John Bailey's.

In the County of Gloucester :

For the Parish of Bathurst, at the Court House in Bathurst ;

For the Parish of Beresford, at or near the Church at Petit Rocher ;

For the Parish of New Bandon, at or near the Church in Grande Aunce ;

For the Parish of Caraquet, at or near the Church at Caraquet ;

For the Parish of Shippagan, at or near the Church at Shippagan ;

For the Parish of Inkermann, at or near Thomas Rivers', Pokemouche ;

For the Parish of Saumarez, at or near the Church at Tracadu.

In the County of Kent :

For the Parish of Richibucto—

All that part of the Parish of Richibucto north of the Richibucto River, at the Court House ;

All that part of the Parish of Richibucto south of the Richibucto River, at or near Babtist M'Coy's ;

For the Parish of Weldford—

All that part south of Main River, at or near the West Branch Bridge ;

For that part of the Parish of Weldford north of the Main River, at or near Molus River Bridge ;

For the Parish of Wellington, on the Great Road between the two Rivers ;

For the Parish of Dundas, near the Bridge over Cocagne River ;

For the Parish of Carleton, at Kouchibouguac Bridge ;

For the Parish of Palmerston, at or near the Bridge over the Kouchibouguacis River ;

For Huskisson and Harcourt, such places as the Sheriff may name.

In the County of Restigouche :

For the District comprising the Parishes of Colborne and Dalhousie, at the Court House in Dalhousie ;

For the Parish of Durham, at or near Robert Hervie's ;

For the Parishes of Addington and Eldon, at Campbellton.

In the County of Carleton :

Each Parish shall be a polling district, and the Sheriff shall appoint the place for holding the poll, being the most central and convenient one in the Parish.

In the County of Albert :

For the Parish of Hopewell, at the Court House ;

For the Parish of Harvey, at or near Harvey corner (so called);

For the Parish of Hillsborough, at the Public Hall ;

For the Parish of Coverdale, at or near William Smith's;

For the Parish of Elgin, at or near John Barchard's;

For the Parish of Alma, at or near Nathaniel Lock's.

In the County of Victoria :

For the Parish of Grand Falls, at Grand Falls ;

For the Parish of Andover, at or near some place opposite Tcbique River ;

For the Parish of Perth, at or near Pickitte's;

For the Parish of Saint Leonard, at or near Firman Nedeau's;

For the Parish of Saint Basil, at or near Joseph Cire's ;

For the Parish of Madawaska, at or near Simon Hebert's ;

For the Parish of Saint Francis, at or near Firman Cire's.

26. In the future division of Parishes, when no provision is made for polling, the electors shall continue to poll at the same place as if no division had been made.

27. All elections shall be by ballot, and immediately after the passing of this Act, the Governor in Council shall direct a sufficient number of strong urns or boxes with keys to be made of some durable material, each with a convenient aperture for depositing the ballots therein, and of securing them from loss or interference when the polls close, and by Warrant on the Treasury defray the expense incurred thereby, and furnish the respective Clerks of the Peace, or Municipality in incorporated Counties, with the number required for the different polls in each County ; and they shall be kept under the control of the Council or General Sessions of the County, as other County property, subject to the use thereof by the Sheriff for the purpose of election. If any of the boxes are lost, or additional polling places established, new boxes shall be provided at the expense of the County.

28. The Sheriff shall at every election appoint by precept a sufficient number of officers to preside at the polls and superintend the balloting in the different districts, and also a sufficient number of Clerks. The precept shall be as follows, to be varied to suit the several officers :—

To _____

B. W., Esquire, Sheriff of _____ sends Greeting.
 Having received the Queen's Writ for the election of
 persons duly qualified to represent the _____ of _____ in General
 Assembly; I appoint you, C. D. of _____ to take and preside
 at the poll to be held for _____ on the _____ day of _____ and
 require you immediately after the polling, to make return
 thereof with this Precept according to law.—Given under my
 hand and seal at _____ on the _____ day of _____

B. W. [L.S.]

29. The Sheriff shall furnish the presiding officer of every polling place with a ballot box and a true copy of the Register of electors of the district for which he is appointed, and the presiding officer at the Court House with a true copy of the non-resident electors of the County, legibly written; he shall also furnish the Clerk appointed for every polling place with a suitable book properly ruled for a check list.

30. If the copy of the Register furnished to any presiding officer is lost or destroyed before the polling, so late that another cannot be procured from the Sheriff in time for the polling, he may apply to the Town Clerk for his copy, who shall furnish the same to him for the polling.

