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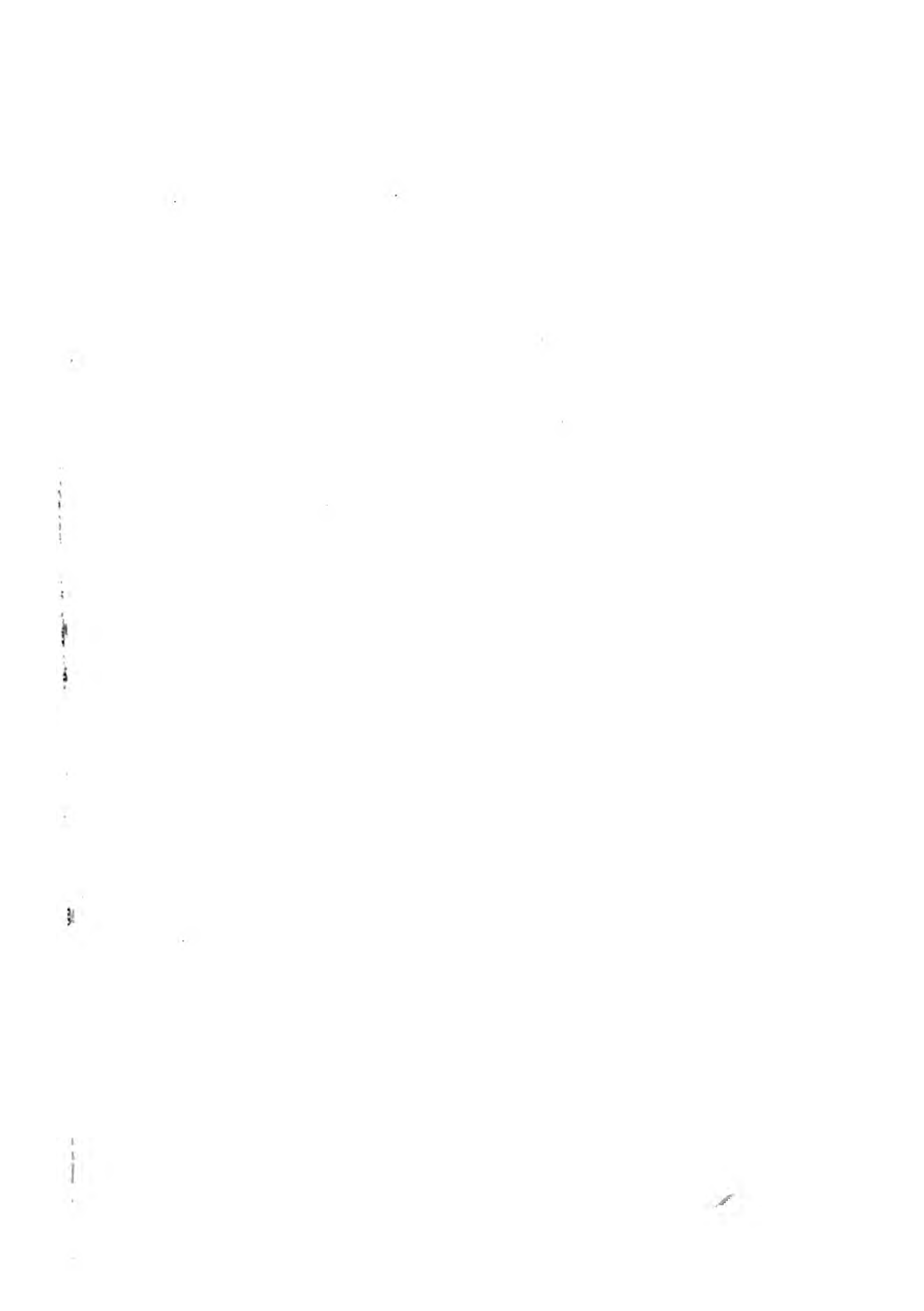
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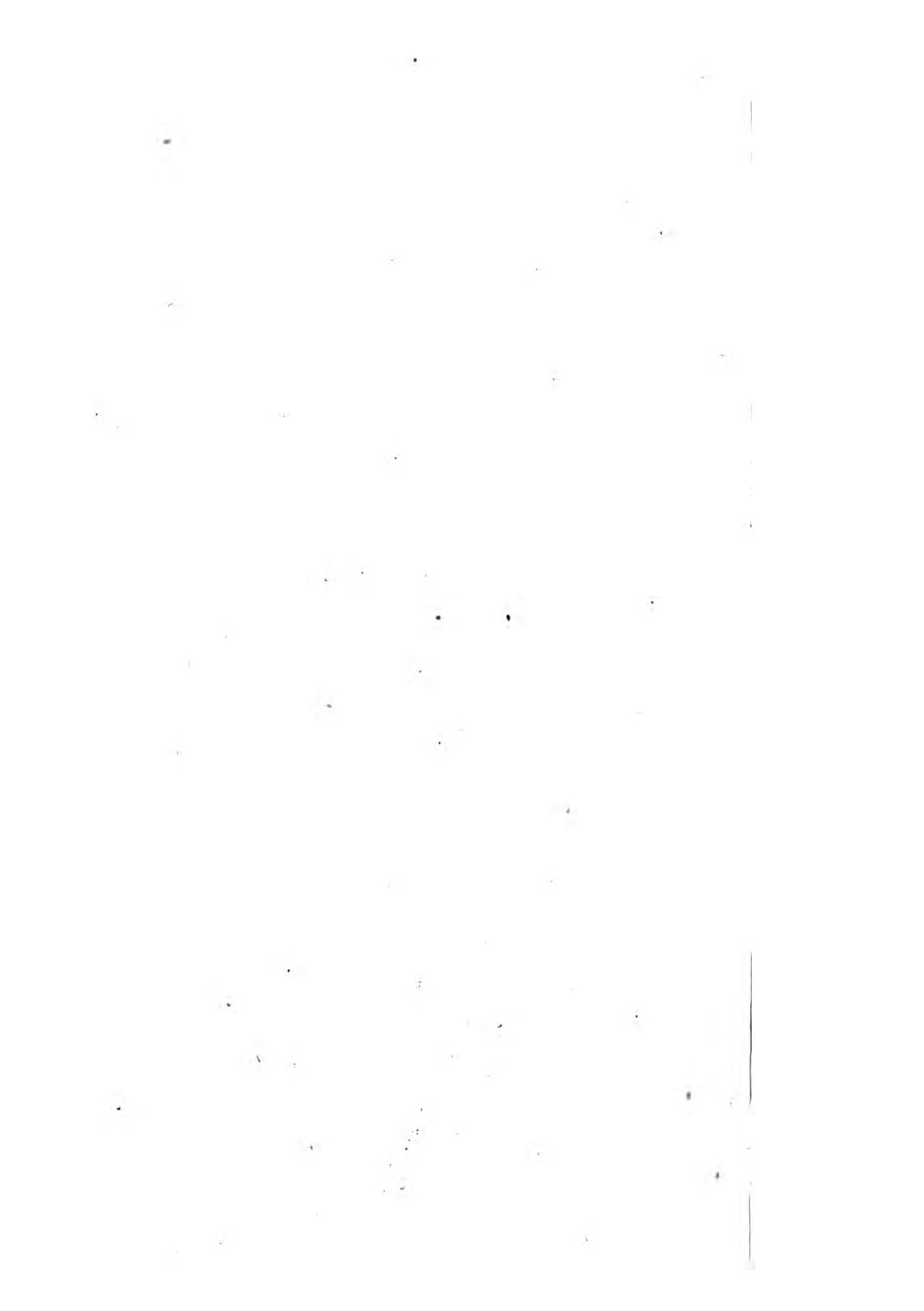
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THE
REPRESENTATION OF THE PEOPLE
ACT, 1867.

(30 & 31 Vict. C. 102.)

WITH PRACTICAL AND EXPLANATORY NOTES,
AN ABSTRACT OF THE ACT,
AND A FULL INDEX;

TO WHICH IS APPENDED THE STATUTE,
24 & 25 VICT. C. 53,

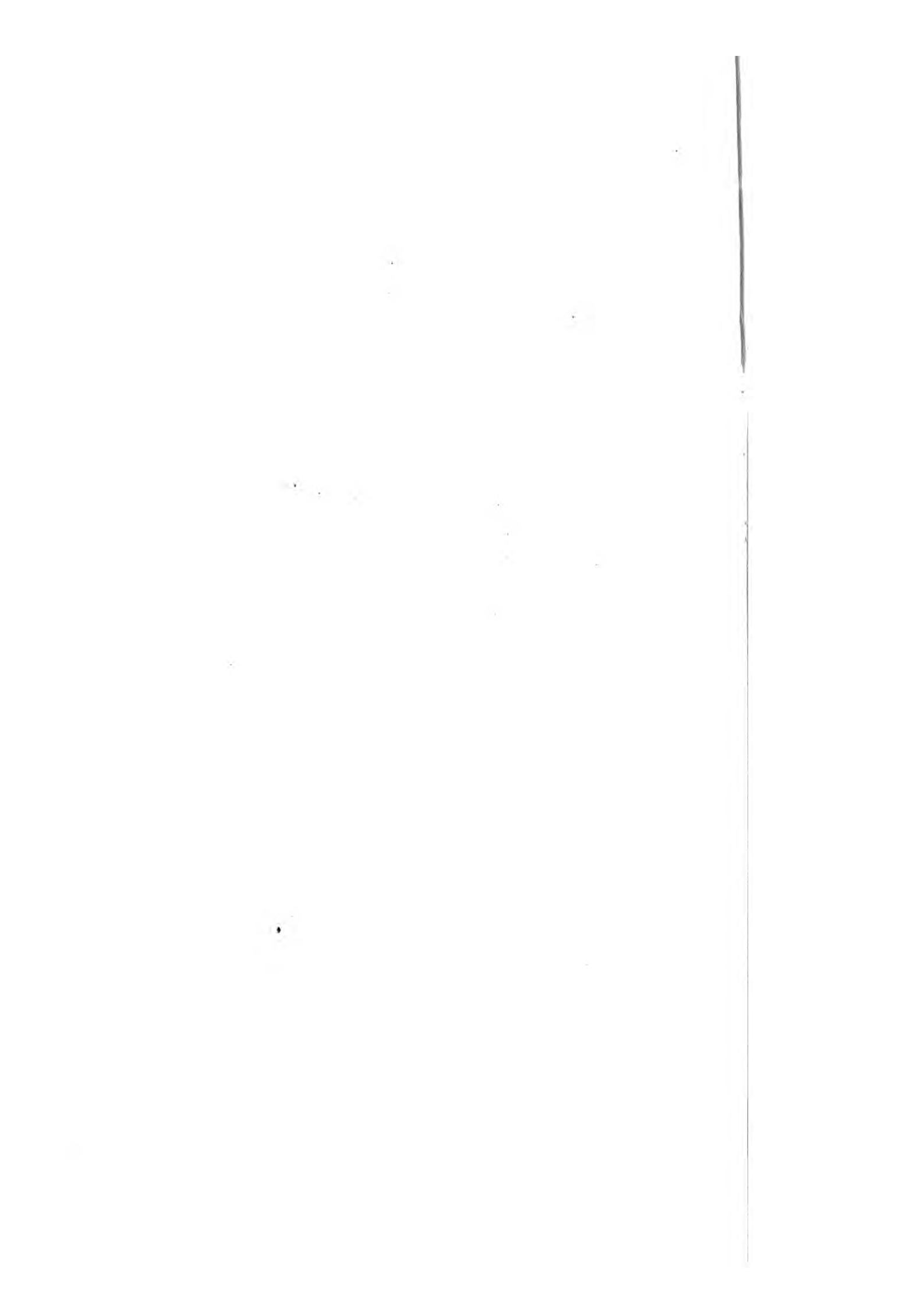
“AN ACT TO PROVIDE THAT VOTES AT ELECTIONS FOR THE
UNIVERSITIES
MAY BE RECORDED BY MEANS OF VOTING PAPERS.”

BY
ROBERT WILKINSON, ESQ., M.A.,
*Of Jesus College, Cambridge,
And of Lincoln's Inn, Barrister-at-Law.*

LONDON:
STEVENS AND HAYNES,
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11, BELL YARD, TEMPLE BAR.

1868.





TO

THE RIGHT HONOURABLE

SIR WILLIAM BOVILL, KNT.,

LORD CHIEF JUSTICE OF HER MAJESTY'S COURT OF COMMON PLEAS,

THIS EDITION OF

“THE REPRESENTATION OF THE PEOPLE ACT, 1867.”

IS,

BY HIS PERMISSION,

RESPECTFULLY DEDICATED.

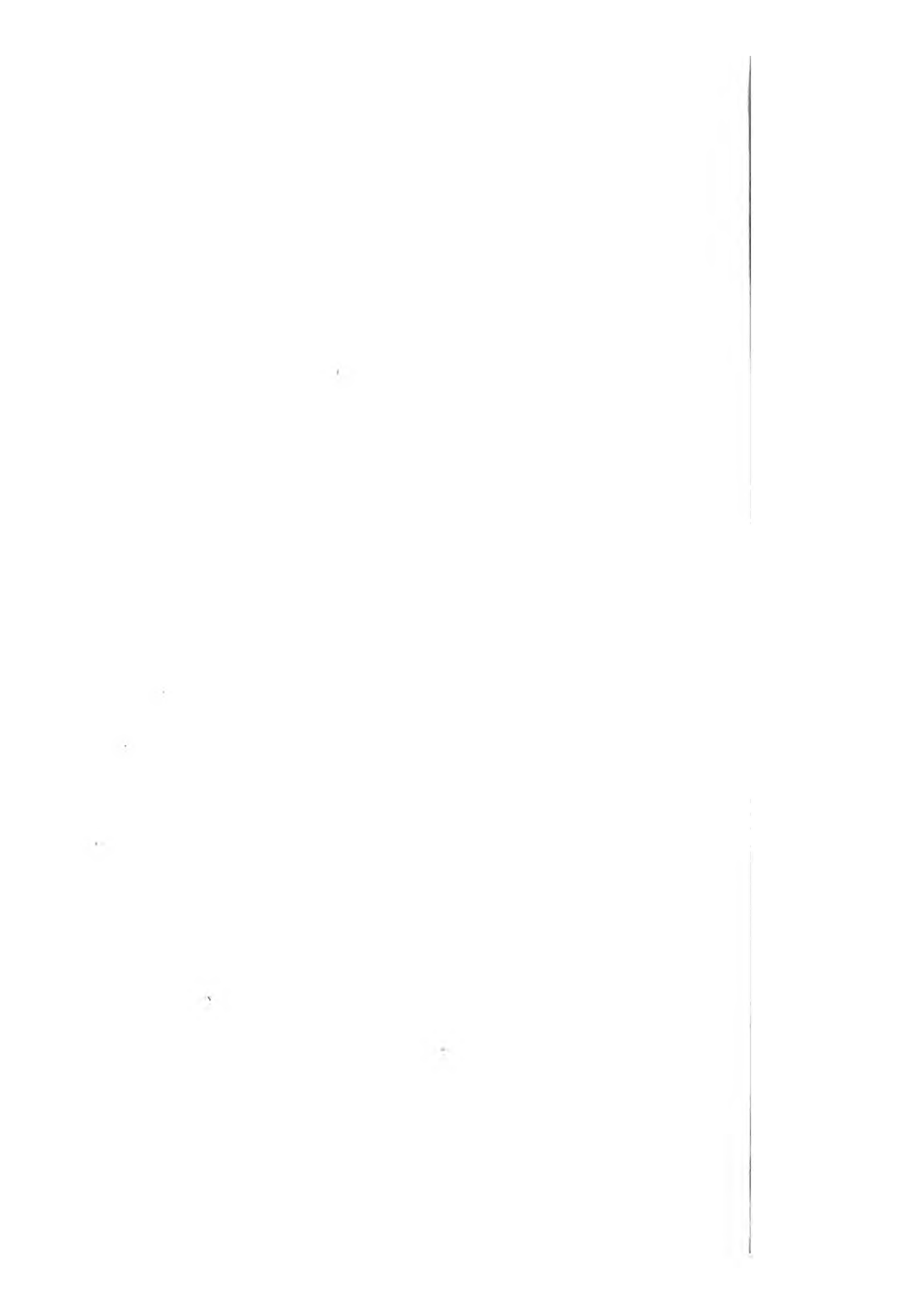
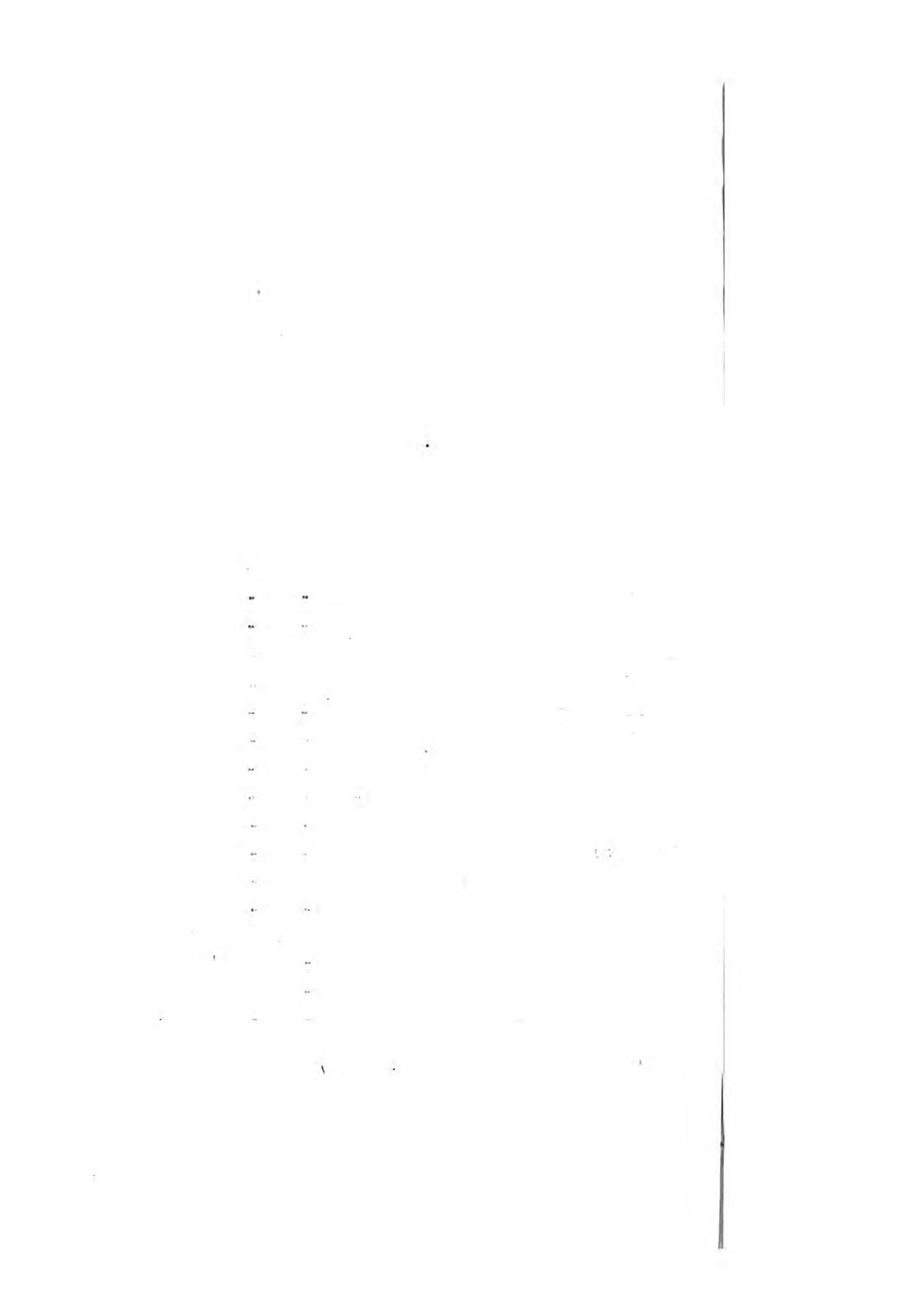


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PREFACE.

I HAVE not entered in the following pages, nor do I intend to enter here, into a discussion of either the political or the constitutional merits of "The Representation of the People Act, 1867." That Act, so far at least as it makes provision for an extension of the franchise, and for various alterations in the law necessarily incident to such an extension, cannot be regarded in any other light than that of an experimental measure. I have, therefore, preferred rather to leave its results and its effects to be proved by experience, than to make any attempt to anticipate them by speculative commentary. My endeavour throughout the preparation of this edition of the Act has been to render it practically useful, not only to those persons who may be officially concerned in carrying its provisions into effect, but also to the members of the legal profession and to the public generally. The Act throws open the franchise, on certain conditions, to many hundred thousands of persons, and as all the personal disqualifications for voting which existed before its passing will apply to the persons to whom the franchise has been thus extended, the subject of legal incapacities to vote has been treated at considerable length. The manner of ascertaining the value of the qualifying premises in different cases, of claiming to vote in

respect of the occupation of lodgings, and the duties of overseers in making out the list of lodger claimants, of giving notice of rates in arrear, of making out and publishing a list of persons in arrear of such rates, and in omitting from the lists made out by them of persons entitled to vote, either for a borough or for a county, the names of all persons who have received parochial relief within twelve calendar months next previous to the 31st of July in any year, and in other matters, have also been treated of. The question of the necessity for the personal payment of rates by the occupier has likewise been noticed. An Abstract of the Act, which may, it is hoped, be found useful, has been given, and a full Index to the entire work has been added. In the Appendix are contained the statute 24 & 25 Vict. c. 53, "*An Act to provide that votes at elections for the Universities may be recorded by means of voting papers,*" the provisions of which are by the 45th section of "The Representation of the People Act, 1867," extended to elections for the University of London, and the Totnes, &c., Writs Act, 31 Vict. c. 6.

ROBERT WILKINSON.

2, BRICK COURT, TEMPLE,
14th February, 1868.

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Al. R. C.	Alcock's Registry Cases Reserved in Ireland.
B. & Ad.	Barnewall and Adolphus' Reports.
B. & C.	Barnewall and Cresswell's Reports.
Bar. and Aus.	Barron and Austin's Election Cases.
Bl. Com.	Blackstone's Commentaries.
B. & P.	Bosanquet and Puller's Reports.
Burr.	Burrow's Reports.
C. & P.	Carrington and Payne's Reports.
C. & R.	Cockburn and Rowe's Election Cases.
Co. Inst.	Coke's Institutes.
C. B.	Common Bench Reports.
Co. Lit.	Coke on Littleton.
D. & R.	Dowling and Ryland's Reports.
East	East's Reports.
E. & B.	Ellis and Blackburn's Reports.
Ell. on Reg.	Elliott on Registration, 2nd. ed. 1843.
F. & F.	Falconer and Fitzherbert's Election Cases.
Fras.	Fraser's Election Cases.
Glan.	Glanville's Election Cases, 1623, 1624.
Hale P. C.	Hale's Pleas of the Crown.
Heyw. Bo.	Heywood on Borough Elections.
Heyw. Co.	Heywood on County Elections, 2nd. ed. 1812.
H. & P.	Hopwood and Philbrick's Registration Cases.
Jur.	Jurist.
K. & G.	Keane and Grant's Registration Cases, 1854—1862.
K. & O.	Knapp and Ombler's Election Cases.
L. J.	Law Journal Reports.
L. R.	Law Reports.
L. T.	Law Times Reports.
Lud.	Luder's Election Cases.
Lutw.	Lutwyche's Registration Cases, 1843—1853.
M. & G.	Manning and Granger's Reports.
May's Parl. Pract.	May's Practice of Parliament, 5th ed. 1863.
M. & S.	Maule and Selwyn's Reports.
M. & W.	Meeson and Welsby's Report.
Peck.	Peckwell's Election Cases.
P. & K.	Perry and Knapp's Election Cases.
P. R. & D.	Power, Rodwell, and Dew's Election Cases, 1848—1856.
Q. B.	Queen's Bench Reports.
Lord Raym.	Lord Raymond's Reports.
Sir T. Raym.	Sir T. Raymond's Reports.
Rep.	Coke's Reports.
Rogers.	Rogers on Elections, &c., 10th ed., 1865.
Salk.	Salkeld's Reports.
T. R.	Term Reports.
W. R.	Weekly Reporter.
W. & Br.	Wolferstan and Bristowe's Election Cases, 1859—1865.
W. & D.	Wolferstan and Dew's Election Cases, 1857, 1858.

THE REPRESENTATION OF THE PEOPLE ACT, 1867.

(30 & 31 VICT. C. 102.)

AN ABSTRACT OF THE ACT.

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Short title of Act—Act to be cited as “The Representation of the People Act,” 1867, s. 1 -	1
Application of Act—Act not to extend to Scotland or Ireland, or to affect the election of members for the Universities of Oxford or Cambridge, s. 1	<i>ib.</i>

PART I.

FRANCHISES

Occupation franchise in boroughs, s. 3 - - - -	2
Every man in and after 1868 to be entitled to be registered and to vote for a borough, who	
1. Is of full age and not subject to any legal incapacity : <i>ib.</i> - - - - -	<i>ib.</i>
2. Is on the last day of July, and has during the whole of the preceding twelve calendar months been, an inhabitant occupier, as owner or tenant of any dwelling-house, within the borough : <i>ib.</i> - - - - -	<i>ib.</i>

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3. Has during such occupation been rated as an ordinary occupier to all rates made for the relief of the poor in respect of such premises : s. 3 - - - - -	2
4. Has on or before the 20th of July paid an equal amount in the pound to that payable by other ordinary occupiers in respect of all poor rates payable by him up to the preceding 5th of January : - - - - -	<i>ib.</i>
No man to be registered by reason of his being a joint occupier of a dwelling-house, <i>ib.</i> - - -	<i>ib.</i>
Lodger franchise in boroughs, s. 4 - - - - -	20
Every man in and after 1868 to be entitled to be registered and to vote for a borough, who	
1. Is of full age and not subject to any legal incapacity : <i>ib.</i> - - - - -	21
2. As a lodger has occupied in the borough separately and as sole tenant for the twelve calendar months preceding the last day of July the same lodgings, such lodgings being part of one and the same dwelling-house, and of a clear yearly value, if let unfurnished, of £10 or upwards : <i>ib.</i> - - -	<i>ib.</i>
3. Has resided in such lodgings during that period, and has claimed to be registered as a voter at the next ensuing registration of voters : - - - - -	<i>ib.</i>

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Property franchise in counties, s. 5 - - - -	28
Every man in and after 1868 to be entitled to be registered and to vote for a county, who	
1. Is of full age, and not subject to any legal incapacity; and is seised at law or in equity of lands or tenements of freehold, copyhold, or any other tenure for his own life, or for the life of another, or for any lives whatsoever, or for any larger estate, of the clear yearly value of not less than £5 over and above all rents and charges, or who is entitled as lessee or assignee to lands or tenements of freehold or any other tenure, for the unexpired residue of any term originally created for a period of not less than sixty years (whether determinable on a life or lives or not), of the clear yearly value of not less than £5, over and all rents and charges: But no person to be registered as a voter under this section unless he has complied with the provisions of the 2 Will. 4, c. 45, s. 26, <i>ib.</i> - - - -	36
Occupation franchise in counties, s. 6 - - - -	34
Every man to be entitled in and after 1868 to be registered and to vote for a county, who	
1. Is of full age and not subject to any legal incapacity: <i>ib.</i> - - - - - <i>ib.</i>	
2. Is on the last day of July, and has during	

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the twelve months preceding been, the occupier as owner or tenant, of lands or tenements within the county of the rateable value of £12 or upwards: s. 6 - -	35
3. Has during such occupation been rated to all rates for the relief of the poor in respect of such premises: <i>ib.</i> - - - -	<i>ib.</i>
4. Has on or before the 20th of July paid all poor rates payable by him up to the preceding 5th of January: <i>ib.</i> - - - -	<i>ib.</i>
Occupiers in boroughs to be rated, and not owners, s. 7.— Owners rated to the poor rate instead of occupiers in a parish wholly or partly in a borough to cease to be so rated: <i>ib.</i> - - -	36
After the passing of the Act no owner of a dwelling-house or other tenement situate in any such parish to be rated to the poor rate except where such dwelling-house or tenement is wholly let out in apartments or lodgings not separately rated: <i>ib.</i> - - - - -	<i>ib.</i>
The full rateable value of every dwelling-house or other separate tenement, the full rate in the pound payable by the occupier, and the name of the occupier, to be entered in the rate-book: <i>ib.</i> - - - - -	<i>ib.</i>
Compositions existing at the passing of the Act not to be affected thereby, but no such composi-	

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tions to remain in force beyond the 29th September, 1867 : s. 6 - - - - -	37
No rate made previously to the passing of the Act to be thereby affected, and the powers conferred by any subsisting Act for the collecting and recovering a poor rate to continue in force for the collection and recovery of any such rate or composition : <i>ib.</i> - - - - -	<i>ib.</i>
Occupier under a tenancy, subsisting at the passing of the Act, of any dwelling-house or tenement let to him free from rates may deduct from any rent due or accruing due the amount of any rates paid by him in pursuance of the Act : <i>ib.</i>	<i>ib.</i>
First registration of occupiers of dwelling-houses, &c., s. 8 - - - - -	41
Occupier of any dwelling-house or tenement not rated prior to the 29th of September, 1867, to be entitled to be registered, upon condition,	
1. That he has been duly rated as an ordinary occupier to all poor rates in respect of the premises after the liability of the owner to be rated has ceased : <i>ib.</i> - -	42
2. That he has on or before the 20th of July, 1868, paid all such poor rates payable by him up to the preceding 5th day of January : <i>ib.</i> - - - - -	<i>ib.</i>
At a contested election for a county or borough	

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represented by three members no person to vote for more than two candidates, s. 9 - - - - -	43
At such election for the City of London no person to vote for more than three candidates, s. 10 -	<i>ib.</i>
No elector employed within six months before or during any election for reward by or on behalf of any candidate for all or any of its purposes to be entitled to vote, s. 11. - - - - -	
Boroughs of Totnes, Reigate, Great Yarmouth, and Lancaster disfranchised, s. 12 - - - - -	<i>ib.</i> 46
Persons reported guilty of bribery in Totnes disqualified as voters for Southern Division of Devon in respect of a qualification situated within the said borough, s. 13. - - - - -	47
Persons reported guilty of bribery in Great Yarmouth disqualified as voters for North-Eastern division of Norfolk or Eastern division of Suffolk in respect of a qualification situated within the said borough, s. 14. - - - - -	<i>ib.</i>
Persons reported guilty of bribery in Lancaster disqualified as voters for Northern Division of Lancaster in respect of a qualification situated within the said borough, s. 15. - - - - -	48
Persons reported guilty of bribery in Reigate disqualified as voters for the Division of Mid-Surrey in respect of a qualification situated within the said borough, s. 16. - - - - -	49

PART II.

