



Parliamentary Elections (Ireland) Act 1823

1823 CHAPTER 55

An Act to consolidate and amend the several Acts now in force, so far as the same relate to the Election and Return of Members to serve in Parliament, for Counties of Cities and Counties of Towns in Ireland. [8th July 1823]

WHEREAS it is expedient to consolidate and amend the several Acts now in force, so far as the same relate to the Election and Return of Members to serve in Parliament for Counties of Cities and Counties of Towns in Ireland; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from henceforth so much of an Act, passed in the Parliament of Ireland in the Thirty-fifth Year of the Reign of His late Majesty King George the Third, intituled An Act for regulating the Election of Members to serve in Parliament, and for repealing the several Acts therein mentioned; and also so much of an Act, passed in the Thirty-seventh Year of the Reign of King George the Third, intituled An Act for the further Regulation of the Election of Members to serve in Parliament; and also so much of an Act, passed in the Forty-fifth Year of the Reign of King George the Third, intituled An Act for amending an Act passed in the Parliament of Ireland, in the Thirty-fifth Year of His present Majesty, for regulating the Election of Members to serve in Parliament, so far as relates to Freeholds under the yearly Value of Twenty Pounds, and for making further and other Regulations relating thereto ; and also, so much of an Act, passed in the First Year of the Reign of King George the Fourth, intituled An Act for the better Regulation of Polls, and for making further Provision touching the Election of Members to serve in Parliament for Ireland, as relate to the Election of Members to serve in Parliament for any County of a City or County of a Town, shall be repealed.

II Mayor or other Chief Magistrate to hold Sessions for Registry of Freeholders.

And whereas the Number of Justices who are empowered to act within several of the Counties of Cities or Counties of Towns in Ireland, agreeable to the Charters thereof, is extremely limited, and often confined to those who from Age and Infirmary are incapacitated for active Performance of Duty: And whereas it is necessary to provide against any consequent Inconvenience or Delay of Persons possessed of Freehold Property, who wish duly to register such Freeholds, and to qualify themselves for

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exercising the elective Franchise ; be it further enacted, That in all Counties of Cities and Counties of Towns in Ireland, on the Day immediately preceding the opening of each General Quarter Sessions of the Peace, unless such Day shall fall upon a Sunday, and in such Case on the Day next but one preceding the opening of each General Quarter Sessions of the Peace, and upon the Day immediately after the criminal and other Business of every such Sessions shall have been fully transacted, unless such Day shall fall upon a Sunday, and in such Case on the Second Day after such Business shall have been fully transacted, the Mayor or other Chief Magistrate of such County of a City or County of a Town, or his sufficient Deputy appointed by him pursuant to Charter or Prescription, in case of his Absence from such City or Town, or his Illness, shall, upon being required so to do by any Freeholder of such County of a City or County of a Town, hold an open Court of Sessions for the Purpose of registering all such Freeholders as shall present themselves for that Purpose, in such Manner and Form as is by this Act required ; and that the said Mayor or other Chief Magistrate, or his Deputy, shall commence his Sitting on each Day at the Hour of Ten of the Clock in the Forenoon, and shall continue it until the Hour of Four of the Clock in the Afternoon : Provided, however, that in case any Two Justices of the Peace for said County of a City or County of a Town shall attend at such Sessions during the Time appointed for the Attendance of the said Mayor or other Chief Magistrate, upon such respective Days or either of them, or during any Portion of such Time, then and in such Case the Attendance of the said Mayor or other Chief Magistrate shall not be required during the Time of the Attendance of such Two Justices of the Peace.

III Freeholds may be registered at any Sessions.

And be it further enacted, That it shall be lawful for any Person possessed of a Freehold in any County of a City or County of a Town, to register the same before the Mayor or other Chief Magistrate, or his Deputy, or before any Two Justices of the Peace presiding at such Sessions, to be held for such County of a City or County of a Town, or before any Two Justices of the Peace, or the Recorder or Deputy Recorder, presiding in open Court at any Quarter Sessions of the Peace for the County of the City or County of the Town in which such Freehold is situate, or at any Adjournment thereof; or any Adjournment of such Adjournment.

IV Freeholders, having Freeholds (not consisting of a Rentcharge) of 50l. or 20l. to take the following Oath.

And be it further enacted, That when any Person, seised of any Freehold in any County of a City or County of a Town, which Freehold shall not consist of a Rentcharge, shall be desirous to register the same as being of the Value of Fifty Pounds, or Twenty Pounds, such Person shall in open Court, at some Sessions to be held as aforesaid, or Adjournment thereof, before the Mayor or other Chief Magistrate, or his Deputy, or before Two Justices of the Peace, or before the Recorder or Deputy Recorder presiding thereat, take and subscribe the following Oath [or, if a Quaker, the following Affirmation] :

'I _____ of _____ in the County of _____ or of the City or Town of _____ [as the Case may be), do swear [or if a Quaker, do affirm], That I am a Freeholder of _____ and that I have, and am now in actual Possession of a Freehold therein, arising from a House or Houses, or from Land, or both, or other Hereditaments [as the Case may be] of the clear yearly Value of _____ or _____

[as the Case may be] above all Charges payable out of the same, lying and being at or in [naming the hand out of which such Free hold shall arise, if the same shall arise out of Land, or the Street or Place where such House or Houses or other Hereditaments shall be ' situate, in case such Freehold shall arise out of any House or Houses or other Hereditaments) in the County of the City [or County of the Town, as the Case may be] of _____ and that the said Freehold does not arise from a Rentcharge, nor have I pro' cured it fraudulently, nor has it been granted fraudulently to me, ' or in exchange for a Freehold in any other County.'

V Persons holding Freeholds consisting of Rentcharge of 50l. or 20l. to take the following Oath.

And be it further enacted, That when any Person seised of any Freehold in any County of a City or County of a Town, which Freehold shall consist of a Rentcharge, shall be desirous to register the same as being of the Value of Fifty Pounds, or Twenty Pounds, such Person shall in open Court, at some Sessions to be held as aforesaid, or Adjournment thereof, before the Mayor or other Chief Magistrate, or his Deputy, or before Two Justices of the Peace, or before the Recorder or Deputy Recorder presiding thereat, take and subscribe the following Oath [or, if a Quaker, the following Affirmation]:

'I _____ of _____ in the County of _____ or of the City or Town of _____ [as the Case may be] do swear [or if a Quaker, do affirm], That I am a Freeholder of _____ and that I have a Freehold therein of the clear yearly Value of _____ or _____ [as the Case maybe] 'at the least, above all Charges payable out of the same, consisting of a Rentcharge granted by Deed, bearing Date the _____ Day of _____ in the Year _____ [if the same shall be granted by Deed, and in case it shall not be granted by Deed, then stating the Particulars of the Title of such Person to such Rentcharge on a House or Houses, or on Land, or both, or other Hereditaments, as the Case may be] lying and being at or in [naming the Land out of which such Rentcharge shall arise, if the same shall arise out of Land, or the Street or Place where such House or Houses, or other Hereditaments, shall be situate, in case such Rentcharge shall arise out of any House or Houses, or other Hereditaments,] in the County-of the City or County of the Town [as the Case may be) of _____ , and that I am in the Possession thereof to the clear Amount of _____ or _____ [as the Case may be) yearly Value thereof, and am entitled to receive the same as it becomes due.'

VI Freeholders under the Value of 20l. to take the following Oath.

And be it further enacted, That every Person who shall be seised of a Freehold under the Value of Twenty Pounds in any County of a City or County of a Town, and who shall be desirous to register the same, shall in open Court, at some Sessions to be held aforesaid, or Adjournment thereof, before the Mayor or other Chief Magistrate, or his Deputy, or before Two Justices of the Peace, or before the Recorder or Deputy Recorder presiding thereat, produce the Deed, Lease, or Instrument under which his Freehold shall arise, and shall take and subscribe the following Oath, [or if a Quaker, the following Affirmation :] 'I _____ of _____ in the County of _____

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_____ or of _____ the City or Town of _____ [as the Case may be] do swear, [or if a Quaker, do affirm], That I am a Freeholder of _____ and that I have a Freehold therein, arising from a House or Houses, or from Lands, or both, or other Hereditaments [as the Case may be] of the clear yearly Value of Forty Shillings at the least, above all Charges payable out of the same, lying and being at or in [naming the Land out of which such Freehold shall arise, if the same shall arise out of Land, or the Street or Place where such House or Houses or other Hereditaments shall be situate, in case such Freehold shall arise out of any House or Houses or other Hereditaments] in the County of the City [or County of the Town, as the Case may be] of _____ and that the said Freehold does not arise from a Rentcharge, and that the same arises by virtue of the Deed, or by virtue of the Lease, or by virtue of the Instrument, or by virtue of the Deed, Lease, or Instrument [using all or any or either of the said Terms, Deed, Lease, or Instrument] which I now produce, bearing Date the _____ Day of _____ in the Year of _____ for the Life or Lives of _____ [or, in case the said Freehold be not for Life or Lives, then stating the Nature of his Tenure [as the Case may be] at the yearly Rent of _____ [specifying the whole yearly Rent, or the yearly Rent per Acre, or such yearly Rent per Acre, together with the Number of Acres] and that I am in the actual Occupation thereof by residing thereon, f or by tilling or by grazing, or by both tilling and grazing [or by all or any or either of the said Means, stating the same copulatively or disjunctively, as the Case may be] to the Amount of at least Forty ' Shillings yearly Value thereof; and that the said Freehold is not let or agreed to be let to the Person or Persons who executed the said ' Deed, Lease, or Instrument [as the Case may be], or to the Heirs or Assigns of such Person or Persons, or to any one in Trust for him her, or them, nor do I intend to let the same to such Person or Persons, or any of them ; and that I have not agreed to let it for the Term for which I hold it, nor have I procured it fraudulently, or in Exchange for a Freehold in any other County, So help me GOD.' And if the Freehold, in right of which any Person shall desire to qualify himself to vote, shall not arise by virtue of a Deed, Lease, or Instrument, the Person desiring to register it shall describe the same in the Oath or Affirmation so to be taken by him, according to the true State and Nature of his Tenure, in which Case the Words in the foregoing Oath, importing that the same arises by virtue of a Deed, Lease, or Instrument, shall be omitted, and such Description inserted in the Place thereof.

VII No Tax, Cess, &c. shall be deemed a Charge, &c.

And be it further enacted, That no Public or Parliamentary Tax, County, Church, or Parish Cess, on any Townland or Division of any Parish or Barony, shall be deemed any Charge payable out of any Freehold Estate, within the Meaning of this Act, or any of the foregoing Oaths or Affirmations.

VIII Oath to be signed by Mayor, Justices or Recorder, &c. and delivered to Clerk of the Peace.

And be it further enacted, That every such Oath or Affirmation as is herein-before mentioned shall, when sworn or affirmed to, be signed by the said Mayor or other Chief Magistrate or his Deputy, or before such Two Justices of the Peace, or before the Recorder or Deputy Recorder presiding at such Sessions as aforesaid, and shall be then and there delivered by such Mayor or other Chief Magistrate or his Deputy,

or by such Justices of the Peace, or by the said Recorder or Deputy Recorder, to the Clerk of the Peace of such County of a City or County of a Town, to be filed and kept amongst the Records of the Court.

IX Where 50l. Freeholders take Oath as herein in Dublin, or Assizes, &c. such may be produced at Sessions, &c, and shall, be as good as if taken at Sessions.