31. The Sheriff shall before the polling cause booths to be erected, or procure suitable buildings for taking the poll; and on the day of the polling the presiding officer shall post up the names of the Candidates in large letters in the order of their nomination, on a conspicuous part of the polling booth.

32. The presiding officer at every polling place shall at the opening of the poll read aloud the names of the Candidates, and before he receives any votes, subscribe the following oath:—

'I, A. B., do swear that I have not received any sum of money, office, employment, or gratuity, or any bond, bill, or note, or any promise of gratuity by myself or another, to my use or advantage, for making any return at this Election, and that I will faithfully discharge my duty at the Election to the best of my knowledge and judgment,* and I will return to the Sheriff the ballot box secured and unopened, with the ballots contained therein in the same condition as when deposited by the electors.'

And every Clerk shall, before the polling commences, take an

oath in the same form down to the asterisk, with the addition of these words, 'and I will truly enter the names of the electors in the check list, and faithfully assist the presiding officer in the conduct of the Election at the polling place I have been appointed to act as Clerk;' which oaths may be administered by a Justice, or any two electors of the County, and shall be entered in the book which contains the check list.

33. The Sheriff may preside at any polling place without taking any additional oath, and the Clerk who shall have been sworn at the day of the opening of the Election, may assist the Sheriff or other presiding officer at the poll taken at the County Court House, or in any other proceeding in the Election until the final close of the poll and return, without taking any other oath.

34. Before any vote is taken the presiding officer and Clerk shall open the ballot box, and in the presence of the candidates, their agents, and the electors, openly and publicly examine the same, and ascertain that it is empty.

35. The resident electors shall vote in the district in which they are registered; the non-residents at the Court House or building used therefor in the Shire Town, unless they have selected another polling district. Before any elector is permitted to vote, he shall state his name and residence; the Clerk shall, under the direction of the presiding officer, enter his name on the check list, and the presiding officer must find it on the register, mark it, and be satisfied that his vote is single, and deposit the same in the ballot without reading. Every ballot shall have the names of the persons voted for written or printed on white paper. The officer presiding at any poll shall state the names of the candidates to any elector requiring it who is coming to vote.

36. Every elector before he shall be admitted to vote shall, if required by the presiding officer, candidate, or his agent, or an elector, take the oaths following, or either of them, to be administered to him by the presiding officer, 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, in order to give my vote at this Election.—So help me God.'

37. And every Sheriff or presiding officer who shall on request, neglect or refuse to administer either of the said oaths, shall for every offence forfeit the sum of fifty pounds.

38. 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 forfeit the sum of ten pounds, and it shall be the duty of the Sheriff to prosecute therefor.

39. If the Sheriff dies any time after issuing the notice for the Election, and before the termination thereof, his Deputy shall finish the Election; and if any presiding officer die, or become incapacitated from sickness, or do not perform the duty, the Poll Clerk shall act in his stead, appoint his Poll Clerk, and finish the Election. If the Poll Clerk become incapacitated, or do not perform the duty, the presiding officer may appoint another. If neither presiding officer nor Poll Clerk attend any poll, the senior Justice present, or if none, a majority of the electors present, may appoint a presiding officer and Poll Clerk. The new officer shall, before entering on his duties, take the oath required to be taken by a person in his capacity; and with the regular list, or if lost or destroyed, with the list filed with the Town Clerk, take the ballot and check lists, and return the same to the Sheriff, who shall include the votes in his return, only that he shall keep a special account of the doings and ballots at such polling district, and append the same to his return.

40. Presiding officers, Poll Clerks, Candidates and their agents, may poll their votes in the district where they are acting, though they do not reside therein, if on the day of nomination their names are certified and entered as qualified by the Sheriff on the book containing the check list, and the Sheriff shall strike such names out of the list of the district in which they are qualified to vote. If the presiding officer vote, the Poll Clerk shall examine his ballot, and administer the necessary oath to him, if required.

41. At the close of the poll in the different districts, the Poll Clerk in every district shall close the ballot box, and lock and secure the box, and seal up the book containing the check list with the key or other fastening of the ballot box, and publicly deliver them to the presiding officer so enclosed and sealed, who shall give a receipt therefor, and forthwith deliver or transmit the same to the Sheriff, who shall receive and safely keep them unopened until the re-assembly of the Court at the Court House on the day to which it had been adjourned.