DISTRIBUTION OF SEATS.

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After the end of the present Parliament, boroughs with a less population than 10,000, as enumerated in Schedule (A.), to return only one member each, s. 17. - - - - -	50
After the same time the city of Manchester, and the boroughs of Liverpool, Birmingham, and Leeds to return three members each, s. 18. -	<i>ib.</i>
New boroughs, as named in Schedule (B.), to return one member each, except Chelsea, which is to return two, s. 19. - - - - -	<i>ib.</i>
Registers of voters to be formed for new boroughs, s. 20. - - - - -	<i>ib.</i>
Merthyr Tydfil and Salford to return two members each. Tower Hamlets to be divided into two Divisions, each Division to return two members, s. 21. - - - - -	52
Registers of voters to be formed for the boroughs of Hackney and the Tower Hamlets, s. 22. - -	<i>ib.</i>
After the end of the present Parliament, the counties named in the first column of Schedule (D.) to be divided into the Divisions named in the second column, and each Division to return two members as if a separate county, s. 23. - - - - -	53

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Registers of voters to be formed for such divisions in and after 1868, notwithstanding the continuance of the present Parliament, s. 23	53
University of London to return one member in future Parliaments, s. 24. - - - - -	54
Graduates constituting the Convocation of University of London, if of full age, and not subject to any legal incapacity, to be electors for that University, s. 25. - - - - -	<i>ib.</i>

PART III.

SUPPLEMENTAL PROVISION.—INCIDENTS OF FRANCHISE.

Different premises occupied in immediate succession by any person as owner or tenant during the twelve calendar months next previous to the 20th of July, to have the same effect in qualifying such person to vote for a county or borough as a continued occupation of the same premises, s. 26. - - - - -	55
Joint occupiers as owners or tenants in a county, if the aggregate rateable value of the premises would, if divided amongst them, so far as value is concerned, confer on each a vote, to be entitled, if otherwise qualified, to be registered, and to vote for the county; but not more than two such joint occupiers to be so entitled	

PAGE

unless they have derived the premises by descent, succession, marriage, marriage-settlement, or devise, or are *bond fide* engaged as partners carrying on trade or business thereon,
 s. 27. - - - - - 57

Where a poor-rate due on the 5th of January, in respect of premises capable of conferring a borough franchise, remains unpaid on the 1st of June, the overseers are, on or before the 20th of June, unless the rate has previously been paid, or duly demanded by a demand note, to give, or cause to be given, a notice, in the form set forth in Schedule (E.), to every occupier. Any overseer wilfully withholding such notice, with intent to keep any occupier off the list of voters, is to be deemed guilty of a breach of duty in the execution of the Registration Acts,
 s. 28. - - - - - 58

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Claims to vote in respect of the occupation of lodgings to be in the form numbered 1 in Schedule (G.), and to have annexed a declaration in the form and certified in the manner mentioned in the said schedule, such claims to be delivered to the overseers after the 31st of July and on or before the 25th of August, and a separate list of such claims, in the form numbered 2 in the said Schedule (G.), to be published by the overseers on or before the 1st of September, <i>ib.</i> -	<i>ib.</i>
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THE REPRESENTATION OF THE PEOPLE ACT, 1867.

30 & 31 VICT. c. 102.

*An Act further to amend the Laws relating to
the Representation of the People in England
and Wales.*

15th August, 1867.

WHEREAS it is expedient to amend the Laws relating to the Representation of the People in England and Wales:

Be it enacted by the Queen'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, as follows:

I. This Act shall be cited for all Purposes as "The Short Title.
Representation of the People Act, 1867."

II. This Act shall not apply to Scotland or Ireland, Application
of Act.

nor in anywise affect the Election of Members to serve in Parliament for the Universities of Oxford or Cambridge.

PART I.
FRANCHISES.

Occupation
Franchise
for Voters in
Boroughs.

III. Every Man shall, in and after the Year One thousand eight hundred and sixty-eight, be entitled to be registered as a Voter, and, when registered, to vote (1) for a Member or Members to serve in Parliament for a Borough, (2) who is qualified as follows; (that is to say,)

1. Is of full Age, (3) and not subject to any legal Incapacity; (4) and
2. Is on the last Day of July in any Year, and has during the whole of the preceding Twelve Calendar Months been, an Inhabitant Occupier, (5) as Owner or Tenant, (6) of any Dwelling House (7) within the Borough; and
3. Has during the Time of such Occupation been rated (8) as an ordinary Occupier (9) in respect of the Premises so occupied by him within the Borough to all Rates (if any) made for the Relief of the Poor (10) in respect of such Premises; and
4. Has on or before the Twentieth Day of July in the same Year *bonâ fide* paid (11) an equal Amount in the Pound to that payable by other ordinary Occupiers (9) in respect of all Poor Rates (10) that have become payable (12) by him in respect of the said Premises up to the preceding Fifth Day of January:

Provided that no Man shall under this Section be entitled to be registered as a Voter by reason of his being a joint Occupier of any Dwelling House. (13)

(1) The 6 Vict. c. 18, s. 79, makes the register of voters conclusive evidence that the persons therein named continue to have the qualifications which are annexed to their names respectively in the register in force at the election, but provides that no person shall be entitled to vote at any election for a city or borough "unless he shall, ever since the 31st day of July, in the year in which his name was inserted in the register of voters then in force, have resided, and at the time of voting shall continue to reside within the city or borough, or place sharing in the election for the city or borough, in the election for which he shall claim to be entitled to vote, or within the distance thereof required" by the Reform Act to entitle such person to be registered in any year.

A continued Residence required to the Time of polling.

The 27th section of the last mentioned Act (2 Will. 4, c. 45) provides "that no person shall be registered in any year unless he shall have resided for six calendar months next previous to the last day of July in each year within the city or borough, or within the place sharing in the election for the city or borough, in respect of which city, borough, or place respectively he shall be entitled to vote, or within seven statute miles thereof, or of any part thereof." The provisions of 2 Will. 4, c. 45, with respect to residence within seven statute miles, &c., of the city or borough, &c., at an election for which the right to vote is claimed will not, of course, be applicable to the occupation franchise conferred by this section, as the occupation must be as *inhabitant occupier* of a dwelling-house within the borough. It would seem, however, (see ss. 56, 59, *post* pp. 106, 107) that the requirements of 6 Vict. c. 18, s. 79, with respect to a continued residence within the city, borough, &c., up to the time of polling must still be complied with.

(2) As to the meaning of the term "borough," see s. 61, *post*, p. 109.

(3) Full age is completed on the day preceding the (21st) anniversary of a person's birth (1 Bl. Com. 463); and as the law does not notice any fraction of a day (1 Salk. 44; 2 Ib. 625; 1 Lord Raym. 84, 280, 480; 2 Ib. 1395), a person becomes of age the very instant that the hour of 12 o'clock in the morning of such preceding day is passed. Where, therefore, the voter's father proved that he was born at 9 o'clock on the morning of the 11th, and he tendered his vote on the morning of the 10th, the vote was, after argument, allowed (*Bishop's Castle*, Rogers, p. 166). It will not be necessary that the person claiming to be registered should have been of full age during the whole of the period for which he is required by

this section to have occupied, and to have been rated. It will be sufficient if he has, in fact, complied with the requirements of the section in those respects, and is of age at the time of the revision of the lists. (See *Powell v. Bradley*, 34 L. J. C. P. 67; 18 C. B. N. S. 65; 1 H. & P. 159).

Legal Incapacities to vote.

(4) A legal incapacity to vote, which is the incapacity here referred to, may exist either by the common law, or law of Parliament, or by virtue of some statute. The various cases in which such an incapacity exists, as well as the exceptions to those cases, are mentioned in the following note.

Aliens.

An alien is incapacitated from voting. (*Middlesex*, 2 Peck, 118; and see *Bedford*, 1 C. & R. 98; P. & K. 147; *Reading*, F. & F. 553; and 7 & 8 Vict. c. 66, s. 5).

An alien, generally speaking, is one born out of the King's dominions or allegiance (1 Bl. Com. 366). By the statutes 7 Anne, c. 5; 4 Geo. 2, c. 21; and 13 Geo. 3, c. 21, however, all children born out of the King's legiance, whose fathers (or grandfathers by the father's side) were natural born subjects, are now deemed natural born subjects themselves, unless their said ancestors were attainted or banished beyond sea for high treason, or were, at the birth of such children, in the service of a prince at enmity with Great Britain (1 Bl. Com. 373; Heyw. Co. 251).

Naturalised.

An alien born may be naturalised by Act of Parliament. By such naturalisation he is placed in exactly the same state as if he had been born within the King's legiance; and may therefore vote (1 Bl. Com. 374; Heyw. Co. 253).

Certificated.

By the 7 & 8 Vict. c. 66, s. 6, an alien born may obtain from the Secretary of State a certificate which will, without an act of naturalisation, provided that he takes the oath of allegiance and abjuration prescribed by the Act within sixty days from the day of the date of the certificate, confer upon him all the rights and capacities of a natural born British subject, except the capacity of being a member of the Privy Council, or a member of either House of Parliament; and except the rights and capacities (if any) specially excepted in and by such certificate. It would seem, therefore (See Rogers, p. 165), that unless the right to vote is specially excepted by the certificate in question, a certificated alien may exercise that right.

Denizens.

A denizen is an alien born, who has obtained *ex donatione regis* letters-patent to make him an English subject (1 Bl. Com. 373; 7 Rep. 25). A denizen may vote (*Middlesex*, 2 Peck, 117; Heyw. Co. 253).

Foreign

The incapacities under which aliens are generally placed

have from time to time been greatly modified by different statutes in favour of various classes of persons. By 13 Geo. 2, c. 3, every foreign seaman who, in time of war, serves two years on board an English ship, by virtue of the King's proclamation, is *ipso facto* naturalized, except as to the capacity of being a member of Parliament, or of the Privy Council, or of holding any office or place of trust, civil or military, or any grant of lands, &c., from the Crown; and by 13 Geo. 2, c. 7; 20 Geo. 2, c. 44; 22 Geo. 2, c. 45; 2 Geo. 3, c. 25; and 13 Geo. 3, c. 25, all foreign Protestants and Jews, upon their residing seven years in any of the American colonies, without being absent above two months at a time, and all foreign Protestants serving two years in a military capacity there, or being three years employed in the whale fishery, without afterwards absenting themselves from the King's dominions for more than one year, and none of them falling within the incapacities mentioned in 4 Geo. 2, c. 21, shall (upon taking the oaths of allegiance and abjuration, or, in some cases, making an affirmation to the same effect) be "naturalized to all intents and purposes, as if they had been born in this kingdom," except as to sitting in Parliament, or in the Privy Council, and holding offices or grants of lands, &c., from the Crown, within the United Kingdom. By 26 Geo. 3, c. 50, and 28 Geo. 3, c. 20, also every foreigner who has established himself in Great Britain and carried on the Southern whale fishery, and imported the produce thereof for the space of five years successively, is entitled to all the privileges of a natural born subject. All persons who are thus naturalized may therefore vote.

Seamen,
Protestants,
&c.

The statute 7 & 8 Will. 3, c. 25, enacts (s. 8) "that no person whatsoever, being under the age of twenty-one years, shall be admitted to give his voice for election of any member or members to serve in that or any future Parliament;" and as the present Act confers the franchise on persons "of full age and not subject to any legal incapacity" only, no person is, therefore, entitled to be registered who is not of full age at the time of registration. As to the time at which full age is attained see note (3) to this section, *ante*, p. 3.

Infants-

An idiot is one who is a fool or a madman from his nativity, and never has any lucid intervals. (Co. Lit. 247 a). Where such a person is objected to, and the fact of his idiocy is sufficiently proved, it seems that his name ought not to be placed on the register, although no inquisition may have been found. (Heyw. Co. 259; and see *Bedfordshire*, 2 Lud. 567.)

Idiots-

A lunatic is a person who is sometimes of good and

Lunatics-

sound memory and understanding, and sometimes not. It appears that a lunatic is entitled to vote during lucid intervals. A difficulty may, therefore, sometimes arise in determining whether such a person should be registered or not. The revising barrister has only power to inquire whether he is incapacitated from voting *at the time of registration*. If he is found to be sufficiently *compos mentis* to vote at that time, it seems that he must be registered, it being left to the returning officer to decide whether, *at the moment of voting*, he is sufficiently *compos mentis* to discriminate between the candidates, and to answer the questions in an intelligible manner. (Heyw. Co. 260; Rogers, p. 166.)

Women.

Women, although they possess a sufficient qualification in respect of the occupation of a dwelling house, &c., cannot vote at elections. (4 Co. Inst. 5; Heyw. Co. 255, 256.)

Excise, &c.

(a) Commissioners, collectors, supervisors, gaugers, and all other officers or persons whatsoever, concerned or employed in the charging, collecting, levying, or managing the duties of excise, or any branch or part thereof, are disqualified to vote during the time that they hold, and for *two* calendar months next after they shall have ceased to hold or execute, any such office or employment. (22 Geo. 3, c. 41, s. 1; 7 & 8 Geo. 4, c. 53, s. 5; *Canterbury*, K. & O. 328.) (b)

Occasional
Employment
in.

Occasional employment in the Excise will not disqualify. H. had been an officer of excise, but had been discharged five years before the election. In the sickness or absence of other officers he was sometimes employed, for which, as a gratuity, he received from the Board £40 per annum. Vote good. (*Okehampton*, 1 Fras. 164).

Keeper of an

The keeper of an excise office, appointed by the Com-

(a) The statute 12 & 13 Vict. c. 1, has consolidated the Boards of Excise and Stamps into one Board, under the title of "The Commissioners of Inland Revenue."

(b) By the 2nd section of 22 Geo. 3, c. 41, it is provided "that nothing in that Act contained shall extend or be construed to extend to any commissioner of the land tax, or any person acting under the appointment of such commissioners of the land tax, for the purpose of assessing, levying, collecting, receiving, or managing the land tax, or any other rates or duties already granted or imposed, or which shall hereafter be granted or imposed by authority of Parliament." The 3rd section of the same Act provides "that nothing in the Act contained shall extend or be construed to extend to any office held, or usually granted to be held, by letters patent for any estate of inheritance or freehold."

Commissioners of Excise under 7 & 8 Geo. 4, c. 53, is not, by reason of such appointment, to be deemed an officer of excise, or to be subject to any of the restrictions, or entitled to any of the exemptions to which officers of excise are, under 7 & 8 Geo. 4, c. 53, and 4 & 5 Will. 4, c. 51, or any other Act or Acts, subject or entitled. (4 & 5 Vict. c. 20, s. 4.)

Excise Office.

Collectors, &c., of post-horse duties are not disqualified. (27 Geo. 3, c. 26, s. 15).

Collectors of Post-horse Duties.

Surveyors, collectors, comptrollers, inspectors, officers, and other persons employed in collecting, managing, or receiving the duties on houses are disqualified during the time that they hold, and for *twelve* calendar months after they shall have ceased to hold or execute any of the aforesaid offices. (22 Geo. 3, c. 41, s. 1.)

House Duty.

A clerk to an inspector of taxes is not disqualified. (*Cooper v. Harris, in notis, Dyer v. Gough*, 7 M. & G. 120; 1 Lutw. 228.)

Clerk to Inspector of Taxes.

(c) Commissioners, officers, or other persons concerned or employed in collecting, receiving, or managing any of the duties on stamped vellum, parchment, and paper, and any person appointed by the commissioners for distributing stamps, are disqualified in the same manner as surveyors, &c., of house duty. (22 Geo. 3, c. 41, s. 1.)

Stamps :

A sub-distributor of stamps may, however, vote. J. A. had been appointed by the distributor of stamps a sub-distributor for the district of Shefford. The Commissioners exercised no control over these sub-distributors, though, if they disapproved of any, the distributor would by his own authority dismiss such. The distributor is answerable for what money the sub-distributors receive, and they to him. The sub-distributors make out licenses and sign them in their own names. Vote good. (*Bedfordshire*, 2 Lud. 552; see also *Okehampton*, 1 Fras. 164; 1 Peck, 673, *Lethbridge's case*.)

Sub-distributor or of.

A licensed dealer in stamps is not disqualified to vote. (*Dublin*, F. & F. 198, *Michael Levy's case*; and see *Ennis*, K. & O. 436, *George Fronsdel's case*.)

Licensed Dealer in.

Commissioners, collectors, comptrollers, searchers, and all other officers or persons whatsoever concerned or employed in the charging, collecting, levying, or managing the customs, or any branch or part thereof, are disqualified to vote during the time that they hold, and for twelve calendar months after they shall have ceased to hold or execute any such office. (22 Geo. 3, c. 41, s. 1.)

Customs.

An occasional tide-waiter was held not to be disqualified

Glut Tide-waiter.

(c) See note (a) *ante*, p. 6.

under this enactment (*Kinsale*, F. & F. 354); but the Court of Common Pleas has since held that an extra or glut tide-waiter, appointed by the collector of customs, and occasionally acting as tide-waiter, though paid by the job, is "an officer or person concerned, &c., in the collecting, &c., the customs," and therefore disqualified to vote. (*Pownall v. Hood*, 11 C. B. 1; 2 Lutw. 170.)

Officer of
Custom
House
Cutter.

H. had been captain of a Custom-house cutter, but had resigned in favour of one S., who in consequence allowed him £60 per annum, which was regularly paid, but H. had ceased to have any concern with the cutter. Vote good. (*Harwich*, 1 Peck, 397.)

Pensioned
Officer.

A custom-house officer, who was in the enjoyment of a pension, was, however, held to be disqualified. (*Rochester*, K. & O. 104, *George Wilkinson's case*.)

Coal and
Corn Meters

By 51 Geo. 3, c. 84, it is provided "that nothing in the Act 22 Geo. 3, c. 41, shall extend to the coal-meters or corn-meters of the city of London, notwithstanding they may have a commission from the Commissioners of Customs, or be employed in the admeasurement of coal or corn for the purpose of ascertaining the duties or customs due to his Majesty thereon, provided such coal-meters and corn-meters shall not receive or be entitled to receive any salary, fee, or reward payable out of the revenue of customs or other public revenues of the Crown."

Post-office.

A post-master, post-master-general, or his or their deputy or deputies, or any person employed by or under him or them in receiving, collecting, or managing the revenue of the Post-Office, or any part thereof; and any captain, master, or mate of any ship, packet, or other vessel, employed by or under the postmaster or postmasters-general in conveying the mail to and from foreign ports, is disqualified to vote during the time that he shall hold, and for twelve calendar months after he shall cease to hold or execute any such office. (22 Geo. 1, c. 41, s. 1.)

Post-office
Packets.

Postmaster.

B. was objected to as postmaster of Luton. He was a brewer, and one S. rented his house and some land from him. B. was regularly appointed, and the Post-Office carried on its correspondence in his name, but S. executed the office of post-master, and, by agreement with B., received the salary to his own use. Vote bad. (*Bedfordshire*, 2 Lud. 561.)

Sub-deputy.

J. W. was objected to as a person employed in collecting the revenues of the Post-office. He was appointed by the postmaster at L. to distribute the letters and receive the postage for the parish of B., which was within the L. district, and not a post-town of itself, for which he received

for his own profit a penny a mile upon each letter above the office postage received for his principal. Persons in this situation are called sub-deputies, and are generally appointed with the approbation of the Postmaster-General, though not by him. There was nothing in the books of the Post-Office relating to J. W.'s appointment. Vote good. (*Bedfordshire*, 2 Lud. 562.)

A letter-carrier is disqualified to vote. (*Dublin*, F. & F. 198, *John Armstrong's case*.) And a letter-carrier who has resigned his situation *within* twelve months before the 31st of July, being disqualified from voting until after twelve months from the resignation of such situation by the 22 Geo. 3, c. 41, s. 1, is not entitled to be registered. (*Cooper v. Harris*, 7 M. & G. 97; 1 Lutw. 207). Where S. was employed by a postmistress to carry letters from D. to B. at a weekly salary, which was repaid to her by the Post-Office, it was held that S. was a person employed by the Post-Office within the meaning of the 52 Geo. 3, c. 143, s. 2. (*R. v. Salisbury*, 5 C. & P. 155.)

M. S. was employed by C., the post-master at D., as his clerk to transact the business of his office. He had no other appointment, received no salary from the Post-Office, and had not entered into any bond with sureties or otherwise; but he had taken and subscribed an oath of office, which had been transmitted to the Post-Office, and he corresponded immediately with the postmaster at E. He had been appointed by C. in 1792, and received from him a salary; but on the 30th of June, 1802, he was discharged from the service by C.'s superior, who stated that if that direction had not been complied with he would have suspended C. Vote bad. (*Glasgow*, 1 Peck, 354.)

The husband of a postmistress has been held to be disqualified to vote. (*Bedfordshire*, 2 Lud. 561.)

A guard of a mail coach is entitled to vote. These guards are appointed by the Comptroller-General of the Post-office. (*Cirencester*, 2 Fras. 454, and see *Kinsale*, F. & F. 351, *Butler's case*.)

P. D. was the master of a mail-packet, but the duties of the situation were performed by his son, who alone took the profits. Vote good. (*Harwich*, 1 Peck, 400)

The 10 Geo. 4, c. 44, enacts (s. 18) that "no justice, receiver, or person belonging to the police force, appointed by virtue of that Act, shall, during the time that he shall continue in any such office, or within six calendar months after he shall have quitted the same, be capable of giving his vote for the election of a member to serve in Parliament for the counties of Middlesex, Surrey, Hertford, Essex, or

Kent, or for any city or borough within the Metropolitan Police District."

Thames
Police.

The disqualification with regard to the Thames Police Force is now the same as that just mentioned with respect to the Metropolitan Police, the Thames Police Act (3 & 4 Will. 4, c. 19) having expired, and Metropolitan police-constables being empowered by the 2 & 3 Vict. c. 47, s. 5, to act on the river Thames.

Magistrates,
&c., of
Metropolitan
Police Courts.

By the 2 & 3 Vict. c. 71, s. 6, no police magistrate, clerk, usher, door-keeper, or messenger, appointed by virtue of that Act shall, during the time that he shall continue in office, or within six months after he shall have quitted the same, be capable of giving his vote for the election of a member to serve in Parliament for the counties of Middlesex or Surrey, or for the city of London, or for the city and liberty of Westminster, the borough of the Tower Hamlets, the borough of Finsbury, the borough of Marylebone, in the county of Middlesex, or of the borough of Southwark, or the borough of Lambeth, in the county of Surrey, or the borough of Greenwich, in the county of Kent, respectively.

City of Lon-
don Police.

By 2 & 3 Vict. c. xciv. s. 8, no commissioner or person belonging to the police-force, appointed by virtue of that Act, is, during the time that he shall continue in any such office, or within six calendar months after he shall have quitted the same, to be capable of giving his vote for the election of a member to serve in Parliament for the city of London, or for the counties of Middlesex, Surrey, Hertford, Essex, or Kent, or for any city or borough within the Metropolitan Police District.

Borough
Police.

By the 19 & 20 Vict. c. 69, s. 9, no head or other constable appointed, or thereafter to be appointed, for any borough under the Municipal Corporation Act (5 & 6 Will. 4, c. 76), except special constables, shall, during the time he continues to be such constable, or within six calendar months after he has ceased to be such constable, be capable of giving his vote for the election of any person to any municipal office in such borough, or for the election of a member to serve in Parliament for such borough, or any county in or to which such borough is situate, either wholly or in part, or adjoins, or for any borough within any such county.

Sergeants-at-
mace.

Sergeants-at-mace appointed by a corporation, under the provisions of its charter, with a salary paid by the treasurer out of the fund of the corporation, are not, however, "constables" appointed for the borough under 5 & 6 Will. 4, c. 76, so as to be prohibited from voting in the election of

members of Parliament by the 19 & 20 Vict. c. 69, s. 9. (*De Boinville v. Arnold*, 1 C. B. (N. S.) 3; K. & G. 72); 26 L. T. (N. S.) C. P. 65).

The 2 & 3 Vict. c. 93, makes provision for the establishment of county and district constables, or rural police, as they are more commonly termed; and by the 9th section of that Act it is enacted "that no chief constable or other constable appointed by virtue of that Act shall, during the time he shall continue to be such constable, or within six calendar months after he shall have ceased to be such constable, be capable of giving his vote for the election of a member to serve in Parliament for the county in which he is so appointed, or for any county adjoining thereto, or for any city or borough within any of the said counties."

County and District Constabulary.

By the 3 & 4 Vict. c. 88, s. 35, it is provided "that no local constable appointed under that Act shall thereby become incapable of giving his vote for the election of any member to serve in Parliament."

Local Constables.

Special constables are not disqualified to vote, as they are expressly exempted from the operation of the provisions of the 19 & 20 Vict. c. 69, s. 9. (See "*Borough Police*," *supra*).

Special Constables.

By the 11th section of this Act (see the section and the notes thereto, *post*, p. 43), it is enacted that "no elector, who within six months before or during any election for any county or borough shall have been retained, hired, or employed for all or any of the purposes of the election for reward by or on behalf of any candidate at such election as agent, canvasser, clerk, messenger, or in any other like employment, shall be entitled to vote at such election, and if he shall so vote he shall be guilty of a misdemeanour."

Electors employed at Election.

A convicted felon is disqualified (*Heyn. Co.* 336); but the conviction and the judgment must both be proved, for the conviction may have been quashed. As to the proof see 13 & 14 Vict. c. 99, s. 13.

Felon Convict.

If, however, a convicted felon receive a pardon from the Crown, he becomes immediately cleared of all infamy and disability attached to his crime. By 6 Geo. 4, c. 25, s. 1, in all cases where an offender convicted of a capital felony is granted either a free or a conditional pardon, the discharge of the offender out of custody in the case of a free pardon, and the performance of the condition in the case of a conditional pardon, is to have the effect of a pardon under the great seal; and by 7 & 8 Geo. 4, c. 28, s. 13, this provision is extended to all cases where the felony is punishable with death or otherwise. By 9 Geo. 4, c. 32,

Pardon.

s. 3, where any offender convicted of any felony not punishable with death has endured the punishment to which he has been adjudged for the same, the punishment so endured is to have the like effects and consequences as a pardon under the Great Seal.

Ticket-of-leave Men.

Convicted felons sentenced to penal servitude under the provisions of the statutes 16 & 17 Vict. c. 99, 20 & 21 Vict. c. 3, and 27 & 28 Vict. c. 47, and who may have received a licence to be at large under the 9th section of the first-mentioned Act, are nevertheless clearly disqualified to vote until the term of their sentence is expired.

Perjury.

A returning officer convicted of perjury in taking the bribery oath is for every after rendered incapable of voting. (See 2 Geo. 2, c. 24, and 17 & 18 Vict. c. 102.)

