

Laws of His Majesty's Province of Newfoundland, passed in the year 1834.

4 William IV – Chapter 15 (Session 1)

An Act for Registering the Names of Persons entitled to Vote at Elections. (12th June, 1834.)

Whereas it would greatly conduce to the convenience and purity of Elections for Members to serve in the Commons House of Assembly, if the Names of all Persons entitled to vote at such Elections were Registered: Be it therefore enacted by the Governor, Council, and Assembly of Newfoundland, in Parliament assembled, and by the authority of the same, that from and after the Thirty First Day of December next, no Person shall be entitled to Vote at the Election of any Member to serve in the Commons House of Assembly, whose name shall not have been previously Registered in the manner required by this Act.

II. And be it further enacted, that at the Courts of General or Quarter Sessions of the Peace, in the several Districts of this Island, to be held next after the First Day of July, in the present and every succeeding year, at such times and places as His Excellency the Governor shall by his Proclamation, be pleased to appoint, the Justices at such Sessions shall make out lists of all the inhabited places within their respective Districts, and shall assign to each of such Justices, and to each of the Conservators of the Peace, within such District, a particular Division thereof, within which such Justices or Conservators of the Peace shall act, in procuring and revising the lists required by this Act; and such Justice or Conservators of the Peace, shall give orders or instructions, in writing, to the respective Constables residing within the Divisions, to him, or them respectively assigned, for such Constable to make out alphabetical lists according to the form (No. 1.) in the Schedule hereunto annexed, of all persons entitled to vote at such Elections as aforesaid, who reside at such place or places, or within such limits as such Justice or Conservator of the Peace, may, by such orders or instructions, assign to such Constable respectively; and of all Persons who shall claim to be inserted in such Lists; and such Constables shall respectively prepare such Lists accordingly, and shall cause copies thereof to be fixed on or near the Doors of all Churches, Chapels, and Meeting-Houses, or other Places of Public Worship within such Town or Place; or if there be no such Church or Place of Public Worship, then on some Public Place within such Town or Place respectively, and shall also affix thereto, a notice, according to the form (No. 2.) in the Schedule to this Act annexed, requiring all Persons whose Names are not included in such Lists, and who may consider themselves entitled to Vote at such Election, to deliver or transmit to the said Constables respectively, on or before the First Day of September in the present and every succeeding Year, a notice of their claim as such Voters, according to the form (No. 3.) in the said Schedule, or to that effect: Provided always, that after the formation of the Register to be made in each Year as hereinafter mentioned, no Person whose Name shall be upon such Register for the time being, shall be required thereafter to make any such claim as aforesaid, so long as he shall retain the same qualification and continue in the same place of abode described in such Register: Provided also, that any Person who may have been absent from his usual Dwelling place during the whole time when the List prepared by the Constable was posted in such place, until the Twentieth Day of September of the same Year, and whose name shall have been omitted from such List, may at any time after the said Twentieth day of September, and before the next annual revision of the List, give notice to the revising Magistrate, or to the Court of Quarter Sessions, respectively, of his claim to be inserted in such List; and

such revising Magistrate or the Justices of the said Court of Sessions shall, if satisfied of his claim to be inserted in such List, insert his name therein, accordingly, in like manner as if such Person had preferred his claim before such Magistrate whilst holding his Court for the revision of names as hereinafter provided.

III. And be it further enacted, that the said Constables shall respectively, to the best of their knowledge and information, insert the names of all qualified persons into such Lists, and deliver and duly make return of all such Lists to the respective Justices or Conservators of the Peace, by whose direction such Constables shall or may have acted in making out such Lists.

IV. And be it further enacted, that the said Justices or Conservators of the Peace of each of the said Districts, shall on or before the Twentieth Day of September, in the present year, make out or cause to be made out, according to the form (No. 5.) in the said Schedule, a General Alphabetical List of all Persons within the several Divisions of their respective Districts, entitled to Vote at such Election as aforesaid, or who shall claim to be inserted in such List, as Voters in the Election of a Representative or Representatives, to serve for such District, in respect of any House or Tenement occupied by them, and that the said Justices or Conservators of the Peace, shall, respectively, on or before the Twentieth Day of September in every succeeding year, make out or cause to be made out, a like List, containing the names of all Persons who shall be upon the Register for the time being as such Voters, and also, the names of all Persons who shall claim as aforesaid to be inserted in such List as such Voters, and in every List so to be made by the said Justices or Conservators of the Peace as aforesaid, the Christian Name and Surname of every Person shall be written at full length, together with the place of his abode, and the local description of the Dwelling-House or Tenement, as the same are respectively set forth in his claim to vote. And the said Justices and Conservators of the Peace, or any of them, if they shall have reasonable cause to believe that any Person so claiming as aforesaid, or whose Name shall appear in the Register for the time being, is not entitled to Vote in the Election of a Member or Members for the District, County or Township in which his or their place of residence is stated to be situate, shall have the power to add the words " objected to" opposite the Name of every such Person on the margin of such List; and the Justices or Conservators of the Peace, or one of them, in each respective Division of the District, shall sign such List, and shall cause a sufficient number of copies thereof to be written or printed, and to be fixed on or near to the Doors of all the Churches, Chapels and Meeting-Houses within such division of the District; or if there be no Church, Chapel, or Meeting-House therein, then to be posted up in some public situations therein. And the said Justices or Conservators of the Peace shall likewise keep a true copy of such List, to be perused by any Person, without payment of any fee, at all reasonable hours, during the period of the sitting of their respective Courts of Revision, after the said List shall have been made.