And be it further enacted, That where the Freehold, whether consisting of a Rentcharge or not, shall be of the clear yearly Value of Fifty Pounds, and the Freeholder who shall be seised of the same shall take and subscribe the Oath or Affirmation (as the Case may be) respectively required as aforesaid to be by him taken for registering a Freehold (whether Rentcharge or not) as of the Value of Fifty Pounds, in any of the Courts of King's Bench, Common Pleas, or Exchequer, in the City of Dublin, or at any Assizes, and the same shall be subscribed by one of the Judges of such Courts, or the Judge of Assize, such Oath or Affirmation so subscribed may be produced at any Sessions of the Peace as aforesaid, held in the County of the City or County of the Town where such Freehold lies, and when read aloud there in open Court, shall be signed by the Mayor or other Chief Magistrate or his Deputy, or by the Justices of the Peace, or by the Recorder or Deputy Recorder presiding there, and shall then be delivered by the Court to the acting Clerk of the Peace, to be filed and kept amongst the Records of such County of a City or County of a Town ; and every such Oath or Affirmation so taken shall be of equal Effect for registering such Freehold, within the Meaning of this Act, as if it had been made at the Sessions of the Peace as aforesaid.

X Freeholders on actual Service in Army or Militia, may register where they are quartered.

And be it enacted, That if any Person seised of a Freehold, whether consisting of a Rentcharge or not, shall be in actual Service, either in the Army or Militia, out of the County of a City or County of a Town where such Freehold lies, and shall take and subscribe the Oath or Affirmation required by this Act to be by him taken for registering such Freehold, at any Sessions of the Peace or Adjournment thereof held in the County, Town, or City in which he shall be quartered or stationed, stating therein the Regiment, Battalion, Troop, or Company (as the Case may be) to which he belongs, such Affidavit shall be subscribed by the Mayor or other Chief Magistrate or his Deputy, or by the Justices of the Peace, or by the Recorder or Deputy Recorder presiding thereat, and countersigned by the Clerk of the Peace for such County, Town, or City, who shall certify that the Corps in which he serves is quartered or stationed therein ; and such Oath or Affirmation so subscribed and countersigned may be produced at any Sessions of the Peace or Adjournment thereof, or at any Adjournment of an Adjournment, held in the County of the City or County of the Town in which such Freehold lies, and when read aloud therein in open Court, shall be signed by the Mayor or other Chief Magistrate or his Deputy, or by the Justices of the Peace, or by the Recorder or Deputy Recorder presiding there, and shall be delivered to the acting Clerk of the Peace, to be filed and kept amongst the Records of the County; and every such Oath or Affirmation so taken shall be of equal Effect for registering such Freehold, as if it had been made at the Sessions of the Peace for the County of the City or County of the Town in which such Freehold is situated.

XI Freeh olds not to be registered, unless Instruments under which they arise be stamped

Provided always, and be it enacted, That the Mayor and other Chief Magistrate or his Deputy, or the Justices of the Peace, Recorder or Deputy Recorder presiding at such Sessions, shall not allow any Person to register his Freehold by virtue of any written Instrument, unless the same be stamped according to Law; and the Clerk of the Peace shall state in every Certificate to be provided by him, as aforesaid, of the Registry of a Freehold registered by virtue of a written Instrument, as of the Value of Forty Shillings only, that the same was registered by virtue of a written Instrument stamped according to Law.

XII Certificate of Registry to be given to Freeholder, for which the Clerk of the Peace shall be paid 3d.

And be it further enacted, That every Clerk of the Peace for the County of a City or County of a Town shall give, immediately on the Registry of any Freehold as aforesaid, to every Person registering the same, if he shall demand it, a Form of Certificate, wherein it shall be certified that such Person hath duly registered such Freehold, and wherein shall be recited exactly the Oath or Affirmation made or taken by such Person, and such Certificate shall, if required by the Person registering such Freehold, be signed by the Mayor or other Chief Magistrate or his Deputy, or by the Justices of the Peace, or the Recorder or Deputy Recorder presiding at such Sessions as aforesaid ; and such Certificate of Registry so signed as aforesaid shall be sufficient Evidence at any Election of the Registry of such Freehold, if such Certificate shall be without any Erasure or Interlineation ; and the Clerk of the Peace shall be paid by such Freeholder for every such Form of Certificate the Sum of Three-pence.

XIII Substance of Affidavit to be entered in Registry Book.

And be it further enacted, That the acting Clerk of the Peace at every Sessions of the Registry shall, within Ten Days after each Affidavit or Affirmation of Registry shall have been signed as aforesaid, enter in a Book or Books the Substance of every Affidavit or Affirmation, in the Form following:

Form of Entry of Affidavit

<i>Number.</i>	<i>Name of Freeholder.</i>	<i>Place of Abode.</i>	<i>Situation of Freehold.</i>	<i>Name of Landlord.</i>	<i>Value of Freehold.</i>	<i>Names of Lives or other Tenure.</i>	<i>Date of Registry.</i>

XIV Deed or Lease produced by Persons registering Freehold to be indorsed by Clerk of the Peace.

And be it further enacted, That every Deed, Lease, or Instrument produced by any Person intending to register a Freehold under the Value of Twenty Pounds as aforesaid, shall be indorsed at the Time in open Court, by the acting Clerk of the Peace, with his Name, and the Day of the Month and Year, and the Clerk of the Peace shall then and there compare the Deed, Lease, or Instrument, with the Affidavit of Registry.

XV Registry not to be impeached for Irregularity in holding Sessions.

And be it further enacted, That the Registry of any Freehold shall not be impeached on account of any Irregularity in the holding or adjourning of any Sessions from whence the Sessions at which such Freehold shall have been registered shall have been adjourned, either directly or by any Adjournment or Adjournments, provided such latter Sessions shall have been duly and regularly held in all other respects.

XVI Franchises of Persons already registered not to be affected.

And be it further enacted, That nothing in this Act contained shall extend or be construed to extend so as to limits abridge, or defeat the Franchise of any Person or Persons, who before the passing of this Act shall have duly registered his or their Freehold or Freeholds, under the Act or Acts in force at the Time of such Registry.

XVII Penalty on Mayor, &c. for Neglect of Duty, 100l.

And be it further enacted, That if the Mayor or other Chief Magistrate of any County of a City or County of a Town shall neglect or wilfully omit to hold any such Session by himself, or by his sufficient Deputy, in Manner and Form as herein-before directed' upon being required so to do by any Freeholder of any County of a City or County of a Town ; or if any Mayor or other Chief Magistrate, or the Justices, Recorder, or Deputy Recorder, presiding at any Sessions of the Peace to be held for any County of a City or County of a Town, shall omit or neglect, or wilfully refuse to register the Freehold of any Person duly qualified, who shall present himself for that Purpose to such Mayor or other Chief Magistrate, Justices, Recorder, or Deputy Recorder, such Mayor or other Chief Magistrate, Justices, Recorder, or Deputy Recorder so offending, shall forfeit the Sum of One hundred Pounds for each and every such Neglect of Duty; and that if the Clerk of the Peace for any County of a City or County of a Town, shall neglect or omit to attend at any such Sessions of the Peace as aforesaid, upon due Notice being given to him of the holding of the same, by any Freeholder of such County of a City or County of a Town, or shall neglect or omit to do all or any of the Acts hereby required to be done by him for the Registry of Free holders, such Clerk of the Peace shall for every such Offence forfeit the Sum of Fifty Pounds; such Penalties to be recovered by Information in any of His Majesty's Courts of Record in Dublin, One Moiety whereof shall be payable to our Lord the King, and the other Moiety to him who shall sue for and recover the same.

XVIII Clerk of the Peace shall make Entries of such Registers in alphabetical Books.

And be it further enacted, That the Clerk of the Peace of every County of a City or County of a Town shall enter, in the Form herein-before appointed for the Entry of Freeholds, the Substance of every Affidavit of every Freeholder who shall have registered a Freehold for such County of a City or County of a Town, of Forty Shillings, or Twenty Pounds, from the First Day of January One thousand eight hundred and sixteen, and the Substance of every Affidavit of every Freeholder who shall have registered a Freehold for such County of a City or County of a Town, of Fifty Pounds; but such Entries shall be made in alphabetical Order, according to the Surnames of the Persons who shall have registered Freeholds, and in separate Books, having One Book for each Letter of the Alphabet; and each of such Books shall be divided into Three Parts, the First Part containing the Forty Shillings Freeholds registered from the First Day of January One thousand eight hundred and sixteen, the Second containing the Entries of Twenty Pounds Freeholds from the same Time, and the Third Part the

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Entries of Fifty Pounds Freeholds; and such Clerk of the Peace shall affix before each Name a Number, to shew how many have been registered of each Description of Freehold under each Letter of the Alphabet; and shall also affix before each Name the Number affixed thereto in the original Registry Book or Books; and the Clerk of the Peace of every County of a City or County of a Town, shall from Time to Time enter in the same Manner and Form every Affidavit of Registry which shall hereafter be made.

XIX Copies of Books to be printed.

And be it further enacted, That within One Calender Month next after the First Day of January One thousand eight hundred and twenty-four, every Clerk of the Peace shall cause to be printed in the cheapest Manner, and by Contract, not less than Fifty or more than Two hundred Copies of all Entries in the said Registry Books; and that every Clerk of the Peace shall, within One Calendar Month after the First Day of January One thousand eight hundred and twenty-four, and within One Calendar Month after the First Day of January in every succeeding Year, cause to be printed not less than Fifty or more than Two hundred Copies of all Entries in the Registry Book of each County of a City or County of a Town, of all Affidavits or Affirmations of Persons who have registered their Votes within the Year then last past, ending on such First Day of January respectively ; and that the Clerk of the Peace of every County of a City or County of a Town shall deliver in each Year one printed Copy of the Registry Books to each Justice of the Peace residing in such County of a City or County of a Town, and Six Copies thereof to each Member of Parliament for the Time being for such City or Town : Provided always, that the Clerk of the Peace shall not suffer the original Registry Books to be out of his Possession, but shall cause Copies of them to be made for the Purpose of printing the same.

XX Clerk of the Peace to furnish Copies of Entries in Registry Books, and to be paid at the Rate of 3d. for every 100 Names.

And be it further enacted, That every Clerk of the Peace of any County of a City or County of a Town, shall from Time to Time, at the Request of any Freeholder of such County of a City or County of a Town, within Ten Days from such Request, deliver to such Person a true Copy of the Registry of all Freeholders which shall have been registered in such County of a City or County of a Town, as appearing on the original Registry Books, or a true Copy of the same as appearing in the alphabetical Books herein-before mentioned, or the Registry of any Freeholds, as appearing in any or either of the said Books, within any Period to be stated by the Freeholder making such Request, the said Clerk of the Peace receiving for the same at the Rate of Three-pence for every One hundred Persons Names contained in the said Copy ; and if any Clerk of the Peace shall omit to furnish a Copy of the Registry of any Freeholders as aforesaid, within the Time herein-before limited for such Purpose, on being paid at the Rate herein-before stated, such Clerk of the Peace shall for every such Offence forfeit the Sum of One hundred Pounds to any Person suing for the same.

XXI Clerk of Peace neglecting to keep Books or to make Entries, &c. shall forfeit 100l. and be disqualified; for neglecting to attend at Sessions &c. 50l.

And be it further enacted, That if any Clerk of the Peace shall omit or neglect to keep any of the Books hereby required, or to make due Entries therein in the Order and Form required, or to file any Oath and Affirmation delivered to him to be filed, and to preserve the same free from Erasure, Blot, Interlineation, or Damage, he shall for every

such Offence forfeit the Sum of One hundred Pounds, and be incapable of serving as a Clerk of the Peace for any County; and if he shall neglect or refuse to attend at any Sessions whereat Freeholders may be registered by virtue of this Act, or shall omit to give Copies of the Registry Books aforesaid, or any of them, or any Part thereof, within a reasonable Time after Demand, he shall forfeit for every such Offence the Sum of Fifty Pounds to any Person suing for the same.

XXII Grand Juries may present for Expence of printing alphabetical Books, and providing Registry Books.

And be it further enacted, That it shall and may be lawful for the Grand Jury of every County of a City, or County of a Town, and they are hereby authorized, empowered, and required, to present such Sum or Sums of Money as shall be proper for the Ex-pence of printing the aforesaid Books in the Manner and Form herein-before directed; such Grand Jury shall also present the Expences of providing the Registry and Alphabetical Books herein-before mentioned.

XXIII No Freeholder to vote unless registered.