Bribery, Treating, and undue Influence.

By 17 & 18 Vict. c. 102, any person who is guilty of bribery (ss. 2, 3), or undue influence (s. 5), as defined by that Act is declared to be guilty of a misdemeanour, and every person who is guilty of treating (s. 4) to be liable to the penalty thereby prescribed; and the Act provides (s. 6) that "whenever it shall be proved before the revising barrister that any person who is or claims to be placed on the list or register of voters for any county, city, or borough, has been convicted of bribery or undue influence at an election, or that judgment has been obtained against any such person for any penal sum thereby made recoverable in respect of the offences of bribery, treating, or undue influence, or either of them, then and in that case such revising barrister shall, in case the name of such person is in the list of voters, expunge the same therefrom, or shall, in case such person is claiming to have his name inserted therein, disallow such claim; and the names of all persons whose names shall be so expunged from the list of voters, and whose claims shall be so disallowed, shall be thereupon inserted in a separate list, to be entitled "The List of Persons disqualified for Bribery, Treating, or Undue Influence," which last-mentioned list shall be appended to the list or register of voters, and shall be printed and published therewith, wherever the same shall be or is required to be printed or published." And by the 49th section of this Act, *post*, p. 98, "Any person, either directly or indirectly, corruptly paying any rate on behalf of any ratepayer for the purpose of enabling him to be registered as a voter, thereby to influence his vote at any future election, and any candidate or other person, either directly or indirectly, paying any rate on behalf of any voter for the purpose of inducing him to vote or to refrain from voting, shall be guilty of bribery, and be

punishable accordingly; and any person on whose behalf and with whose privity any such payment as in this section is mentioned is made shall also be guilty of bribery and punishable accordingly." As to the disqualification as county voters of certain persons reported to have been guilty of bribery in the boroughs of Totnes, Great Yarmouth, Lancaster, and Reigate, see ss. 13, 14, 15, 16, respectively of this Act, *post*, pp. 47, 48, 49.

By 5 & 6 Will. 4, c. 76, s. 54 (The Municipal Corporation Act), any person convicted of bribery as therein defined, at any municipal election, is declared to be for ever disabled to vote in any election for the borough, at an election in which he was guilty of such bribery, and in any municipal or parliamentary election whatever in any part of the United Kingdom.

Bribery at a
Municipal
Election.

It seems that civil outlawry does not disqualify from voting. But it is otherwise with regard to criminal. The former does not disqualify a member from sitting, and it could hardly therefore be held to disqualify from voting. The latter, however, renders the person so outlawed incapable of being a member of Parliament (see Rogers, pp. 176, 224); and has, moreover, in treason and felony, the same effect as a judgment after verdict or confession, and would clearly therefore appear to render the outlaw incapable of voting. (*Celier's case*, Sir T. Raym. 369; Hale P. C. 205.)

Outlaws.

Peers are not in general entitled to vote at the election of any member to serve in Parliament. Resolved, "that no peer of this kingdom hath any right to give his vote at the election of any member to serve in Parliament" (14th December, 1699; 13th February, 1700; 24th October, 1702; 4 Com. Dig. Parl. D. 10). But after the time of the union with Ireland the form of the resolution was somewhat altered, and it was resolved, "that no peer of this realm, except such peer of that part of the United Kingdom called Ireland, as shall for the time being be actually elected, and shall not have declined to serve for any county, city, or borough of Great Britain, hath any right to give his vote in the election of any member to serve in Parliament." Those peers, therefore, who are expressly excepted by this resolution, may vote at an election of a member of the House of Commons. But such a peer, it may be well to remark, so long as he continues a member of the House of Commons, is not entitled to the privilege of peerage, or capable of being elected a representative peer for Ireland, or of voting at an election of such a peer. (See the 4th Art. of Union in 39 & 40 Geo. 3, c. 67.)

Peers.

Receipt of
Parochial
Relief, &c.

By 2 Will. 4, c. 45, s. 36, it is enacted "that no person shall be entitled to be registered in any year as a voter in the election of a member or members to serve in any future Parliament for any city or borough who shall, within twelve calendar months, next previous to the last day of July in such year, have received parochial relief or other alms, which by the law of Parliament now disqualify from voting in the election of members to serve in Parliament." The provisions of this section, so far as they relate to the receipt of parochial relief, are now extended to counties also by s. 40 of this Act. (See the section in question and the notes thereto, *post*, p. 83.)

Inhabitant
Occupier.

(5) The words "inhabitant occupier" will render residence in the dwelling house, in respect of which the right to vote is claimed, absolutely necessary. It will not, however, be requisite, in order to constitute residence, that there should be a continued uninterrupted abiding in the dwelling house for the whole of the twelve months. Absence, no matter how long continued, if there be a power of returning at any time, and no abandonment of the intention to return whenever it may suit the party's pleasure or convenience so to do, will not prevent a constructive legal residence. But, if a person has debarred himself of the power of returning to his dwelling, as by letting it, for any period, however short that period may be, or has abandoned his intention to return to it, he cannot any longer be said to have even a constructive legal residence there. (*Winchelsea case*, Glan. 17; *R. v. Mitchell*, 10 East. 511; *R. v. Sargent*, 5 T. R. 466; *R. v. the Duke of Richmond*, 6 T. R. 560; *Edward Ackroyd's case*, *Wigan*, 1 Bar. & Aus. 189; *George Clarke's case*, Great Marlow, 1 Bar. & Aus. 83; *Wotton Bassett*, Feb. 22, 1819. *Rodger's*, 10th ed. p. 109; *Berwick*, *Bowhill's case*, W. & Br. 198; *Robison's case*, *Ibid.* 171; *Ell. on Reg.* 204; p. 98).

Where, therefore, a person claimed to have his name retained on the register of voters for a borough, but it appeared that he had been imprisoned in a gaol out of the borough for five out of the six months immediately preceding the 31st of July, it was held that he was not entitled to be registered, although his business was carried on, a servant kept by him, and his furniture remained at his house within the borough during that time, as he had, by his own criminal act, debarred himself of the power of residing within the borough. (*Powell v. Guest*, 34 L. J. C. P. 69; 18 C. B. N. S. 72; 1 H. & P. 149.) As to successive occupation, see s. 26, *post*, p. 55.

More than

A man may have more than one residence, although he

cannot, generally speaking, have more than one domicile (1 Peck, 391, note). "If a man," says Lord Coke (2 Inst. 703), "dwelleth in a foreign shire, riding, city, or town corporate, and keepeth a house and servants in another shire, riding, city, or town corporate, he is an inhabitant in each shire, riding, city, or town corporate." But it is said by the same learned writer (2 Inst. 122) that for the exercise of a personal franchise, a man can only be said to be conversant where his bed is. And in *R. v. Sargent*, 5 T. R. 466, Lord Kenyon, C.J., said, "It never can be contended that in order to constitute a residence in any place it is necessary to reside any given number of days, or even any great part of the year. It happens perpetually that persons have different places of abode, in some of which they reside more or less, as suits their convenience." But whether a residence can be considered *bonâ fide*, or is merely colourable, must often be a question of fact, depending on a great variety of circumstances. (Ell. on Reg. p. 201.)

one Residence.

With respect to the meaning of the word "resides," the observations of Bayley, J., in the case of *R. v. The Inhabitants of North Currey*, 4 B. & C. 959, 7 D. & R. 424, may here be usefully referred to. The learned judge, in delivering his judgment, said, "The question is, what is the meaning of the word *resides*? I take it that that word, where there is nothing to show that it is used in a more extensive sense, denotes the place where an individual eats, drinks, and sleeps, or where his family or his servants eat, drink, and sleep."

Meaning of the Word "resides."

(6) The party must occupy as *owner* or *tenant*. The effect of these words is, therefore, to exclude from the right of voting all persons who occupy merely as bailiffs, clerks, or servants; in other words, the claimant must occupy in his own right, and not as servant of another; and he must have some interest, such as tenant-at-will at least, in the premises (Ell. on Reg. 142). But it seems not to be necessary for him to show that he has a perfect title, either as owner or tenant. If a person occupy under a claim of title or right, it will be sufficient; for no investigation can be made into conflicting claims of title. The words "as owner" and "as tenant" show that it is the character in which the person has actually occupied which is to be ascertained, and not his right to occupy in that character. (Rogers, p. 50.)

Character of the Occupation.

An occupation in part performance of an official duty or service is not an occupation as tenant. But where the occupation is not necessary to or for the performance of the

Occupation by Officers or Servants.

duty or service, it would seem that it would be otherwise. The rule upon this point has been thus stated—"Where residence in an official or other house is necessary or conducive to the efficient performance of the duty or service required, and is either expressly or impliedly made a part of such duty or service, there the relation of landlord and tenant is *not* created. But where, without any obligation to reside in a particular dwelling, an officer or servant *chooses* to occupy a house which is provided for him, the circumstance that he receives less salary or wages in consideration of the benefit he derives from occupying a house convenient for the discharge of his duty or service, or that he would have an allowance for rent or lodging-money if he did not occupy it, will not prevent him from occupying *as tenant*." (Rogers, pp. 54, 55.)

Occupation must be of a "Dwelling-house."

(7) The occupation must be that of a "*dwelling-house*" as a residence, and not merely the occupation of a "house" according to the interpretation which has been put upon that term in 2 Will. 4, c. 45, s. 27. The "*dwelling-house*" need not, however, be of any particular yearly value; nor is it necessary that the occupation should be a continuous occupation of one and the same dwelling-house. A successive occupation of different dwelling-houses will be sufficient. (See s. 26, *post*, p. 55.)

Claim to be rated.

(8) By 2 Will. 4, c. 45, it is enacted (s. 30) that "in every city or borough which shall return a member or members to serve in any future Parliament, and in every place sharing in the election for every such city or borough, it shall be lawful for any person occupying any house, warehouse, counting-house, shop, or other building, either separately, or jointly with any land occupied therewith by him as owner, or occupied therewith by him as tenant under the same landlord, in any parish or township in which there shall be a rate for the relief of the poor, to claim to be rated to the relief of the poor in respect of such premises, whether the landlord shall or shall not be liable to be rated to the relief of the poor in respect thereof; and upon such occupier so claiming and actually paying or tendering the full amount of the rate or rates, if any, then due in respect of such premises, the overseers of the parish or township in which such premises are situate are hereby required to put the name of such occupier upon the rate for the time being; and in case such overseers shall neglect or refuse so to do, such occupier shall nevertheless, for the purposes of this Act, be deemed to have been rated to the relief of the poor in respect of such premises from the period at which the rate shall have been made in re-

spect of which he shall have so claimed to be rated as aforesaid." **Claim to be rated.**

And by the 14 & 15 Vict. c. 14, reciting 2 Will. 4, c. 45, s. 27, and 11 & 12 Vict. c. 90, &c., it is enacted (s. 1) that "no person so claiming to be rated, and paying or tendering on or before the twentieth day of July in each year, the full amount of the rate or rates, if any, due in respect of such premises on the fifth day of January preceding, shall be required to make any further claim in regard to any future rate upon the premises in respect whereof his right to vote in any such election as aforesaid shall arise, but shall be entitled to be put on the list and to be registered as a voter, provided he shall have occupied the premises in the manner and for the time required by the said firstly recited Act, and provided the poor's rates and assessed taxes chargeable upon the same shall have been paid for the period and up to the time required by law, in respect of all persons entitled to vote in the election of members of Parliament for any borough under the provisions of the said firstly recited Act. Provided always (s. 2), that every person so claiming as aforesaid, who shall be registered as a voter in respect of the premises to which his claim relates shall, in respect of every rate for the relief of the poor made and published after such claim as aforesaid, while he continues to occupy the same premises and to be a registered voter in respect thereof, be liable to the same extent and in the same manner as in respect of the rate published next before the making of such claim." These provisions will, it would seem, apply, except the requirement making the payment of assessed taxes as well as poor's rates necessary, to the persons who are entitled to the franchise under the present Act, as by s. 59, *post*, p. 107, that Act, so far as is consistent with the tenor thereof, is to be construed as one with the 2 Will. 4, c. 45, &c. If an occupier has not been rated in the manner required by the Act, but has been omitted from any poor's rate during the necessary period of occupation, and has not claimed to be rated, he will not be entitled to be registered as a voter.

(9) The words "as an ordinary occupier" have reference to the 7th section of this Act (see *post*, p. 36), which prohibits from the passing of the Act the rating of the owner to the poor rate, instead of the occupier of any dwelling house or other tenement situate in a parish wholly or partly in a borough, except where the dwelling-house or tenement is wholly let out in apartments or lodgings not separately rated, and directs that the full rateable value of every **Meaning of the Words "as an ordinary Occupier."**

dwelling-house or other separate tenement, and the full rate in the pound payable by the occupier, and the name of the occupier, shall be entered in the rate book, and puts an end to compositions with owners from the 29th of September, 1867.

As to the first registration of occupiers where the owner has hitherto been liable, see s. 8, *post*, p. 41.

Payment of
Poor-rates.

(10) The occupier is not required to be rated to, or to pay, any other rates than those made for the relief of the poor. He will not, therefore, be disentitled to be registered, although he may not have been rated to, or although he may have refused or may have neglected to pay, any such other rates.

The Reform Act (2 Will. 4, c. 45) required (s. 27) not only that the occupier should have been rated to, and have paid poor rates, but that he should also have paid all *assessed taxes* which should have become payable from him in respect of the qualifying premises previously to the 5th of January next preceding (11 & 12 Vict. c. 90). The payment of such taxes is not, however, made necessary in order to entitle an occupier to be registered in respect of the franchise conferred by this section; and he will not, therefore, be disentitled to be registered because he has not paid them.

Where Rate
void.

(11) The non-payment of a poor-rate, which is void upon the face of it, and not merely irregular, as where the rate professed to be signed by two justices, as required by the 43 Eliz. c. 2, s. 1, but was in fact signed by the churchwardens, only one of whom was a justice of the peace for the borough, was held not to disqualify a person from being placed upon the register of voters for a borough under 2 Will. 4, c. 45, s. 27, although no appeal had been made against the rate, and some of the parishioners had paid it. (*Fox v. The Overseers of Shaston St. Peter, Shaftesbury*, 6 C. B. 11; 2 Lutw. 97). But if the rate is apparently good upon the face of it, the non-payment of it will disqualify (*Baker v. Locke*, 18 C. B. N. S. 52; 34 L. J. C. P. 49). In this latter case a poor-rate allowed by two justices was made by the majority of the parish officers, but the majority was obtained by an assistant-overseer joining in making the rate, who had been appointed by the vestry to perform all the duties incident to the office of overseer, *except the collection of rates*. As to the necessity for the *personal* payment of rates, see s. 7, note (4) *post*, p. 38.

“Become
payable by
him.”

(12) The 27th section of the 2 Will. 4, c. 45, uses the same words. It has, however, been held that a person is not disqualified by that section from being

on a borough register of voters, because he has not paid some arrears of a poor-rate, in respect of which he was not rated, and which had never been demanded of him, but which had been made on the qualifying premises prior to his occupation, and which the 17 Geo. 2, c. 38, s. 12, makes the incoming tenant liable to pay in proportion to the time he has occupied. (*Fletcher v. Boodle*, 34 L. J. C. P. 77; 18 C. B. N. S. 152; 1 H. & P. 238.) The non-payment of such an arrear of poor-rate, where no such demand has been made, will not therefore, it would seem, disentitle an incoming tenant to be registered under this section.

(13) The following are the corresponding sections of the Reform Act of 1832 (2 Will. 4, c. 45) with respect to the occupation franchise in boroughs.

Section 27.—“And be it enacted, that in every city or borough which shall return a member or members to serve in any future Parliament, every male person of full age, and not subject to any legal incapacity, who shall occupy, within such city or borough, or within any place sharing in the election for such city or borough, as owner or tenant, any house, warehouse, counting-house, shop, or other building, being either separately or jointly with any land within such city, borough, or place, occupied therewith by him as owner, or occupied therewith by him as tenant under the same landlord, of the clear yearly value of not less than ten pounds, shall, if duly registered according to the provisions hereinafter contained, be entitled to vote in the election of a member or members to serve in any future Parliament for such city or borough, provided always that no such person shall be so registered in any year unless he shall have occupied such premises as aforesaid for twelve calendar months next previous to the last day of July in such year, nor unless such person, where such premises are situate in any parish or township in which there shall be a rate for the relief of the poor, shall have been rated in respect of such premises to all rates for the relief of the poor in such parish or township made during the time of such his occupation so required as aforesaid, nor unless such person shall have paid, on or before the twentieth day of July in such year, all the poor-rates and assessed taxes which shall have become payable from him in respect of such premises previously to the fifth day of January (11 & 12 Vict. c. 90) then next preceding. Provided also, that no such person shall be so registered in any year, unless he shall have resided for six calendar months

Right of voting in Boroughs to be enjoyed by occupiers of Houses, &c., of the annual Value of £10.

No Occupier to vote unless rated to the Poor-rate.

Rate and assessed Taxes must be paid.

Residence also required

next previous to the last day of July in such year, within the city or borough, or within the place sharing in the election for the city or borough, in respect of which city, borough, or place respectively he shall be entitled to vote, or within seven statute miles thereof or of any part thereof."

Provision as to Premises occupied in succession.

Section 28.—“And be it enacted, that the premises in respect of the occupation of which any person shall be entitled to be registered in any year, and to vote in any election for any city or borough as aforesaid, shall not be required to be the same premises, but may be different premises occupied in immediate succession by such person during the twelve calendar months next previous to the last day of July in such year, such person having paid on or before the twentieth day of July in such year all the poor's rates and assessed taxes which shall previously to the 5th day of January then next preceding have become payable from him in respect of all such premises so occupied by him in succession.”

As to joint Occupiers.

Section 29.—“And be it enacted, that where any premises as aforesaid, in any such city or borough, or in any place sharing in the election therewith, shall be jointly occupied by more persons than one as owners or tenants, each of such joint occupiers shall, subject to the conditions hereinbefore contained as to persons occupying premises in any such city, borough, or place, be entitled to vote in the election for such city or borough, in respect of the premises so jointly occupied, in case the clear yearly value of such premises shall be of an amount which, when divided by the number of such occupiers, shall give a sum of not less than ten pounds for each and every such occupier, but not otherwise.”

The several persons mentioned in the foregoing sections of the Reform Act of 1832, and in this section of the present Act, comprehend all those persons who, if duly registered, are entitled to vote for a borough in respect of the occupation franchise.

As to a continued residence up to the time of polling, see 6 Vict. c. 18, s. 79, in note (1) to s. 3, *ante*, p. 3. As to the extension of the limits of residence for electors of the city of London, and as to the manner in which the distance is in all cases to be measured, see s. 46 and note (3) to that section, *post*, p. 93.

Lodger Franchise for Voters in Boroughs.

IV. Every Man shall, in and after the Year One thousand eight hundred and sixty-eight, be entitled to be

registered as a Voter, and, when registered, (1) to vote (2) for a Member or Members to serve in Parliament for a Borough, (3) who is qualified as follows; (that is to say,)

1. Is of full Age (4) and not subject to any legal Incapacity; (5) and
2. As a Lodger has occupied in the same Borough separately and as sole Tenant for the Twelve Months (6) preceding the last Day of *July* in any Year the same Lodgings, such Lodgings being Part of one and the same Dwelling-House, (7) and of a clear yearly Value, (8) if let unfurnished, of Ten Pounds or upwards; and
3. Has resided (9) in such Lodgings during the Twelve Months (6) immediately preceding the last Day of *July*, and has claimed (10) to be registered as a Voter at the next ensuing Registration of Voters.

(1) As to the registration of lodger voters, see s. 30 and note (3) to that section, *post*, p. 62.

(2) As to how far the register is conclusive evidence of the right to vote, see s. 3, note (1), *ante*, p. 3.

(3) As to the meaning of the term "borough," see s. 61, *post*, p. 109.

(4) See s. 3, note (3), *ante*, p. 3.

(5) See s. 3, note (4), *ante*, p. 4.

(6) That is *calendar* months, see 13 & 14 Vict. c. 21, s. 4, and section 61 of this Act, *post*, p. 109.

(7) There cannot be either a joint or a successive occupation of lodgings so as to confer a right to be registered as a voter, since the occupation must be as *sole tenant*, and the lodgings be *the same* lodgings, and be part of *one and the same* dwelling-house (see also section 26, *post*, p. 55). It would seem also that the same set of lodgings must be occupied in the same house, and, therefore, that if the lodger changes from one set to another he will be disqualified. As to the meaning of the term "dwelling-house," see s. 61, *post*, p. 109.

No joint or successive Occupation.

Clear yearly
Value.

(8) No definition of the term "clear yearly value" is given in the Act, but it would seem that the term must be taken to have the same meaning which it has been held to have in the 27th section of the 2 Will. 4, c. 45, with respect to the £10 occupation franchise in boroughs. The meaning of the words "clear yearly value" in that section, has been held to be the value of the premises to the tenant, and not to the landlord, and the proper criterion of that value to be the fair annual rent of the premises, the tenant bearing the ordinary burdens incident to the occupation, without any deduction being made for the landlord's payments in respect of repairs, insurance, or the like (*Coogan v. Lockett*, 2 C. B. 182; 1 Lutw. 447; *Colvill v. Wood*, 2 C. B. 210; 1 Lutw. 483).

Coogan v.
Lockett.

In *Coogan v. Lockett* the qualification of the appellant was duly proved in all respects except as to the value of the house. The rent paid by the appellant for the house was 4s. 9d. per week, amounting to £12 7s. per annum. The landlord paid all the rates and taxes assessed upon the house, and compounded for the poor-rate on it, as well as for that on other houses which he had in the same parish, and was assessed to that rate in respect of the house at £5 per annum. The rates commonly known as tenant's rates, payable in the parish, amounted to 5s. 11d. in the pound per annum, viz.: poor rates, 3s.; consolidated rate, 1s. 4d.; police rate, 7d., and church rate, 1s. It was proved that the house, if rated to a tenant, would be assessed at the rateable value of £8 per annum, upon which assessment the tenant's rates would amount to £2 7s. 4d. per annum. It was contended on behalf of the appellant, that no other rates or taxes, except poor-rates and window tax, ought to be deducted from the amount of rent actually paid in order to ascertain what was the "clear annual value" of the house within the meaning of 2 Will. 4, c. 45; and that if all the tenant's rates were to be deducted, yet that such deductions should be made only for the amount for which the premises were assessed to the landlord, viz., £5, and not from the rent actually paid by the tenant; and, further, that no greater amount than that which the landlord was actually called upon to pay could legally be deducted. The revising barrister decided that the clear annual value of the premises must be taken to mean the rent at which the said premises might reasonably be expected to let from year to year, free of all tenant's rates and taxes at least (6 & 7 Will. 4, c. 96, s. 9); that is to say, the rent which the landlord would in such cases receive; but inasmuch as there was no evidence before the

revising barrister to enable him to ascertain what the house in question would be let for, under such circumstances he considered that the proper principle for ascertaining the clear annual value of the house in question was, to deduct from the rent actually paid by the appellant, viz., £12 7s., the amount of the tenant's rates and taxes calculated upon the rateable value of the said house, if assessed to a tenant, viz., £2 7s. 4d., and, therefore, that the said house was not of the clear yearly value of £16, and consequently that the claimant was not entitled to be registered. This decision was confirmed on appeal; and it was said by Cresswell, J., in delivering his judgment, that "The clear yearly value is what the house would let for over and above the ordinary burthens to which a tenant would be liable, who took it subject to such burthens;" and by Erle, J., "The value is entirely a question of fact. But I agree with the revising barrister, that the true test of annual value is, what would the premises fairly let for under ordinary circumstances. The principle that obtains in the settlement cases is applicable here. In those cases, the rateable value has generally been considered the sum for which the premises would fairly let to a tenant bearing the public burthens cast by the law upon him."

Coogan v. Lockett.

In *Colvill v. Wood*, it appeared that the rent of the house in respect of which the claim was made was £10, exclusive of rates and taxes, and that there was no special agreement between the claimant and his landlord as to repairs or insurance.

Colvill v. Wood.

It further appeared that the rent of £10 was the fair rent of the premises. In support of the objection against the claimant it was contended that the proper measure of a clear annual value of a house within the 2 Will. 4, c. 45, s. 27, was not the rent for which such house would let to a tenant, but the amount of such rent after deducting therefrom the average annual expense of landlord's repairs and insurances, and consequently that the house in question was not of the clear annual value of £10. The revising barrister, however, decided, that the fair annual rent was the proper criterion of value without any such deduction. This decision was affirmed on appeal, and Tindal, C.J., in delivering the judgment of the court, said, "This is the case of the occupier of a house as tenant, who pays a rent of £10 per annum, exclusive of rates and taxes, that is, so far as the tenant is concerned, a clear yearly rent to the landlord of £10 per annum. But the statute requiring that the house must be of the clear yearly value of £10 per

*Colvill v.
Wood.*

annum, in order to confer a qualification, it is undoubtedly not enough to find that the tenant pays a rent of that amount; for it is manifest such rent is not necessarily the measure of the true value; the rent may be exorbitant, and such as no other tenant would give; or it may have been fraudulently fixed at that sum in order to acquire the vote. It is necessary, therefore, in order to satisfy the statute, to show further that the house is of that clear yearly value, and for that purpose it is found in the case before us that £10 per annum is the fair rent of the premises. And whether this is the proof of the clear yearly value is the question before us. There is some difficulty in ascertaining the true meaning of the Act in the use of this expression. When the right to vote depended, as it did formerly, on property only, there was no difficulty in discovering the clear yearly value. Thus, where the statute 8 Hen. 6, c. 7, ordained that the knights of the shire should be chosen by people 'whereof every one shall have free tenement to the value of 40s. by the year at the least above all charges;' and, again, where the 18 Geo. 2, c. 18, s. 5, has enacted that no person shall vote without having freehold 'of the clear yearly value of 40s. over and above all rents and charges payable out of or in respect of the same,' it was easy to prove the yearly value to the owner, more especially when the sixth section of the latter Act had defined the nature of the charges intended to be deducted, by enacting that 'no public or parliamentary tax, nor any rate or assessment whatever, should be deemed to be any charge payable out of or in respect of any freehold estate within the meaning of the Act.' But in the present case the Legislature has created a new qualification for voting; namely, that of the occupier, as tenant, of a house of the clear yearly value of not less than £10; applying to the case of the tenant a description or definition which, in strictness of language, and under former enactments, belonged exclusively to the owner of the property. For, in strict propriety of language, although the rent may be a fair criterion of the value to the landlord, it cannot be so to the tenant; the value in the case of the latter depending on the use to which he puts it, the profit he makes by his occupation, and other circumstances that exist in each case, quite independently of his paying £10 a year rent to the landlord. But we think it obvious the Legislature could never have intended that the right of a tenant to vote should depend upon calculations so nice, artificial, and difficult of application. And although it may not be easy to give effect to all the words of the section, we think

they may well bear the meaning, that where a house is occupied by a tenant at the clear annual rent of £10, if such house is fairly worth that rent to any one wanting to occupy it, if the house would generally fetch such rent, the occupation is that of a house of the clear yearly value of not less than £10, so far as the tenant is concerned. For we think the Legislature intended any person who is in such a condition, both as to credit and circumstances, as to be allowed by the owner of a house, which is fairly worth the clear sum of £10 to rent by the year, to become his tenant thereof, is a fit person also to have a vote in the election of a member of Parliament for a borough."

Some difficulty will, no doubt, be experienced in ascertaining the "clear yearly value" of lodgings in respect of which a right to vote is claimed under this section. This will especially be the case where the lodgings in question are furnished, and their value if let unfurnished is disputed. The "clear yearly value" will, however, be a question of fact to be determined by the revising barrister upon the evidence before him (see *Coogan v. Luckett, ubi supra*). It will, therefore, be requisite in all cases where the value of the lodgings as required by the statute is disputed, that the claimant should be prepared with evidence to prove that they are of that value. This may be done, in the case of unfurnished lodgings, by showing that the rent paid is in truth a fair rent for them, such a rent as they have usually let at, or such as is usually obtained for similar lodgings in the same locality; and, in the case of unfurnished lodgings, by showing what rent they would be fairly worth, and at what rent would generally be let to any one wanting to occupy them unfurnished.

How value
of lodgings
to be ascer-
tained.

The occupiers of lodgings are not liable to be assessed to, nor required to pay, either poor-rates or assessed taxes. In estimating the clear yearly value there will not, therefore, be any "public burthens cast by law upon them," to be excluded. There may, however, be cases in which payments are made by a lodger, either by express agreement with his landlord, or otherwise, and either in addition to or as part of the rent, but nevertheless in consideration of some additional benefit to be enjoyed by him in respect of his occupation of the lodgings. In such cases it would seem that the principle laid down in the authorities just cited must be applied, and that any such payments must be excluded. But on the other hand, no payments of any kind made by the landlord are to be deducted from the rent paid by the lodger in ascertaining the clear yearly value so far as he is concerned.