V. And be it further enacted, that every Person who shall be upon the Register for the time being, of Voters for any District or County, or any Constable of the District, may object to any Person as not having been entitled to have his name inserted in any List of Voters for such District or County; and every Person so objecting (save and except Justices and Conservators of the Peace objecting in the manner hereinbefore mentioned) shall, on or before the Twentieth Day of September in the present and every succeeding year, give or cause to be given, a notice in writing according to the form (No. 3.) in the said Schedule hereunto annexed, or to the like effect, to the Justices or Conservators of the

Peace, who shall have made out the List in which the name of the Person so objected to, shall have been inserted, and the person so objecting shall also on or before the Tenth Day of September, in the present and every succeeding year, give to the Person objected to, or leave at his place of abode as described in such List, a notice in writing, according to the form (No. 4.) in the said Schedule, or to the like effect.

VI. And be it further enacted, that on the Twentieth Day of September in the present and every succeeding year, the said Justices and Conservators of the Peace, shall in their respective Divisions of each and every District of this Colony, hold open Courts of Revision, at the places within the respective Districts at which they respectively reside; and such Court shall be held by one Justice or Conservator of the Peace, or in such places where there shall be more than one, then by two or more Justices or Conservators of the Peace for the said District, and such Justices or Conservators of the Peace respectively, shall there produce or cause to be produced, the several Lists of Voters so made and taken as aforesaid for that Division of such District or County respectively; and also, a List of the Persons objected to so made out as aforesaid; and the aforementioned Constables shall respectively answer upon Oath, all such questions as the said Justices or Conservators of the Peace or any of them may put, touching any matter necessary for revising the List of Voters. And such Justices or Conservators of the Peace, shall retain on the Lists of Voters, the Names of all Persons to whom no objection shall have been made in the manner hereinbefore mentioned, and shall also retain on the List of Voters the name of every Person who shall have been objected to unless the party objecting shall appear by himself, or some one on his behalf, in support of such objection; and where the name of any party, inserted in the List of Voters, shall have been objected to by any Person, and such Person so objecting, shall appear by himself or some one on his behalf in support of such objection, every such Justice or Conservator of the Peace, shall require it to be proved, that the Person so objected to, was entitled on the First Day of September, then last past, to have his Name inserted in the List of Voters; and in case the same shall not be proved to the satisfaction of such Justice or Conservator of the Peace, the name of such Person shall be expunged from the Lists; Provided always, that if it shall happen that any Person who shall have given to the said Justices or Conservators of the Peace, or the said Constables respectively, due notice of his claim to have his Name inserted in the List of Voters as aforesaid, shall have been omitted by such Constable or Magistrate from the said List, it shall be lawful for such Justice or Conservator of the Peace, upon the revision of such List, to insert the Name of the Person so omitted, in case it shall be proved to the satisfaction of such Justice or Conservator of the Peace, that such Person gave due notice of such his claim, and that he was entitled on the First Day of September then last past, to be inserted in the List of Voters in the Election of a Member or Members for the said respective District.

VII. And be it further enacted, that all Justices and Conservators of the Peace holding any Court under this Act, shall have power to adjourn the same from time to time for the space of Ten Days and no longer, and from any one place to any other place, within their respective Divisions of the District; and shall also have power to administer Oaths to all Persons objecting to or claiming to be inserted in any such Lists; and to all Witnesses who may be tendered on either side; and if any Person taking any Oath under this Act, shall wilfully swear falsely, such Person shall be deemed guilty of perjury, and shall be punished accordingly. And such Justices and Conservators of the Peace, shall, upon such hearing in open Court, determine upon the validity of all claims and objections and shall write his or their Names or Initials against the Names respectively struck out or inserted, and against any part of the said Lists in

which any mistake shall have been corrected, and shall sign their Names to every page of the several Lists so settled, and such Lists of Voters so signed, shall be kept among the Records of the Courts of Sessions of the respective Districts, and the said Justices and Conservators of the Peace shall forthwith cause the said Lists to be fairly and truly copied, in alphabetical order, in a book or register to be provided for that purpose; and shall prefix to every Name, so copied out, its proper number, beginning the numbers from the first Name, and continuing them down to the last Name; and such Register, or Book of Voters, shall be completed and delivered to the Chief Magistrate of the District, in sufficient time before the then next General or Quarter Sessions of the Peace for such District; and immediately after such General or Quarter Sessions of the Peace, a true copy of such Register shall be transmitted, by such Chief Magistrate, to the Colonial Secretary, who, at every Election, shall transmit the same to the proper Returning Officers, who, after such Election, shall return the same with the Writ.