And be it further enacted, That no Person shall be admitted to vote at any Election of a Member or Members to serve in Parliament for any County of a City or County of a Town, by virtue of a Freehold, unless such Freehold shall have been registered in manner herein-before directed ; and that no Person shall be admitted to vote at any such Election by virtue of a Freehold registered at the Value of Twenty Pounds or Forty Shillings, unless such Freehold shall have been registered within Eight Years preceding the Teste of the Writ for holding such Election; and that no Person who shall have registered any Freehold as of the Value of Fifty Pounds or Twenty Pounds, such Freehold not arising out of a Rentcharge, shall be admitted to vote at any such Election, unless such Freehold shall have been registered Six Months at the least before the Teste of the Writ for holding such Election; and if such Person shall have let or agreed to let the same to the Person or Persons from whom he holds it, or to the Heirs or Assigns of such Person or Persons, or to any one in Trust for him, her, or them, or who has let or agreed to let the same, or more thereof than shall leave a Residue sufficient to constitute such Freehold, for the Term for which he holds it, then such Person shall not be permitted to vote at any such Election, unless he shall have registered such Freehold Twelve Calendar Months previous to the Teste of such Writ and that no Person, having registered a Freehold arising out of a Rentcharge, shall be admitted to vote at any such Election, unless such Freehold shall have been registered Twelve Months at the least before the Teste of the Writ for holding such Election ; and no Person, having registered a Freehold as of the Value of Forty Shillings, shall be admitted to vote at any such Election by virtue of any Freehold which shall be let or demised to the Person or Persons from whom he holds or derives the same, or to any Person in Trust for him or them, or to his or their Heirs or Assigns, or which shall be let or demised to any Person or Persons for the same Term for which he holds the same,; and that no Person, having registered a Freehold as of the Value of Forty Shillings, shall be admitted to vote at any such Election, unless such Freehold shall have been registered Twelve Calendar Months at the least before the Teste of the Writ for holding such Election, except such Freehold shall have come to him by Descent, Devise, Marriage, or Marriage Settlement; and in case such Freehold shall have come to him by Descent, Devise, Marriage, or Marriage Settlement, then such Person shall not be permitted to vote by virtue thereof, unless the same shall have been registered Six Calendar Months previous to the Teste of such Writ.

XXIV None to vote by virtue of Freeholds granted fraudulently, or in consideration of Increase of Rent.

And be it further enacted, That no Person shall be admitted to vote at any Election of any Member or Members to serve in Parliament for any County of a City or County of a Town, by virtue of any Freehold granted fraudulently, or in Exchange for a Freehold in any other County, or in Consideration of any Increase of Rent out of any other Lands in the same or in any other County, held by such Person from the Grantor, though such Consideration be not expressed in the Deed or Grant.

XXV None to vote under 21 Years old.

XXV. And be it further enacted, That no Person shall be admitted to vote at any Election of a Member or Members to serve in Parliament, who is under the Age of Twenty-one Years,

XXVI Grant fraudulently made as Freehold, to be valid against Grantee.

And be it enacted, That if any Person or Persons shall fraudulently and knowingly grant any Interest importing to be a Freehold, which really is not so, with Intent to enable any Person to vote as a Freeholder at any Election of a Citizen or Citizens, by any County of a City or County of a Town, such Grant shall be good and valid against the Grantor thereof, for every Purpose but enabling the Grantee to vote.

XXVII Penalty on Persons making Grants as Freehold, to induce Lessees to register them as Freeholds, having only a Term of Years therein.

And be it further enacted, That if such Grantor shall be possessed only of a Term of Years therein, and shall demise the same, or any Part thereof, for a Life or Lives, with Intent to induce the Lessee therein to register such as a Freehold for any County of a City or County of a Town, or to vote as a Freeholder thereout, he shall forfeit the Sum of One hundred Pounds to any Person who shall sue for the same, by Action, Bill, Complaint, or Information, in any Court of Law.

XXVIII Conveyances made fraudulently to qualify Voters shall be deemed valid against the Persons who grant them.

And be it further enacted, That from and after the passing of this Act, all Estates, Grants, and Conveyances whatsoever, made to any Person or Persons in any fraudulent or collusive Manner, on Purpose or with Intent to qualify him or them to give his or their Vote or Votes at any Election or Elections, Citizens for Counties of Cities, Burgesses for Counties of Towns, subject to Conditions or Agreements to defeat or determine such Estates, Grants, and Conveyances, shall be deemed and taken against the Person or Persons who granted such Estate as free and absolute, and be holden and enjoyed by all and every Person and Persons to whom such Conveyance or Grant shall be made as aforesaid, freed and absolutely acquitted, exonerated, and discharged of and from all Manner of Trusts, Conditions, Clauses of Re-entry, Powers of Revocation, Provisoes of Redemption, or other Defeazances whatsoever, between or with the said Parties, or any other Person or Persons in Trust for them ; and that all Bonds, Covenants, Collateral or other Securities, Contracts, or Agreements between or with the said Parties, or any other Person or Persons in Trust for them, or any of them, for the redeeming, revoking, or defeating such Estate or Estates, or for the restoring

or re-conveying thereof, or any Part thereof, to any Person or Persons, in Trust for them, or any of them, shall be null and void to all Intents and Purposes whatsoever; and that every Person who shall make and execute such Conveyance or Conveyances as aforesaid, or, being privy to such Purpose, shall devise or prepare the same, and every Person who, by Colour thereof, shall give any Vote, at any Election for any such Member to serve in Parliament, shall for every such Grant and Conveyance so made, or Vote so created or given, forfeit the Sum of One hundred Pounds Sterling to any Person who shall sue for the same, to be recovered by Information in any of His Majesty's Courts.

XXIX No Trustee or Mortgagee to vote, unless in possession 12 Months before the Teste of Writ. Mortgagor may vote. Clergymen not obliged to register Ecclesiastical Freeholds. None precluded who have disposed of a Part, if they retain as much as sworn to.

And be it further enacted, That no Person shall be admitted to vote at any Election by reason of any Trust Estate or Mortgage, unless such Trustee or Mortgagee shall have been in the actual Possession or Receipt of the Profits thereof, for his own Use, Twelve Calendar Months before the Teste of the Writ for holding such Election, and the Mortgagor or Cestuique Trust in Possession (or both, as the Case may be) may vote out of such Estate, notwithstanding such Mortgage or Trust: Provided always, that no Rector, Vicar, or Curate, shall be obliged to register his Freehold arising from his Rectory, Vicarage, Curacy, or other Ecclesiastical Preferment, or be precluded from voting at any Election on account of his not having registered the same: Provided always, that no Person shall be precluded from voting by virtue of any Freehold, on account of having sold, aliened, or disposed of any Part of the Freehold he shall have registered between the Date of such Registry and the Day he shall offer his Vote, if he shall have retained thereof to the annual Value sworn in such Registry.

XXX Town Clerk, or other proper Officer of City or Town, to keep Registry Book of Persons to whom Freedom shall be granted;

And be it further enacted. That the Town Clerk or other, Officer of each County of a City or County of a Town in Ireland, who shall have Charge of the Books whereby it shall appear to what Persons the Freedoms of such City or Town shall be granted, and by which it shall appear what Persons have been declared entitled to their Freedom as of Right, shall keep a Book containing a List of the Names of the Persons elected or admitted Freemen, and of the Persons to whom all Freedoms shall be granted, and of the Persons who shall be declared entitled to their Freedom as of Right; and such Town Clerk or other Officer shall, at the Request of any Freeman of the said City or Town, within Ten Days from the Time of making such Request, deliver to such Person a List of the Names of the Persons elected or admitted Freemen, and of the Persons to whom such Freedoms shall be so granted, and of the Persons who shall be so declared entitled to their Freedom as of Right, within such Time as shall be specified by such Person, such Town Clerk or other Officer receiving for the same at the Rate of Three-pence for every Hundred Persons Names contained in such List; and if any Town Clerk or other Officer as aforesaid shall omit to keep, a Book containing the Entry of such Names, or shall omit to furnish a List of the Names of such Persons within the Time appointed for furnishing the same as aforesaid, after Request made as aforesaid, such Town Clerk or other Officer shall for every such Offence forfeit the Sum of One hundred Pounds to any Person suing for the same.

XXXI Officers of Corporations to admit Candidates, &c. at Times herein mentioned, to inspect Books on Payment of 2s. 6d. and give Copies on receiving 2s. 6d. for each Admission.

And be it further enacted, That any Mayor, Bailiff, Town Clerk, or other Officer of any Corporation having a Right to return Members to Parliament, shall upon the Demand of any Candidate, Agent, or Freeman of such Corporation, on Payment of Two Shillings and Sixpence, permit such Freeman, between the Hours of Twelve at Noon and Three in the Afternoon, at any Time to inspect the Books and Papers wherein the Admission of Freemen shall be entered, and to have Copies or Minutes of the Admission of so many Freemen as such Candidate, Agent, or Freeman shall think fit, upon Payment to such Mayor or other Officer of Two Shillings and Sixpence for every such Admission; and such Books and Papers shall, if demanded by such Candidate or his Agent or Freeman, be produced by such Mayor or other Officer; and if such Mayor or other Officer shall refuse or deny such Candidate, Agent, or Freeman the Inspection of such Books and Papers at any Election, if demanded and paid for in the Manner herein-before set forth, such Mayor or other Officer shall for every such Offence forfeit the Sum of One hundred Pounds to him, her, or them who shall sue for the same, to be recovered in manner herein-after mentioned.

XXXII Freemen not to vote unless admitted to Freedom, or Freedom granted to them, Six Months before Teste of Writ.

And be it further enacted, That no Person shall be admitted to vote as a Freeman at any Election of a Member to serve in Parliament, whose Freedom shall not have come to him by Service, Birthright, or Marriage, unless he shall have been elected or admitted to his Freedom, or his Freedom shall have been granted to him, Six Calendar Months at the least before the Teste of the Writ for holding such Election.

XXXIII Sheriffs shall indorse on Writs for Elections the Time of receiving thereof, and make Proclamation and affix Notice on the Court House.

And be it further enacted, That immediately after the Receipt of the Writ for making an Election for any County of a City or County of a Town, the Sheriffs or other Returning Officers of such County of a City or County of a Town shall and they are hereby required to indorse thereon the Date of receiving the same ; and that such Sheriffs or other Returning Officers shall, within Two Days after the Receipt of such Writ, cause Proclamation of the Time and Place of holding such Election to be made, at the usual Place of holding such Elections, between the Hours of Ten of the Clock in the Forenoon and Two of the Clock in the Afternoon; and that the said Sheriffs or other Returning Officers on the same Day shall cause to be affixed on the Doors of the Court House of such County of a City or County of a Town, public Notice of a Special County Court to be there holden for the Purpose of such Election only, and which shall be holden on same Day (Sunday, Christmas Day, and Good Friday excepted), nor later from the Day of making such Proclamation and affixing such Notice than Eight Days, nor sooner than Four Days.

XXXIV Whenever more than 800 Freeholders are registered in any County of a City or County of a Town, additional Places of polling shall be provided, &c.

And be it further enacted, That whenever in any County of a City or County of a Town the Number of Freeholders appearing by the Books of the Clerk of the Peace capable of voting at any Election for the same shall exceed Eight hundred Freeholders, it shall

and may be lawful for the Returning Officers and they are hereby required to provide Two or more Places for the polling the Freeholders of such County of a City or County of a Town, and to make such Division or Divisions of the Freeholders of such County of a City or County of a Town, according to the First Letters of their Names, that it shall not be necessary for more than Eight hundred Freeholders to poll in any one Place of polling, but so as not to divide the Names beginning with the same Letter of the Alphabet; and such Returning Officers shall and they are hereby required to appoint as many Deputies and Poll Clerks as shall be necessary to take the Poll in such Places of polling, not exceeding One Deputy and One Poll s Clerk for each Place of polling; provided, however, that ,no greater Number of polling Places shall be provided by such Returning Officers, than One for every Eight hundred Freeholders, appearing by the Books of the Clerk of the Peace to be capable of voting at such Election.