42. If on the day to which the Court had been adjourned all the returns shall not have been made, instead of proceeding to open the ballot boxes returned, the Sheriff shall further adjourn the Court to the following day, and so on from day to day until all the returns are made; he shall also publicly state the cause of the adjournment, and in no case shall he adjourn the Court to so late a day as to interfere with the return of the Writ.

43. On the day to which the Court has been adjourned, the Sheriff shall publicly break the seals of the check lists and open the ballot boxes, count the ballots, ascertain and declare the state of the poll, and return the Members chosen for the County or City for which such Election was held.

44. The ballots shall be counted by the Sheriff assisted by two efficient Clerks to be appointed by him, and sworn to the faithful performance of their duty; each ballot shall be entered in the general poll book, and a duplicate thereof in a check book, both prepared with proper columns and with the Candidates' names entered therein. Before a new box shall be opened the result of the first shall be ascertained. If in counting up the two books the numbers differ, the counting shall be tested by referring to the ballots. After the result is correctly ascertained, the ballots shall be returned to the box and kept locked until the Members are declared, when the Sheriff shall destroy them. If in counting the ballots the names of more persons than can be elected are found on any ballot, such ballot shall be destroyed at once. If it takes more than one day to count the ballots, the Sheriff shall, at or before four o'clock in the afternoon, adjourn the Court from day to day until they are all counted, so that the Court shall not be kept open after four o'clock on any day; as soon as the result is known, he shall make proclamation of the Members chosen, and that the

Court is adjourned without day, and forthwith return the Writ to the Provincial Secretary, and file the poll book and check lists with the Clerk of the Peace.

45. If a presiding officer shall not have returned his Precept, and the ballot box and check list at the proper time, the Sheriff, or a candidate, or any elector, may make complaint thereof on oath to a Justice, who shall summon him to answer the same, and if he shall not shew good cause for the delay, the Justice may by warrant commit him to gaol until he duly return the Precept, ballot box, and check list.

46. If at the time the ballots are all counted and the Sheriff is ready to declare the Members, any candidate or two electors demand a scrutiny of the qualification of any candidate previously questioned and about to be returned, or protest against the whole Election or return of any Member on grounds to be stated in writing, which shall be within one hour after the declaration, the Sheriff shall enter the same in the general poll book, and annex a copy thereof to his return with the writ, and such candidate or two electors may by writing signify to the Sheriff at any time before the next meeting of the Legislature, their abandonment of the protest or scrutiny.

47. Any Sheriff who shall make a false return, or return more than are required by the writ to be chosen, shall forfeit for every offence the sum of one hundred pounds, and the party aggrieved may also recover the damages he shall sustain thereby, with costs, in an action on the case against him or any person who shall knowingly procure the same.

48. No election shall be held on Sunday, Christmas Day, or Good Friday; and when by the regular adjournment of any proceeding, or when any thing is required to be done at a particular day, and it should fall on or be adjourned to either of the said days, such things shall be done or proceeding adjourned to the next day.

49. The Sheriff at his Court, or when presiding at any poll, and the presiding officers, shall be during any of the days of proceeding in the election or the polling, conservators of the peace, and vested with the same powers for the preservation of the peace, and the apprehension and committal for trial, or holding to bail, or trying and convicting violators of the law and good order, as are vested in Justices; and for the purpose

of keeping the peace and preserving good order at any election, the Sheriff or presiding officer may require the assistance of all persons present to assist him, and may commit any person for breach of the peace, molesting or threatening any elector at or coming to or returning from the said election or polling, or for any violation of good order, to the custody of any person on view, for any term not exceeding twelve hours, or may by a writing under his hand commit to prison for a like offence for a period not beyond the second day thereafter, and at the expiration thereof may cause the offender to be brought before a Justice, who shall enquire into the matter, and may fine the offender in a sum not exceeding forty shillings and costs, and commit him to gaol until the fine be paid; and all persons present are enjoined to assist the officer presiding and Justices in discharge of such duties, under pain of being guilty of a misdemeanor; and Justices residing in the district, upon being notified in writing by the Sheriff or presiding officer, shall attend to aid in preserving peace and order; and the Justices, Sheriff, or presiding officers may, when considered necessary, swear in special constables to act as peace officers, and assist in maintaining peace and order; and upon the written application of a candidate or his agent, or two electors, the Sheriff or presiding officer shall swear in such special constables.