(9) As to the nature of the residence, see section 3, note (5), *ante*, p. 14.

(10.) As to the requisites of the claim, see s. 30, par (2), *post*, p. 62. The claim must be made every year, and the claimant must appear before the revising barrister to support it at each revision of the list of voters, as he may then and there be objected to. See further upon these points, s. 30, par. (2), note (3), *post*, p. 65.

Lodgers
must claim
as such.

The necessity for the claim being renewed every year, and for the lodger appearing before the revising barrister to support it, will, it has been recently said, prove so irksome a process that lodgers will not, in a vast majority of cases at least, take the trouble to go through it. A device has accordingly been suggested, by means of which it was thought that the requirements of the statute might be evaded, and the franchise, at the same time, be extended "in a direction not contemplated by Parliament."

The 30th section of the 2 Will. 4, c. 45, empowers any person occupying any house, &c., in any parish or township in which there shall be a rate for the relief of the poor, to claim to be rated to the relief of the poor in respect of such house, &c.; and requires the overseers, upon such occupier so claiming and actually paying or tendering the full amount of the rate or rates, if any, then due, in respect of such house, &c., to put the name of such occupier upon the rate for the time being; and provides that, in case the overseers shall neglect or refuse so to do, such occupier shall nevertheless, for the purposes of the Act, be deemed to have been rated from the period at which the rate shall have been made, in respect of which he shall have so claimed. The 1st section of the 14 & 15 Vict. c. 14, enacts that "no person so claiming to be rated, and paying or tendering on or before the 20th day of July in each year the full amount of the rate or rates, if any, due in respect of such premises on the 5th day of January preceding, shall be required to make any further claim in regard to any future rate upon the premises in respect whereof his right to vote in any such election shall arise, but shall be entitled to be put on the list, and to be registered as a voter, provided he shall have occupied the premises in the manner and for the time required by the said firstly recited Act, and provided the poor's rates and assessed taxes chargeable upon the same shall have been paid for the period and up to the time required by law, in respect of all persons entitled to vote in the election of members of Parliament for any borough, under the provisions of the said firstly recited Act." It has been argued that, inasmuch as the pre-

sent Act is directed (see s. 59, *post*, p. 107), so far as is consistent with the tenor thereof, to be construed as one with the Acts for the time being in force relating to the Representation of the People and with the Registration Acts, and as a lodger is termed a "tenant," and a "dwelling-house" defined (s. 61, *post*, p. 109), to include any part of a house occupied as a separate dwelling, and separately rated to the relief of the poor, and as a lodging means part of a house occupied as a residence, all that will be necessary in order to enable a lodger to avoid the trouble of claiming every year and of appearing at the registration court to support his claim will be, that he should make one claim to be rated as the occupier of a dwelling-house. The object of this device is, it will be seen, to convert all lodgers into inhabitant occupiers, so as to entitle them to the franchise under the preceding section of this Act. It is clear, however, that the device is entirely devoid of any foundation whatever in point of law. In the first place the occupation required by this section is an occupation *as a lodger*. Now, a lodger is one who occupies rooms as a residence in a house occupied by another person. How, then, can he himself possibly be an occupier, or the rooms which he occupies be a dwelling-house? Again, it is evident that the definition of a "dwelling-house," as including "any part of a house occupied as a *separate dwelling, &c.*," does not include lodgings, for a part of a house occupied as a "separate dwelling," means a part of a house severed *in fact* from the other parts, that is to say, that there is *in fact* a distinct, separate, and independent occupation of it, which there is not in the case of lodgings. (See *Cook v. Humber*, K. & G. 413; 31 L. J. C. P. 54; and see *per Erle, C. J., Henrette v. Booth*, 33 L. J. C. P. 61.) If there be a severance *in fact*, the part of the house is no longer a lodging, but a separate dwelling-house, and the tenant of it no longer a lodger, but an inhabitant occupier of a dwelling-house, and entitled to be registered *as such*, but *not* as a lodger. There is, moreover, a clear distinction made in the Act between a dwelling-house and a lodging, and between an inhabitant occupier and a lodger. Such a device as the one in question would not only, therefore, be directly opposed to the intention of the Legislature, but would also stultify and render inoperative some of its principal provisions. With respect to the distinction between a dwelling-house and a lodging the words of Parke, B., in *Monks v. Dykes*, 4 M. & W. 567, may here be usefully quoted. "Neither in law nor in common sense," said that learned judge, "can a man be described as being

Lodgers
must claim
as such.

in possession of a dwelling-house when he is a mere lodger."

Property
Franchise
for Voters in
Counties.

V. Every Man shall, in and after the Year One thousand eight hundred and sixty-eight, be entitled to be registered as a Voter, and, when registered, to Vote (1) for a Member or Members to serve in Parliament for a County, (2) who is qualified as follows: (that is to say,)

1. Is of full Age, (3) and not subject to any legal Incapacity, (4) and is seised at Law or in Equity of any Lands or Tenements (5) of Freehold, Copyhold, or any other Tenure whatever, (6) for his own Life, or for the Life of another, or for any Lives whatsoever, or for any larger Estate of the clear yearly Value (7) of not less than Five Pounds over and above all Rents and Charges (8) payable out of or in respect of the same, or who is entitled, either as Lessee or Assignee, (9) to any Lands or Tenements of Freehold or of any other Tenure whatever, for the unexpired Residue, whatever it may be, of any Term originally created for a Period of not less than Sixty Years (whether determinable on a Life or Lives or not), of the clear yearly Value (7) of not less than Five Pounds over and above all Rents and Charges (8) payable out of or in respect of the same: (10)

Provided that no Person shall be registered as a Voter under this Section unless he has complied with the Provisions of the Twenty-sixth Section of the Act of the Second Year of the Reign of His Majesty William the Fourth, Chapter Forty-five. (11)

(1) The 6 Vict. c. 18, s. 79, makes the register of voters conclusive evidence that the persons therein named continue to have the qualifications which are annexed to their names respectively in the register in force at such election ; but provides that "it shall not be lawful for any person to vote at any election for a member or members for any county where the qualification annexed to the name of such person shall have appeared annexed to his name in the preceding register, and such person, on the last day of July in the year in which such register so in force was formed, shall have ceased to have such qualification, or shall not have retained so much thereof as would have entitled him to have had his name inserted in such register." Register,
how far
conclusive.

(2) As to the meaning of the term "county," see s. 61, *post*, p. 109. As to what freeholds, copyholds, leaseholds, &c., will not confer a vote for a county when situate in a borough, see ss. 24, 25 of 2 Will. 4, c. 45, in note (1) to s. 59 of this Act, *post*, p. 107.

(3) See s. 3, note (3), *ante*, p. 3.

(4) See s. 3, note (4), *ante*, p. 4.

(5) The words "within the county" are omitted here—no doubt, by an oversight. It is clear, however, that no person can be registered in one county in respect of lands or tenements in another, as, under the provisions of the 6 Vict. c. 18 (see s. 4) every person must be registered for the parish or township in which his qualification is situate.

(6) Such as customary freehold and tenure in ancient demesne. Customary freehold is a peculiar species of copyhold tenure, which is found principally in the north, but exists also in other parts of England, and is a tenure by copy of court roll, but according to the custom of the manor, and not at the will of the lord. The freehold is in the lord, and not in the tenant. (*Stephenson v. Hill*, 3 Burr. 1278; *Doe v. Huntington*, 4 East, 271; *Doe v. Danvers*, 7 East, 299; *Burrell v. Dodd*, 3 B. & P. 378.) Tenure in ancient demesne is a tenure existing in those manors only which belonged to the Crown at the time of Edward the Confessor and William the Conqueror, and so appear to have belonged in Domesday Book. The tenants in ancient demesne are generally freeholders. Besides these tenures, there is a kind of customary estate called *tenant right*, said to be peculiar to the north of England, which falls within the general class of copyholds, although distinguished from the common kind by many of its incidents. (*Doe v. Huntington*, 4 East, 288; *Stevenson v. Hill*, 3 Burr. 1278; *Burrell v. Dodd*, 3 B. & P. 378; Other
Tenures.

Graham v. Jackson, 6 Q. B. 835; *Passingham v. Pitty*, 17 C. B. 313; *Garbutt v. Trevor*, 33 L. J. C. P. 73; 15 C. B. N. S. 550.)

Criterion of Value.

(7) The value of the estate in right of which the owner votes is the rent which a tenant would give for it, and not what the owner occupying it himself may possibly acquire from it. (*Bedfordshire*, 2 Lud. 450; *Blackwell's case*. See also *Middlesex*, 2 Peck, 104, *Rolph's case*; *Carlow*, K. & O. 460; *Longford*, P. & K. 189; C. & R. 228; *Glennon v. Ferguson*, Alc. R. C. 55.)

And this criterion of value is not what the land actually produces, but what, in its existing state, it reasonably may produce. Where, therefore, land purchased for building purposes, for which it was suitable, was proved, if let upon a building lease, to be worth a ground-rent of £15 a-year, and it was also proved that the owner had received a *bond fide* offer of that sum, but had refused it as insufficient, it was held that, although the land was unbuilt upon and unlet, and consequently remained unproductive, the owner was nevertheless entitled to be registered as the owner of a freehold estate of the clear yearly value of 40s. (*Astbury v. Henderson*, 24 L. J. C. P. 20; 15 C. B. 251; K. & G. 6.)

Assessments no proof of value.

The committee, *Middlesex*, 2 Peck, 105 (*O'Kelly's case*), resolved "that no proof whatever of the actual value of the freehold could arise from entries in the books of assessment."

Repairs.

The average annual expenses of repairs must be deducted. (*Hamilton v. Bass*, 22 L. J. C. P. 29; 12 C. B. 631; 2 Lutw. 213.)

Expenses of Collection of Rents.

The expenses *necessary* for the collection of rents must also be deducted. Whether the expenses are necessary is, it would seem, a question of fact for the revising barrister to decide. (*Sherlock v. Steward*, 29 L. J. C. P. 87; K. & G. 286.)

Poor Rate.

So also must a poor-rate paid by the landlord under an agreement with his tenant. (*Moorhouse v. Gilbertson*, 23 L. J. C. P. 19; 14 C. B. 70; 2 Lutw. 260.)

Mortgage.

If there be a mortgage on the land, the amount of interest payable on the mortgage must be deducted. (*Bedfordshire*, 2 Lud. 469; *Middlesex*, 2 Peck, 103; *Lee v. Hutchinson*, 8 C. B. 18; 5 Lutw. 159; *Copland v. Bartlett*, 6 C. B. 18; 18 L. J. C. P. 50; 2 Lutw. 102; *Beamish v. The Overseers of Stoke*, 11 C. B. 29; 2 Lutw. 189; *Robinson v. Dunkley*, 33 L. J. C. P. 57; 18 C. B. N. S. 478.)

Charge must be on land.

The charge must, however, be strictly a charge on the land (*Baxter v. Brown*, 7 M. & G. 198; s. c. *nom. Baxter v. Newman*, 1 Lutw. 287).

Where a mortgage comprises property of the claimant other than that in respect of which the qualification is claimed, the interest payable on the mortgage will be rateably apportioned on all the property; and if the portion of the property in respect of which the claim is made proves, after deducting the amount of interest thus apportioned to it, to be of the requisite clear yearly value, it will be a good qualification (*Moore v. The Overseers of Carisbrooke*, 22 L. J. C. P. 64; 12 C. B. 661; 2 Lutw. 233).

Apportionment of interest on mortgage.

In like manner a rent-charge covering the whole of the land may be apportioned (*Barrow v. Buckmaster*, 22 L. J. C. P. 65; 12 C. B. 664; 2 Lutw. 235).

Apportionment of rent-charge.

A deposit of title-deeds by the owner of an estate, either to secure a debt already due, or in order to obtain an advance of money at the time, will operate as an equitable mortgage, and will give the creditor not only a right to detain the deeds until payment is made, but also an equitable interest in the estate itself. It has, however, been held that such a deposit made by way of collateral security was not a charge within the meaning of the 2 Will. 4, c. 45. (*Huntingdon, W. & D.* 200 (*Fisher's case*)).

Equitable mortgage.

A tithe commutation rent-charge under 6 & 7 Will. 4, c. 71, must, it would seem, be considered as a charge reducing the value of the estate. See 6 & 7 Will. 4, c. 96, s. 1, and 25 & 26 Vict. c. 103, s. 15.

Tithe rent-charge.

Dower is a diminution of the value (2 Lud. 450).

Dower.

By the 1 & 2 Vict. c. 110, ss. 13, 17, judgments operate as an express charge on real estate, and carry interest at £4 per cent. from the time of entering up the judgment.

Judgments.

The value is a question of fact, which the revising barrister must decide upon the evidence before him (*Coogan v. Luckett*, 2 C. B. 182; 1 Lutw. 447).

The value is a question of fact.

(8) The 2 Will. 4, c. 45, s. 21, enacts "that no public or parliamentary tax, nor any church rate, county rate, or parochial rate, shall be deemed to be any charge payable out of or in respect of any lands or tenements within the meaning of that Act." This provision will apply to lands and tenements under the present section. (See ss. 56, 59, of this Act, *post*, pp. 106, 107). So also will the 22nd section of the same Act, which enacts "that in order to entitle any person to vote in any election of a knight of the shire or other member to serve in any future Parliament, in respect of any messuages, lands, or tenements, whether freehold or otherwise, it shall not be necessary that the same shall be assessed to the land-tax; any statute to the contrary notwithstanding."

What not to be deemed charges.

County voters need not be assessed to the land tax.

(9) The equitable assignee of the residue of a term is not,

Equitable Assignee.

however, entitled to be registered (*Gainsford v. Freeman*, 14 W. R. 203 ; 1 L. R. C. P. 129).

(10) The following are the corresponding sections of the Reform Act of 1832 (2 Will. 4, c. 45), relating to the county franchise :—

Limitation on the right of voting for counties and for cities being counties of themselves, in respect of freeholds for life.

Section 18.—“And be it enacted, that no person shall be entitled to vote in the election of a knight or knights of the shire to serve in any future Parliament, or in the election of a member or members to serve in any future Parliament for any city or town being a county of itself, in respect of any freehold lands or tenements whereof such person may be seised for his own life, or for the life of another, or for any lives whatsoever, except such person shall be in the actual and *bond fide* occupation of such lands or tenements, or except the same shall have come to such person by marriage, marriage settlement, devise, or promotion to any benefice, or to any office, or except the same shall be of the clear yearly value of not less than ten pounds above all rents and charges payable out of or in respect of the same ; any statute or usage to the contrary notwithstanding : Provided always, that nothing in this Act contained shall prevent any person now seised for his own life, or for the life of another, or for any lives whatsoever, of any freehold lands or tenements in respect of which he now has, or, but for the passing of this Act, might acquire, the right of voting in such respective elections, from retaining or acquiring, so long as he shall be so seised of the same lands or tenements, such right of voting in respect thereof, if duly registered according to the respective provisions hereinafter contained.”

Right of voting in counties extended to copyholders.

Section 19.—“And be it enacted, that every male person of full age, and not subject to any legal incapacity, who shall be seised at law or in equity of any lands or tenements of copyhold or any other tenure whatever except freehold, for his own life, or for the life of another, or for any lives whatsoever, or for any larger estate, of the clear yearly value of not less than ten pounds over and above all rents and charges payable out of or in respect of the same, shall be entitled to vote in the election of a knight or knights of the shire to serve in any future Parliament for the county, or for the riding, parts or division of the county, in which such lands or tenements shall be respectively situate.”

Right of voting in counties extended to leaseholders

Section 20.—“And be it enacted, that every male person of full age, and not subject to any legal incapacity, who shall be entitled, either as lessee or assignee, to any lands or tenements, whether of freehold or of any other tenure whatever, for the unexpired residue, whatever it may be,

of any term originally created for a period of not less than sixty years (whether determinable on a life or lives or not), of the clear yearly value of not less than ten pounds over and above all rents and charges payable out of or in respect of the same, or for the unexpired residue, whatever it may be, of any term originally created for a period of not less than twenty years (whether determinable on a life or lives or not), of the clear yearly value of not less than fifty pounds over and above all rents and charges payable out of or in respect of the same, or who shall occupy as tenant any lands or tenements for which he shall be *bonâ fide* liable to a yearly rent of not less than fifty pounds, shall be entitled to vote in the election of a knight or knights of the shire to serve in any future Parliament for the county, or for the riding, parts, or division of the county in which such lands or tenements shall be respectively situate: Provided always, that no person, being only a sub-lessee, or the assignee of any underlease, shall have a right to vote in such election in respect of any such term of sixty years or twenty years as aforesaid, unless he shall be in the actual occupation of the premises."

and occupiers of premises of certain value above charge .

By the 6 Vict. c. 18, s. 73, after reciting that part of s. 20 of 2 Will. 4, c. 45, which confers the franchise on £50 occupiers in counties, and that part of s. 26 of the same Act which requires a possession of the property by the occupier for twelve calendar months next previous to the 31st day of July in the year of registration, enacts "That the lands and tenements, in respect of the occupation of which, at a yearly rent of not less than fifty pounds, any person shall be so entitled to be so registered in any year, and to vote in the election of a knight or knights of the shire as aforesaid, shall not be required to be the same lands and tenements, but may be different lands and tenements, rented and occupied as aforesaid in immediate succession by such person during the twelve calendar months next previous to the last day of July in such year; and that where any such lands and tenements shall be jointly rented and occupied by more persons than one, each of such joint occupiers shall be entitled to be registered and vote in such election as last aforesaid in respect of the lands and tenements so jointly rented and occupied, in case the yearly rent, for which they shall be *bonâ fide* liable, in respect of such lands and tenements shall be of an amount which, when divided by the number of such occupiers, shall give a *bonâ fide* rent of not less than fifty pounds for each and every such occupier, but not otherwise."

Right of voting in counties by occupiers of not less than £50. 6 Vict. c. 18, s. 73.

Successive occupation.

Joint Occupiers may vote.

(11) The 26th section of 2 Will. 4, c. 45, requires every

2 Will. 4, c. 45, s. 26,

2 Will. 4, c.
45, s. 26.

person who claims to be registered as a voter for a county in any year in respect of his estate or interest in any lands or tenements, as a freeholder, copyholder, customary tenant, or tenant in ancient demesne, to have been in the actual possession thereof, or in the receipt of the rents and profits thereof for his own use, for six calendar months at least next previous to the last day of July in such year, which said period of six calendar months is to be sufficient, any statute to the contrary notwithstanding; and also requires any person so claiming in respect of any lands or tenements held by him as lessee or assignee, or as occupier and tenant under the Act, to have been in the actual possession thereof, or in the receipt of the rents and profits thereof for his own use, as the case may require, for twelve calendar months next previous to that day. But the section provides that, where any lands or tenements, which would otherwise entitle the owner, holder, or occupier thereof to vote in any election for a county, shall come to any person, at any time within such respective periods of six or twelve calendar months, by descent, succession, marriage, marriage settlement, devise, or promotion to any benefice in any church, or by promotion to any office, such person shall be entitled in respect thereof to have his name inserted as a voter for the county in the lists then next to be made, and upon his being duly registered, to vote in such election.

2 Will. 4, c.
45, s. 20.

The proviso to the 20th section of 2 Will. 4, c. 45, declares that, no person being only a sub-lessee, or the assignee of any under-lease, shall have a right to vote in an election for a county in respect of any such term of sixty years or twenty years as is therein mentioned, unless he shall be in the actual occupation of the premises. No such proviso is made by the present section, but it is apprehended that the proviso just mentioned will apply to the leaseholds which that section specifies, by virtue of the provisions of the 56th and 59th sections of this Act, *post*, pp. 106, 107.

Occupation
Franchise for
Voters in
Counties.

VI. Every Man shall, in and after the Year One thousand eight hundred and sixty-eight, be entitled to be registered as a Voter, and, when registered, to vote (1) for a Member or Members to serve in Parliament for a County, (2) who is qualified as follows: (that is to say,)

1. Is of full Age, (3) and not subject to any legal Incapacity; (4) and
2. Is on the last Day of *July* in any Year, and has

during the Twelve Months (5) immediately preceding been, the Occupier, (6) as Owner or Tenant, (7) of Lands or Tenements within the County (8) of the rateable Value (9) of Twelve Pounds or upwards; and

3. Has during the Time of such Occupation been rated (10) in respect to* the Premises so occu- * *Sic.*
pied by him to all Rates (if any) made for the Relief of the Poor (11) in respect of the said Premises; and
4. Has on or before the Twentieth Day of *July* in the same Year paid (12) all Poor Rates (13) that have become payable (14) by him in respect of the said Premises up to the preceding Fifth Day of *January*.

(1) As to the right to vote when registered, see s. 5, note (1), *ante*, p. 29.

(2) As to the meaning of the term "county," see s. 61, *post*, p. 109.

(3) See s. 3, note (3), *ante*, p. 3.

(4) See s. 3, note (4), *ante*, p. 4.

(5) That is *calendar* months, 13 & 14 Vict. c. 21, s. 4 and s. 61 of this Act, *post*, p. 109.

(6) As to successive and joint occupation in counties, see ss. 26, 27, respectively, *post*, pp. 55, 57.

(7) See s. 3, note (6), *ante*, p. 15.

(8) As to what freehold, copyholds, leaseholds, &c., will not confer a vote for a county when situate in a borough, see ss. 24, 25, of 2 Will. 4, c. 45, in note (1), to s. 59 of this Act, *post*, p. 107.

(9) The rateable value differs materially from the clear yearly value mentioned in either of the two preceding sections, and must be ascertained in the manner in which that value is directed to be ascertained by the Parochial Assessment Act (6 & 7 Will. 4, c. 96) for the purpose of assessing property to the poor rate (See per Tindal, C.J., in *Colwill v. Wood*, 2 C. B., at p. 216; 1 Lutw., at p. 490). The 1st section of that statute enacts that "no rate for the relief of the poor in England and Wales shall be allowed by any justices, or be of any force, which shall not be made upon Rateable value."

Rateable
value.

an estimate of the net annual value of the several hereditaments rated thereunto ; that is to say, of the rent at which the same might reasonably be expected to be let from year to year, free of all the usual tenants' rates and taxes, and tithe commutation rent-charge, if any, and deducting therefrom the probable average annual cost of the repairs, insurance, and other expenses, if any, necessary to maintain them in a state to command such rent." In order, therefore, that lands or tenements may constitute a good qualification under this section, it will be necessary to show in all cases that they are of the net annual value of £12 at the least. The Act makes no provision with respect to the manner in which the rateable value is to be proved. It would seem, however, that in single parishes not included in unions, the rate book formed as required by the 6 & 7 Will. 4, c. 96, and that in parishes included in unions, the valuation list formed as required by the Union Assessment Committee Act, 1862 (25 & 26 Vict. c. 103), may be taken to be good *prima facie* evidence of that value, although they would not of course be conclusive evidence of it, in the absence of an express provision to that effect. The value is a question of fact for the revising barrister to decide upon the evidence before him (*Cogan v. Luckett*, 2 C. B. 182; 1 Lutw. 447).

Proof of
value.

(10) It would seem that an erroneous assessment, that is, an assessment at an amount less than that at which the premises ought properly to be assessed, will not affect the right to vote, if the premises are in fact of the value requisite to confer the franchise. (See *Reg. v. The Mayor of Kidderminster*, 16 L. T. Q.B. 394, decided with respect to the right to be on a burgess list for a borough, under the Municipal Corporation Act, 5 & 6 Will. 4, c. 76.)

(11) See s. 3, note (10), *ante*, p. 18.

(12) As to the necessity for the *personal* payment of rates, see s. 7, note (4) *post*, p. 38.

(13) See s. 3, note (11), *ante*, p. 18.

(14) See s. 3, note (12), *ante*, p. 18.

Occupiers in
Boroughs to
be rated, and
not Owners.

VII. Where the Owner is rated at the Time of the passing of this Act to the Poor Rate in respect of a Dwelling House or other Tenement situate in a Parish wholly or partly in a Borough, (1) instead of the Occupier, his Liability to be rated in any future Poor Rate shall cease, (2) and the following Enactments shall take effect with respect to rating in all Boroughs :

1. After the passing of this Act no Owner of any Dwelling House or other Tenement situate in a Parish either wholly or partly within a Borough (1) shall be rated to the Poor Rate instead of the Occupier, except as herein-after mentioned :
2. The full rateable Value (3) of every Dwelling House or other separate Tenement, and the full Rate in the Pound payable by the Occupier, (4) and the Name of the Occupier, (5) shall be entered in the Rate Book :

Where the Dwelling House or Tenement shall be wholly let out in Apartments or Lodgings not separately rated, the Owner of such Dwelling House or Tenement shall be rated in respect thereof to the Poor Rate (6):

Provided as follows :

- (1.) That nothing in this Act contained shall affect Provisoes as to compositions, &c. any Composition existing at the Time of the passing of this Act, so nevertheless that no such Composition shall remain in force beyond the Twenty-ninth Day of *September* next :
- (2.) That nothing herein contained shall affect any Rate made previously to the passing of this Act, and the Powers conferred by any subsisting Act for the purpose of collecting and recovering a Poor Rate shall remain and continue in force for the Collection and Recovery of any such Rate or Composition :
- (3.) That where the Occupier under a Tenancy subsisting at the Time of the passing of this Act of any Dwelling House or other Tenement which has been let to him free from Rates is rated and has paid Rates in pursuance of this

Act, he may deduct from any Rent due or accruing due from him in respect of the said Dwelling House or other Tenement any Amount paid by him on account of the Rates to which he may be rendered liable by this Act. (7)

(1) The effect of these words is to make this section applicable to the *whole* of such a parish. Where, therefore, a parish is situate partly within and partly without a parliamentary borough (see as to the meaning of this term, s. 61, *post*, p. 109) the owner cannot now be rated to the poor rate instead of the occupier in respect of any dwelling-house or tenement situate in any part of it, whether the dwelling-house or tenement be one which confers a vote for the borough or not. The term "parish" is not defined by the Act, but by the Poor Law Amendment Act, 1866 (29 & 30 Vict. c. 113,) it is enacted (s. 18) that it shall mean "every place for which a separate poor rate is or can be made, or for which a separate overseer is or can be appointed."

(2) This provision amounts, so far as the poor rate is concerned, but not farther, to a virtual repeal, as regards Parliamentary boroughs and parishes situate wholly or partly within such boroughs, of the 59 Geo. 3, c. 12, the 13 & 14 Vict. c. 99, commonly called the Small Tenements Rating Act, and of the many Local Acts which have made provision for the rating on a lower scale of the owners instead of the occupiers of tenements in certain cases. It also repeals to the same extent, so far at least as the compound householder is concerned, the provisions of the 14 & 15 Vict. c. 14.

(3) As to this rateable value, see s. 6, note (9), *ante*, p. 35.

(4) The provisions of this section have given rise to the question whether, in the case of an occupation as tenant, a personal payment of the poor rate by the tenant will be necessary in order to entitle him to the franchise, or whether a payment made by the landlord on the tenant's behalf, the latter paying an increased rent in consideration of such payment, would not be sufficient for that purpose; and it has been contended, that inasmuch as the Act does not expressly provide to the contrary, such a payment would be a good payment by the tenant, and that he would, if qualified in other respects, be entitled to be registered, and consequently to vote. It would seem to be perfectly clear, however, that the intention of the Legislature was, that the rate should be personally paid by the occupier, and,

Personal
Payment of
Rates.

therefore, that a payment by the landlord, although it may be made with the sanction and by the express authority of the tenant, would not be a good payment on his behalf for the purpose of conferring the franchise, whatever it may be for other purposes. All the sections of the Act which relate to the payment of poor rates speak of a payment by the occupier, and by the occupier only, and it would certainly appear, in the absence of any provision making a payment by another person on his behalf and by his authority sufficient, that such a payment must be taken to be excluded, inasmuch as the statute requires the payment to be made as a condition precedent to the exercise of a personal right.

Personal
payment of
Rates.

This view of the intention of the Legislature is confirmed by the 3rd proviso to this section, which empowers the occupier, under a tenancy subsisting at the time of the passing of the Act, of any dwelling-house or tenement let to him free from rates, who is rated and has paid rates in pursuance of the Act, to deduct the amount paid by him on account of the rates to which he may be rendered liable by the Act from any rent due or accruing due from him in respect of such dwelling-house or tenement; for it would seem to be impossible to reconcile this provision with the contemplation by the Legislature of a payment of rates by the landlord on behalf of the tenant as a good payment for the purpose of the franchise.