XXXV When Freemen shall exceed 1,000, Two Places of polling to be provided for them.

And be it further enacted, That whenever, in any County of a City or County of a Town, the Number of Freemen appearing by the Grand Panel or Roll of Freemen of such County of a City or County of a Town, capable of voting at any Election for the same, shall exceed One thousand, it shall and may be lawful for the Sheriffs or other Returning Officers, and such Returning Officers are hereby required, to provide Two Places for the polling of the Freemen of such County of a City or County of a Town ; and that it shall and may be lawful for the Returning Officers, and they are hereby required to appoint as many Deputies and Poll Clerks as shall be necessary to take the Poll in such Places of polling, not exceeding One Deputy and One Poll Clerk for each Place of polling; the respective Places of polling of Freemen to be separate and distinct from the Places appointed for the polling of Freeholders ; provided, however, that no greater Number of polling Places than Two shall be provided by such Returning Officers for such County of a City or County of a Town.

XXXVIPolls shall begin on the Day when demanded or the Day after, and continue daily, and conclude at 3 o'clock on the 15th Day (Sundays, Christmas-day, and Good Friday excepted).

And be it enacted, That every Poll which shall be demanded at any Election of a Member or Members to serve in Parliament for any County of a City or County of a Town in Ireland, shall commence on the Day upon which the same shall be demanded, or upon the next Day after at farthest (unless such Day shall happen to be a Sunday, Christmas Day, or Good Friday, and in such Case on the Day next after), and shall be duly and regularly proceeded in from Day to Day, for so many Hours of each polling Day as the Returning Officer or Officers is or are by this Act directed to keep the Poll open (Sundays, Christmas Day, and Good Friday always and only excepted), until the same be finished, but so that no Poll for the Election of a Member or Members to serve in Parliament for any County of a City or County of a Town in Ireland shall continue more than Fifteen Days at the most (Sundays, Christmas Day, and Good Friday always excepted); and if such Poll shall continue until the Fifteenth Day, then the same shall be finally closed at or before the Hour of Three O'Clock in the Afternoon of the same Day; and the Returning Officer or Officers at every such Election shall, immediately after the final Close of the Poll, truly, fairly, and publicly declare the Name or Names of the Person or Persons who hath or have the Majority of Votes on such Poll, and shall forthwith make a Return of such Person or Persons.

Status: This is the original version (as it was originally enacted).

XXXVI Returning Officer to take the following Oath.

And be it further enacted, That every Returning Officer shall, before the Commencement of polling, take and subscribe in open Court the Oath following, which every Justice of the Peace is hereby required and authorized to administer :

'I A.B. do swear, That I will honestly, impartially, and without ' Favour to any Candidate, take the Poll at this Election; and that I have not directly or indirectly received, nor will I hereafter directly or indirectly receive any Money, Gift, Reward, Promise, Contract or Security for Money or other Reward, for or in respect of the Conduct which I shall observe during the ensuing Poll, or the Return which I shall make at the Close thereof, except the Expences of erecting Booths, hiring Buildings, keeping them in Repair, and the Payment of Clerks and Deputies, and Counsel for my Assistance ; and that I will return such Person or Persons as shall appear, to the best of my Judgment, at the Close of the; Poll, to have the Majority of legal Votes.' And that every Deputy appointed by virtue of this Act, shall, before he proceeds to take the Poll, take and subscribe, in open Court, the Oath following, in the Presence of the Returning Officer or Officers, who is and are hereby required and empowered to administer the same:

' I A. B. do swear, That I will honestly, impartially, and without Favour to any Candidate, take the Poll at this Electron; and ' that I have hot directly or indirectly received, nor will I hereafter directly or indirectly receive, any Money, Gift, Reward, Promise, Contract, or Security for Money or other Reward, for or in respect of the Conduct I shall observe during the ensuing Poll; and 'that I will make a fair and true Return of all such Persons as shall tender their Votes before me, to be by me taken to the Returning Officer Or Officers by whom I am appointed, whenever and as ' often as I shall be thereunto required by him or them.' And a Memorandum of every of the said Oaths being taken shall be entered on the Poll Book.

XXXVII Oath of Clerk for taking Poll of Freeholders.

And be it further enacted, That every Person whom any Returning Officer at any Election for a Member to serve in Parliament for any County of a City or County of a Town shall employ to act as Clerk for taking the Poll of Freeholders shall, before his beginning to take such Poll, take an Oath in the Form following:

'I A. B. do swear, That I will at this Election of a Member [or, Members, as the Case may he] to serve in Parliament for the County of the City or the County of the Town (as the Case may be), of _____ truly and indifferently take the Poll, and set down the Number opposite to the Name of each Freeholder, in the ' Registry Book, his Name and the Place of his Abode, and; the Situation and the Value of his Freehold, and for whom he shall poll.' Which Oath every Returning Officer is hereby authorized arid empowered to administer; arid every such Clerk of the Peace shall enter in a Book, to be provided for that Purpose, the Number which shall appear in the alphabetical Registry Book opposite to the Name of each Freeholder who shall tender his Vote, or offer to poll at such Election, in the Booth to which such Clerk shall be appointed, the Name of such Freeholder, and the Place of his Abode, the Situation and Value of his Freehold, and for whom he shall vote.

XXXIX Oath of Clerk biking Poll of Freemen.

And be it further enacted, That every Person whom any Returning Officer, at any Election for a Member to serve in Parliament for any County of a City or County of a

Town, shall employ to act as a Clerk for taking the Poll of Freemen, shall, before his beginning to take such Poll, take an Oath in the Form following:

'I A. B. do swear, That I will at this Election of a Member or Members [as the Case may be] to serve in Parliament for the County of the City or County of the Town [as the Case may be], of _____ truly and indifferently take the Poll, and set down the Name and the Place of Abode of each Freeman, and for whom ' he shall poll.' Which Oath every Returning Officer is hereby authorized and required to administer; and every such Clerk shall enter in a Book to be provided for that Purpose, the Name and the Place of Abode of each Freeman who shall tender his Vote, or offer to poll at such Election, in the Booth for which such Clerk shall be appointed, the Place of Abode of such Freeman, and for whom he shall vote.

XL Sheriff shall attend at a Booth separate from polling Booths, to decide disputed Questions.

And be it further enacted, That it shall and may be lawful to and for the Sheriff and other Returning Officers, at any Election for a Member to serve in Parliament for any County of a City or County of a Town, and they are hereby required to erect a Booth or hire a Building, unless there shall already be some fit and convenient Place for the Purpose, wherein they may and shall decide all the disputed Questions, and all the Objections to Votes that may be referred to them, and which Booth or Building, or other Place, shall be separate from and exclusive of the Number of Booths or Buildings, or other Places necessary for the polling of the Electors; and such Returning Officers, or One of them, is and are hereby required to give his or their constant Attendance in such separate Booth, Building, or other Place, in which the polling shall continue each Day.

XLI Deputy Sheriffs to appoint in each Place of polling one Person to be Inspector and Agent, and another to be Clerk for checking the Poll Clerk for each Candidate.

And be it further enacted, That the respective Deputies to be appointed by the Sheriffs or other Returning Officers, in manner herein mentioned, shall appoint in each Place of polling such One Person for each Candidate as shall be nominated to him by such Candidate, to be an Inspector of the Clerk appointed for taking the Poll, and the Agent of such Candidate in such Place of polling; and shall also appoint such One other Person for each Candidate as shall be nominated by such Candidate, to be a Clerk for keeping a Cheque Book of the Poll Book in such Place of polling.

XLII Deputies may be removed, &c.

And be it further enacted, That the Sheriffs, or other Returning Officers of every County of a City or County of a Town, may from Time to Time during every Election remove any Deputy who shall be appointed in manner herein directed, and appoint another in his Room, or may change any Deputy from one Booth or Building to another, as such Returning Officers shall think fit: Provided always, that every such Removal or new Appointment of a Deputy, or Change from one Booth or Building to another, shall be made publicly, and proclaimed in the Place where such Deputy shall take the Poll, by the Returning Officer or Officers, or some Person to be for that Purpose appointed by him or them.

XLIII On Demand of Candidates, Returning Officers shall appoint Interpreters.

And be it further enacted, That it shall and may be lawful to and for the Officers at any Election for a County of a City or County of a Town in Ireland, and they are hereby required, on the Demand in Writing of any Candidate, to appoint a sufficient Number of competent Persons to act as Interpreters, in order to translate faithfully such Oaths, Affirmations, and such Questions and Answers as are required to be taken, made, asked, or given, at any such Election ; and that every such Interpreter shall, immediately after such Appointment and before he shall proceed to act under such Appointment, take the following Oath; and every Returning Officer is hereby required and empowered to administer the same:

' I A. B. do swear, That I will faithfully interpret such Oaths, Affirmations, Questions, and Answers, as I shall be directed to interpret by the Returning Officer or Officers, and his or their Deputy ' or Deputies [as the Case may be.] And that every such Person so appointed for the Purpose aforesaid shall be entitled to receive the Sum of Ten Shillings for each Day of his Attendance.

XLIV Clerk of the Peace shall appoint a Deputy to attend at Election with Registry Books and original Affidavits of Registry alphabetically arranged, &c.

And be it further enacted, That the Clerk of the Peace, at every Election of a Member to serve in Parliament for any County of a City or County of a Town in Ireland, shall appoint, or in Failure thereof, the Sheriffs or Other inferior Officers thereof shall appoint a Deputy Clerk of the Peace, who shall attend with the original Registry Book or Books in which the Entries of the Registry of all Freeholds shall be first entered at the Booth to be provided for the Sheriffs or other Returning Officers, as hereby directed, and also a Deputy Clerk of the Peace, and also an Assistant to such Deputy, to be present in each Place of polling of Freeholders ; and such Deputy shall take with him into such Place of polling such of the alphabetical Registry Books belonging to the County of a City or County of a Town, as shall contain the Names of the Freeholders to be polled in such Place of polling, and the original Affidavits or Affirmations which shall have been made by the Persons capable of voting in such Place of polling respectively; which Affidavits or Affirmations the Clerk of the Peace is hereby required to have arranged alphabetically in separate Parcels (one or more for each Letter of the Alphabet), and indorsed with the Names of the Persons by whom the same were respectively made, and also with the Number of the Entry of each Affidavit or Affirmation in the original Registry Book or Books ; and that in those Cases wherein a Certificate of Registry shall not be produced by the Person tendering his Vote or offering to poll, such Deputy shall, on the Demand of the Returning Officer's Deputy, produce the original Affidavit or Affirmation of the Registry of such Person; and that such Deputy; Clerk of the Peace shall be entitled to receive the Sum of Ten Shillings and no more, for each Day of his Attendance, any Act to the contrary notwithstanding ; and such Assistant to such Deputy shall be entitled to receive the Sum of Five Shillings for each Day of his Attendance ; and that if such Deputy or such Assistant to such Deputy shall alter, deface, destroy, or lose any Affidavit or Affirmation of Registry committed to his Care, he shall forfeit the Sum of Ten Pounds for every such Offence, to any Person suing for the same, by Action of Debt, at any General Quarter Sessions of the Peace.

XLV Deputy Town Clerk to attend Sheriffs with Books containing Entries of Grants of Admissions to Freedoms.

And be it further enacted, That at every Election of a Member to serve in Parliament for any County of a City or County of a Town in Ireland, the Town Clerk or other Officer having Charge of the Books relating to the granting or electing of or Admissions to Freedoms for such County of a City or County of a Town shall appoint, or in Failure thereof the Sheriffs or other Returning Officers shall appoint a Deputy Town Clerk or other such Officer as shall have Charge of such Books, and such Deputy so appointed shall attend in the Place appointed for the Attendance of such Sheriffs or other Returning Officers, and shall take such Books with him thereto; and in case the Sheriffs or other Returning Officer shall deem it expedient to refer to any of the Entries contained in such Books, such Deputy Town Clerk or other Officer shall produce the same to such Sheriff or other Returning Officer; and such Deputy Town Clerk or other Returning Officer shall be entitled to receive the Sum of Ten Shillings, and no more, for each Day of his Attendance.