50. Every Sheriff shall receive for every election, for providing the booths or polling places, and discharging the other duties required of him, the sum of ten pounds; and every presiding officer shall receive the sum of one pound ten shillings for his services for holding a poll and superintending the balloting, and six pence per mile for each mile in travelling to and from the same, and for returning the ballot box and books containing the check list to the Sheriff; and every Poll Clerk shall receive twenty shillings for his services.

51. Whoever, after the ordering of the writ for any election, shall directly or indirectly give or allow to any elector, any money, meat, drink, entertainment, or provision, or make any present, gift, reward, or entertainment, or make any promise or engagement to give or allow any money, meat, drink, provision, reward, or entertainment to or for any person or place, or the use or benefit of any person or place, in order to be elected, or for being elected for such place, shall be incapable of sitting or voting in the House of Assembly.

52. No person shall recover from a candidate or his agent for entertainment furnished at the request of any of them, to any person at an election, and if upon the trial it shall appear that any part of the plaintiff's claim is for entertainment so furnished, he shall be non-suited.

53. Whoever shall wilfully, falsely, and corruptly make any declaration, oath, or affirmation required by this Act, or shall corruptly procure or suborn any other person to make any of them, shall be guilty of perjury, and for every offence incur the penalty of a person guilty of perjury.

54. Quakers may affirm in any cases where an oath is required.

55. If any elector shall take any money or other reward by way of gift, loan, or other device, or contract or agree therefor to vote or forbear to vote at any election, or to corrupt or procure any person to give his vote, or shall by threats or force intimidate any person to vote or forbear to vote at such election, he shall for every offence forfeit the sum of twenty pounds, and be for ever debarred from voting at any election.

56. If any Sheriff, Presiding Officer, Poll Clerk, Assessor, Revisor, Clerk of the Peace, Parish Officer, or other person whosoever, appointed or acting under the authority of this Act, shall wilfully contravene or disobey any of the provisions of this Act with respect to any matter or thing such person is required to do, and for which default or offence no specific penalty is provided, he shall be liable to the penalty of one hundred pounds, to be recovered in an action of debt at the suit of a candidate or elector; and the jury may find their verdict for the full sum of one hundred pounds, or any sum not less than twenty pounds they think just for the offence, and the plaintiff shall have judgment and execution therefor with costs of suit.

57. Penalties imposed by this Act must be prosecuted within four months after the commission of the offence, and may be recovered by action of debt in any Court of competent jurisdiction; and the plaintiff may set forth in his declaration that the defendant is indebted to him in the amount of the penalty sought to be recovered, allege the particular offence for which the action is brought, and that the defendant hath therein acted contrary to this Act, without mentioning the writ for holding the election, or the return thereof.

58. The penalty, when recovered, shall be appropriated, one half to the person who shall sue therefor, and the other half to the Treasurer of the County, where the offence was committed, for the use of the County.

59. On trial of any action, or prosecution for any penalty imposed by this Act, or any other proceeding arising out of the election, parol proof of the election shall be sufficient prima facie evidence without producing the writ.

60. Upon the trial of any information, indictment, or other action, brought for the recovery of any of the penalties imposed upon any candidate or elector who may make the declaration of qualification prescribed for a candidate, or upon the trial of the qualification before a Committee of the House of Assembly, the certificate of the Registrar of Deeds and Wills of the County in which the land constituting the qualification is stated to be situate, that the candidate had no such lands on record, and a certificate of the Secretary that the candidate had no grant of any such land, shall be prima facie evidence that such candidate is not qualified.

61. Any Member may, by written notice to the Speaker, vacate his seat, or if there be no Speaker, to any two Members.

62. The Speaker may vacate his seat as Speaker or Member, either by a declaration to that effect in the House, in its Session, or by written notice to any two Members.

63. In case of vacancy by death, resignation, or appointment to the Legislative Council during any recess, the Speaker on being certified thereof in writing by two Members, shall send his Warrant to the Provincial Secretary to issue a Writ for the election of a Member to fill the vacancy, who shall on receipt thereof issue the same accordingly. If there be no Speaker, or if the vacancy occur before the first meeting of any new House, any two Members elect may send their Warrant to the Provincial Secretary to issue a Writ for the election of a Member to fill such vacancy, and on receipt thereof the Clerk of the Crown shall immediately issue the writ.

64. That if any election shall be set aside by the Assembly for irregularity, improper conduct, or want of qualification in a candidate, a new writ shall forthwith issue, to fill the vacancy occasioned thereby.