The 49th section of the Act (*post*, p. 98) also enacts that any person, either directly or indirectly, corruptly paying any rate on behalf of any ratepayer for the purpose of enabling him to be registered as a voter, thereby to influence his vote at any future election, and any candidate or other person, either directly or indirectly, paying any rate on behalf of any voter for the purpose of inducing him to vote or refrain from voting, shall be guilty of bribery, and punishable accordingly; and any person on whose behalf and with whose privity any such payment as therein mentioned is made, shall also be guilty of bribery, and punishable accordingly. It seems impossible to conceive any case in which a corrupt payment of rates for the purpose of enabling a ratepayer to be registered, thereby to influence his vote, is more likely to occur than in a case in which the relation of landlord and tenant exists between the parties; and consequently that to allow the payment of rates by a landlord under any such arrangement with his tenant as that above mentioned, would be to pave the way to the very mischief which this section of the Act was intended to prevent, as it would be almost, if not quite, impossible in

Personal
payment of
rates.

any such case to prove the corrupt motive for the payment. Suppose, moreover, the payment to be made by the landlord, it by no means necessarily follows, either, on the one hand, that the tenant will repay the landlord the amount of the rates so paid by him, or on the other, that the landlord will require the repayment; so that a person may be registered, and thus become entitled to vote, without having complied with the test which has been made by the Legislature the very basis of the occupation franchise. A landlord again may, either wilfully or inadvertently, omit to pay the rate, in which case the tenant would be deprived of his vote, without having any remedy, except that of an action for damages against his landlord.

It is not difficult to see, therefore, that the system of a payment of rates by the landlord on the tenant's behalf may easily be made the means, not only of inflicting injustice, but also of serving the worst political ends. Suppose, again, that the landlord has paid the rate, but that the tenant has not repaid the amount so paid by him before the 20th of July in any year, the tenant would nevertheless, if such a system of payment as the one in question is to be considered legal, be entitled to be registered, although it seems very difficult to distinguish in point of principle between such a case and the case of an occupier in arrear of rates, who is not permitted by the Act to be registered.

The amount of the poor rates, again, is continually varying, so that the amount agreed to be paid by the tenant for rent and rates may subsequently become insufficient to cover them both. Thus, suppose a landlord to have agreed with a tenant to let him a dwelling-house for £21 a-year, £20 of the amount being for rent, and £1 being for poor rates, and that the amount of the poor rates assessed on the house in question is subsequently increased to £2. It is clear that in any such case the landlord would be bound under his agreement with his tenant to pay the whole amount, but that the tenant would not be liable to pay his landlord more than the £1. In such a case it could never be contended that the tenant had complied with the requirements of the Act as to the payment of all rates payable by him in respect of the premises which constitute his qualification.

The 30th section, moreover, of the 2 Will. 4, c. 45, which empowers occupiers whose names may have been omitted from the rate, or who may occupy houses, the rates of which were compounded for and paid by their landlords, to claim to be rated, requires the overseers to place the names of such occupiers on the rate for the

time being, upon such occupiers "so claiming and *actually* paying or tendering the full amount of the rate or rates, if any, then due in respect of the premises," although the landlord, if already liable, was still to continue to be so: a provision which seems to exclude a constructive payment, which the payment of the rates by the landlord, the tenant paying an increased rent as an equivalent, would be, and to render it in the highest degree improbable that the Legislature intended to place the occupiers of houses, the rates on which have hitherto been compounded for by the landlords, in a better position than that which they occupied before the passing of this Act.

Personal
Payment of
Rates.

(5) The occupier is, from the date of the passing of the Act (the 15th August, 1867,) to be the person alone liable to be rated to the poor-rate in all cases, except only those in which the dwelling-house or tenement is wholly let out in apartments or lodgings, not separately rated. In these excepted cases the owner of the dwelling-house or tenement is to be rated, and it will, therefore, be the duty of the overseers in all such cases to place *his* name on the rate book as the person rated; but in all other cases the name of the *occupier* must be so entered in that book.

Occupier
only to be
rated.

(6) This provision would seem to apply to all cases in which the dwelling-house or tenement is let out in the manner described, whatever may be the rateable or other value of such dwelling-house or tenement, and whatever may be the rent at which such dwelling-house or tenement may be let, and to make it imperative on the overseers to rate the owner in all such cases, although the poor-rates upon the dwelling-house or tenement in question may not have been compounded for, either under 59 Geo. 3, c. 12, 13 & 14 Vict. c. 99, or any local Act containing similar enactments. The owner must, however, be rated at the full rateable value of the dwelling-house or tenement, and not on the composition scale.

Excepted
cases.

(7) The occupier in any such case will be entitled to deduct the full amount of the rates so paid by him, and not merely the reduced amount which the landlord, in the case of compound houses, would have been liable to pay.

VIII. Where any Occupier of a Dwelling House or other Tenement (for which the Owner at the Time of the passing of this Act is rated or is liable to be rated) would be entitled to be registered as an Occupier in pursuance of this Act at the First Registration of Par-

First Regis-
tration of
Occupiers of
Dwelling
Houses, &c.

liamentary Voters to be made after the Year One thousand eight hundred and sixty-seven if he had been rated to the Poor Rate for the whole of the required Period, such Occupier shall, notwithstanding he may not have been rated prior to the Twenty-ninth Day of *September* One thousand eight hundred and sixty-seven as an ordinary Occupier, be entitled to be registered, (1) subject to the following Conditions :

1. That he has been duly rated as an ordinary Occupier to all Poor Rates in respect of the Premises after the Liability of the Owner to be rated to the Poor Rate has ceased, under the Provisions of this Act: (2)
2. That he has on or before the Twentieth Day of *July* One thousand eight hundred and sixty-eight paid all Poor Rates which have become payable by him as an ordinary Occupier in respect of the Premises up to the preceding Fifth Day of *January*. (3)

(1) By s. 3, *ante*, p. 2, the occupier is required to have been rated to the poor-rate during the time which it is necessary for him to have occupied a dwelling-house in order to acquire a vote under that section, that is for twelve calendar months preceding the last day of July in any year, and a similar requirement, which applies to the tenements above mentioned, is contained in the 27th section of the 2 Will. 4, c. 45. These requirements would, but for the provision made by this section, have prevented the occupier of any such dwelling-house or tenement as is therein mentioned from being registered in respect of his occupation at the registration of voters in the year 1868, as he would not have been rated in respect of the dwelling-house or tenement occupied by him during the twelve calendar months preceding the last day of July in that year, but only since the date of the passing of the Act, viz., the 15th of August, or in the case of then existing compositions since the 29th of September, 1867.

(2) That is, he must have been rated as an ordinary occu-

pier to all poor-rates in respect of the premises from the 15th of August, 1867, or in the case of then existing compositions, from the 29th of September in that year, up to the 31st of July, 1868.

(3) The poor-rates so payable by the occupier will be those only which have been made between the 15th of August, or in the case of then existing compositions, since the 29th of September, 1867, and the 5th day of January, 1868.

IX. At a contested Election for any County or Borough represented by Three Members no Person shall vote for more than Two Candidates. (1)

Restriction as to Number of Votes in certain Counties and Boroughs,

(1) The following are the counties and boroughs represented by three members, which will be affected by this section: *Counties* — Berkshire, Buckinghamshire, Cambridgeshire, Dorsetshire, Herefordshire, Hertfordshire, and Oxfordshire. *Boroughs* — Birmingham, Leeds, Liverpool, and Manchester. The right to return *three* members to Parliament is conferred on these boroughs by s. 18 of this Act. See *post*, p. 50.

X. At a contested Election for the City of London no Person shall vote for more than Three Candidates. (1)

and in the City of London.

(1) The City of London returns *four* members to Parliament.

XI. No Elector who within Six Months (1) before or during any Election for any County (2) or Borough (2) shall have been retained, hired, or employed for all or any of the Purposes of the Election for reward by or on behalf of any Candidate (3) at such Election as Agent, Canvasser, Clerk, Messenger, or in other like Employment, shall be entitled to vote at such Election, and if he shall so vote he shall be guilty of a Misdemeanor. (4)

No Elector who has been employed for Reward within Six Months of an Election to be entitled to vote.

(1) That is *calendar* months. See 13 & 14 Vict. c. 21, s. 4 and s. 61, of this Act, *post*, p. 109.

(2) As to the meaning of the terms "county" and "borough," see s. 61, *post*, p. 109.

(3) No definition of the term "candidate" is given by the Act. As it may not improbably, therefore, become a ques-

Meaning of the term

“Candi-
date.”

tion as to who is a “candidate at an election,” within the meaning of this section, it may be useful to refer to the following definitions of that and some few other similar terms, which have been given, both in decided cases and by statute. In *Hunter v. Sturge*, 8 M. & W. 302, decided under section 71 of 2 Will. 4, c. 45, which directs that all booths erected for the convenience of taking polls shall be erected at the joint and equal expense of the several candidates, it was held, that the word *candidate* in that section applied only to *one who went to the poll*; and that the defendant, who had been put in nomination, but who afterwards declined to go the poll, was, therefore, not liable for a share of the expenses of erecting poll-booths, for which he was sued by the returning officer. But in *Morris v. Burdett*, 2 M. & S. 212, a *candidate* is defined by Lord Ellenborough, C. J., as “a person offering himself to the suffrages of the electors;” and by Dampier, J., as “one who voluntarily proposes himself, or adopts the proposal of others.” The terms, “candidate at an election,” and “candidate at any election,” are for the purposes of the Corrupt Practices Prevention Acts (17 & 18 Vict. c. 102; 21 & 22 Vict. c. 87; 26 & 27 Vict. c. 29), defined by 21 & 22 Vict. c. 87, s. 3, to include “all persons elected to serve in Parliament at such election, and all persons nominated as candidates at such election, or who shall have declared themselves candidates on or after the day of the issuing of the writ for such election, or after the dissolution or vacancy in consequence of which such writ shall have been issued;” but nothing contained in the Act is to be construed to impose any liability on any person nominated without his consent. In 7 & 8 Will. 3, c. 4, commonly called the Treating Act (repealed by 17 & 18 Vict. c. 102) the words “person or persons to be elected” were used, and these words were held to extend to an unsuccessful candidate (*Ward v. Nanney*, 3 C. & P. 399). The definition, however, which is most in accordance with the intention of the Legislature with respect to this section, is, no doubt, that which is given above from 21 & 22 Vict. c. 87, s. 3.

Persons
employed for
purposes of
Election.

(4) By 7 & 8 Geo. 4, c. 37, s. 1, any person who, during any election, or within six months previously, or within fourteen days afterwards, was employed as counsel, agent, attorney, poll-clerk, flagman, or *in some capacity for the purpose of such election*, was rendered incapable of voting. That Act was repealed by 17 & 18 Vict. c. 102, but the following cases, which are some few of those decided under its 1st section, may not inaptly be mentioned here, as showing what persons were held to be and not to be disqualified re-

spectively, under the words above printed in italics. The following were held to be disqualified:—Check-clerks, *Bedford*, P. & K. 136. Door-keepers, *Ipswich*, K. & O. 384. A solicitor, who had accepted a retainer and acted upon it though no payment was proved, *Windsor*, K. & O. 175. Inspectors, who had agreed for payment, *Dublin*, F. & F. 200. A parish clerk, paid by both parties for pointing out the houses of voters, *Worcester*, K. & O. 246. A paid agent of one candidate, though he voted for another, *New Windsor*, K. & O. 174.

Persons employed for purposes of Election.

The following were held not to be disqualified:—A bandmaster, *Monmouth*, K. & O. 421; Bell-ringers, *Evesham*, F. & F. 534; Sergeants-at-mace, appointed by the corporation to keep the peace, although paid by a candidate, *Worcester*, K. & O. 247; Voters engaged after voting to assist at the charring, *Ipswich*, K. & O. 389. It will be observed, however, that the terms of s. 11 of the present Act are not so extensive as those of s. 1 of 7 & 8 Geo. 4, c. 37, as the former are restricted to a retaining, hiring, or employment for reward by or on behalf of any candidate, whereas the latter extended to any employment as therein specified.

XII. Whereas upon Representations made to Her Majesty in joint Addresses of both Houses of Parliament to the Effect that the Select Committees of the House of Commons appointed to try the Petitions complaining of undue Elections and Returns for the Boroughs of *Totnes*, *Reigate*, *Great Yarmouth*, and *Lancaster* had Reason to believe that corrupt Practices had extensively prevailed at the last Elections for the said Boroughs, Commissioners were appointed for the Purpose of making Inquiry into the Existence of such corrupt Practices, in pursuance of the Act of Parliament passed in the Sixteenth Year of the Reign of Her present Majesty, Chapter Fifty-seven, intituled *An Act to provide for the more effectual Inquiry into the Existence of corrupt Practices at Elections for Members to serve in Parliament*: And whereas the Com-

Boroughs of Totnes, Reigate, Yarmouth, and Lancaster to cease to return Members after End of present Parliament.

16 & 17 Vict. c. 57.

missioners so appointed reported to Her Majesty as follow:

1. As respects the said Borough of *Totnes*, that at every Election for the said Borough since and including the Election in the Year 1857 corrupt Practices had extensively prevailed :
2. As respects the said Borough of *Reigate*, that Bribery and Treating had prevailed at the Election in the Year 1859, and had extensively prevailed at the Two Elections in the Year 1858, and at the Elections in the Years 1863 and 1865 :
3. As respects the said Borough of *Great Yarmouth* that corrupt and illegal Practices had extensively prevailed at the Elections in the Years 1859 and 1865 :
4. As respects the said Borough of *Lancaster*, that corrupt Practices had extensively prevailed at the Election in the Year 1865, and, with rare Exceptions, had for a long Time prevailed at contested Elections for Members to serve in Parliament for that Borough :

Be it enacted, that from and after the End of this present Parliament the Boroughs of *Totnes*, *Reigate*, *Great Yarmouth*, and *Lancaster* shall respectively cease to return any Member or Members to serve in Parliament. (1)

(1) It is clear that this provision would only have had the effect of disfranchising the boroughs therein enumerated from the time of the next dissolution of Parliament, and that the case of a vacancy occurring in the representation of either of those boroughs, before such dissolution, would not have been met by it, and, consequently, that the issue of the Speaker's writ for the election of a new member, on the occurrence of any such vacancy, might have been

claimed as of right. In order to remedy this defect an Act (31 Vict. c. 6) was passed during the late short session of Parliament, which prohibits, from the date of its passing, (7th December, 1867) the issue of any writ for the election of a member or members to serve in Parliament for any of the boroughs in question, as well as the registration of voters in any of the said boroughs. This Act will be found in the Appendix, *post*, p. 132.

XIII. Whereas the Commissioners appointed under a Commission of Her Majesty, dated the Sixteenth day of *June* One thousand eight hundred and sixty-six, for the Purpose of making Inquiry into the Existence of corrupt Practices in the Borough of *Totnes*, have by their Report, dated the Twenty-ninth Day of *January* One thousand eight hundred and sixty-seven, reported to Her Majesty that the Persons named in Schedules (I.) and (K.) to the said Report annexed had been guilty of giving or receiving Bribes: Be it enacted, That none of the Persons so named in the said Schedules shall have the Right of voting for the Southern Division of the County of *Devon* in respect of a Qualification situated within the said Borough of *Totnes*. (1)

Persons reported guilty of Bribery in Totnes disqualified as Voters for Southern Division of Devon in respect of Qualification arising in said Borough.

(1) The disfranchisement of the persons named in schedules (I.) and (K.) of the report referred to, so far as regards their right to vote at an election of a member or members of Parliament for the southern division of the county of Devon, in which division the borough of Totnes is comprised, extends only to a qualification situated within the borough, that is, within the *Parliamentary* borough of Totnes; so that they will still have the right of voting in respect of a qualification situated in any other part of that division. By s. 53 of this Act, *post*, p. 103, copies of the Report, with the schedules thereto annexed, purporting to be printed by the Queen's printer, are to be evidence.

XIV. Whereas the Commissioners appointed under a Commission of Her Majesty, dated the Sixteenth Day

Persons reported

guilty of
Bribery in
Great Yar-
mouth
disqualified
as Voters for
North-
eastern
Division of
Norfolk or
Eastern
Division of
Suffolk in
respect of
Qualification
arising in
said
Borough.

of *June* One thousand eight hundred and sixty-six, for the Purpose of making Inquiry into the Existence of corrupt Practices in the Borough of *Great Yarmouth*, have by their Report, dated the Twentieth Day of *December* One thousand eight hundred and sixty-six, reported to Her Majesty that the Persons named in Schedules (A.) and (B.) to the said Report annexed had been guilty of giving or receiving Bribes: Be it enacted, That none of the Persons so named in the said Schedules shall have the Right of voting for the North-eastern Division of the County of *Norfolk*, or the Eastern Division of the County of *Suffolk*, in respect of a Qualification situated within the Borough of *Great Yarmouth*. (1)

(1) The borough of Great Yarmouth is situated partly in the county of Norfolk and partly in the county of Suffolk. A portion of the borough is consequently comprised in the North-eastern Division of the former county, and a portion in the Eastern Division of the latter. As to the disfranchisement of the voters, and as to the evidence of the Report, and of the schedules annexed thereto, see note to s. 13, *ante*, p. 47.

Persons
reported
guilty of
Bribery in
Lancaster
disqualified
as Voters for
Northern
Division of
Lancaster in
respect of
Qualification
arising in
said
Borough.

XV. Whereas the Commissioners appointed under a Commission of Her Majesty, dated the Sixteenth Day of *June* One thousand eight hundred and sixty-six, for the Purpose of making Inquiry into the Existence of corrupt Practices in the Borough of *Lancaster*, have by their Report reported to Her Majesty that certain Persons had been guilty of giving or receiving Bribes: Be it enacted, That none of the said Persons appearing by the Schedules marked (A.) and (B.) to the said Report annexed to have been bribed, or as bribing and treating, shall have the right of voting for the Northern Division of the County of *Lancaster* in respect of a

Qualification situated within the said Borough of *Lancaster*. (1)

(1) The Borough of Lancaster is comprised in the Northern Division of the County of Lancaster. As to the disfranchisement of the voters, and as to the evidence of the reports, and of the schedules annexed thereto, see note to s. 13, *ante*, p. 47.

XVI. Whereas the Commissioners appointed under a Commission of Her Majesty, dated the Sixteenth Day of *June*, One thousand eight hundred and sixty-six, for the Purpose of making Inquiry into the Existence of corrupt Practices in the Borough of *Reigate*, by their Report, dated the Second Day of *February* One thousand eight hundred and sixty-seven, reported to Her Majesty that the Persons named in Schedules (A.), (B.), and (C.) had been guilty of giving or receiving Bribes: Be it enacted, That none of the said Persons so named in the said Schedules, and appearing thereby to have been so guilty in the Election which took place in the Year One thousand eight hundred and sixty-five, shall have the Right of voting for the Division of *Mid-Surrey* in respect of a Qualification situated within the Borough of *Reigate*. (1)

Persons reported guilty of Bribery in Reigate disqualified as Voters for Division of Mid Surrey in respect of Qualification arising in said Borough.

(1) The Borough of Reigate is at present comprised in the Eastern Division of the County of Surrey, under the provisions of the 2 & 3 Will. 4, c. 64, commonly called the Boundary Act, but under the provisions of this Act, (see s. 23, *post*, p. 53, and schedule D. *post*, p. 114) that Division is, from and after the end of the present Parliament, to be divided into two Divisions, to be called respectively, East Surrey and Mid-Surrey, and the Hundred of Reigate, in which the Borough of Reigate is situated, will be comprised in the latter Division. As to the disfranchisement of the voters, and as to the evidence of the Report, and of the Schedules annexed thereto, see note to s. 13, *ante*, p. 47.

PART II.

DISTRIBUTION OF SEATS.

Boroughs,
as in Sche-
dule (A.),
to return
One Member
each.

XVII. From and after the End of this present Parliament, no Borough which had a less Population than Ten thousand at the Census of One thousand eight hundred and sixty-one, shall return more than One Member to serve in Parliament, such Boroughs being enumerated in Schedule (A.) to this Act annexed.

Boroughs,
herein
named to
return Three
Members
each.

XVIII. From and after the End of this present Parliament, the City of *Manchester*, and the Boroughs of *Liverpool*, *Birmingham*, and *Leeds*, shall each respectively return Three Members to serve in Parliament. (1)

(1) As to the voting at a contested election for these Boroughs, see s. 9, *ante*, p. 43.

New
Boroughs
as in Sche-
dule (B.),
to return
one Member
each, except
Chelsea,
which shall
return Two.

XIX. Each of the Places named in Schedule (B.) to this Act annexed shall be a Borough, and, until otherwise directed by Parliament, each such Borough shall comprise such Places as are specified and described in connexion with the Name of each such Borough in the said Schedule (B.); and in all future Parliaments the Borough of *Chelsea*, named in the said Schedule, shall return Two Members, and each of the other Boroughs named in the said Schedule shall return One Member to serve in Parliament.

Registers
of Voters to
be formed
for new
Boroughs.

XX. Registers of Voters shall be formed in and after the Year One thousand eight hundred and sixty-eight, (1) notwithstanding the Continuance of this present Parliament, for or in respect of the Boroughs

constituted by this Act, (2) in like Manner (3) as if before the passing of this Act they respectively had been Boroughs returning Members to serve in Parliament. (4)

(1) Although registers are to be formed for the Boroughs constituted by the Act in the year 1868, they will not be in force upon any dissolution of Parliament which may take place before the 1st of January, 1869, see s. 60, *post*, p. 108.

(2) The Boroughs here referred to are those mentioned in schedule (B.) *post*, p. 112. As to the formation of registers of voters for the Boroughs of Hackney and the Tower Hamlets, see s. 22, *post*, p. 52.

(3) The 6 Vict. c. 18, prescribes the manner in which registers of voters for Boroughs are to be formed. The following are the sections of that Act which relate to the duties of town clerks and overseers in forming such registers, so far as the same will be applicable to new Boroughs constituted by this Act, viz., ss. 10, 11, 12, 13, 15, 17, 18, 19, 22, 23, 24, 25, 26, 27, 31, 33, 34, 35, 48, 49, 50, 51, 53, 55, 57. As to the duties of town clerks and overseers with respect to the lists of voters in Boroughs divided into polling districts, see s. 34 of this Act, *post*, p. 71. As to the duties of overseers in giving notice of rates in arrear, in making out a list of persons in arrear of rates, and in omitting from the lists of voters the names of persons who have received parochial relief within a certain period, see ss. 28, 29, 40, respectively, *post*, pp. 58, 61, 83. Where there is no such officer in a borough as town-clerk, the duties required by 6 Vict. c. 18, to be performed by the town-clerk are to be performed by "any officer executing the same or like duties as usually devolve upon the town-clerk," or where there is no such person as last-mentioned, then by the returning officer of the borough, or by such person as the returning officer may appoint for that purpose (6 Vict. c. 18, s. 101). As to who is to be the returning officer in the new boroughs constituted by this Act, see s. 47, *post*, p. 94. With regard to places having no overseers of the poor, it is provided by 6 Vict. c. 18, s. 22, that, "every precinct or place, whether extra-parochial or otherwise, which shall have no overseers of the poor, shall, for the purpose of making any claim, and making out any list directed by that Act, be deemed to be within the parish or township adjoining thereto, and sharing in the right of election to which such claim or list may relate ;

Formation of
Registers of
for new
Boroughs.

and if such parish or place shall adjoin two or more parishes or townships situated as aforesaid, it shall be deemed to be within the least populous of such parishes or townships, according to the last census for the time being." The forms mentioned in s. 10 of 6 Vict. c. 18, which are applicable to the case of new boroughs, will require to be altered under the provisions of s. 58, *post*, p. 107, so that they may be framed and expressed in such manner and form as may be necessary for carrying the provisions of this Act into effect.

(4) In the event of a vacancy occurring, before the summoning of a future Parliament, in the representation of any county in which a borough constituted by this act is situate, the persons in the borough whose names are, for the time being, on the register of voters for the county, in respect of a qualification which will eventually entitle them to vote for the borough only, will nevertheless be entitled to vote at an election of a member to fill such vacancy, as though the new borough had not been constituted. (See s. 55, *post* p. 104).

Merthyr Tydfil and Salford to return Two Members each.

XXI. From and after the End of the present Parliament, the Boroughs of *Merthyr Tydfil* and *Salford* shall each return Two Members instead of One to serve in future Parliaments; and the Borough of the *Tower Hamlets* shall be divided into Two Divisions, and each Division shall in all future Parliaments be a separate Borough, returning Two Members to serve in Parliament.

Tower Hamlets to be divided into Two Divisions, each Division to return Two Members.

The said Divisions shall be known by the Name of the Borough of *Hackney* and the Borough of the *Tower Hamlets*, and, until otherwise directed by Parliament shall comprise the Places mentioned in connexion with each such Borough in Schedule (C.) hereto annexed.

Registers of Voters to be formed for the Boroughs of Hackney and the Tower Hamlets.

XXII. Registers of Voters shall be formed in and after the Year One thousand eight hundred and sixty-eight, notwithstanding the Continuance of this present Parliament, in respect of the said Boroughs of *Hackney* and of the *Tower Hamlets* constituted under this Act,

in like Manner as if such Divisions had previously to the passing of this Act been separate Boroughs returning Members to serve in Parliament. (1)

(1) As to the manner of forming the register of voters, see note 3, s. 20, *ante*, p. 51. As to the use of these registers on a vacancy occurring in the representation of the present borough of the Tower Hamlets before the summoning of a future Parliament, and after their completion, see s. 54, *post*, p. 103.

XXIII. From and after the End of the present Parliament, each County named in the First Column of Schedule (D.) to this Act annexed shall be divided into the Divisions named in the Second Column of the said Schedule, and, until otherwise directed by Parliament, each of such Divisions shall consist of the Hundreds, Lathes, Wapentakes, and Places mentioned in the Third Column of the said Schedule.

Division of
certain Coun-
ties, as in
Schedule (D.)

In all future Parliaments there shall be Two Members to serve for each of the Divisions specified in the said Second Column, and such Members shall be chosen in the same Manner, and by the same Description of Voters, and in respect of the same Rights of voting, as if each such Division were a separate County.

All Enactments relating to Divisions of Counties returning Members to serve in Parliament shall be deemed to apply to the Divisions constituted as aforesaid.

Registers of Voters shall be formed in and after the Year One thousand eight hundred and sixty-eight, notwithstanding the Continuance of this present Parliament, for or in respect of the Divisions of Counties constituted by this Act, in like Manner as if before the passing of this Act they had respectively been Counties returning Members to serve in Parliament. (1)

(1) As to the use of these registers on a vacancy occurring in the representation of any of the counties divided by the Act before the summoning of a future Parliament, and after their completion, see s. 54, *post* p. 103. As to the right of persons having a county qualification, which will hereafter be included within the limits of a borough constituted by the Act, to vote for the county until the summoning of a future Parliament, see note (4), s. 20, *ante* p. 52.

University of
London to
return One
Member.

Electors for
members of
the Uni-
versity of
London.

XXIV. In all future Parliaments the University of *London* shall return One Member to serve in Parliament.

XXV. Every Man whose Name is for the time being on the Register of Graduates constituting the Convocation of the University of *London* (1) shall, if of full Age, (2) and not subject to any legal Incapacity, (3) be entitled to vote in the Election of a Member to serve in any future Parliament for the said University.

Convocation
of the Uni-
versity of
London.

(1) By the Royal Charter of the University of London, dated the 6th of January, 1863, it is declared (Art. 15), that the following graduates of the University for the time being shall constitute the Convocation of the University (that is to say), all Doctors of Law, Doctors of Medicine, and Masters of Arts, all Bachelors of Law of two years' standing, all Bachelors of Medicine of two years' standing, all Bachelors of Arts of three years' standing, all Doctors of Science, all Bachelors of Science of three years' standing; and also all graduates holding such other degrees to be thereafter conferred by the University as shall be recognised as qualifications to admission to Convocation by resolution of Convocation in the manner hereinafter provided; and the standing of all graduates on whom degrees have been conferred by the University created by the Queen's Letters Patent of the 5th of December, in the first year of Her Majesty's reign, or the University created by the Queen's Letters Patent of the 9th of April, in the 21st year of Her Majesty's reign, are to be computed from the respective times when such degrees were actually conferred, precisely as if the University created by the charter of 1863 had been then in existence, and had conferred the same degrees. No graduate, however, whose name has been taken off, or excluded from, the Register of Convocation under the bye-laws or regulations of the said

charter of the 9th of April, in the 21st year of Her Majesty's reign, is to be a member of Convocation until his name has been restored, pursuant to the bye-laws and regulations for the time being existing under the charter of 1863.

(2) See s. 3, note (3), *ante*, p. 3.

(3) See s. 3, note (4), *ante*, p. 4.

PART III.

SUPPLEMENTAL PROVISION.

Incidents of Franchise.