VIII. And be it further enacted, that if any Person claiming to vote in the Election of a Member or Members of any District as aforesaid, shall feel aggrieved by the decision of any Justice or Conservator of the Peace, as to his claim to Vote, such Person may appeal to the then next General or Quarter Sessions of the Peace for the District, and the Justices at such General or Quarter Sessions shall and may revise and alter the said List of Voters, by the addition of the name of such person, if it shall appear to the satisfaction of such Justices that such person was, on the First day of September then last past, duly qualified to vote as an Elector of the said District respectively.

IX. And be it further enacted, that any Person whose Name shall have been omitted from any Register of Voters, in consequence of the decision of any such Justice or Conservator of the Peace, or any Court of Sessions which shall have revised the Lists from which such Register shall have been formed, may tender his vote at any Election at which such Register shall be in force, stating at the time the Name or Names of the Candidate or Candidates for whom he tenders such Vote, and the Returning Officer, or his Deputy, shall enter upon the Poll Book, every Vote so tendered, distinguishing the same from the Votes admitted and allowed at such Election: Provided always, that in case any Person claiming to Vote at any such Election as aforesaid, and who shall have tendered his vote at the same, not having been duly Registered according to the Provisions of this Act, shall make it appear to the satisfaction of the Returning Officer at such Election, that he has actually occupied a Dwelling House for Twelve Months next before the Day of such Election, and that such Twelve Months had not expired on the First Day of September then last past, and is otherwise qualified according to Law to Vote at such Election, such Person shall be entitled to have his Name entered on the Poll Book, in like manner as if his Name had been duly registered as herein provided.

X. And be it further enacted, that upon Petition to the Commons House of Assembly, complaining of an undue Election or Return of any Member or Members to serve in Parliament, any Petitioner, or any Person defending such Election or Return, shall be at liberty to impeach the correctness of the Register of Voters in force at the time of such Election; by proving that in consequence of the decision of the Justices, or Court, which shall have revised the Lists of Voters from which such Register shall have been formed, the Name of any Person who has Voted at such Election was improperly inserted or retained in such Register, or the Name of any Person who tendered his Vote at such Election improperly omitted from such Register or not entered upon the Poll Book by the Returning Officer when tendered, and the Committee appointed for the trial of such Petition shall alter the Poll taken at such Election

according to the truth of the case, and shall report their determination thereupon to the House, and the House shall thereupon carry such determination into effect; and the Return shall be amended or the Election declared void as the case may be; and the Register corrected accordingly, or such other order shall be made as to the House shall seem proper.

XI. And be it further enacted, that no more than one Person shall be Registered as a Person entitled to Vote for or in respect of the occupation of any one Dwelling House: Provided always, that, for the purposes of this Act, any Tenement shall be deemed a Dwelling House for which the Occupier pays Rent by the year, and of which he has the exclusive possession.

Schedule

No.1

District of }
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The List of Persons entitled to Vote in the Election of a Member (or Members) for the District of _____ in respect of _____ Dwelling Houses situate within the (Port) (Cove) (or Harbor) of _____ and the vicinity thereof.

Christian name and Surname of each Voter, at full length	Place of abode, and Qualification.	Street, Lane, Road, or other local description.
Adams, John	St. John's	King's Road
Berrigan, James	St. John's	Gower Street

No.2

(Notice of Constable to be attached to or published with the List of Voters.)

I hereby give notice that the Justice of the Peace for this District, will on or before the _____ of this year, make out a List of all Persons entitled to Vote in the Election of a Member (or Members) to represent the _____ District of _____ in the General Assembly. And all Persons so entitled, and whose names are not included in the above List, are hereby required to deliver or transmit to me, on or before the _____ day of _____ in this year, a claim in writing, containing their Christian Names, and Surnames, and the Name of the Harbor or Cove, and Place, where the Dwelling House they claim to occupy is situate.

A.B. (Constable.)

No. 3

(Notice of Claim to be given to the Magistrate or Constable.)

I hereby give you Notice that I claim to be inserted in the List of Voters for the District of _____
and that the particulars of my place of abode and qualification are stated below.

Dated at _____ the _____ day, &c.

C.D.

No.4

(Notice to be given to the Voter objected to by the party objecting.)

I hereby give you notice that I object to your right of being Registered as an Elector for the District of _____

Dated at _____ the _____ day of _____ J.K.

No.5

District of }
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The List of Persons entitled to Vote in the Election of a Member (or Members) for the District of _____
in respect of Dwelling Houses situate in the _____ Division of the said District.

Christian Name and Surname of each Voter, at full length.	Place of abode and Qualification.	Street, Lane, Road, or other local description.
Agnew, Andrew	St. John's	Church Hill
Burdett, Francis	St. John's	Queen Street