65. The representation in the General Assembly shall be as

follows:—For the Counties of York, Saint John, Westmorland, Charlotte, and Northumberland, each, four Members; for the County of King's, three Members; for the Counties of Sunbury, Queen's, Gloucester, Kent, Carleton, Restigouche, Albert, and Victoria, each, two Members; for the City of Saint John, two Members.

66. The General Assembly shall continue for four years from the day of the return of the Writ for choosing the same, unless sooner dissolved, but shall not be affected by the demise of the Crown.

67. The word "Sheriff" herein shall mean Sheriff, Under Sheriff, or Deputy Sheriff; "Presiding Officer," the person presiding at the taking of the ballots; "District" shall mean electoral District; "County" shall mean County or any other place entitled to elect Representatives; "Election," the election of Members to serve in the General Assembly; "day of electing," or "of election," the day of polling the votes; "Municipality," the County Council or other governing body of any place.

68. On the first day of January in the year of our Lord one thousand eight hundred and fifty seven, the following Acts shall be repealed:—An Act made and passed in the eleventh year of the Reign of Her present Majesty, intituled *An Act relating to the Election of Representatives to serve in the General Assembly*; also an Act made and passed in the thirteenth year of the same Reign, intituled *An Act to establish the Polling Places in the County of Gloucester*; also an Act made and passed in the same year, intituled *An Act to establish Polling Places in the County of Victoria*; also an Act made and passed in the sixteenth year of the same Reign, intituled *An Act in amendment of the Act relating to the Election of Representatives to serve in the General Assembly, so far as relates to the Polling Places in the County of Carleton*; and an Act made and passed in the same year, intituled *An Act to establish places for Polling in the Parishes of Glenelg and Hardwicke, in the County of Northumberland*; also an Act made and passed in the seventeenth year of the same Reign, intituled *An Act relating to the qualification of Freeholders in certain cases*; and an Act made and passed in the same year, intituled *An Act relating to the establishing of Polling Places in the*

Counties of Charlotte, Gloucester, York, Queen's, Saint John, Victoria, Northumberland, and Sunbury.

69. This Act shall come into operation on the first day of November which will be in the year of our Lord one thousand eight hundred and fifty five, but no proceeding shall be had thereon, except the election of Revisors, until the first day of January one thousand eight hundred and fifty six; and all Elections of Representatives to serve in the General Assembly, which shall be held before the first day of January one thousand eight hundred and fifty seven, shall be held under the laws now in force for election of Representatives to serve in the General Assembly.

CAP. XXXVIII.

An Act to provide for an improved system of Sewerage and Water supply of part of the City of Saint John, and Parish of Portland in the County of Saint John.

Section.

1. Commissioners, appointment of;
2. To be sworn.
3. Chairman, nomination of.
4. Compensation for services.
5. Meetings to be at least monthly.
6. Debentures for Water Company's Stock; transfer thereupon; liabilities.
7. Extension of water works by the Commissioners.
8. Service pipes, at whose expense laid.
9. Proprietors or leaseholders, liability of: assessment; specialties.
10. Streets, how to be surveyed and levels established.
11. Sewers with branch drains to be laid.
12. Branch drains, expense of, how defrayed.
13. Assessment for expense of drains, when and in what proportion.
14. Right of entry on premises granted to Commissioners and their workmen.
15. Compensation for damages, how ascertained and paid.
16. Sewerage and water supply to new buildings, how obtained.
17. Superintendent of sewers and water, &c, appointment and pay of.
18. Superintendent's duty.
19. Cleansing and repairing of vaults and drains.

Section.

20. Vaults, drains, &c, power of Superintendent as to.
 21. Works for sewerage or water supply deemed property of Commissioners.
 22. Assessments to bind property and parties; recovery.
 23. Distress warrants and sequestration orders, issue and execution of.
 24. Appropriation of income. Deficiency, how supplied.
 25. Estimate of deficiency and assessment to be made.
 26. Accounts to be rendered annually, audited and published.
 27. Protection of Commissioners and officers.
 28. Compensation of Commissioners.
 29. Liability of Commissioners.
 30. Accounts of subordinate officers to be rendered;
 31. Proceedings on refusal.
 32. Proceedings on oath that an officer is about to abscond.
 33. Debentures, authority to issue, to pay for water stock;
 34. Amounts, where and when redeemable, authentication.
 35. Appropriation of surplus of income over expenditure.
- Schedule.

Passed 12th April 1855.

WHEREAS an improved system of Sewerage and Water supply, would conduce to the health and comfort of the citizens and inhabitants of the City and Parish;—

Be it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—