XXVI. Different Premises occupied in immediate Succession (1) by any Person as Owner or Tenant during the Twelve Calendar Months next previous to the last Day of *July* in any Year shall, unless and except as herein is otherwise provided (2), have the same Effect in qualifying such Person to vote for a County or Borough as a continued Occupation of the same Premises in the Manner herein provided (3).

As to successive Occupations.

(1) Where a right to vote is claimed in respect of the successive occupation of dwelling-houses *in a borough*, the value of the dwelling-houses will not, of course, be material; but in all other cases, it will be necessary, in order to constitute a good successive occupation, that both sets of premises should be of sufficient value to entitle the occupier to vote for them severally. A new claim must be sent in (*Burton v. Gery*, 5 C. B. 7; 2 Lutw. 4); and both sets of premises should be described in the claim, and in the description of the qualification in the list of voters, as an omission in the list of any of such premises amounts to a misdescription of the qualification, which the revising barrister has no power to amend under the 6 Vict., c. 18, s. 40 (*Bartlett v. Gibbs*, 5 M. & G. 81; 1 Lutw. 73; *Onions v. Bowdler*, 5 C. B. 65; 2 Lutw. 59). The number of each house, if numbered, should also be stated in the notice of

Requisites of the Occupation, and the Claim.

claim and in the list of claimants. Where, therefore, a tenant, qualified in respect of two houses occupied in immediate succession, had only inserted in his notice of claim the number of the house secondly occupied, and the barrister decided that the omission of the number of the first house in the list of claimants disentitled the party to be inserted in the list of voters, it was held that the decision was right. (*Flounders v. Donner*, 2 C.B., 63 ; 1 Lutw. 365). An opinion was, however, intimated that, if the revising barrister had been called upon to amend, and evidence of the number of the house had been supplied to his satisfaction, he ought to have made the amendment : *per Erle, C. J., S. C.*

(2) The provisions of this section do not confer a right to vote in respect of a successive occupation of lodgings, as section 4, *ante*, p. 20, which confers the lodger franchise, requires that the occupation shall be of the *same lodgings*, and not merely of lodgings which are part of one and the same dwelling-house.

(3) As to the provisions of the Act with respect to a continued occupation of the same premises ; see ss. 3, 6, *ante*, pp. 2, 34, respectively. The 27th section of the 2 Will. 4, c. 45, requires in the case of a *continuous* occupation of the same premises that the occupier shall not only have paid all poor-rates, &c., but also that he "shall have been rated" to all poor-rates in respect of such premises made during the time of his occupation. The 28th section of the same Act, however, which gives the right to vote in respect of a *successive* occupation of premises only requires that the occupier shall have *paid*, all the poor's-rates, &c., which shall have become payable, &c., from him in respect of the premises so occupied by him in succession, and makes no such requirement as that contained in the 27th section, that the occupier "shall have been rated." In consequence of this difference between the two sections in question, it has been held that a claimant to vote for a borough under s. 28 of the 2 Will. 4, c. 45, in respect of different premises occupied in immediate succession, is not bound to show that he has been rated by name on the rate-book for them ; but that, provided he has paid all the rates, he is entitled to vote (*Rogers v. Lewis*, K. & G. 279 ; 29 L. J. C. P. 85). It would seem, however, that in order to entitle a claimant under the present section to be registered either for a county, or for a borough, in respect of premises occupied in immediate succession, such claimant must not only have paid his rates, but must also have been *rated*, as the section appears to require that the premises shall have been occupied in

Manner of
the Occupa-
tion.

the same manner as the premises in respect of a continued occupation of which a right to vote is conferred. See ss. 3, 6, *ante*, pp. 2, 34, respectively.

XXVII. In a County (1) where Premises are in the joint Occupation of several Persons as Owners or Tenants, and the aggregate rateable Value(2) of such Premises is such as would, if divided amongst the several Occupiers, so far as the Value is concerned, confer on each of them a Vote, then each of such joint Occupiers shall, if otherwise qualified, (3) and subject to the Conditions of this Act, (4) be entitled to be registered as a Voter, and when registered to vote (5) at an Election for the County: (6) Provided always, that not more than Two Persons, being such joint Occupiers, shall be entitled to be registered in respect of such Premises, unless they shall have derived the same by Descent, Succession, Marriage, Marriage Settlement, or Devise, or unless they shall be *bond fide* engaged as Partners carrying on Trade or Business thereon. (7)

As to joint Occupation in Counties.

(1) As to the meaning of the term "county," see s. 61, *post*, p. 109.

(2) As to the rateable value, see s. 6. note (6), *ante*, p. 35.

(3) As to what persons are legally incapacitated to vote, see s. 3, note (4), *ante*, p. 4.

(4) As to the occupation franchise for counties conferred by the Act, see s. 6, *ante*, p. 34.

(5) See s. 5, note (29), *ante*, p. 29,

(6) By the 6 Vict. c. 18, s. 73, after reciting the provisions of the 20th section of the 2 Will. 4, c. 45, with respect to the right of a person occupying *as tenant* any lands or tenements for which he shall be *bond fide* liable to a yearly rent of not less than £50, to vote for a county, it is enacted, "That where any such lands and tenements shall be jointly rented and occupied by more persons than one, each of such joint occupiers shall be entitled to be registered and vote in such election as last aforesaid in respect of the lands and tenements so jointly rented and occupied, in case the yearly rent for which they shall be *bond fide* liable in

Joint occupation under 6 Vict. c. 18, s. 73.

Joint occupation under 6 Vict. c. 18, s. 73.

respect of such lands and tenements shall be of an amount which, when divided by the number of such occupiers, shall give a *bond fide* rent of not less than £50 for each and every such occupier, but not otherwise."

Under the section just quoted it has been held that the rent therein mentioned must be a single rent payable in respect of lands held under one landlord, and, therefore, that a rent of £35 paid for one set of premises rented under one landlord, could not be joined to a rent of £20 paid for another set of premises rented under another landlord, in order to make up the rental to the franchiseable amount (*Gadsby v. Barrow*, 7 M. & G. 21; 1 Lutw. 142); and that a joint occupation of premises held at less than the franchiseable amount cannot be added to a sole occupation in order to make up the rental to £50 (or *vice versa*), although both tenancies were under the same landlord (*Smith v. Foreman*, 34 L. J. C. P. 93; 18 C. B. N. S. 144; 1 H. & P. 231.) The principle laid down in the first of these cases will apply to an occupation as tenant, and that laid down in the second to an occupation either as owner or tenant in respect of a joint occupation under the present section.

How it differs from that under present Act.

(7) The right to vote in respect of a joint occupation, which is here conferred, differs materially it will be seen, from that conferred by the 6 Vict. c. 18, s. 73. Under that section the right to vote in respect of a joint occupation is confined to tenants at a *bond fide* rent of not less than £50, and is made to depend on the amount of the rent. By the present section, however, the right is extended (so far as the occupation franchise in counties conferred by this Act is concerned) to both *owners* and *tenants*, and is made to depend not on the amount of the rent, but on the rateable value of the premises. The right, moreover, extended under the 6 Vict. c. 18, s. 73, to *each* and *every* joint occupier, but under the proviso to the present section not more than two joint occupiers can vote, unless they have derived the premises by descent, succession, marriage, marriage settlement, or devise, or unless they are *bond fide* engaged as partners carrying on trade or business thereon. In any of these excepted cases any number of joint occupiers may vote, provided that the aggregate rateable value of the premises will, when divided by the number of such joint occupiers, give a rateable value of £12 or upwards for each and every such occupier.

Notice of Rate in arrear to be

XXVIII. Where any Poor Rate due on the Fifth Day of *January* in any Year from an Occupier in respect of

Premises capable of conferring the Franchise for a Borough (1) remains unpaid on the First Day of *June* following, the Overseers whose Duty it may be to collect such Rate shall, on or before the Twentieth of the same month of *June*, unless such Rate has previously been paid, or has been duly demanded by a Demand Note, (2) to be served in like Manner as the Notice in this Section referred to, give or cause to be given a Notice in the Form set forth in Schedule (E.) to this Act to every such Occupier. (3) The Notice shall be deemed to be duly given if delivered to the Occupier or left at his last or usual Place of Abode, or with some Person on the Premises in respect of which the Rate is payable. Any Overseer who shall wilfully withhold such Notice, with Intent to keep such Occupier off the List or Register of Voters for the said Borough, shall be deemed guilty of a Breach of Duty in the Execution of the Registration Acts. (4)

given by
Overseers to
Voters, in
Form as in
Schedule (E).

Penalty for
wilfully
withholding
Notice.

(1) This provision extends to *all* premises capable of conferring the franchise for a borough, and is not confined to those which are rendered so capable by this Act. As to what premises are capable of conferring the franchise in question, see 2 Will. 4, c. 45, ss. 27, 28, 29, 31, and ss. 3, 26, of this Act, *ante*, pp. 2, 55, respectively. As to the meaning of the term "borough," see s. 61, *post*, p. 109.

(2) The General Order of the Poor Law Board, made in pursuance of the provisions of "The Union Chargeability Act, 1865," and dated the 14th of January, 1867, provides (Art. 3) that in every case in which there are more than thirty rate-payers on the rate-book, and in which there is no collector, the overseers shall, and in cases where there is a less number of rate-payers, the overseers may, use a rate receipt check-book, the leaves of which are to contain the form set forth in the Schedule (H.) annexed to the order, and the receipts and notes whereof are to be numbered consecutively with numbers corresponding with those in the rate-book; and that, "If the overseers think fit, they may cause a demand note to be printed in the rate receipt cheque book, according to the form in the said schedule,

Demand
Note.

which may be detached and left with the rate-payer, or at his address, when the payment of the rate is demanded, which demand note shall be numbered so as to correspond with the number of the receipt, and may show the particulars of the claims or the purposes for which the rate is made, if the overseers think proper to have the same inserted therein."

The provisions of this section, with respect to the manner in which the demand note is to be served, differ somewhat, it will be seen, from those of the above order of the Poor Law Board. By the latter, the demand note is to be "left with the rate-payer, or at his address, when the payment of the rate is demanded;" but by the former the note is to be deemed to have been duly served "if delivered to the occupier, or left at his last or usual place of abode, or with some person on the premises in respect of which the rate is payable." If the rate has been previously paid, or duly demanded by a demand note served in the manner required by this section, notice of the rate in arrear will be unnecessary.

6 Vict. c. 18,
s. 11, and 11
& 12 Vict. c.
90, not
superseded.

(3) The provisions of this section, with respect to the notice of rate in arrear to be given by overseers to occupiers *individually*, do not supersede (see ss. 56, 59, *post*, pp. 106, 107, respectively,) the provisions of 6 Vict. c. 18, s. 11, and 11 & 12 Vict. c. 90, with respect to the *public* notice to be given by them as to the payment of rates and taxes by occupiers of premises of the clear yearly value of £10. The last-mentioned notice must, therefore, still be given.

Neglect of
Duty by
Overseers.

(4) By 6 Vict. c. 18, s. 51, it is enacted "that any overseer of any parish or township who shall wilfully refuse or neglect to make out any list, or who shall wilfully neglect to insert therein the name of any person who shall have given due notice of claim, or who, in making out the list of voters for any city or borough, shall wilfully, and without any reasonable cause, omit the name of any person duly qualified to be inserted in such list, or who shall wilfully and without reasonable cause insert in such list the name of any person not duly qualified, or who shall wilfully refuse or neglect to publish any notice or list, or copy of the part of the register of voters relating to his parish or township, at the time and in the manner required by this Act, or who shall wilfully refuse or neglect to deliver to the town clerk of the city or borough the copies of the several lists as required by this Act, or who shall wilfully refuse or neglect to attend the court for revising the list of voters of his parish or township, or to attend any revising barrister when required by summons as aforesaid, or who shall wil-

fully refuse or neglect to deliver to the revising barrister or barristers holding any such court the several lists to be made out by them as aforesaid, or who shall be wilfully guilty of any other breach of duty in the execution of this Act, shall, for every such offence, be liable to pay, by way of fine, a sum of money not exceeding five pounds, nor less than twenty shillings, to be imposed by and at the discretion of any barrister holding any court for the revision of any list of the parish or township of such overseer: Provided always, that nothing herein contained as to any fine as aforesaid shall affect or abridge any right of action against any overseer or other person liable to any fine as aforesaid, or any liability such overseer or other person may incur under or by virtue of this Act or the said recited Act."

XXIX. The Overseers of every Parish wholly or partly within a Borough (1) shall, on or before the Twenty-second Day of *July* in every Year, make out a List containing the Name and Place of Abode of every Person (2) who shall not have paid, on or before the Twentieth Day of the same Month, all Poor Rates which shall have become payable from him in respect of any Premises (3) within the said Parish before the Fifth Day of *January* then last past, and the Overseers shall keep the said List, to be perused by any Person, without Payment of any Fee, at any Time between the Hours of Ten of the Clock in the Forenoon and Four of the Clock in the Afternoon of any Day except *Sunday* during the First Fourteen Days after the said Twenty-second Day of *July*; any Overseer wilfully neglecting or refusing to make out such List, or to allow the same to be perused as aforesaid, shall be deemed guilty of a Breach of Duty in the Execution of the Registration Acts. (3)

Overseers to make out a List of Persons in arrear of Rates, which shall be open to Perusal without Fee.

Penalty on Overseer for neglect.

(1) As to the meaning of the term "borough," see s. 61, *post*, p. 109.

(2) This provision applies to *all* persons whether they are entitled to vote at an election of a member or members

to serve in Parliament for the borough within which the parish is wholly or partly situated, or not.

(3) This provision applies to *all* premises within the parish whether they are capable of conferring the franchise for the said borough or not.

(4) As to the penalty for a breach of duty in the execution of the Registration Acts, see s. 28, note (4), *ante*, p. 60.

Registration of Voters.

Regulations to be observed as to Registration of Voters

XXX. The following Regulations shall in and after the Year One thousand eight hundred and sixty-eight be observed with respect to the Registration of Voters:

1. The Overseers of every Parish or Township shall make out or cause to be made out a List of all Persons on whom a Right to vote for a County in respect of the Occupation of Premises is conferred by this Act, (1) in the same Manner, and subject to the same Regulations, as nearly as Circumstances admit, in and subject to which the Overseers of Parishes and Townships in Boroughs are required by the Registration Acts to make out or cause to be made out a List of all Persons entitled to vote for a Member or Members for a Borough in respect of the Occupation of Premises of a clear yearly Value of not less than Ten Pounds: (2)

2. The claim of every Person desirous of being registered as a Voter for a Member or Members to serve for any Borough in respect of the Occupation of Lodgings (3) shall be in the Form numbered 1. in Schedule (G.), or to the like Effect, and shall have annexed thereto a Declaration in the Form and be* certified in the Manner in the said Schedule mentioned, or as near thereto as Circumstances admit: and every

* *Sic.*

such Claim shall after the last Day of *July* and on or before the Twenty-fifth Day of *August* in any Year be delivered (4) to the Overseers (5) of the Parish in which such Lodgings shall be situate, and the Particulars of such Claim shall be duly published by such Overseers on or before the First Day of *September* next ensuing in a separate List, according to the Form numbered 2. in the said Schedule (G.) :

So much of Section 18 of the Act of the Session of the Sixth Year of the Reign of Her present Majesty, Chapter Eighteen, as relates to the Manner of publishing Lists of Claimants, and to the Delivery of Copies thereof to Persons requiring the same, shall apply to every such Claim and List ; (6) and all the Provisions of the 38th and 39th Sections of the same Act (7) with respect to the Proof of the Claims of Persons omitted from the Lists of Voters, and to Objections thereto, and to the Hearing thereof, shall, so far as the same are applicable, apply to Claims and Objections, and to the Hearing thereof, under this Section.

(1) As to the occupation franchise for voters in counties, which is conferred by the Act, see s. 6, *ante*, p. 34.

(2) The duties of overseers in making out lists of persons entitled to vote at an election of a member or members to serve in Parliament for a borough are prescribed by 6 Vict. c. 18, s. 13, which enacts, " That the overseers of every such parish or township shall, on or before the last day of July in every year, make out, or cause to be made out, according to the form numbered (3) in the Schedule (B.) to this Act annexed, an alphabetical list of all persons who may be entitled to vote in the election of a member or members to serve in Parliament for such city or borough, in respect of the occupation of premises of the clear yearly value of not less than £10, situate wholly or in part within

Lists of £12
Occupiers in
Counties
how to be
formed.

Lists of £12
Occupiers in
Counties
how to be
formed.

such parish or township, and another alphabetical list, according to the form numbered (4) in the said schedule (B.), of all other persons (except freemen) who may be entitled to vote in the election of such city or borough by virtue of any other right whatsoever, and in each of the said lists the christian name and surname of every such person shall be written at full length, together with his place of abode and the nature of his qualification, and where any person shall be entitled to vote in respect of any property, then the name of the street, lane, and the number of the house (if any), or other description of the place where such property may be situate, shall be specified in the list; and the said overseers shall sign such lists, and shall forthwith cause a sufficient number of copies of each of the said lists to be written or printed, and shall publish copies of the said lists on or before the first day of August in such year, and shall likewise keep a copy of each of the said lists, to be perused by any person, without payment of any fee, at any time between the hours of ten of the clock in the forenoon and four of the clock in the afternoon of any day, except Sunday, during the first fourteen days after such lists shall have been so published, and shall deliver copies thereof to all persons applying for the same on payment of a price for each copy after the rate contained in the table numbered (1) in the Schedule (D) to this Act annexed." The form of the list numbered (3), in Schedule (B.), of 6 Vict. c. 18, which is the form applicable to the case of £12 occupiers in counties, and the precept of the clerk of the peace, which is now to be in the form given in Schedule (A.) of the 28 & 29 Vict. c. 36, will require to be altered, under the provisions of s. 58, *post*, p. 107, so that they may be framed and expressed in such manner and form as may be necessary for carrying the provisions of this Act into effect.

The overseers of parishes and townships in boroughs, are also required, on or before the 20th day of June in every year, to publish a notice in writing, according to the form numbered (2) in Schedule (B.) of 6 Vict. c. 18, stating that no person will be entitled to have his name inserted in any list of voters for the city or borough then next to be made in respect of the occupation of premises of the clear yearly value of not less than £10, situate wholly or in part within such parish or township, unless he shall pay, on or before the 20th day of July then next ensuing, all the poor's-rates and assessed taxes which shall have become payable from him in respect of such premises during the twelve calendar months next before the 5th day of January then last past (6 Vict. c. 18, s. 11; 11 & 12 Vict. c. 90). As the list of

£12 occupiers in counties is required to be made out "in the same manner, and subject to the same regulations, as nearly as circumstances admit," as the list of £10 occupiers in boroughs, and as by s. 6, *ante*, p. 34, the being rated to, and the payment of, poor rates, as therein specified, is made an essential requisite to the right to vote thereby conferred, it would seem that the overseers must now give a similar notice with regard to the payment of *poor-rates* by £12 occupiers in counties. The form of the notice (form 2, Sched. B., 6 Vict. c. 18), will, however, require to be altered as above pointed out with respect to the list of £10 occupiers, and the precept of the clerk of the peace.

(3) As to the lodger franchise, see s. 4, *ante*, p. 20. Claims by Lodgers.
 The position of a lodger is somewhat different from that of other claimants desirous of having their names inserted on the list of voters for a borough. As regards the last-mentioned persons, it is the duty of the overseers, and of the town-clerk in the case of freemen, to insert the names of all persons entitled in the list, for the publication of which list the claimants are to wait before sending in their claims. In the case of a lodger, however, no such duty is imposed on the overseers, but a person desirous of being registered as a voter for a borough in respect of the occupation of lodgings, must deliver his claim to the overseers *in the first instance*, or his name will not be inserted in the list of lodger claimants, after the 31st day of July, and on or before the 25th day of August, and must repeat the claim every year (see s. 4, *ante*, p. 20), and also appear before the revising barrister to support it, as he is placed by this section in the same position as a person whose name has been "omitted" by the overseers from the list of voters, and may, therefore, be objected to at the revision of the list without any previous notice being given, other than that required to be given to the revising barrister in court.
 (7) (See 6 Vict. c. 18, s. 39, in note (7), *post*, p. 67).

(4) The Act makes no provision as to what is to constitute a sufficient delivery of the claim to the overseers. Delivery of Claim by Lodger.
 The 101st section of the 6 Vict. c. 18, enacts, "That whenever any notice is by that Act required to be given or sent to the overseers of any parish or township, it shall be sufficient if such notice shall be delivered to any one of such overseers, or shall be left at his place of abode, or at his office or other place for transacting parochial business, or shall be sent by the post free of postage, or the postage thereof being first paid, addressed to the overseers of the particular parish or township, naming the parish or township, and the county, city, or borough respectively, to which

the notice to be so sent may relate, without adding any place of abode of such overseers ;" and that no misnomer or inaccurate description of any person, place, or thing named or described in any notice required by that Act, shall in anywise prevent or abridge the operation of the Act with respect to such person, place, or thing, provided that such person, place, or thing, shall be so denominated in such notice as to be commonly understood, and by section 59, *post*, p. 107, this Act, so far as consistent with the tenor thereof, is to be construed as one with the Registration Acts (6 Vict. c. 18, &c.) It would seem, however, that the provisions of the 101st section of the last-mentioned Act will not apply to the delivery of a claim to the overseers by a person desirous of being registered as a voter in respect of the occupation of lodgings, as a distinction is clearly made by the Act between the *delivering* the notice to the overseers and the sending it to them by the post, or the service of it upon them in any of the other modes therein prescribed, and that such a claim must, therefore, be actually delivered to them by the lodger-claimant himself or by some person on his behalf.

Meaning of term "Overseers."

(5) By the 6 Vict. c. 18, s. 101, the words 'overseers,' or 'overseers of the poor,' are to extend to and to mean all persons who, by virtue of any office or appointment, shall execute the duties of overseers of the poor, by whatever name or title such persons may be called, and in whatsoever manner they may be appointed.

Where, therefore, a parish was divided into four districts, popularly, but improperly called townships ; one of the four overseers appointed for the parish at large undertaking, together with the assistant overseer, the exclusive management of one of these so-called townships ; and each of such overseers respectively published a separate notice, requiring persons entitled to vote in respect of property situate within his so-called township to send in their claims to him and the assistant overseer ; it was held that a notice of claim directed to, and served upon, the overseers of one of the townships was sufficient, service upon one overseer being service upon all, and the description being one which must have been "commonly understood" to apply to the overseers of the parish in which such so-called township was situate (*Elliott v. The Overseers of St. Mary Within*, 4 C. B. 76 ; 1 Lutw. 575). And it has been held that an assistant overseer appointed in general terms under the 59 Geo. 3, c. 12, is an overseer whose duty it is to make out the list of persons entitled to vote, pursuant to 6 Vict. c. 18, s. 13 ;

and that service of a notice of objection upon him is sufficient, although he had not actually interfered in making out the list (*Points v. Attwood*, 6 C. B. 38 ; 2 Lutw. 117). So where an assistant overseer who had been nominated by a resolution of the vestry at a certain salary, and who was duly appointed to the office by two justices in accordance with the 59 Geo. 3, c. 12, s. 7, gave notice of his intention to resign, but withdrew the notice on his salary being raised, and continued without intermission to perform the duties of his office, although there was no re-appointment made by the Justices under the above Act, it was nevertheless held, that a claim to be rated under the 2 Will. 4, c. 45, s. 30, and the 14 & 15 Vict. c. 14, s. 1, might well be made to him as assistant overseer. (*Caunter v. Adams*, 33 L. J. C. P. 68 ; 1 H. & P. 50.)

Meaning of term "Overseers."

Where the list of voters was signed by three of the overseers and one of the churchwardens, and the service of the notice of objection was upon another churchwarden, who had not signed the list ; it was nevertheless held that the notice was well served. (*Beenlen v. Hockin*, 4 C. B. 19 ; 1 Lutw. 526.)

(6) By 6 Vict. c. 18, s. 18, the overseers are required to publish the list of claimants on or before the first day of September in every year ; and to keep copies of the said lists, and to allow the same to be perused by any person, without payment of any fee, at any time between the hours of ten of the clock in the forenoon and four of the clock in the afternoon of any day, except Sunday, during the first fourteen days of September in the said year, and to deliver copies of the list to any person requiring the same, on payment of a price for each copy after the rate contained in the table numbered (1) in the Schedule (D.) annexed to that Act.

(7) The following are the sections of 6 Vict. c. 18, here referred to :—

Section 38.—“ And be it enacted, That the revising barrister shall insert in any list of voters for any city or borough the name of every person omitted who shall be proved to the satisfaction of such barrister to have given due notice of his claim to be inserted in such list, and to have been entitled on the last day of July then next preceding to have his name inserted therein in respect of the qualification described in such notice of claim.”

6 Vict. c. 18, ss. 38, 39.

Section 39.—“ And be it enacted, That it shall be lawful for any person whose name shall be on any list of voters for any county, city, or borough, to oppose the claim of any person so omitted as aforesaid to have his name inserted in any list of voters for the same county, city, or borough ;

and such person intending to oppose any such claim, shall, in the court to be holden as aforesaid, for the revision of such list, and before the hearing of the said claim, give notice in writing to the revising barrister of his intention to oppose the said claim, and shall thereupon be admitted to oppose the same, by evidence or otherwise, without any previous or other notice, and shall have the same rights, powers, and liabilities as to costs, appeal, and other matters relating to the hearing and determination of the said claim, as any person who shall have duly objected to the name of any other person being retained on any list of voters, and who shall appear and prove the requisite notices as hereinafter mentioned."

Definition of
"Expenses
of Registra-
tion."

XXXI. The Word "Expenses" contained in the Sections Fifty-four and Fifty-five of the said Registration Act of the Session of the Sixth Year of the Reign of Her present Majesty, Chapter Eighteen, (1) shall be deemed to and shall include and apply to all proper and reasonable Fees and Charges of any Clerk of the Peace of any County, or of any Town Clerk of any City or Borough, to be hereafter made or charged by him in any Year for his Trouble, Care, and Attention in the Performance of the Services and Duties imposed upon him by the same Act or by this Act, in addition to any Money actually paid or disbursed by him for or in respect of any such Services or Duties as aforesaid.

6 Vict. c. 18,
ss. 54, 55.

(1) The following are the sections of the 6 Vict. c. 18, here referred to:—

Section 54.—"And be it enacted, That an account of all expenses incurred by any clerk of the peace of any county, in carrying into effect the provisions of this Act, shall be laid before the justices of the peace at the next quarter sessions after such expenses shall have been incurred, and the said justices of the peace shall make their order upon the treasurer of the said county, for the payment of such expenses, or such part thereof as they shall allow to the said clerk of the peace, out of the public stock of the said county."

Section 55.—"And be it enacted, That all the expenses incurred by any town-clerk or returning officer of any city

or borough, in carrying into effect the provisions of this Act, shall be defrayed out of the monies to be collected for the relief of the poor in the several parishes and townships within the same city or borough; and the sum to be contributed by every such parish or township shall be calculated, as nearly as may be, according to the same relative proportion as the number of persons whose names shall appear in the list of the said parish or township shall bear to the number in all the other lists upon the same register; and an account of all the said expenses so incurred, and also an account of the sum to be contributed for defraying the same by each parish or township as aforesaid, shall, as soon as may be after the said expenses shall have been so incurred, be laid before the common council or town council of the said city or borough, or if there be no such council in any city or borough, then before the justices of the peace at the quarter sessions to be holden in and for the county in which the same city or borough is situate, and the said council or the said justices, respectively, shall when they allow the said accounts, make and give to the said town-clerk a certificate of the total sum allowed by such council or justices in respect of the said expenses, and also a certificate of the sum to be paid by and as the contribution of each of the said parishes or townships towards defraying the same; and thereupon it shall be lawful for the overseers of every such parish or township, and they are hereby required, out of the first monies to be collected for the relief of the poor, to pay the sum in such certificate mentioned to be paid by and as the contribution of the said parish or township to the said town-clerk."

The words "expenses incurred" in section 55, *supra*, were held only to extend to money paid out of pocket, and not to include remuneration for trouble, loss of time, &c. (*Reg. v. Governors of the Poor of Hull*, 22 L. J. Q. B. 324; 2 E. & B. 182). For anything, therefore, that the town-clerk could do himself, or with his usual staff of clerks, as in copying and arranging the parish lists, he was not entitled to be paid; but for any extra clerk employed, or for work that could not be done in his office, as printing, it was held that he might be reimbursed (*Reg. v. Allday*, 26 L. J. Q. B. 292; 3 Jur. (N. S.), 961). The same construction of the words would also have applied to the case of clerks of the peace under s. 54, and to that of overseers under s. 57. By this section, however, the word "expenses" in the two sections referred to is so extended, that clerks of the peace in counties, and town-clerks in cities and boroughs, will now be entitled not only to be reimbursed any money

Meaning of
the words
"Expenses
incurred."