XLVI Town Clerk to provide Copy of Grand Panel or Roll of Freemen for each polling Place, for Freemen; and shall appoint Deputy to attend with it.

And be it further enacted, That at every Election for a Member to serve in Parliament for a County of a City or County of a Town in Ireland, the Town Clerk or other Officer having Charge of the Grand Pannel or Roll of Freemen of such County of a City or County of a Town, shall provide a Copy of such Grand Pannel or Roll of Freemen for each Place of polling Freemen at such Election; and shall appoint, or in failure thereof, the Sheriffs or other Returning Officers of such County of a City or County of a Town shall appoint a Deputy Town Clerk or other Officer, having Charge of such Grand Pannel or Roll of Freemen for each Place of polling Freemen at such Election ; and such Deputy so appointed shall take with him to such Place of polling a Copy of such Grand Pannel or Roll of Freemen, and shall produce and refer to the same, as shall be directed by the Sheriffs or other Returning Officers or their Deputy, presiding in such Place of polling; and each of such Deputies shall be entitled to receive the Sum of Ten Shillings and no more for each Day of his Attendance.

XLVII Oath of not having voted before and of being of Age, to be put, if required.

And be it further enacted, That at every Election of a Member or Members to serve in Parliament for any County of a City or County of a Town, the Returning Officer's Deputy shall, if required by any Candidate or the Inspector of any Candidate so to do, in Person administer, in the Place of polling in which he presides, an Oath, in the following Form, to every Person separately who shall tender his Vote or offer to poll at such Election, and immediately after the Production of the Certificate or Affidavit of Registry, when any such Person offers to vote by virtue of a Freehold; (that is to say), 'I T A. B, do swear, [or being a Quaker or Moravian, do solemnly affirm], That I will true answer make to all such Questions as the Sheriffs or other Returning Officer's Deputy [as the Case may be], presiding in this Booth, shall demand of me; and I do also swear, (or being One of the People called Quakers or Moravians, do solemnly affirm], That I have not polled before at this Election, and that I am, as I believe, Twenty-one Years of Age. 'So help me GOD.'

XLVIII Oath of not having received Reward for voting to be administered, if required.

And be it further enacted, That at every such Election for a County of a City or County of a Town, the Returning Officer's Deputy shall, if required by any Candidate, or the Inspector of any Candidate so to do, also administer, in the Place of polling in which he presides, an Oath in the following Form, to every Person separately who shall tender his Vote, or offer to poll at such Election, before such Person shall be permitted to poll: ' I A. B. do swear [or, being of the People called Quakers, I A. B. ' do solemnly affirm], I have not received Or had myself, or any Person whatsoever in Trust for me, or for my Use and Benefit, or ' for the Use and Benefit of any of my Family or Kindred, to my 'Knowledge or Belief, directly or indirectly, any Sum or Sums of 'Money, Office, Place or Employment, Gift or Reward, or any Promise or Security for any Money, Office, or Employment, in order to give my Vote at this Election.'

XLIX Deputy to refer to Registry Book, and Certificate of Registry deemed conclusive Evidence, and in default thereof, the original Affidavit.

And be it further enacted, That in every Case in which any Person shall tender his Vote, or offer to poll at any Election for a Member to serve in Parliament for a County of a City or a County of a Town, by virtue of a Freehold, the Returning Officer shall, in the first Place, refer to the Entry of the Registry of the Affidavit or Affirmation, in the alphabetical Book furnished by the Clerk of the Peace in which the same shall be contained, and write down opposite to the same the Initial Letters of his Name, and then he shall refer to the Certificate or Affidavit of the Registry of the same; and that if any such Person shall produce a Certificate of the Registry of his Freehold corresponding with such Entry of the original Affidavit or Affirmation, without any Erasure or Interlineation therein, signed as required by Law, such Certificate shall, without further Proof, be deemed of equal Authenticity with the original Oath or Affirmation, and conclusive Evidence that such Person so tendering his Vote, or offering to poll, had registered such Freehold, and the Returning Officer's Deputy shall write down the Initials of his Name upon the Margin of such Certificate; and that in all Cases wherein no such Certificate shall be produced by the Person tendering his Vote, or offering to poll, or wherein such Certificate, if produced, shall appear to the Returning Officer's Deputy not to be in Manner and Form as aforesaid, it shall and may be lawful for the Returning Officer's Deputy, and he is hereby required to direct the Deputy Clerk of the Peace to produce the original Affidavit or Affirmation of the Registry of the Freehold of such Person so tendering his Vote, or offering to poll.

L When Entry of Freehold appears in Registry, vote to be taken unless Oaths required or Objections made.

And be it further enacted, That whenever the Entry of the Affidavit or Affirmation shall appear in the Registry Book, and that any such Person shall have produced such a Certificate of Registry as is herein-before described, or that the original Affidavit or Registry shall have been produced by the Deputy Clerk of the Peace, and that such Person so tendering his Vote, or offering to poll, shall have taken the Oaths aforesaid, if required so to do, such Deputy shall then ask such Person for whom he votes, and the Vote of such Person shall be entered on the Poll Book according to his Answer, unless such Deputy shall be required by any Candidate, or the Agent of any Candidate, to put to such Person the Questions herein-after mentioned, or unless an Objection be made to such Vote in manner herein directed: Provided always, that it shall and may be lawful to and for the Returning Officer's Deputy to take the Vote of any Person tendering his Vote, or offering to poll, whose Freehold appears on the Registry Book,

without referring to the Certificate or Affidavit or Affirmation of Registry, if he be not required by any Candidate, or any Inspector of any Candidate, so to do.

LI Questions to be put to Voters and to Freeholders if required.

And be it enacted, That the Returning Officer's Deputy shall, if required by any Candidate or the Agent of any Candidate so to do, put the following Questions, and no others, to any Person tendering his Vote, or offering to poll at any Election for a Member to serve in Parliament for a County of a City or County of a Town in Ireland, without allowing any Person to interrupt him :

1. What is your Name ? 2. Where do you reside? 3. Do you swear that you are possessed of a Freehold in the County of the City or County of the Town of [naming the County of a City or County of a Town for which the Election is held?] 4. Where is such Freehold situated ? And that the Returning Officer's Deputy shall then, if required by any Candidate or the Inspector of any Candidate so to do, refer to the Certificate of Registry, if one be produced by the Person tendering his Vote or offering to poll, or if none be produced, to the original Affidavit of Registry, and then shall immediately ask, if required by any Candidate or the Inspector of any Candidate so to do, without making or allowing any other Person to make any Comments or Observations upon the said Certificate or Affidavit, the following Questions:

5. Is the Freehold described in this Certificate or Affidavit of Registry [as the Case may be] the same Freehold which you now swear you are possessed of, or by virtue of which you now offer to vote? And that in case it shall appear to the Returning Officer's Deputy, from the Certificate or Affidavit of Registry, that any Person shall tender his Vote or offer to poll in respect of a Freehold of the Value of Forty Shillings only, the said Deputy shall then, if required by any Candidate so to do, put the following Questions:

6. Do you swear that you have been in the actual Occupation of this Freehold, as described in your Certificate or Affidavit of Registry [as the Case may be] by tilling it or by grazing it or by residing upon it during the Whole of the last Twelve Months ?

7. Do you swear that the Freehold is now of the clear yearly Value of Forty Shillings, above all Charges payable out of the same ? And When such Person so tendering his Vote or offering to poll shall have answered the Questions that shall have been demanded of him as aforesaid, such Deputy shall ask such Person for whom he votes; and the Vote of such Person shall be entered in the Poll Book according to his Answer, unless an Objection be made to such Vote in manner herein directed: Provided always, that if it shall appear to such Deputy, from the Answers which shall be given by any Person to the first Four Questions aforesaid, that his Freehold arises from a Rectory, Vicarage, or Curacy, or other Ecclesiastical Preferment, the said Deputy shall not proceed to put to such Person the other Questions herein-before mentioned; but when such Person shall have answered such Four Questions, such Deputy shall ask such Person for whom he votes ; and the Vote of such Person shall be entered in the Poll Book according to his Answer, unless an Objection be made to such Vote in Manner herein directed; and provided always, that if an Entry of the Affidavit or Affirmation of the Registry of the Freehold of any Person tendering his Vote or offering to poll, required by Law to be registered, shall not appear in the Registry Book, or that if any Person tendering his Vote or offering to poll shall not either produce such Certificate of Registry as by Law required, or be able to refer to an original Affidavit or Affirmation of his Registry, in the Possession of the Deputy Clerk of the Peace, or that if any such Person shall refuse to take the Oath aforesaid, or shall not give a direct Answer to each of the Questions to be put to him by the Returning Officer's Deputy, or that the Person so examined shall admit in his Answer or Answers to the said Question or Questions

that he is not the Person whose Freehold is registered, or that he has no Freehold, or that the Freehold described in his Certificate or Affidavit or Affirmation of Registry [as the Case may be], is not the Freehold for which he tenders his Vote, or that he has not been in the Occupation thereof for the Whole of the last Twelve Months, or that the same is not at the Time of tendering his Vote of the Value of Forty Shillings, above all Charges payable out of the same; then and in every and in any such Case it shall and may be lawful to and for such Deputy and he is hereby required, authorized, and empowered to refer such Person to the Returning Officer or Officers, or his or their Assessor, for Examination, and to proceed immediately to receive the Vote of the next Person who shall tender his Vote or offer to poll,

LII Questions to be put to Persons offering to vote as Freemen, if required.

And be it further enacted, That in every Case in which, any Person shall tender his Vote or offer to poll at any Election for a Member to serve in Parliament for any County of a City or County of a Town, the Returning Officer's Deputy shall, if required by any Candidate or the Agent of any Candidate so to do, put to such Person the following Questions, and no other:

What is your Name ? Are you a Freeman of the County of the City or County of the Town of [naming the County of a City or County of a Town for which the Election is held?] Have you been sworn ? Provided always, that where the Right of Election in any County of a City or Town in Ireland shall have been determined, under and by virtue of any Act or Acts of Parliament now in force for the Trial of controverted Elections or Returns of Members to serve in Parliament, to be in the resident Freemen only of the County of a City or Town, the Returning Officer's Deputy shall, if required by any Candidate, or the Agent of any Candidate, put the following additional Questions to any Person offering to vote as a Freeman:

When were you admitted a Freeman thereof, or elected a Freeman thereof; or, was the Freedom thereof granted to you, to the best of your Knowledge and Belief? Where did you reside in the Month of _____ in the Year _____? [here slating the Time of Admission, Election, or Grant of the Freedom.] and the Answers to which Questions shall be inserted in the Poll Books : And when the Person so tendering his Vote, or offering to poll, shall have answered such Questions, such Deputy shall ask such Person for whom he votes ; and the Vote of such Person shall be entered in the Poll Book according to his Answer, unless an Objection be made to such Vote, in Manner herein directed.

LIII Where Vote is objected to a Memorandum of the Objection shall be made by the Poll Clerk for the Returning Officer to decide.

