

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1858. Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1858.

21 Victoria – Chapter 33

An Act in amendment of Act 18 Victoria, Chapter 37, intituled *An Act to regulate the election of Members to serve in the General Assembly.* Passed 6th April 1858.

Section.

1. Votes to be counted and certified at the close of the poll in each District.
2. Defective ballots to be destroyed.
3. At adjourned Court, Sheriff to ascertain state of poll, and return the Members.

Section.

4. Parts of 18 V. c. 37, inconsistent with this Act, repealed.
5. Deposit of register of electors in incorporated Counties.

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

1. The forty first and forty third Sections of an Act made and passed in the eighteenth year of the Reign of Her present Majesty, intituled *An Act to regulate the election of Members to serve in the General Assembly*, are hereby repealed; and in lieu thereof,—At the close of the Poll in the different Districts, the Poll Clerk, under the direction and supervision of the presiding officer in every District, shall open the ballot box, and publicly count the ballots therein deposited, and make a check list thereof in the presence of the candidates, their agents or nominees, in open Court, and shall openly and publicly declare the number of votes which each candidate has received at such polling District, and shall make out and subscribe, then and there, in the presence of the said candidates, their agents or nominees, the said check list, and a written statement or declaration of the result of such poll, to which check list, and statement or declaration, the said candidates, agents, or nominees, may, if they so desire it, affix their names; and the said poll clerk shall then and there enclose the said check list, and written statement or declaration, in an enclosure or envelope, and seal the same up and publicly deliver it to the presiding officer so enclosed and sealed, who shall give a receipt therefor, and such presiding officer shall forthwith deliver or transmit the same to the Sheriff, who shall receive and safely keep the same unopened until the reassembly of the Court at the Court House on the day to which it had been [blank]rued, and the poll clerk shall, after enclosing and sealing up such check list, and statement or declaration as aforesaid, forthwith in open Court, publicly destroy, in the presence of the said candidates, their agents or nominees, the ballots deposited at the said polling place.

2. That if in counting the ballots the names of other persons than the candidates, or more persons than can be elected are found on any ballot, or if any ballot should be found not to be single, the poll clerk shall forthwith, then and there, publicly in open Court destroy the same, and no double ballot shall be counted.

3. On the day to which the Court has been adjourned, the Sheriff shall publicly break the seals of the envelopes enclosing the check lists, and written statement or declaration sent him as

aforesaid; shall open the said lists or statements or declarations, and separately announce the votes delivered to each candidate; shall add up from all the said lists, statements or declarations, the total number of votes given to each candidate; shall ascertain and declare the state of the poll, and return the Members chosen for the County or City for which such election was held.

4. That all parts of the said Act inconsistent with the provisions of this Act are hereby repealed.

5. In incorporated Counties, the register of electors when completed and signed by the Warden, shall be deposited with the Secretary Treasurer, and dealt with in all respects as is provided by the said recited Act.