

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1838. Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1838.

1 Victoria – Chapter 55 (1837)

An Act in addition to and in amendment of the Laws now in force for regulating Elections of Representatives to serve in General Assembly in this Province. Passed 1st March 1837.

Whereas it is desirable to lessen the number of polling days in holding Elections in this Province, and also to define the several places for polling in the respective Counties;

I. Be it therefore enacted by the (lieutenant Governor, Legislative Council and Assembly, That the tenth section of an Act made and passed in the thirty first year of the reign of His 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in General Assembly, and for limiting the duration of Assemblies in this Province," be and the same is hereby repealed; and in lieu thereof—

II. Be it further enacted, That every poll which at any election hereafter holden in any County of this Province shall be demanded, shall commence on the day the same shall be demanded, and shall be duly and regularly proceeded in from day to day, (Sundays and intervening days as hereinafter provided excepted,) without delay or other adjournment, in order that all voters present may have an opportunity of being polled; and in case any Candidate or two electors, at such election, shall on the first day of holding the poll, so require, the poll shall be removed and held at the several places hereinafter appointed in each County; and if the said poll shall continue unto the eighth polling day inclusive, the same shall on that day be finally closed at or before the hour of three o'clock in the afternoon; and the Sheriff at every such election shall immediately or on the day next after the final close of the poll, truly and publicly declare the name or names of the person or persons who shall have the majority of votes on such poll, and shall forthwith make a return of such person or persons unless the Sheriff upon a scrutiny being demanded by any Candidate or any two or more electors shall deem it necessary to grant the same; in which case it shall and may be lawful for him so to do, and to proceed hereupon, but so as that in all cases of an election every Sheriff having the return of a Writ of Election shall close such scrutiny and make his return upon such writ on or before the day on which such writ is returnable.

III. And be it further enacted, That the following places in the respective Counties shall be and the same are hereby declared to be the places at which the poll in the respective Counties shall be held (in case the removal of the poll be demanded as hereinbefore provided), to wit:

IN THE COUNTY OF YORK.

First day—At the County Court House in the Shire Town.

Second day—In the upper part of the Parish of Kingsclear.

Third day—In the upper part of the Parish of Queensbury.

Fourth day—In the upper part of the Parish of Southampton.

Fifth day—On the Keswick Ridge in the Parish of Douglas.

Sixth day—On the Nashwaak in the Parish of Saint Mary's.

Seventh and eighth days—At the County Court House in the Shire Town.

IN THE COUNTY OF WESTMORLAND.

First day—At the Court House in the Shire Town.

Second day—(Allowing one week day to intervene) At or near William Hamilton's in Hopewell.

Third day—In Moncton near the Bend of Peticodiac [Petitcodiac] River.

Fourth day—In Barachois Settlement in Shediac Parish.

Fifth day—At Bay Verte.

Sixth day—In the upper part of Sackville Parish.

Seventh and eighth days—At the Court House in the Shire Town.

THE COUNTY OF KENT.

First day—At the Court House in the Shire Town.

Second day—At or near the Ferry over the Great Buctouche [Bouctouche] River.

Third and fourth days—At or near the ferry over Cocagne River.

Fifth day—At Kichibouguac [Kouchibouguac] near Raymond's mills.

Sixth, seventh and eighth days—At the Court House in the Shire Town.

IN AND FOR THE CITY OF SAINT JOHN.

First and second days—At the Court House in the said City.

Third day—In Carleton.

Fourth, fifth, sixth, seventh, and eighth day—At the Court House in the said City.

IN AND FOR THE COUNTY OF SAINT JOHN.

First and second days —At the Court House in the City of Saint John.

Third day—In Carleton.

Fourth day—At Loch Lomond.

Fifth day—At Quaco.

Sixth day—(Allow one week day to intervene) At the Court House in the said City.

Seventh and eighth days—At the same place.

IN AND FOR THE COUNTY OF SUNBURY.

First and second days—At the Court House in Burton.

Third day—At or near Tilley's in Sheffield.

Fourth day—At or near Thomas Hartt's on the north branch of the Oromocto.