And be it further enacted, That at any Election for a Member to serve in Parliament for any County of a City or County of a Town, no Objection shall be made to vote, until after the Person tendering the same shall have declared for whom he votes; and that if the Vote of any Person shall be then objected to by an Inspector of any Candidate, the Poll shall not be on that Account delayed, but the Returning Officer's Deputy shall direct the Poll Clerk to enter a Memorandum on the Poll Books, shewing to which Candidate or Candidates such Person has given his Vote, and he shall immediately proceed to receive the Vote of the next Person who shall tender his Vote or offer to poll; and that the Inspector who shall have made the Objection on Behalf of any Candidate, shall instantly write down a Memorandum on a printed Form, to be provided by the Returning Officer, containing the Name of the Voter, the Place of his Abode, and the Nature of the Objection or Objections, and sign and date the same, and shall give

Status: This is the original version (as it was originally enacted).

the same to the Returning Officer's Deputy, and shall sign the same with the initial Letters of his Name, and then give the same to the Assistant Deputy Clerk of the Peace, who shall take the same, together with the Certificate or Affidavit or Affirmation of Registry, if it shall be necessary so to do, to the Returning Officer, to decide on the Validity thereof; and that it shall thereupon be lawful to and for the Returning Officer or Officers, or his or their Assessor, at the Discretion of such Returning Officer or Officers, or his or their Assessors only, to order the Voter to attend before him or them during the Inquiry into his Vote, and for such Returning Officer or Officers, or his or their Assessor, to examine such Voter, by such Questions as such Returning Officer or Officers, or his or their Assessor, shall think necessary to ask, as to any Objection or Objections made to his Vote; and such Returning Officer or Officers, or his or their Assessor, shall administer an Oath to such Voter, in the Form following :

' I A.B. do swear, [or, being a Quaker or Moravian, do solemnly affirm], That I will true Answers make to all such Questions as ' shall be here put to me by the Returning Officer or Officers, or ' his Assessor, [as the Case may be.] So help me GOD.' And that if the Vote shall be allowed, the Returning Officer or Officers, or his or their Assessor, shall write down upon the Memorandum these Words, ' Allow this Vote;' and that if the Vote shall be disallowed, then the Returning Officer or Officers, or his or their Assessor, shall write down upon the Memorandum these Words, ' Reject this Vote ;' and that in either Case, the Returning Officer or Officers, or his or their Assessor, shall write down the Initials of his or their Name or Names under the Words so directed to be written down upon the Memorandum ; and the Returning Officer or Officers, or his or their Assessor, shall then deliver the said Memorandum to the same Assistant Deputy Clerk of the Peace who had brought it to him or them, to be forthwith carried back to the Returning Officer's Deputy; and that such Deputy shall either reject such Vote, or order the Poll Clerk to enter the same upon the Poll for the Candidate or Candidates to whom it had been given, according as he shall be directed by the Returning Officer or Officers, or his or their Assessor; and that every such Memorandum shall be preserved by such Deputy, and be delivered to him by; the Returning Officer or Officers, to be attached to the Poll Books at the Close of the Election ; and that the Form of the said Memorandum, so to be prepared as aforesaid, shall be as follows :

Form of Objection as to Freeholders.

<i>Number in the Registry Book.</i>	<i>Name of Voter.</i>	<i>Abode of Voter.</i>	<i>Objection.</i>
		(Signed) Dated Day of 18	
		Reject this Vote. (Signed)	

Form of Objection as to Freemen.

<i>Name of Voter.</i>	<i>Abode of Voter.</i>	<i>Objection.</i>
	(Signed) Dated Day of	
Allow this Vote. (Signed)		Reject this Vote. (Signed)

Status: This is the original version (as it was originally enacted).

FORM of Objection to Freemen, where the Right of Election ; shall have been determined, under and by virtue of any Act or Acts of Parliament now in force for the Trial of controverted Elections or Returns of Members to serve in Parliament to be in the resident Freemen.

<i>Name of Voter.</i>	<i>Date of Original Entry in Corporation Books of Election to, Grant of, or Admission to Freedom.</i>	<i>Residence at Time of Original Entry in Corporation Books of Election to, Grant of, or Admission to Freedom.</i>	<i>Objection,</i>
Allow this Vote.(Signed)		(Signed) Dated	Reject this Vote. (Signed)

Provided always, that in case any Objection be taken to vote which shall not be in Substance different from one previously ruled by the Returning Officer or Officers, or his or their Assessor, or in case any Objection be taken which shall appear to such Deputy to be frivolous, or taken for the Purpose of Delay, that then in every such Case it shall not be lawful to and for the Deputy to transmit the Memorandum containing such Objection to the Returning Officer or Officers, and that in every such Case such Deputy shall admit the Vote so objected to, to be entered upon the Poll.

LIV Circumstances under which Returning Officers reject Vote of Person claiming to be Freeholder.

And be it further enacted, That if an Entry of the Affidavit or Affirmation at any Election for a Member or Members to serve in Parliament for any County of a City or County of a Town in Ireland, of the Registry of the Freehold of any Person tendering his Vote or offering to poll, required by Law to be registered, shall not appear in the Registry Book, or if any Person tendering his Vote, or offering to poll, shall not either produce such Certificate of Registry as by Law required, or be able to refer to an original Affidavit or Affirmation of his Registry, in the Possession of the Deputy Clerk of the Peace, or if any such Person shall refuse to take the Oath aforesaid, or shall not give a direct Answer to each of the Questions to be put to him by the Returning Officer or Officers, or his or their Assessor, or if it shall appear to such Returning Officer or Officers by the Admission of the Person so offering to vote, or upon a due Examination of One or more credible Witness or Witnesses, upon his or their Oath or Oaths (which Oath or Oaths the Returning Officer or Officers is and are hereby authorized and empowered to administer), that the Person offering to vote by virtue of a Freehold at such Election has polled before at such Election, or has personated another Elector for the Purpose of polling at such Election, or has polled by virtue of a forged Certificate of Registry, or offers to poll by virtue of a Registry of an alledged Freehold, under a Lease for a Life or Lives, made by a Lessor who had not at the Time of making the same a Freehold Estate therein, or by virtue of a Registry of an alledged Freehold, under a Lease for a Life or Lives, which Lease is to end and determine on some such Covenant or Condition, that a Freehold Estate has not been demised by the same, or by virtue of any Freehold Estate of which he shall not be bond fide seised,

then and in any or either of such Cases, the Returning Officer or Officers shall reject the Vote of the Person so tendering such Vote, or so offering to poll at such Election.

LV Circumstances under which Votes tendered by Persons claiming to be Freemen, may be rejected.

And be it further enacted, That if at any Election for a Member or Members for any County of a City or County of a Town in Ireland, it shall appear to the Returning Officer or Officers, that any Person tendering his Vote, or offering to poll at such Election, has personated any Freeman for the Purpose of polling at such Election, or that such Person is not a Freeman, or (unless the Freedom of such Person shall have come to him by Service, Birth-right, or Marriage), that he has not been admitted to his Freedom, or that his Freedom has not been granted to him Six Months at the least before the Teste of the Writ for holding such Election, then and in any or either of such Cases such Returning Officer or Officers shall reject the Vote of the Person so tendering such Vote, or offering to poll at such Election.

LVI Improper Votes to be taken off the Poll by the Returning Officer on Complaint of Candidate before the final closing of the Poll.

And be it further enacted, That if any Person shall be admitted to poll at any Election for a Member to serve in Parliament for a County of a City or County of a Town, who has polled before at such Election, or who has personated another Elector for the Purpose of polling at such Election, or who has polled by virtue of a forged Certificate of Registry, or who has polled by virtue of a Registry of an alledged Freehold under a Lease of Land or Tenements for a Life or Lives, made by a Lessor who had not at the Time of making the same a Freehold Estate therein ; or by virtue of a Registry of an alledged Freehold under a Lease of Land or Tenements for a Life or Lives, which Lease is to end and determine on some such Covenant or Condition, that a Freehold Estate has not been demised by the same; or by virtue of any Freehold Estate of which he shall not be bond fide seised ; it shall and maybe lawful for the Returning Officer or Officers, and they are hereby required, authorized, and empowered, upon the Complaint of any Candidate, to take the Vote of such Person off the Poll at any Time before the final closing of the same : Provided always, that the Act complained of as having been committed by such Person be set forth and described, and positively declared to have been committed by such Person in an Affidavit to be sworn before a Justice of the Peace, and that such Affidavit be delivered to the Returning Officer or Officers ; and further, that the Act complained of shall appear to the Returning Officer or Officers, upon a due Examination of One or more credible Witness or Witnesses concerning the same, upon his or their Oaths, to be proved to have been committed by such Person, which Oath or Oaths the Returning Officer or Officers is or are hereby authorized and empowered to administer : Provided always, that the Affidavit setting forth every such Complaint shall be delivered to the Returning Officer or Officers on the same Day on which the Act complained of shall have been committed.

LVII Returning Officer only to examine Voters objected to.

. And be it further enacted, That it shall not be lawful for any other Person whatever, other than the Returning Officer or Officers, or his or their Assessor, to ask any Question of any Person who shall be examined by the Returning Officer or Officers, or his or their Assessor, on account of his Vote, or the Vote of any other Person or Persons, having been objected to, but that it shall and may be lawful to and for the

Returning Officer or Officers, or his or then' Assessor or Assessors, at the Discretion of such Returning Officer or Officers, or his or their Assessor only, to permit a Barrister or Barristers to argue any Question of Law before him or them. LVIII. Restraining Persons from speaking during the Time of polling.

LVIII

And be it further enacted, That it shall not be lawful for any Person, whether Barrister, Attorney, Inspector, Agent, Candidate, or Elector, or any other Person whatsoever, to plead or speak in any Place of polling during the Hours appointed for polling under this Act, on any Matter or Thing whatsoever.

LIX Returning Officer may commit Persons obstructing the Poll.

And be it further enacted, That it shall and may be lawful to and for the Returning Officer or Officers, or his or their Deputy or Deputies, at any Election, and he and they is and are hereby authorized and empowered to commit all Persons to Gaol, without Bail or Mainprize, who shall plead or speak on any Matter or Thing contrary to the Provisions of this Act, or who shall be found rioting or interrupting the Poll, or wilfully preventing the Approach of Electors to the Place of polling, or who shall be guilty of a Contempt to such Returning Officer or Officers, or to such Deputy or Deputies; provided that the Time of such Imprisonment shall not in any Case exceed Twenty-four Hours.

LX Deputies shall not reject Votes or examine Voters except as before provided.

And be it further enacted, That it shall not be lawful for any Deputy of any Returning Officer to put any Questions to any Person tendering his Vote, or offering to poll at any Election for a Member to serve in Parliament for a County of a City or a County of a Town, save and except those Questions herein-before directed to be put, or to make any Comments or Observations on the Answers which may be given to the same, or on any Matter or Thing relating to any Vote which may be tendered before him; and that if any Objection be made to any Vote at any Election for a County of a City or a County of a Town, or other Place, such Objection shall be forthwith referred by the Returning Officer's Deputy as herein-before directed, to the Returning Officer; and that it shall not be lawful for any such Deputy to investigate the Right of any Person to vote further or otherwise than as herein-before directed, or to reject the Vote of any Person, without Reference to the Returning Officer.

LXI Instructions to be observed by Deputies.

. And be it further enacted, That every Returning Officer shall give such Instructions in Writing to his Deputy or Deputies appointed for taking the Poll at any Election, as may be necessary to point out to him or them what is required of him or them to be done in respect of the Objections to Votes which may be made, and in respect of the Manner of transmitting them to such Returning Officer or Officers, and in respect of the due Performance of his or their Duty as such Deputy or Deputies, and that every such Deputy shall obey such Instructions as shall be so given by such Returning Officer or Officers.

LXII Deputy to close and give up his Poll Book each Day to Officer, who shall sum up the Number. 50l. Penalty on Deputy refusing to deliver Poll Book, or polling after directed to stop, or before directed to begin, and Votes not allowed.

And be it further enacted, That every Deputy shall, upon Notice given to him by the Returning Officer, each Day close his Poll Book, and deliver in the same immediately to such Officer, who shall sum up thereupon the Number of Votes polled on such Day for each Candidate, to be read aloud in open Court; and if any Deputy shall refuse to deliver his Poll Book when required by the Returning Officer, or shall continue to take the Poll after he shall have been directed by him to stop, and before he shall be again directed by him to proceed, or after his Deputation shall be revoked, he shall forfeit the Sum of Fifty Pounds, to any Person who shall sue for the same, to be recovered as herein-after directed ; and every Vote admitted by him after such Refusal or Direction to stop, or Revocation, shall be void, and the Person who offered such Vote shall not be deemed to have voted, and is hereby declared not to have voted or to have been polled at such Election.