Meaning of
the words
"Expenses
incurred."

actually paid out of pocket, but also to be paid all proper and reasonable fees and charges made or charged by them in any year for their trouble, care, and attention in the performance of the services and duties imposed upon them either by this Act, or by 6 Vict. c. 18, or, as regards clerks of the peace, by 28 & 29 Vict. c. 36, which is to be construed with and as part of the last-mentioned Act. But the extended meaning here given to the word "expenses" applies only, it will be observed, to the case of clerks of the peace and town-clerks, and does not extend to that of returning officers in cities and boroughs under s. 55, or to that of overseers under s. 57, so that the persons holding either of the two last-mentioned offices will still only be entitled to be reimbursed the money which they may have actually paid out of pocket.

By s. 43 of 6 Vict. c. 18, it is provided that, in case of an appeal against a decision of a revising barrister, the party in whose favour the decision shall have been given shall be the respondent, but if there be no such party, or if he, or some one on his behalf, shall, in open court and by writing, decline to support the decision appealed against as respondent, the revising barrister may name any person interested in the matter of the appeal, if he consent, or the overseers of any parish or township, or in boroughs, the town-clerk of any city or borough, whether they consent or not, to be the respondent; but no distinct or express provision is made by the Act for the costs which such persons may incur in respect of such an appeal, and it seems very doubtful whether the word "expenses incurred in carrying into effect the provisions of this Act" in s. 55, would have included expenses incurred by a town-clerk as respondent in an appeal; but all doubt upon the point in question seems now to be removed by this section, as the being respondent in an appeal when named as such by the revising barrister is clearly a *duty* imposed upon him by s. 43 of 6 Vict. c. 18. But with regard to overseers the doubt still remains. No order for costs, however, can be made by the court of appeal either against or in favour of a respondent, or person named as respondent, unless he shall appear before the court in support of the decision of the revising barrister in question. (See 6 Vict. c. 18, s. 70).

Provision as
to Duties of
Clerks of
Peace in
Parts of Lin-
colnshire.

XXXII. Whereas several of the Hundreds mentioned in the Third Column of the said Schedule (D.), and therein assigned to *Mid Lincolnshire*, are situate in the

Parts of *Lindsey*, and others are situate in the Parts of *Kesteven*, and the Liberty of *Lincoln* consisting of the City and the County of the City of *Lincoln* is situate partly in the Parts of *Lindsey* and partly in the Parts of *Kesteven*, and there are separate Clerks of the Peace for the said Parts of *Lindsey* and *Kesteven*: In forming the Register for the said Division of *Mid Lincolnshire* the Clerk of the Peace of the Parts of *Lindsey* shall do and perform all such Duties as are by Law required to be done by Clerks of the Peace in regard to such of the Hundreds assigned to *Mid Lincolnshire* as aforesaid as are situate within the said Parts of *Lindsey*, and in regard to so much of the Liberty of *Lincoln* aforesaid as is situate within the said Parts of *Lindsey*; and the Clerk of the Peace of the Parts of *Kesteven* shall do and perform all such Duties as are by Law required to be done by Clerks of the Peace in regard to such of the said Hundreds assigned to *Mid Lincolnshire* as aforesaid as are situate within the said Parts of *Kesteven*, and in regard to so much of the Liberty of *Lincoln* aforesaid as is situate within the said Parts of *Kesteven*.

Places for Election, and Polling Places.

XXXIII. The Court for the Election of Members for each of the Divisions mentioned in the Second Column of the said Schedule (D.) shall be holden at the Places named for that Purpose in the Fourth Column of the same Schedule.

Courts for the Election of Members for Counties, as in Schedule (D.)

XXXIV. In every County (1) the Justices of the Peace having Jurisdiction therein, or in the larger Part thereof, assembled at some Court of General or Quarter Sessions, or at some adjournment thereof, held after the passing of this Act, may, if they think

Provision for increased Polling Places in Counties, &c.

Convenience requires it, divide such County into Polling Districts, and assign to each District a Polling Place, in such Manner as to enable each Voter, so far as practicable, to have a Polling Place within a convenient Distance of his Residence; and the Justices shall advertise, in such Manner as they think fit, a Description of the Polling Districts so constituted by them, and the Name of the Polling Place assigned to each District, and shall name the Polling Places at which the Revising Barristers are to hold their Courts, and no Revising Barrister shall be obliged to hold his Courts at any Polling Places not so named: Provided that the Justices of the Peace for the *Isle of Ely*, assembled as aforesaid, shall carry into effect the Provisions of this Section so far as regards the said *Isle of Ely*; but nothing herein contained shall affect the Powers conferred by any other Act of Parliament of altering Polling Places or Polling Districts, or of creating additional Polling Places or Districts: (2)

Proviso as to
Isle of Ely.

The Local Authority of every Borough shall, if they think Convenience requires it, as soon as may be after the passing of this Act, divide such Borough into Polling Districts, and the Returning Officer shall in the Case of a contested Election provide at least One Booth or Room for taking the Poll in each Polling District; and in Cases where a Parliamentary Borough is constituted of Two or more Towns the Distance between two of which shall exceed Two Miles, there shall be provided a Booth or Room for taking the Poll in each of such Towns: (3)

Where any Parish in a Borough is divided into or forms Part of more than One Polling District,

the Overseers shall, so far as practicable, make out the Lists of Voters in such Manner as to divide the Names in conformity with each Polling District :

The Town Clerk, as defined by the Act of the Sixth *Victoria*, Chapter Eighteen, (4) shall cause the Lists of Voters for each Borough to be copied, printed, arranged, and signed, and delivered in the Manner directed by the said Act, (5) so as to correspond with the Division of the Borough into Polling Districts :

A Description of the Polling Districts made or altered in pursuance of this Act shall be advertised by the Local Authority in such Manner as they think fit, and Notice of the Situation, Division, and Allotment of the Polling Booth or Place for each District shall be given in manner now required by Law : (6)

The Local Authority shall mean in every Municipal Borough, and in every Borough any Part of which forms a Municipal Borough, the Town Council of such Borough, and in other Boroughs the Justices of the Peace acting for such Borough, or if there be no such Justices then the Justices acting for the Division of the County in which such Borough or the greater Part thereof is situate ; and in Cases where a Parliamentary Borough is constituted by the Combination of Two or more Municipal Boroughs then the Local Authority shall mean the Town Council of that Municipal Borough in which the Nomination takes place :

The Local Authority may from Time to Time alter
any Districts made by them under this Act.

Power under
other Acts
to alter, &c.,
Polling
Places, &c.

6 & 7 Will. 4,
c. 102, s. 1.

(1) As to the meaning of the term county, see s. 61, *post*, p. 109.

(2) By 2 Will. 4, c. 45, s. 63, it was provided that no county, nor any riding, parts, or divisions of a county, should have more than fifteen districts and respective places appointed for taking the poll, but the 6 & 7 Will. 4, c. 102, enacts (s. 1) that it shall be lawful for His Majesty, with the advice of his Privy Council, from time to time, on petition from the justices for any county, riding, parts, or division in England or Wales, in quarter sessions assembled, representing that the number of polling places for such county, &c., is insufficient, and praying that the place or places mentioned in the said petition may be a polling place or polling places for the county, &c., within which such place or places is or are situate, to declare that any place mentioned in the said petition shall be a polling place for that county, and that the justices for such county, &c., in quarter sessions or some special sessions assembled, as in the said Act (2 & 3 Will. 4, c. 64) mentioned, shall conformably to the said Act divide such county, &c., into convenient polling districts, and assign one of such districts to each polling place; and every such direction or order for creating additional polling places shall be certified under the hand of one of the clerks in ordinary of His Majesty's Privy Council, and when so certified, shall be published in the *London Gazette*, and shall be of the same force and effect as if the same had been made by the authority of Parliament.

6 & 7 Will. 4,
c. 102, s. 2.

By s. 2 of the same Act, it is further provided that no such petition as aforesaid shall be made unless a notice in writing shall have been delivered, one month at the least, before the holding of such quarter sessions to the clerk of the peace of the county, &c., wherein the same are held, signed by two justices for the county, &c., residing therein, or by ten inhabitants, being registered voters for such county, &c., which notice shall state that the Court will, when such sessions are held, be moved to make such petition, nor unless the clerk of the peace shall, ten days at the least before the holding of such sessions, have caused a copy of such notice to be inserted twice at the least in two of the newspapers of such county, &c., if two newspapers are published therein, or if not, in a newspaper published or commonly circulated therein, together with a notice of the

day upon which such quarter sessions will be held : Provided always that when such motion is made, any person objecting to the same shall be heard by such court against the same, or any part thereof, if he thinks fit.

The 16 & 17 Vict. c. 68, also provides (s. 7) that it shall be lawful for Her Majesty, by and with the advice of her Privy Council, from time to time hereafter, on petition from the justices in quarter sessions assembled, of any county, &c., other than a county of a city or county of a town in England or Wales, representing that it would be expedient that any polling place or places mentioned in the said petition should cease to be such, and that any other place or places mentioned in the said petition should be substituted in lieu thereof, and praying that such alteration and substitution might be made, to declare that the said alteration and substitution shall be made in respect of all or any of the places mentioned in the said petition ; and the said declaration shall be certified under the hand of one of the clerks in ordinary of Her Majesty's Privy Council, and when so certified, shall be published in the *London Gazette*, and shall then be of the same force and effect as if the same had been expressly made by the authority of Parliament. Provided always (s. 8) that the notice and proceedings to be had upon any such petition shall be according to the provisions of 6 & 7 Will. 4, c. 102, s. 2, in respect of the petition therein mentioned (see the provisions of the section in question, *ante*, p. 74). By s. 35 of this Act, *post*, p. 77, the publication in the *London Gazette* of any declaration, direction, or order made, as provided by 6 & 7 Will. 4, c. 102, s. 1, and 16 & 17 Vict. c. 68, s. 7, is rendered unnecessary, and it is directed that such declaration, &c., shall be advertised by the justices in such manner as they shall think fit, and when so advertised shall have the same force and effect as if it had been published in the *London Gazette*.

(3) As to hiring rooms for taking the poll instead of erecting polling booths, see s. 37, *post*, p. 79.

By 5 & 6 Will. 4, c. 36, it is enacted (s. 3), that " the polling booths or compartments at each polling-place shall be so divided and arranged by the sheriff, or other returning officer, that not more than three hundred electors shall be allotted to poll in each such booth or compartment ;" and (s. 4) that on " the requisition of any candidate, or of any elector being the proposer or seconder of any candidate, the booths or compartments of each polling place shall be so divided and arranged by the sheriff, or other returning officer, that not more than one hundred electors shall be

Power under other Acts to alter, &c., Polling Places, &c.

16 & 17 Vict. c. 68, ss. 7, 8.

Publication in *London Gazette* not necessary.

Booths and Rooms for Polling.

allotted to poll in each such booth or compartment: provided always, that such candidate or elector making such requisition shall pay all expenses incident upon such division or arrangement."

Meaning of
the words
"Town
Clerk."

(4) By 6 Vict. c. 18, it is enacted (s. 101) that, "the words town-clerk shall, except in regard to the Cities of London and Westminster and the Borough of Southwark, extend to and mean any person executing the duties of town-clerk, or if in any city or borough, there shall be no such officer as town-clerk, then to any officer executing the same or like duties as usually devolve upon the town-clerk, or if in any city or borough there be no such person, then to the returning officer of such city or borough, or to such person as the returning officer may appoint for that purpose, which he is hereby authorized to do."

By s. 56 of the same Act, it is enacted that "throughout this Act the words 'town-clerk' shall not be understood to mean or apply to the town-clerks of the cities of London or Westminster, or to the town-clerk of the borough of Southwark, but throughout this Act, by the words 'town-clerk' shall be understood in regard to the city of London the secondaries of the said city, and in regard to the city of Westminster the high-bailiff of the said city, and in regard to the borough of Southwark, the high-bailiff of the said borough."

Duties of
Town Clerk
in copying,
&c., Lists of
Voters.

(5) By 6 Vict. c. 18, s. 48, the town-clerk of every city or borough, on receiving the signed lists of voters from the revising barrister, at the conclusion of the revision, is forthwith to cause the said lists to be copied and printed in a book, and in which book the lists are to be arranged, and every name numbered according to the directions given by the Act with regard to the county lists, so far as the same are applicable (see *infra*); and the town-clerk is to sign and deliver the said book on or before the last day of December (see s. 38 of this Act, *post*, p. 80), to the returning officer of the city or borough, to be by him and his successors as returning officer safely kept for the purposes mentioned in the Act. With regard to county lists, the Act provides (s. 47), amongst other things, that the clerk of the peace shall have them copied and printed in a book, with the surnames of the voters in each parish and township, and every polling district and the parishes and townships within it, arranged in strict alphabetical order; and prefix to every name its proper number, beginning the numbers from the first name, and continuing them until the last name; and that every such book shall be printed and arranged in such manner and form, that the list of voters

of and for each and every separate parish or township contained therein may be conveniently and completely cut out or detached from all the other lists of voters contained in the same book, so that all the lists for every or any polling place, or the list of every or any single township, may be ready for the purposes of the Act or for sale.

(6) By 2 Will. 4, c. 45, s. 68, which applies to all cities and boroughs in England and Wales, except the borough of Monmouth, public notice of the situation, division, and allotment of the different booths is to be given two days before the commencement of the poll, by the returning officer. By 5 & 6 Will. 4, c. 36, which applies to *all* cities and boroughs, and to cities and towns being counties, it is enacted (s. 5) that in case any requisition shall be made under s. 4 (see note 3 to this section, *ante*, p. 75) on or before the day fixed for the election, the sheriff or other returning officer shall forthwith give public notice of the situation of such booths, which shall be deemed to be sufficient notice, any law or statute to the contrary notwithstanding.

Notice of Situation, &c. of Polling Booths to be given.

XXXV. When by virtue of the Powers conferred by any other Act of Parliament (1) Polling Places or Polling Districts are altered, or additional Polling Places or Districts are created, it shall not be necessary that any Declaration, Direction, or Order made as therein provided be published in the *London Gazette*, but the same shall be advertised by the Justices in such Manner as they shall think fit, and when so advertised shall have the same Force and Effect as if the same had been published in the *London Gazette*.

When Polling Places altered, &c. Publication in *London Gazette* not required, but Justices to advertise as they think fit.

(1) See 6 & 7 Will. 4, c. 102, s. 1, and 16 & 17 Vict. c. 68, s. 7, in note (2), s. 34, *ante*, p. 74.

XXXVI. It shall not be lawful for any Candidate, or any One on his Behalf, at any Election for any Borough, except the several Boroughs of *East Retford*, *Shoreham*, *Cricklade*, *Much Wenlock*, and *Aylesbury*, (1) to pay any Money on account of the Conveyance of any Voter to the Poll, (2) either to the Voter himself or to any

Payment of Expenses of conveying Voters in Boroughs to the Poll illegal except herein named.

other Person; (3) and if any such Candidate, or any Person on his Behalf, shall pay any Money on account of the Conveyance of any Voter to the Poll, such Payment shall be deemed to be an illegal Payment within the Meaning of "The Corrupt Practices Prevention Act, 1854." (4)

(1) These five boroughs are expressly excepted from the operation of this section on account of their very extensive area, which in most of them comprehends several divisions or districts lying at considerable distances from each other, and from the principal part of the borough in which they are included. Thus East Retford includes the hundred of Bassetlaw, in the county of Nottingham, and all places locally situate within the outside boundary or limit of that hundred, or surrounded by such boundary, and by any part of the county of Lincoln or York. Shoreham includes the whole of the rape of Bramber, in the county of Sussex, except such parts of the rape as are included in the borough of Horsham, by the Boundary Act (2 & 3 Will. 4, c. 64); and Cricklade includes the hundreds and divisions of Highworth, Cricklade, Staple, Kingsbridge, and Malmsbury, in the county of Wilts, except the parts of the hundred of Malmsbury, which are included by the Boundary Act in the borough of Malmsbury (see 2 Will. 4, c. 45, s. 5).

(2) As to the division of boroughs into polling districts, and as to the duties of local authorities, overseers, and town-clerks, when any such districts have been made, see s. 34, *ante*, p. 71.

(3) From the manner in which this part of the section is worded, it may be inferred that the section impliedly authorizes, in the case of the five boroughs expressly named therein, the payment of money on account of the conveyance of a voter to the poll, not only to a person other than the voter, but also to the voter *himself*. There can be no doubt, however, that any such payment made to the voter himself would be wholly illegal, for, although the first part of s. 1, of 21 & 22 Vict. c. 87, which makes it lawful for any candidate, or his agent for election expenses, appointed under s. 2 of the 26 & 27 Vict. c. 29, to provide conveyance for any voter for the purpose of polling at an election, is, so far as it relates to any other *boroughs* than the five here expressly named, virtually repealed by this section, the latter part of that section, which prohibits the payment of any money or the giving any valuable consideration to a

voter for or in respect of his travelling expenses for the purpose of polling, will still apply not only to counties, but also to the five boroughs in question.

(4) As to illegal payments, see "The Corrupt Practices Prevention Act, 1854" (17 & 18 Vict. c. 102), and the Acts 21 & 22 Vict. c. 87, and 26 & 27 Vict. c. 29, by which that Act has been continued and amended.

XXXVII. At every contested Election for any County or Borough, (1) unless some Building or Place belonging to the County or Borough is provided for that Purpose, the Returning Officer shall, whenever it is practicable so to do, instead of erecting a Booth, hire a Building or Room for the Purpose of taking the Poll: (2)

Rooms to be hired for taking Polls wherever they can be obtained.

Where in any Place there is any Room the Expense of maintaining which is payable out of any Rates levied in such Place, such Room may, with the Consent of the Person or Corporation having the Control over the same, be used for the Purpose of taking the Poll at such Place.

(1) As to the meaning of the terms "county" and "borough," see s. 61, *post*, p. 109.

(2) By 2 Will. 4, c. 45, s. 71, the sheriff or returning officer may, *if he shall think fit*, instead of erecting a booth or booths, procure or hire, and use any houses or other buildings for the purpose of taking the poll therein, subject always to the same regulations, provisions, liabilities, and limitations of expense as are thereinbefore mentioned with regard to booths.

This section, however, makes it imperative on the returning officer to hire a building or room for the purpose of taking the poll, instead of erecting a booth, *whenever it is practicable so to do*; but where there is some building or place belonging to the county or borough, provided for taking the poll, it seems that it must be made use of for that purpose, and that the returning officer has no power to hire any other. It is provided by the 16 & 17 Vict. c. 68,

s. 6, that no poll at any election of Members of Parliament in England and Wales shall be taken at any inn, hotel, tavern, public-house, or other premises licensed for the sale of beer, wine, or spirits, or in any booth, hall, room, or other place directly communicating therewith, unless by consent of all the candidates expressed in writing; and by 2 Will. 4, c. 45, s. 68, no nomination is to be made or election holden of any Member for any city or borough, in any church, chapel, or other place of public worship.

Alteration
as to Time
for Delivery
of Lists and
Commence-
ment of
Register of
Voters.

XXXVIII. The Forty-seventh and Forty-eight sections of the Act of the Sixth Year of the Reign of Her present Majesty, Chapter Eighteen, relating to the transmission and Delivery of the Book or Books containing the Lists of Voters to the Sheriff and Returning Officer, shall be construed as if the Word "*December*" were substituted in those Sections for the Word "*November*," (1) and the said Book or Books shall be the Register of Persons entitled to vote for the County or Borough to which such Register relates at any election which takes place during the Year commencing on the First Day of *January* next after such Register is made, and the Register of Electors in force at the time of the passing of this Act shall be the Register in force until the First Day of *January* One thousand eight hundred and sixty-eight.

(1) The effect of this section is, it will be seen, to extend by one calendar month the time within which clerks of the peace in counties, and town-clerks in cities and boroughs, are required to sign and deliver the books containing the printed lists of voters to the sheriff in counties, and to the returning officer in cities and boroughs respectively.

6 Vict. c. 18,
ss. 47, 48.

The following are the sections of the Act 6 Vict. c. 18, referred to, and which must now, therefore, be construed as they are here given.

Section 47. "And be it enacted, That the said lists of voters for each county, signed as aforesaid, shall be forthwith transmitted by the revising barrister to the clerk of the peace of the same county, and the clerk of the peace shall

keep the said lists among the records of the sessions, and shall forthwith cause the said lists to be copied and printed in a book or books, arranged with the names in each parish or township in strict alphabetical order, according to the surnames and with every polling district in alphabetical order, and with every parish or township within such polling district likewise in the same order, and shall, after the last list for each polling district, insert a list in like alphabetical order of all persons whose names shall not appear in any of the said lists for such polling district, but who shall in manner hereinbefore mentioned have been registered by the revising barrister to vote at the polling place of such last-mentioned district, and shall in the said book prefix to every name its proper number, beginning the numbers from the first name, and continuing them in a regular series down to the last name. Provided always, that a number as aforesaid shall be prefixed to the name of every person in every such list inserted after the last list for any polling district as aforesaid ; and no number, but an asterisk only shall be prefixed to the name of the same person in the list of the parish or township in which his name originally appeared ; and every such book shall be printed and arranged in such manner and form that the list of voters of and for each and every separate parish or township contained therein may be conveniently and completely cut out or detached from all the other lists of voters contained in the same book, so that all the lists for every or any polling place, or the list of every or any single parish or township, may be ready for the purposes of this Act or for sale ; and the said clerk of the peace shall sign and deliver the said book or books on or before the last day of (*December*) in the then current year to the sheriff of the county, to be by him and his successors in the office of sheriff safely kept for the purposes hereinafter and in the said recited Act mentioned."

Section 48. "And be it enacted, That the lists of voters for each city or borough, signed as aforesaid, shall be forthwith delivered by the revising barrister to the town-clerk of the same city or borough ; and the said town-clerk shall forthwith cause the said lists to be copied and printed in a book ; and in the said book the said lists shall be arranged and every name numbered according to the directions aforesaid with regard to the county lists, so far as the same are applicable ; and the said town-clerk shall sign and deliver the said book on or before the said last day of (*December*) to the returning officer of the same city or borough, to be by him and his successors as returning officer safely kept for the purposes hereinafter mentioned."

Oath or
Affirmation
&c. to be
taken by
Poll Clerks.

XXXIX. The Oath to be taken by a Poll Clerk shall hereafter be in the following Form : (1)

“ I, A. B., do hereby swear, That I will truly and
“ indifferently take the Poll at the Election of Members
“ to serve in Parliament for the [Borough *or* County]
“ of _____

“ So help me GOD.”

Every Person for the Time being by Law permitted to make a solemn Affirmation or Declaration instead of taking an Oath, (2) may, instead of taking the Oath hereby appointed, make a solemn Affirmation in the Form of the Oath hereby appointed, substituting the Words “ solemnly, sincerely, and truly declare and affirm” for the Word “ swear,” and omitting the Words “ So help me God.”

(1) The 7 & 8 Will. 3, c. 5, s. 3, prescribed the form of an oath to be taken by poll-clerks appointed under that Act in counties, and a similar oath, certain necessary alterations being made, was to be taken by poll-clerks in cities and boroughs. (See 25 Geo. 3, c. 84, s. 7, and 2 Will. 4, c. 45, s. 73). The form of oath to be taken by poll-clerks for the city of London was prescribed by 11 Geo. 1, c. 18. The effect of this section is, however, to substitute the form of oath therein given in *all* cases for the different forms hitherto in use.

What persons may make a Declaration, &c. in lieu of an Oath.

(2) By 3 & 4 Will. 4. c. 49, Quakers and Moravians, “ in all places and for all purposes whatsoever, where an oath is, or shall be, required, either by the common law, or by any Act of Parliament” are permitted to make an affirmation or declaration instead of taking an oath; and by 1 & 2 Vict. c. 77, any “ person who shall have been a Quaker, or a Moravian, may make solemn affirmation and declaration in lieu of taking an oath, as fully as it would be lawful for any such person to do if he still remained a member of either of such religious denominations of Christians,” which said affirmation or declaration is to be of the same force and effect as if an oath in the usual form had been taken. The class or sect of dissenters called Separatists, when required upon any lawful occasion to take an oath, in any case where by law an oath is or may be required, are also permitted by 3 & 4 Will. c. 82 to make an affirmation or declaration instead.

By 24 & 26 Vict. c. 66. s. 1., it is also provided that "if any person called as a witness in any court of criminal jurisdiction in England or Ireland, or required, or desiring to make an affidavit or disposition in any criminal proceeding shall refuse or be unwilling from alleged conscientious motives to be sworn, it shall be lawful for the court, or judge, or other presiding officer, or person qualified to take affidavits, or depositions, upon being satisfied of the sincerity of such objection, to permit such person instead of being sworn to make" a solemn affirmation or declaration in the form prescribed by the Act, which solemn affirmation and declaration is to be of the same force and effect as if such person had taken an oath in the usual form. The provisions of the last-mentioned Act are confined in their terms, it will be observed, to witnesses in criminal proceedings. It is apprehended, however, that the words in the above section "every person for the time being by law permitted to make a solemn affirmation or declaration instead of taking an oath" extend to include those persons who may refuse to take an oath from alleged conscientious motives, and that such persons may, therefore, properly be allowed to make the affirmation instead of the oath therein prescribed.

XL. The Thirty-sixth Section of the Act of the Second Year of King William the Fourth, Chapter Forty-five, (1) disqualifying Persons in Receipt of Parochial Relief from being registered as Voters for a Borough, shall apply to a County also, and the said Section shall be construed as if the Word "County" were inserted therein before the Word "City;" and the Overseers of every Parish shall omit from the Lists made out by them of Persons entitled to vote for the Borough and County in which such Parish is situate the Names of all Persons who have received Parochial Relief within Twelve Calendar Months next previous to the last Day of July in the year in which the List is made out.

Receipt of
Parochial
Relief to
apply to
Counties as
well as
Boroughs.

(1) The 2 Will. 4, c. 45, s. 36 enacts "That no person shall be entitled to be registered in any year as a voter in the election of a member or members to serve in any future Parliament for any city or borough who shall, within twelve calendar months next previous to the last day of July in such

2 Will. 4, c.
45, s. 36.

year, have received parochial relief or other alms, which by the law of Parliament now disqualify from voting in the election of members to serve in Parliament." As the receipt of parochial relief is a disqualification entirely new in counties, it may be well to consider here as concisely as possible what the law has hitherto been decided to be with respect to such a disqualification in boroughs as regards the three following points:—1st. What constitutes parochial relief. 2ndly. What amounts to a sufficient receipt of such relief. 3rdly. Within what time the relief must be received.

What constitutes parochial relief. Extraordinary cases of relief.

Before the passing of the Reform Act of 1832 (2 Will. 4, c. 45) election committees held, in some extraordinary cases of accident and public calamity, as the breaking out of small-pox or the like, that temporary assistance provided by the parish did not affect the vote: *Colchester*, 1 Peck. 508; *Cricklade*, 2 Lud. 356; *Cirencester*, 2 Fraser, 453; but since the passing of that Act the distinction has ceased to prevail, the 36th section of the Act being positive in its terms, and admitting of no exceptions. The receipt of parochial relief within the limited period operates, therefore, as a direct disqualification, and the circumstances under which it has been received, whether ordinary or extraordinary, cannot now be inquired into, nor can the effect of it be got rid of by any subsequent change of circumstances as was sometimes held previous to the passing of the Reform Act (Ell. on Reg. 253, 255; *Great Grimsby case*, 1 Peck. 72).

Relief afforded by Board of Health.

Where it appeared that on the appearance of the cholera in Bedford, a board of health was formed, of which the guardians of the poor were members, that pecuniary relief and medicines were found for those affected with the disease out of the parochial funds in the hands of the guardians, that they were attended by the parish surgeon, and that W. had received pecuniary relief of 8s. a week from the 16th October to the 6th of November, whilst he was afflicted with the disorder, but had received no other parochial relief, the committee decided that the vote was bad: *Bedford*, P. & K. 130; C., & R. 79. So where similar relief had been received, and it was proposed to give evidence to show that on the first appearance of the cholera many of the poorer voters refused to receive relief for fear of losing their votes at the next election; and that the board of health, which was composed of persons of both political parties, thereupon published a proclamation stating that it *would not disqualify from voting*, and that in consequence of this proclamation a great number of persons who would not otherwise have accepted the medical and pecuniary assistance which the board offered came forward and accepted it; the committee determined that the

evidence could not be received, and that the vote was bad : *Ibid.* P. & K. 132; C. & R. 80 (*Clarke's case*).

