

fifteen days of said Session, and that no Member whose election shall be contested shall so vacate his seat until after such contest shall have been decided.

XXXIV. And be it enacted, That in the event of any vacancy by death, resignation or appointment to the Legislative Council, or otherwise, 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 in case such vacancy shall occur in a County only represented by one Member, then in the most adjoining County, 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 or resignation of the Speaker, or by his appointment to a seat in the Legislative Council, or otherwise, or during the time there is no Speaker to the Assembly 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 be a Member for a County represented by only one Member, then the Warrant to the Clerk of the Crown may be made by any four Members.

XXXV. And be it enacted, That the respective Sheriffs for the different Counties shall return the following Members to serve in Assembly, to wit: For the County of York, four; For the County of Saint John, four; The County of Westmorland, four; The County of Charlotte, four; The County of Northumberland, two; King's County, two; Queen's County, two; The County of Sunbury, two; The County of Restigouche, two; The County of Gloucester, two; The County of Kent, two; The County of Carleton, two; and for the City of Saint John, two.

XXXVI. And be it enacted, That the Writ for the election of the said two Members for the said City shall be directed to the Sheriff of the City and County of Saint John who shall execute the same and make return thereof in the same manner and under the like regulations, restrictions, penalties and forfeitures except as is otherwise in this Act prescribed, as Sheriffs holding Elections in Counties are made subject and liable to.

XXXVII. And be it enacted, That the Members for the City of Saint John shall be chosen by the Freeholders of the said City qualified in the manner prescribed by this Act, and the Freemen being Inhabitants who have actually dwelt therein, and been duly registered in the list of Freemen, six months before the teste of the Writ of Election, and possessed of personal Estate to the value of twenty five pounds at the time of such Election, which said Freemen so to give their votes, shall be subject to the like regulations, restrictions, forfeitures, penalties, and disabilities, as Freeholders by this Act are made subject to, except that instead of the oath required to be taken by Freeholders, such Freemen shall take (or being Quakers affirm the effect of) the following oath:—

'I do swear that I am a British Subject, a Freeman of the City of Saint John, and am duly qualified to vote at this Election, and have not before polled at this Election.—SO HELP ME GOD.

XXXVIII. And be it enacted, That every person coming to vote at any Election hereafter holden for the 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.

XXXIX. And be it enacted, That every Sheriff shall forthwith deliver to such person or persons as shall desire the same, a copy of the Poll taken at such Election, paying only a reasonable charge for writing the same; and every Sheriff for every wilful offence contrary to this Act, not provided for by particular penalties in and by this Act inflicted, shall forfeit to every party so aggrieved, the sum of thirty pounds, to be recovered in manner in the nineteenth section of this Act prescribed.

Session, nor in cases of contest until after decision.

The Speaker within ten days after notice of a vacancy by the death, &c. of a Member to issue his Warrant for the issue of a new Writ.

Proceedings when vacancy arises by death, &c. of the Speaker or where there is no Speaker.

Number of Members to be returned to serve in General Assembly.

Writs of Election for City of Saint John to be directed to the Sheriff of the City and County.

Members for the City of Saint John to be elected by Freemen and Freeholders.

Oath to be taken by the Freemen.

Electors for the City to state whether they vote as Freeholders or Freemen, and an entry to be made accordingly in the Poll Book.

Copy of Poll Book to be furnished to any one desiring the same and paying therefor.