Fifth, sixth, seventh and eighth days—At the Court House in Burton.

IN AND FOR KING'S COUNTY.

First day—At the Court House in Kingston.

Second day—At or near Harding's in the Parish of Westfield.

Third day—At or near Gillis' in the Parish of Springfield.

Fourth day—At or near Roache's in the Parish of Sussex.

Fifth day—At or near DeBoo's in the Parish of Upham.

Sixth day—At or near Hampton Ferry.

Seventh and eighth days—At the Court House in Kingston.

IN AND FOR THE COUNTY OF CHARLOTTE

First day—At the Court House in Saint Andrews.

Second day—At or near the Head of Oak Bay in the Parish of Saint David's.

Third day—In the Parish of Saint Stephen's.

Fourth day—(Allowing one week day to intervene) At or near Digdeguash mills in the Parish of Saint Patrick.

Fifth and sixth days—At or near the Lower Falls in the Parish of Saint George.

Seventh and eighth days—At the Court House in Saint Andrew's.

IN QUEEN'S COUNTY.

First day—At the Court House in Gagetown.

Second day—At or near White's Point on the Grand Lake.

Third day—At or near O'Leary's, mouth of Salmon River.

Fourth day—At or near White's Point on the Washademoak.

Fifth day—At or near Robert Golding's, Parish of Wickham.

Sixth day—At the halfway House, Nerepis Road.

Seventh and eighth days—At the County Court House in Gagetown.

IN AND FOR THE COUNTY OF GLOUCESTER.

First day—At the Court House in Bathurst.

Second and third days—(Allowing one week day to intervene) At or near the French Chapel at Carraquet [Caraquet].

Fourth and fifth days—(Allowing two week days to intervene) In the Town of Dalhousie.

Seventh and eighth days—(Allowing one week day to intervene) At the Court House in Bathurst.

IN AND FOR THE COUNTY OF NORTHUMBERLAND.

First day—At the Court House in Shire Town.

Second day—At Lower Negowack [Negauc].

Third day—(Allowing one week day to intervene) At Bay du Vin at or near Williston Settlement.

Fourth day—At the town of Chatham.

Fifth day—At or near Cuppage and White's in Northesk.

Sixth day—At or near Bartholomew's River in the Parish of Blackville.

Seventh day—At or near Robert Doak's present residence in the upper part of the Parish of Blissfield.

Eighth day—(Allowing one week day to intervene) At the Court House in the Shire Town.

IN AND FOR THE COUNTY OF CARLETON.

First day—At the Court House in the Shire Town.

Second day—At or near Becaguimick [Becaguimec] in the Parish of Brighton.

Third day—At or near Munquat in the Parish of Kent.

Fourth day—At or near Everitt's in the Parish of Andover.

Fifth day—(Allowing one week day to intervene) At or near Thibideau's near Green River in the Parish of Madawaska.

Sixth day—(Allowing two Week days to intervene) At the Court House in the Shire Town.

Seventh and eighth days—At the same place.

IV. And be it enacted, That when any new County shall be erected in this Province, either wholly or in part from any of the said Counties, the election for such new County shall be held at the Shire Town during the whole number of polling days, until otherwise provided for by law; and if any of the places hereinbefore established for taking the poll, should happen to fall within the limits of such new County, the same shall cease to be places for such polling, and the poll instead thereof shall be held in the Shire Town of the County for which such days and places were originally fixed: Provided always, that when any such poling days revert to the Shire Town in manner aforesaid, the same shall be held from day to day without any week day intervening.

V. Provided always and be it enacted, That if at any time in the, course of holding such poll, all opposition should be withdrawn by consent or resignation of Candidates, then the said Sheriff shall and may finally close such poll, after giving one hour's public notice or proclamation thereof.

VI. And be it enacted, That this Act shall not come into force or effect until His Majesty's Royal approbation be thereunto had and declared.

[This Act was specially confirmed, ratified and finally enacted by an Order of the Queen in Council, dated 20th day of December, 1837, and published and declared in the Province on the 20th day of June, 1838]