LXIII Deputy Sheriffs and Officers neglecting their Duty at Election, shall lose their Compensation.

L And be it further enacted, That any Deputy Sheriff, Poll Clerk, Clerk of the Peace, Deputy Clerk of the Peace, Assistant Deputy Clerk of the Peace, Deputy Town Clerk, or other Officer, Interpreter, Constable, Bailiff, or Peace Officer, who shall absent himself from the Duty of his Office at any Election of a Member or Members to serve in Parliament for any County of a City or County of a Town, during any Part of the Time that the Poll shall be kept open on each Day, shall forfeit all Compensation for his Attendance during such Election ; and that the Returning Officer or Officers is and are hereby authorized and required, in case of the Absence, Neglect, Misconduct, or Insufficiency of any such Person or Persons, immediately to remove any such Person or Persons, and to appoint a Person or Persons to till his or their Place or Places.

LXIV Appointing the Hours for commencing and ending the Poll each Day.

And be it further enacted, That the Returning Officer or Officers, at every Election for a Member to serve in Parliament for any County of a City or County of a Town, shall cause the Poll to be kept open in every Place, and on every Day of polling, from Ten of the Clock in the Morning, except on the First Day of polling, until Five of the Clock in the Afternoon, except on the last Day of polling, between the Fifteenth Day of April and the Fifteenth Day of September, and from Ten of the Clock in the Morning, except on the First Day of polling, until Four of the Clock in the Afternoon, except on the last Day of polling, between the Fifteenth Day of September and the Fifteenth Day of April; and that in case any disputed Question, or any Objections to Votes referred to him or them by his or their Deputy or Deputies, shall not be decided during the Time for which the Poll shall be so kept open, the Returning Officer or Officers shall give his or their Attendance in his or their Booth or other Place of Sitting, and proceed to decide the same after the polling shall have ceased, or before the polling shall have commenced on any Day or Days of polling, except the last Day of polling.

LXV After the 4th Day Returning Officer may close any Booth when 20 have not polled in the Day.

And be it further enacted, That it shall and may be lawful for the Returning Officer or Officers, at any Election for a Member to serve in Parliament for every County of

a City or County of a Town, and he and they is and are hereby required, on any Day after the Fourth Day of polling, computing therein the Day on which the Poll shall be commenced, to close finally the Poll in any Booth or Place of polling in which no more than Twenty Persons have polled, or been referred for Decision to the Returning Officer or Officers, during that Day : Provided always, that in case it shall appear, upon the Evidence of Two or more credible Witnesses taken upon Oath (and which Oath the Returning Officer or Officers is and are hereby empowered to administer), to the Returning Officer or Officers, that any Person intending to offer themselves to poll in such Booth or Place of polling have been prevented by Force and Violence from coming to the same for the Purpose of polling on that Day, that then and in every such Case it shall be lawful to and for the Returning Officer or Officers to keep such Booths or Place of polling open for another Day, and so on from Day to Day if such Force and Violence be repeated, and be found to have taken place on such Evidence as aforesaid, to the Satisfaction of the Returning Officer or Officers.

LXVI Returning Officer may summon Constables, Bailiffs, &c. to attend Elections.

And be it further enacted, That at any Election of a Member to serve in Parliament for any County of a City or County of a Town, it shall be lawful to and for the Returning Officer or Officers to summon all Constables, Bailiffs, and other Peace Officers to attend the Places of polling, and to keep the Peace at such Election, and to perform such other Things as shall be assigned to him by the Returning Officer or Officers, and to appoint any Number of Special Constables that he or they may think proper to aid and assist therein; and that every Constable, Bailiff, or Peace Officer, when so summoned, who shall neglect to attend during the whole of such Election, or to obey the lawful Commands of the Returning Officer or Officers, shall forfeit such Office of Constable, Bailiff, or other Peace Officer, and all Salary due to him in respect thereof.

LXVII In case of Death or Illness of Returning Officer, the first sworn Deputy shall perform the Duty.

And be it further enacted, That in case of the Death or the severe Illness of any Returning Officer, during the Continuance of the Poll at any Election for a County of a City or County of a Town, it shall and may be lawful for the other Returning Officer, if there be Two such Returning Officers, or for the first sworn Deputy, if there be. but one Returning Officer, or being Two Returning Officers, in case of the Death or severe Illness of both such Returning Officers, is hereby required, under the Penalty of forfeiting Five hundred Pounds, and such other Returning Officer or such sworn Deputy, as the Case may be, to any Person who shall sue for the same, to proceed with the Poll, and to act in every respect for all the Purposes of the Election, and with all the Power and Authority to do any Act required by Law to be done by a Returning Officer at any such Election, as if he had been originally the Returning Officer; and that such Deputy shall take the Oath directed by Law to be taken by the Returning Officer at the Commencement of the Poll, which Oath any Two Justices of the Peace are hereby authorized to administer, and that such other Returning Officer, or Deputy, shall proceed with the Poll, and finally close the same at the Time hereinbefore required, and make a Return of the Person or Persons who hath or have the Majority of Votes, unless his Authority shall be superseded by the Recovery of the Returning Officer; and that in case of the Death or severe Illness of such first sworn Deputy, the next Deputy in Succession shall act as the Returning Officer, subject to the like Penalty, and with the same Powers, and take the Returning Officer's Oath in Manner aforesaid, and so on, each Deputy in Succession shall in like Manner act as the Returning Officer, in

case of the Death or severe Illness of the acting Returning Officer, and another Deputy, or other Deputies, shall be appointed in lieu of the Deputy or Deputies who may thus take the place of such Returning Officer or Officers : Provided always, that the Deputy, who shall thus take the Place of such Returning Officer, shall be entitled to the same Remuneration for his Services at such Election as if he had continued to act as Deputy.

LXVIII No more to be returned than required by the Writ. Officer to have casting Voice.

And be it further enacted, That no Returning Officer or Officers for any County of a City or County of a Town, shall, upon any Pretence whatsoever, return more than the Number of Persons they or he shall, by the Writ or Precept, be required to return ; and that, in case of an Equality of Voices for any Two or more Candidates, where Two Sheriffs or other Returning Officers shall preside, upon the Close of the Poll, the Sheriff or other Returning Officer, whose Name shall stand first in the Appointment to the Office, shall if he be present, give a casting Voice ; and if he be not present, the junior Sheriff or Returning Officer shall give such casting Voice, whether such Sheriffs or other Returning Officers shall be otherwise legally qualified to vote or not, or whether they shall have voted or not at Such Election ; and if any Returning Officer or Officers shall return more than the Number of Persons, who shall by the Writ or Precept be directed to be returned, such Returning Officer or Officers shall, forfeit the Sum of Two thousand Pounds to the Person who shall first sue for the same, to be recovered as herein-after directed; and such Returning Officer or Officers shall be rendered incapable of ever after voting at any Election for a Member or Members to serve in Parliament.

LXIX Returning Officer or Deputy causing unnecessary Delay to forfeit 500l.

And be it further enacted, That if any Returning Officer or Officers, or any Deputy; who shall be appointed pursuant to this Act, shall unnecessarily and wilfully protract the Poll, or be guilty of any wilful, and unnecessary Delay in taking the same, every such Returning Officer or Officers and every such Deputy So offending shall forfeit the Sum of Five hundred Pounds to any Person who shall sue for the same, to be recovered as herein-after directed.

LXX Rioting not to be an Excuse for closing the Poll.

And be it further enacted, That if any Person or Persons shall violently, riotously, or outrageously disturb or interrupt any Election, or the Proceedings of the Poll, such Disturbance, Riot, of Misbehaviour shall not be any Excuse to the Returning Officer or Officers, nor afford him or them any Pretence for closing the Poll, or making a Return; but the Court shall thereupon be adjourned for some convenient Time, as the Occasion may require; and, if necessary, shall be further continued by Adjournment from Time to Time, Until such Disturbance shall have ceased, when such Returning Officer shall again proceed in taking the Poll; and every Person who shall be, by due course of Law, convicted of having violently, riotously, or outrageously disturbed the Court, or otherwise misbehaved, so as forcibly to interrupt the Proceedings of the Poll, or of having wilfully effaced, obliterated, torn, altered, or destroyed the whole or any Part of the Poll Books of the Returning Officer or Officers, or any Deputy, whereon any thing relative to the said Election shall have been entered, or of having forcibly or fraudulently taken or secreted the same, or any Part thereof, or the Writ or Precept for holding such Election, shall be adjudged guilty of Felony, and be transported for Seven Years.

LXXI Return Writ to contain Certificate of Numbers who voted for respective Candidates.

And be it further enacted, That in every Case in which Poll shall take place at any Election for any County of a City or County of a Town in Ireland, the Returning Officer shall certify in his Return to the Writ for holding such Election the Names of the Candidates, and the Numbers who voted for each Candidate, as it appeared at the final Close of the Poll, and such Certificate shall be admitted as Evidence of the Truth of the Facts therein certified, unless disproved by contrary Evidence.

LXXII When Writs of Election are to be returned.

And be it further enacted, That in case of a general Election, the Returning Officer or Officers, who shall receive any Writ for the Election of any Member or Members to serve in Parliament for any County of a City or County of a Town, shall make due Return of such - Writ to the Clerk of the Crown, on or before the Day on which such Writ shall be returnable; and that in all Cases where such Writ shall be issued during a Session or Prorogation of Parliament, the Return shall be made of such Writ to the Clerk of the Crown, within Forty Days after the Teste thereof; and all and every such Returning Officer or Officers as shall make Default therein shall forfeit to any Person who shall sue for the same the Sum of One hundred Pounds for each Day such Default shall be made, to be recovered in Manner herein-after mentioned.

LXXIII No Fee or Reward to Returning Officer; Contracts for making a Return shall be void.

And be it further enacted, That no Fee, Gratuity, or Reward whatsoever shall be given, paid, received, or taken, by any Sheriff or Returning Officer or Officers of any County of a City or County of a Town, for making out, or for the Delivery, Return, or Execution of any Writ or Precept, for the electing a Member or Members to serve in Parliament; and that all Contracts, Promises, Bonds, and Securities to be made or given to any Sheriff, or other Returning Officer or Officers, for making a Return of any Member to serve in Parliament, or to pay such Sheriff or Returning Officer or Officers any Sum or Sums of Money, by way of Gratuity or Reward for making such Return or otherwise in respect thereof, shall be and are hereby declared to be null and void; and whosoever shall make, give, or accept of such Contract, Promise, Bond, or other Security, or any Gift or Reward to procure any false Return, shall forfeit a Sum equal to the Value given or intended to be given or accepted in such Contract, Promise, or other Security, Gift or Reward; and also the further Sum of Two hundred Pounds to any Person who shall first sue for the same, to be recovered as herein-after directed.

LXXIV Election of Persons under 21 Years shall be void, and new Writs issued.

And be it further enacted, That every Election or Return of any Persons to serve in Parliament for any County of a City or County of a Town, who shall be under the Age of Twenty-one Years, shall be deemed null and void ; and that if it shall be determined by any Committee of the House of Commons, who shall try any Petition presented against any such Election or Return, that such Person was tinder the Age of Twenty-one Years on the Day of such Election, a new Writ shall forthwith issue for the Election of another Person in his Place.

LXXV Punishment of Officers returning corruptly or partially.

And be it further enacted, That every Returning Officer who shall be by due Course of Law convicted of having acted corruptly or partially in the Execution of his Duty as Returning Officer, at any Election of a Member or Members to serve in Parliament, for any County of a City or County of a Town, "shall be adjudged guilty of high Misdemeanor, and shall be imprisoned for a Period not exceeding Three Years; and such Person so convicted is hereby declared to be for ever incapable of holding any Office or Situation, Civil or Military, under the Crown.

LXXVI Poll Books to be delivered to the Clerk of the Peace to be kept among the Records of the County.

