

*Acts of the General Assembly of His Majesty's Province of New-Brunswick passed in the year 1830.* Fredericton, NB: John Simpson, Printer to the King's Most Excellent Majesty, 1830.

10 & 11 George IV – Chapter 36 (1828)

**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 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.
- 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.
- 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.
- IV. And he 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 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.

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 \_\_\_\_\_.

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.