And be it further enacted, That in every Case in which a Poll shall take place as aforesaid, the Returning Officer shall, within Twenty-one Days of the final Close of such Poll, deliver all the Poll Books of such Election to the Clerk of the Peace for such County of a City or County of a Town, verifying upon Oath, (which Oath any Justice of the Peace for such County, County of a City, County of a Town or Place, is hereby empowered to administer), that the Poll Books Which he delivers in are the original Poll Books of such Election, upon which the Return was founded ; and that from the final Close of the Poll to the Time he delivers in the same, there has not been any Obliteration, Erasure, Addition, or Alteration made therein, and such Poll Books shall be carefully kept amongst the Records of such County of a City or County of a Town, and the Production of such Poll Books, by such Clerk of the Peace or Officer, or his Deputy, shall be deemed sufficient Evidence of the Authenticity thereof, unless the same shall be disproved.

LXXVII Account of Sums received by Sheriffs for Expences of Election to be returned with the Poll Books to Clerk of the Peace.

And be it further enacted, That the Sheriffs or other Returning Officers of every County of a City or County of a Town shall, at the same Time that they shall return the Poll Books used at every Election for such County of a City or County of a Town to the Clerk of the Peace, as herein-before directed, return therewith an Account of the Sums received for the Expences of such Election from the several Candidates, and the Application thereof, and shall verify the same on Oath, which Oath any Justice or Justices of the Peace is and are hereby authorized to administer.

LXXVIII Clerk of the Peace to take an Oath for the Performance of his Duty.

And for the better securing the Performance of the Duties directed to be performed by the Clerk of the Peace or his Deputy, in respect to the Registry of Freeholds, be it further enacted, That the several Clerks of the Peace, or their Deputies, of the several Counties of Cities and Counties of Towns of Ireland, shall, at the General Quarter Sessions of the Peace or Adjournment thereof next after the passing of this Act, or at the next General Quarter Sessions of the Peace or Adjournment thereof next after his Appointment, take and subscribe an Oath in the Form following, and which Oath the Justices presiding at the said Session are hereby directed and empowered to administer:

'I A. B. Clerk or Deputy Clerk of the Peace for the County of _____ [as the Case may be] do swear, That I will ' faithfully and honestly, and without Favour or Affection, perform and discharge the several Duties directed to be performed by the

Clerks and Deputy Clerks of the Peace, by an Act passed in the Third Year of His present Majesty's Reign, intituled [here set forth the Title of this Act]; and that I will not demand or receive any Fee or Fees for discharging any of the said Duties which I am not entitled to by Law. So help me GOD.' And which the said Clerks and Deputy Clerks of the Peace are hereby required to deliver to the Treasurer of the County of the City or County of the Town (as the Case may be) to be preserved amongst the Records of the County.

LXXIX Entertainments, Presents, Cockades, Promises, &c. disallowed.

And be it further enacted, That no Person to be hereafter elected to serve in Parliament for any County of a City or County of a Town shall, after the Teste of the Writ of Summons to Parliament, or after the Vacancy shall have happened to supply which the Election shall be held by himself, his Friends or Agents, or any Person or Persons employed in his Behalf, directly or indirectly, give, present, or allow to any Person or Persons, having a Vote or Votes in such Election, any Money, Meat, Drink, Entertainment, or Provision, Cockades, Ribbands, or any other Mark of Distinction, or make any Present, Gift, Reward, or Entertainment, or shall at any Time hereafter make any Promise, Agreement, Obligation, or Engagement, or give or allow any Money, Meat, Drink, Provision, Present, Entertainment, or Reward, to or for any such Person or Persons in particular, or to any such County of a City or County of a Town in general, or to or for the Use, Advantage, Benefit, Employment, Profit, or Preferment of any such Person or Persons, Place or Places, in order to be elected or for being elected to serve in Parliament for such County of a City or County of a Town ; and that every Person and Persons so giving, presenting, or allowing, making, promising, or engaging, doing, acting, or proceeding, shall be and is and are hereby declared to be disabled and incapacitated to serve in Parliament upon such Election for such County of a City or County of a Town.

LXXX Persons having Freeholds under 20l. Value to vote though not residing thereon.

And whereas it is expedient, that Persons having Freeholds under the yearly Value of Twenty Pounds, and subject only to Quit or Crown Rent, or arising from Fee-farm Grants, or under a Lease or Leases for ever, or for Lives renewable for ever, should have the Power of voting at Elections, for Members of Parliament, although they should not, reside thereon, or occupy such Freeholds by tilling or grazing to the Amount of Forty Shillings yearly Value thereof; be it enacted, That it shall and may be lawful for Persons having Freeholds under Twenty Pounds yearly Value, not consisting of a Rentcharge, and liable only to Crown or Quit Rent, to register the same in like Manner as is provided by this Act for Persons having Freeholds of the yearly Value of Twenty Pounds; and that such Person so registering his Freeholds shall insert in the Oath of Registry, the Words

“Forty Shillings,” instead of the Words " Twenty Pounds" or " Fifty Pounds," and shall add the following Words; " And that the said Freehold does not consist of a Rentcharge, and that it is liable to no Rent except Quit or Crown Rent, or that it arises from Fee-farm Grant, or that I hold it under a Lease or Leases for ever, or under a Lease or Leases for Lives, renewable for ever (as the Case may be) and that every Person who shall offer to vote by virtue of a Freehold under the Value of Twenty Pounds, and holding the same, subject only to Quit or Crown Rent, shall make the same Affirmations, and take the same Oaths, and answer the same Questions, if required, as are now provided for Persons having Freeholds of the Value of Twenty Pounds : Provided always, that such Persons shall in such Oaths make the several

Alterations and Additions as are herein set forth in the Oath of Registry for such Persons.

LXXXI Persons who ask or receive any Reward for themselves or others, or who influence others for Reward, &c. forfeit 500l.

And be it further enacted, That if any Person who shall have or claim to have any Right to vote in any Election of a Member or Members of Parliament, for any County of a City or County of a Town, shall directly or indirectly ask, receive, or take any Money or other Reward, by way of Gift, Employment, or other Reward whatsoever, for himself or any of his Family or Kindred, to give his Vote, or to abstain from giving his Vote in any such Election, or if any Person, by himself, his Friends, or by any Person employed by him, shall by any Gift or Reward, or by any Promise or Agreement or Security for any Gift or Reward, corrupt or procure any Person or Persons to give his or their Vote or Votes in any such Election, or to abstain from giving the same, such Person shall for such Offence forfeit the Sum of Five hundred Pounds Sterling, to the Person who shall first sue for the same, to be recovered as herein-after directed ; and every Person offending in any of the Cases aforesaid, from and after Judgment obtained against him in any Action or Information grounded on this Act, shall for ever be disabled to vote in any Election of any Member or Members to serve in Parliament; and also shall be for ever disabled to hold, exercise, or enjoy any Office or Franchise to which he or they then shall or at any Time afterwards may be entitled, as Member of any City, Borough, or Town Corporate, as if such Person was naturally dead.

LXXXII Persons polling Twice, or personating Voters, may be punished by Two Years Imprisonment.

And be it further enacted, That every Person who shall poll a Second Time, or offer to poll a Second Time at the same Election, for any County of a City or County of a Town, or who shall personate any other Person, for the Purpose of polling at such Election, shall be guilty of a Misdemeanor, and upon being thereof convicted shall be imprisoned for any Term not more than Two Years, at the Discretion of the Judge or Judges who shall try such Person.

LXXXIII Penalty on fraudulent Voters, 20l.

And be it further enacted, That if any Person shall rote at any Election, by virtue of a Registry of an alledged Freehold under a Lease for a Life or Lives, made by a Lessor who had not at the Time of making the same a Freehold Estate therein, or under a Lease for a Life or Lives, which Lease is to end and determine on some such Covenant or Condition, that a Freehold Estate has not been demised by the same, or under a Lease for a Life or Lives, or a certain Number of Years, which Life or Lives is or are dead, or under a Lease for a Life or Lives, which Lease has expired or been surrendered, after due Notice not to vote by virtue of any such Registry shall have been given to such Person by any Candidate, or by an Inspector or any Candidate, and which Notice every Candidate and Inspector is hereby authorized and empowered to give to such Person at any Time before or during such Election, or in the Place of polling, such Person, on being convicted thereof, shall forfeit to any Person who shall sue for the same the Sum of Twenty Pounds, to be recovered by him or them, with Treble Costs of Suit, by proceeding in the Nature of Civil Bill at any General Quarter Sessions of the Peace that may be held for the County of the City or County of the Town in which such Election shall have taken place, or by Action of Debt in any of His Majesty's

Status: This is the original version (as it was originally enacted).

Courts of Record in Ireland. LXXXIV. Persons voting from Freehold of which he is not in Possession, to be imprisoned Six Months.

LXXXIV

And be it further enacted, That if any Person shall poll at any Election by virtue of a Freehold which he had registered, and of which he shall not be in Possession at the Time of his polling, he shall (if thereof convicted) be imprisoned in the Common Gaol of the County for the Space of Six Calendar Months.

LXXXV Perjury.

And be it further enacted, That if any Person who shall take any Oath or Affirmation hereby appointed or authorized to be taken, shall wilfully swear or affirm falsely therein, he shall be guilty of wilful and corrupt Perjury, or false affirming, and shall and may be prosecuted for the same as Persons maybe now prosecuted who are guilty of wilful and corrupt Perjury, and being thereof convicted he shall incur and suffer the Pains and Penalties which by Law are or may be inflicted in Cases of wilful and corrupt Perjury, and shall be for ever incapable of giving a Vote at any Election of a Member to serve in Parliament; and if any Person shall wilfully and corruptly proceed or suborn any other Person or Persons to take any such Oath or Affirmation, whereby such Person or Persons shall commit wilful Perjury or false affirming, and shall be thereof convicted, such Person so offending shall incur such Pains and Penalties as are inflicted by any Actor Acts for the more effectual preventing and punishing of Subornation of Perjury,-and such Person or Persons shall for ever be incapable of giving any Vote at any Election of a Member to serve in Parliament.

LXXXVI Mode of recovering Penalties.

And be it further enacted, That all pecuniary Penalties inflicted by this Act shall be recovered with full Costs by Action of Debt, Bill, Complaint, or Information, in any of His Majesty's Courts of Record at Dublin, and that it shall be sufficient for the Plaintiff in any such Action of Debt or Information to set forth in the Declaration that the Defendant is indebted to him in the Sum of Five hundred Pounds, and to alledge the particular Offence for which such Action or Information is brought, and that the Defendant hath therein acted contrary to this Act, without mentioning the Writ of Summons to Parliament, or the Return thereof; and that it shall be sufficient, in any Indictment for any Offence contrary to this Act, to alledge the particular Offence, and that the Defendant is guilty, without mentioning the Writ of Summons to Parliament, or the Return thereof and that upon Trial of any Issue in any such Action, Information, or Indictment, the Plaintiff, Informer, or Prosecutor shall not be obliged to prove the Writ of Summons to Parliament, or the Return thereof, or any Warrant to the Sheriff, grounded upon such Writ of Summons.

LXXXVII Treble Costs if nonsuited.

And be it further enacted, That in case the Plaintiff or Informer, in any Action or Information given by this Act, shall discontinue, or be nonsuited, a Judgment shall be given against him, the Defendant shall recover Treble Costs : Provided always, that every Action, Information, Indictment, or Prosecution, grounded upon this Act, be commenced within One Year after the Offence shall be committed ; and provided also, that in any Action or Suit brought against any Person or Persons, for any thing done in pursuance of this Act, or in relation to the Matters therein contained, the

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Defendant or Defendants shall or may, at his or their Election, plead specially or the General Issue, and give this Act and the special Matter in Evidence at any Trial, and that the same was done in pursuance and under the Authority of this Act; and in case the Jury shall find a Verdict for the Defendant or Defendants, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit, after the Defendant or Defendants shall have appeared, or upon any Demurrer, Judgment shall be given against the Plaintiff or Plaintiffs, then and in every such Case the Defendant or Defendants shall recover Double Costs, and have such Remedy for recovering the same as any Defendants hath or have in other Cases by Law.