A voter received medical attendance only. The surgeon was paid for cholera patients by the parish, but it did not appear that the payment by the parish was with the voter's consent or even knowledge. Vote bad. *Bedford*, C. & R. 81 (*Brocket's case*). See also *Turner's case*, *Ibid.* C. & R. 84. H. was attended while sick by the parish apothecary, by order of the parish officers, and upon request of the voter. His vote was held to be bad: *Colchester*, 1 Peck. 508; (*Hearson's case*). But where the relieving officer had paid a medical man for the certificate of a voter's lunacy the payment was held not to be parish relief. *Berwick*, W. & Br. 176 (*Curry's case*).

Employment as a parish labourer, at a lower rate of wages than that which would be given by individuals, has been held to be an acceptance of parochial relief, and to disqualify the person so employed from voting. *Bedford*, P. & K. 128; C. & R. 75 (*Kemp's case*); and the fact that the payments vary in proportion to the size of the labourers' families has been held to make no difference: C. & R. 77 (*Skilliter's case*). See also *Lancaster*, 1 P. R. & D. 156 (*Taylor's case*), and (*Hedge's case*), *post*, p. 89.

The being excused from the payment of a poor-rate on the ground of poverty has been held to be no disqualification, as a receipt of parochial relief: (*Mashiter v. Dunn*, 6 C. B. 30; 18 L. J. C. P. 13; 2 Lutw. 112).

"In order to constitute parochial relief, the fund out of which it is received must be one administered by the parish officers. And a distinction has been observed between those charitable funds which are applied generally in aid of the parochial collection, and those which, though distributed by the parish officers, have been limited by the donor to certain specific persons or purposes. The receipt of the former has the same effect in working a disqualification as would the receipt of relief from the ordinary parish fund. The latter has not this effect, except by the custom of particular boroughs." (Ell. on Reg. p. 255.) Upon this point the following cases may be referred to:—In the case of *R. v. Halesworth*, 3 B. & Ad. 717, it was held that the revenues arising out of the two following devises could not be considered "public parochial funds" within the meaning the 56 Geo. 3, c. 139, s. 11. By the first, lands were devised for the relief of the poor of H., one-half of the revenue to be employed for the relief of widows, the other half towards binding out apprentices. The rents were received by the churchwardens, and not mixed with the poor-rates, but kept in a distinct account.

Medical attendance.

Parish labour.

Being excused from payment of poor-rate.

What constitutes a Parochial Fund.

What constitutes a Parochial Fund.

By the second, lands were devised to the churchwardens and overseers of L. and their successors upon trust to apply a part of the rents towards educating twenty poor children, and a part thereof yearly towards apprenticing eight of such children, to be chosen out and allowed by the churchwardens and overseers, and the principal inhabitants.

Lord Tenterden, C.J., in delivering his judgment said "The funds in question cannot properly be so called (*i.e.* called 'monies of the parish'), in respect of the purpose for which they are collected, or the manner in which they are raised, since they are not contributed by the inhabitants of the parish. I think a public parochial fund must be one so contributed, or which is applicable to the general purposes of the relief of the poor. Estates devised for the relief of the poor generally would come under this description; but in each of these cases there is a fund left by the bounty of an individual for a certain specified purpose; that is, for the benefit of a particular class of persons. It is not meant to go in relief of the general parish fund; or, if so, only to a moderate extent. It does not appear that the intention was to relieve persons actually burdensome to the parish; there might be persons unable to bind out their own children, and, therefore, objects of this charity, who yet did not require parochial support; and in such cases the fund would be no relief to the parish." So in another case where it appeared that in the borough of S. there were certain freemen who were brethren of the hospital of St. B. there situate; that the hospital was a corporation, and the brethren, as such entitled each to a house for his own occupation, and to a share in the profits of the hospital; that the whole of the said profits were divided amongst the brethren; and that in order to be qualified to be elected as a brother it was necessary that the person should be fifty-six years old (except lame, blind, or impotent persons, and unfit for husbandry) and should be an inhabitant, or a child of one, having no competent means to live; and that the hospital was under the government of charity trustees appointed by the Lord Chancellor; it was held that the brethren were not recipients of alms so as to be disqualified by the 2 Will. 4. c. 45. s. 36 for voting as freemen—(*Smith v. Hall*, 33 L. J. C. P. 59; 1 H. & P. 11). See also *R. v. The Mayor of Lichfield*, 2 Q. B. 693.

What amounts to a sufficient receipt of relief.

With regard to the question, what amounts to a sufficient receipt of parochial relief, it has been laid down (*Rogers*, p. 184) that "if the relief be furnished, with or without the voter's knowledge, to any member of his family for whom he is bound by law to provide, the disqualification attaches in the same manner as if he had personally received it." It

would seem, however, that this proposition is stated far too broadly, and that there is no authority whatever for the position that the receipt of relief by the father or mother of a voter would be a receipt of relief by the voter himself within the meaning of 2 Will. IV, c. 45, s. 36. The true rule would appear to be that, where the relief is given to some person other than the voter himself, the voter must, in order that the disqualification may attach to him, stand to the person to whom the relief is actually given in the relation of either husband or parent, unless he be absolutely liable to maintain such person as a member of his family, under the provisions of the 4 & 5 Will. 4, c. 76, s. 57. See that section *infra*.

What amounts to a sufficient receipt of relief.

Where the voter's father had been a destitute pauper for six weeks in the workhouse of the district within twelve months before the claim to vote, and the voter had been called on to contribute to his father's maintenance, and had engaged to pay and had payed 1s. 6d. a week for that purpose; but that sum was insufficient to defray all the expenses of the father's support, and the residue was paid in the usual manner out of the common funds of the union, it was held that the voter was not disqualified as having received parochial relief. (*Trotter v. Trevor*, K. & G. 531; 32 L. J., C. P. 59.)

Relief given to voter's father.

And in a very recent case, decided under the 9th section of the 5 & 6 Will. 4, c. 76, which enacts that no person shall be enrolled on the burgess roll of a borough in any year, who, within twelve calendar months next before the last day of August, shall have received parochial relief, &c., it was held that, a person otherwise duly qualified to act as town councillor of a borough, was not disqualified by reason of the fact that his father, not residing with him, had received parochial relief within the period specified (*Reg. v. Ireland*, 17 L. T. N. S. Q. B. 466); and Cockburn, C. J., intimated an opinion that the case would be the same even if the father had been residing with the son.

By 4 & 5 Will. 4, c. 76, s. 56, it is enacted, "That from and after the passing of the Act all relief given to or on account of the wife, or to or on account of any child or children under the age of sixteen, not being blind or deaf and dumb, shall be considered as given to the husband of such wife, or to the father of such child or children, as the case may be." And by section 57 of the same Act it is enacted, "that every man who from and after the passing of this Act shall marry a woman having a child or children at the time of such marriage, whether such child or children be legitimate or illegitimate, shall be liable to maintain such child or children as a part of his family, and shall be chargeable with all relief or the cost price thereof granted to or on account of such child

Relief given to wife or children.
4 & 5 Will. 4 c. 76, ss. 56, 57.

Relief given
to wife or
children.

or children, until such child or children shall respectively attain the age of sixteen, or until the death of the mother of such child or children."

S. had been sent to a lunatic asylum at the expense of the parish, and whilst there his family was supported at the expense of the parish; the governors of the asylum looking to the parish for the repayment of the expenses of the lunatic. Vote bad. *Bedford*, C. & R. 79; P. & K. 129.

B. having deserted his wife, she was relieved by the parish. B. was held to be disqualified. *Great Grimsby*, 1 Peck 71 (*Burton's case*). So where the voter's wife was attended during her lying-in by the parish apothecary at the request of the voter, and by order of the parish officers, the vote was held bad. *Colchester*, 1 Peck 508 (*Iron's case*).

Where a voter's wife had been placed in a lunatic asylum at the expense of the parish, the voter was held to be disqualified from voting as having received parochial relief, although he subsequently repaid the money. *Berwick*, W. & Br. 174 (*Gray's case*.)

Relief given by way
of loan.

Relief given by the parish, if the parties agree to treat it as a debt, will not disqualify. Where, therefore, the voter agreed with the parish that if they would take his wife into the poorhouse he would pay them 2s. a week for her maintenance, and she was accordingly admitted into the workhouse, and remained there some time, but the voter never paid the parish any part of the money which they had expended on his wife, his vote was nevertheless held good. *Canterbury*, K. & O. 320 (*Newington's case*). See also *Rochester*, K. & O. 114 (*Norman's case*).

To wife
living in
adultery.

A husband is not bound to maintain his wife living in adultery. (*R. v. Flintan*, 1 B. & Ad. 227). See also *Rochester*, K. & O. 114 (*Norman's case*).

Militiamen.

The 18 Geo. 3, c. 59, s. 25, enacts, "That any parish relief which shall be given to the family of any militiaman during the time of actual service shall not deprive such militiaman from voting for the election of any member to serve in Parliament."

By children
of voter.

Where the voter's child of five years of age had been left in the workhouse, and was maintained there till within a few weeks of the election, the vote was held bad. *Okehampton*, 1 Peck. 373 (*Coram's case*).

Relief by medical attendance on the voter's daughter, thirty years of age, not living with her father, but unemancipated, was held to disqualify. *Bedford*, C. & R., 99 (*Taylor's case*). But it has since been held that the receipt of parochial relief by an unemancipated child of the voter, above the age of sixteen years, which relief had been given on the joint

application of the child and his mother did not disqualify the voter. *Lancaster*, 1 P. R. & D. 164 (*Harrison's case*). By children of voter.

And in a still later case where a child of a voter, of the age of twenty-two, had been taken to a lunatic asylum at the voter's request, and maintained there at the expense of the parish, it was held not to be a receipt of parochial relief. *Berwick*, W. & Br. 177 (*Mace's case*).

Where it appeared that the voter had two sons, both of whom were under the age of fourteen years, and that they had been paid by the parish half-a-crown a week for labour, which was sixpence less than they would have received from individuals, and that it was the custom of the parish to pay all boys of labourers in the same way after they were ten or eleven years old, and to send them round to the farmers in rotation, the vote was held bad, although it appeared that the voter earned generally 14s. or 15s. a week, and was able, without assistance from the parish, to have maintained the boys, who had themselves applied to the overseer for employment. *Bedford*, P. & K. 130 ; C. & R. 77 (*Hedge's case*). See also *Kemp's case*, and *Skillitter's case*, *ante*, p. 85. Employment by the Parish of the children of a Voter, at less than the ordinary rate of wages.

The time within which parochial relief must be received in order that it may operate as a disqualification to vote, and affect the right to be registered in any year, is expressly limited by the section in question to the twelve calendar months next previous to the last day of July in such year, and this limitation of the period extends to all voters, whatever may be the description of the qualification in respect of which they claim. Within what time the relief must be received

The question, what amounts to "other alms which by the law of parliament now disqualify," is not entered into here, as those words, as they have hitherto stood in the section of 2 Will. 4, c. 45, now under consideration have applied only to the receipt of such alms as by the usage or custom of each city or borough would have worked a disqualification before the passing of that Act. The cases which have been decided by committees with respect to such alms will, therefore, have no bearing upon the right to vote in counties. Other Alms.

Election in University of London. (d)

XLI. The Vice-Chancellor of the University of Lon- Vice-Chancellor of the

(d) The provisions made by the four following sections with respect to elections for the University of London, are similar to those made by 16 & 17 Vict. c. 68, with respect to elections for the Universities of Oxford and Cambridge.

University of London to be the Returning Officer.

don shall be the Returning Officer for such University, and the Writ for any Election of a Member to serve in Parliament for such University shall be directed to such Vice-Chancellor.

Elections for University of London to be within Six Days after Receipt of Writ, Three clear Days' Notice being given.

XLII. The Vice-Chancellor of the University of *London* shall proceed to Election, in pursuance of any Writ to be directed to him as herein-before mentioned, within Six Days after the Receipt of such Writ, giving Three clear Days' Notice of the Day and Place of Election, exclusive of the Day of Proclamation and the Day of Election ; and the Vice-Chancellor shall after such Election certify the same, together with such Writ, according to the Directions thereof.

Polling at University of London may continue Five days.

XLIII. At every contested Election of a Member or Members (1) to serve in Parliament for the University of *London* the Polling shall commence at Eight o'Clock in the Morning of the Day next following the Day fixed for the Election, and may continue for not more than Five Days (*Sunday, Christmas Day, Ascension Day, and Good Friday* being excluded), but no Poll shall be kept open later than Four o'clock in the Afternoon.

(1) The words "or members" have clearly been allowed to stand by an oversight. By s. 24, *ante*, p. 54, the University of London is in all future Parliaments to return *one* member.

Power of Vice-Chancellor to appoint Polling Place, Pro-Vice-Chancellors, and Poll Clerks, to conduct the Poll in the University of London.

XLIV. At every Election of a Member to serve in Parliament for the University of *London* the Vice-Chancellor shall appoint the Polling Place, and also shall have Power to appoint Two or more Pro-Vice-Chancellors, any of whom may receive the Votes and decide upon all Questions during the absence of such Vice-Chancellor ; and such Vice-Chancellor shall have power

to appoint Poll-Clerks and other officers, by one or more of whom the Votes may be entered in the Poll Book, or such Number of Poll Books as may be judged necessary by such Vice-Chancellor ; and such Vice-Chancellor shall, not later than Two o'Clock in the Afternoon of the Day next following the Close of the Poll, openly declare the State of the Poll and make proclamation of the Member chosen.

XLV. All the Provisions of an Act passed in the Twenty-fourth and Twenty-fifth Years of Her present Majesty, entitled *An Act to provide that Votes at Elections for the Universities may be recorded by means of Voting Papers*, shall apply to every Election of a Member for the University of *London*. (1)

Provisions
of 24 & 25
Vict. c. 53
as to Voting
Papers to
apply to
University of
London.

(1) The Act in question (24 & 25 Vict. c. 53) will be found in the Appendix, *post*, p. 126.

XLVI. So much of the Twenty-seventh and Thirty-second Sections of the Act of the Second Year of the Reign of King *William* the Fourth, Chapter Forty-five, and of the Seventy-ninth Section of the Act of the Sixth Year of the Reign of Her present Majesty, Chapter Eighteen, as relates to the Residence of Electors within Seven Miles of any City or Borough, shall be repealed in respect to Electors otherwise qualified to be registered and to vote for Members to serve in Parliament for the City of *London*: (1) Provided always, that no Person (2) shall be registered as an Elector for the said City unless he shall have resided for Six Calendar Months next previous to the last Day of *July* in any Year, nor be entitled to vote at any Election for the said City unless he shall have ever since the last Day of *July* in the Year in which his Name was inserted in the Register then in force have

Residence of
Electors for
the City of
London
extended to
Twenty-five
Miles.

resided, and at the Time of voting shall have continued to reside, within the said City, or within Twenty-five Miles thereof or any part thereof. (3)

2 Will. 4, c. 45, ss. 27, 32, and 6 Vict. c. 18, s. 79.

The following are the provisions of the Acts 2 Will. 4, c. 45, and 6 Vict. c. 18, which are repealed by this section to the extent therein mentioned:—

2 Will. 4, c. 45. Section 27—“No such person,” that is a person duly qualified under the provisions of the Act to vote in the election of a member or members to serve in Parliament for a city or borough, “shall be so registered in any year unless he shall have resided for six calendar months next previous to the last day of July in such year within the city or borough, or within the place sharing in the election for the city or borough, in respect of which city, borough, or place respectively he shall be entitled to vote, or within seven statute miles thereof, or of any part thereof.”

Section 32—“No such person,” that is a person entitled to vote as a burgess or freeman of a city or borough, or as a freeman and liveryman of the city of London, “shall be so registered in any year unless he shall on the last day of July in such year be qualified in such manner as would entitle him then to vote if such day were the day of election, and this Act had not been passed, nor unless where he shall be a burgess or freeman, or freeman and liveryman of any city or borough, he shall have resided for six calendar months next previous to the last day of July in such year within such city or borough, or within seven statute miles from the place where the poll for such city or borough shall heretofore have been taken; nor unless, where he shall be a burgess or freeman of any place sharing in the election for any city or borough he shall have resided for six calendar months next previous to the last day of July in such year, within such respective place so sharing as aforesaid, or within seven statute miles of the place mentioned in conjunction with such respective place so sharing as aforesaid, and named in the second column of the schedule marked (E. 2) to this Act annexed.”

6 Vict. c. 18. Section 79—“No person shall be entitled to vote at any future election for a member or members to serve in Parliament for any city or borough, unless he shall, ever since the thirty-first day of July in the year in which his name was inserted in the register of voters then in force, have resided and at the time of voting shall continue to reside within the city or borough, or place sharing in the election for the city or borough, in the election for which he shall claim to be entitled to vote, or within the distance thereof

required by the said recited Act to entitle such person to be registered in any year."

(2) This provision, it will be observed, extends to every elector for the City of London, whether he is such as being a freeman and liveryman of the city, or in right of any other qualification.

(3) The Act makes no provision as to the manner in which the distance of twenty-five miles is to be measured. By 6 Vict. c. 18, s. 76, however, after reciting that doubts had arisen as to the measurement of the distance of seven statute miles mentioned and prescribed in 2 Will. 4, c. 45, as to the residence of any voters for any city or borough, it is declared and enacted, "that the said distance shall be understood to be the distance of seven miles as measured in a straight line on the horizontal plane from the point within any city or borough or place sharing in the election therewith from which such distance is to be measured, according to the direction in that behalf in the said Act: Provided always, that in cases where there is now or shall hereafter be a map of any city or borough, and of the country surrounding the same, drawn or published under the authority and direction of the principal officers of Her Majesty's Ordnance, such distance may be measured and determined by the said map." It would, therefore, appear that, as the effect of the above provision is to substitute, with respect to electors for the City of London, a distance of twenty-five miles for that of seven miles, prescribed in 2 Will. 4 c. 45, and 6 Vict. c. 18; and as this Act is (see sect. 59, *post* p. 107) to be construed as one with 6 Vict. c. 18, amongst other Acts, that such distance of twenty-five miles must be measured in the manner provided by section 76 of 6 Vict. c. 18, above quoted. It will be observed that, whereas by 2 Will. 4 c. 45, s. 32, every freeman and liveryman of the City of London was required, in order that he might be registered, to have resided for the time specified in the Act within the city or within seven statute miles from the place where the poll for the city had usually, before the passing of that Act, been taken, the above provision, which, as it has already been observed (note 2, *supra*), extends to all electors for the City of London as well freemen and liverymen as others, requires the elector to have resided within the said city, or within twenty-five miles thereof, or any part thereof. The distance of twenty-five miles, with respect to freemen and liverymen, is, therefore, to be measured, not as heretofore from the place at which the poll was usually taken before the passing of the Act 2 Will. 4, c. 45 only, but from any place within the boundary line of the city; so that all electors for the City of London are now put on the same footing with regard to the place from

How distance
to be
measured.

which the distance within which they are required to reside is to be measured.

Miscellaneous.

As to Return-
ing Officers
in new
Boroughs.

XLVII. In any Borough named in Schedules (B.) and (C.) to this Act annexed, which is or includes a Municipal Borough, the Mayor of such Municipal Borough shall be the Returning Officer, and in the other Cases the Returning Officer shall be appointed in the same Manner as if such Places were included amongst the Boroughs mentioned in Schedules (C.) and (D.) of the Act of the Second Year of His late Majesty *William* the Fourth, Chapter Forty-five, for which no Persons are mentioned in such Schedules as Returning Officers. (1)

Returning
Officers pur-
suant to 2^d
Will. 4, c. 45,
s. 11.

(1) The Act 2 Will. 4, c. 45, enacts (s. 11), "that for those boroughs in the said schedules (viz. Schedules C. and D.), for which no persons are mentioned in such schedules as returning officers, the sheriff for the time being of the county in which such boroughs are respectively situate shall, within two months after the passing of this Act, and in every succeeding respective year in the month of March, by writing under his hand to be delivered to the clerk of the peace of the county within one week, and to be by such clerk of the peace filed and preserved with the records of his office, nominate and appoint for each of such boroughs a fit person, being resident therein, to be, and such persons so nominated and appointed shall accordingly be, the returning officer for each of such boroughs respectively until the nomination to be made in the succeeding March; and in the event of the death of any such person, or of his becoming incapable to act by reason of sickness or other sufficient impediment, the sheriff for the time being shall, on notice thereof, forthwith nominate and appoint in his stead a fit person, being so resident as aforesaid, to be, and such person so nominated and appointed shall accordingly be the returning officer for such borough for the remainder of the then current year; and no person having been so nominated and appointed as returning officer for any borough, shall after the expiration of his office be compellable at any time thereafter to serve again in the said office for the same borough: Provided

Who dis-
qualified.

always, that no person, being in holy orders, nor any church-warden or overseer of the poor within any such borough, shall be nominated or appointed as returning officer for the same, and that no person nominated and appointed as returning officer for any borough now sending or hereafter to send members to parliament shall be appointed a church-warden or overseer of the poor therein during the time for which he shall be such returning officer: Provided also, that no person qualified to be elected to serve as a member in parliament shall be compellable to serve as returning officer for any borough for which he shall have been nominated and appointed as aforesaid, if within one week after he shall have received notice of his nomination and appointment as returning officer, he shall make oath of such qualification before any justice of the peace, and shall forthwith notify the same to the sheriff: Provided also, that in case His Majesty shall be pleased to grant his royal charter of incorporation to any of the boroughs named in the said schedules (C.) and (D.) which are not now incorporated, and shall by such charter give power to elect a mayor or other chief municipal officer for any such borough, then and in every such case such mayor or other chief municipal officer for the time being shall be the only returning officer for such borough; and the provisions hereinbefore contained with regard to the nomination and appointment of a returning officer for such borough shall thenceforth cease and determine." Residence, it will be observed, is the only qualification necessary for the person who is to be appointed returning officer. It is not requisite that he should be a registered voter, or be possessed of a qualification for a vote; nor, indeed, was it necessary, previously to the Reform Act of 1832, that a returning officer should be a voter. But, although residence is a necessary qualification, it does not seem that non-residence subsequently to his appointment would disqualify a person actually appointed (Heywood Bo. p. 80; Rogers, p. 242). The section provides that no person "qualified to be elected to serve as a member in parliament" shall be compellable to serve as returning officer. As the party claiming such exemption is required to make an oath of his qualification, the word "qualified" probably refers to the qualification of estate required by the 1 & 2 Vict. c. 48, but which has been repealed by the 21 & 22 Vict. c. 26. It is presumed, therefore, that a person *ineligible* by statute or common law, though possessed of a property qualification, would not be entitled to claim the exemption, as a person "qualified to be elected" within the above section (Rogers *ubi supra*). Once appointed, a returning

Returning Officers pursuant to 2 Will. 4, c. 45, s. 11.

Who Exempt.

Proviso.

Qualification of returning officers.

officer cannot resign; by the words of the statute, he is compellable to serve for the year (*Rogers ubi supra*).

In boroughs under the Municipal Corporation Act (5 & 6 Will. 4, c. 76) in case of the death, absence, or other incapacity of the mayor to act when he shall be required to perform the duties of returning officer, the council of the borough are empowered (s. 57) forthwith to elect one of the aldermen to be the returning officer.

Appointment of Boundary Commissioners, who may appoint Assistant Commissioners, to examine the Boundaries of Boroughs constituted by this Act, and all other Boroughs, and Divisions of Counties as constituted by this Act, and report if Enlargement necessary.

XLVIII. The following Persons, that is to say, the Right Honourable Lord Viscount *Eversley*, the Right Honourable *Russell Gurney*, Sir *John Thomas Buller Duckworth* Baronet, Sir *Francis Crossley* Baronet, and *John Walter* Esquire, of whom not less than Three shall be a Quorum, shall be appointed Boundary Commissioners for *England* and *Wales*, and they shall, immediately after the passing of this Act, proceed, by themselves or by Assistant Commissioners appointed by them, to inquire into the temporary Boundaries of every Borough constituted by this Act, (1) with power to suggest such Alterations therein as they may deem expedient. (2)

They shall also inquire into the Boundaries of every other Borough (3) in *England* and *Wales*, except such Boroughs as are wholly disfranchised by this Act, with a view to ascertain whether the Boundaries should be enlarged, (4) so as to include within the Limits of the Borough all Premises which ought, due Regard being had to Situation or other local Circumstances, to be included therein for the Purpose of conferring upon the Occupiers thereof the Parliamentary Franchise for such Borough.

They shall also inquire into the Divisions (5) of Counties as constituted by this Act, and as to the Places appointed for holding Courts for the Election of Members for such Divisions, with a view to ascertain whether,

having regard to the natural and legal Divisions of each County, and the Distribution of the Population therein, any and what Alterations should be made in such Divisions or Places.

The said Commissioners shall, with all practicable Despatch, report to One of Her Majesty's Principal Secretaries of State upon the several Matters in this Section referred to them, and their Report shall be laid before Parliament.

The Commissioners and Assistant Commissioners so appointed shall give Notice by public Advertisement, of their Intention to visit such Counties and Boroughs, and shall appoint a Time for receiving the Statements of any Persons who may be desirous of giving Information as to the Boundaries or other local Circumstances of such Counties and Boroughs, and the said Commissioners or Assistant Commissioners shall by personal Inspection, and such other Means as the Commissioners shall think necessary, possess themselves of such Information as will enable the Commissioners to make such Report as herein mentioned.

(1) The boroughs constituted by the Act are those named in Schedules (B.) and (C.), *post*, pp. 112, 113.

(2) The commissioners have power under this provision to suggest alterations either for contracting or enlarging the boundaries of the new boroughs constituted by the Act.

(3) The boroughs wholly disfranchised by the Act are Totnes, Reigate, Great Yarmouth, and Lancaster. See s. 12, *ante*, p. 45.

(4) The power of the commissioners with respect to boroughs already in existence at the time of the passing of the Act extends only, it will be observed, to the making inquiries into the boundaries of such boroughs with a view to ascertain whether those boundaries should be *enlarged*, and does not also extend, as in the case of the new boroughs constituted by the Act, to the making inquiries or suggestions with a view to their being *contracted*.

(5) The divisions in question are the *electoral* divisions, and not the *topographical* divisions of counties the one from the other. As to the divisions of counties constituted by the Act, see s. 23, *ante*, p. 53, and Schedule (D.), *post*, p. 114.

Corrupt
payment of
Rates to be
punishable
as Bribery.

XLIX. Any Person, either directly or indirectly, corruptly paying any Rate on behalf of any Ratepayer for the Purpose of enabling him to be registered as a Voter, thereby to influence his Vote at any future Election, and any Candidate (1) or other Person, either directly or indirectly, paying any Rate on behalf of any Voter for the Purpose of inducing him to vote or refrain from voting, shall be guilty of Bribery, and be punishable accordingly ; (2) and any Person on whose Behalf and with whose Privity any such Payment as in this Section is mentioned is made shall also be guilty of Bribery, and punishable accordingly. (2)

(1) As to the meaning of the word " candidate, see note (3) to s. 11, *ante*, p. 43.

Who to be
deemed
guilty of
Bribery.

(2) Two distinct classes of persons are declared to be guilty of bribery by this section, viz., those who are guilty of it *actively*, and those who are guilty of it *passively*. In the first class are included any person who, either directly or indirectly, corruptly pays any rate on behalf of any ratepayer for the purpose of enabling him to be registered as a voter, thereby to influence his vote, and any candidate or other person who, either directly or indirectly, pays any rate on behalf of any voter for the purpose of inducing him to vote or refrain from voting; and in the second class, any person on whose behalf and with whose privity any such payment as is mentioned in the section is made. It is important that this distinction should be borne in mind, as it materially affects both the nature of the offence and the punishment to be inflicted for it. Persons included in the first class will be punishable in the same manner as persons who are guilty of bribery as defined by s. 2 of the 17 & 18 Vict. c. 102, that is to say, they will be punishable for a misdemeanour, and will also be liable to forfeit the sum of £100 to any person who shall sue for the same, together with full costs of suit; but persons included in the second class will be punishable in the same manner as persons who are guilty of bribery as defined by s. 3

of that Act; that is to say, they will be punishable for a misdemeanor, and will also be liable to forfeit £10 to any person who shall sue for the same, together with full costs of suit. By 26 & 27 Vict. c. 29, it is also provided that, where an election committee has reported to the House of Commons that certain persons named by them have been guilty of bribery or treating, and where it appears by the report of any commission of inquiry into corrupt practices at any election, made to Her Majesty and laid before Parliament, that certain persons named by them have been guilty of the offences of bribery or treating, and have not been furnished by them with certificates of indemnity, such report, with the evidence taken by the commission, shall be laid before the Attorney-General, with a view to his instituting a prosecution against such persons if the evidence should, in his opinion, be sufficient to support a prosecution.

The 17 & 18 Vict. c. 102, provides (s. 6) that, whenever it shall be proved before the revising barrister that any person who is or claims to be placed on the list or register of voters for any county, city, or borough has been convicted of bribery, &c., or that judgment has been obtained against such person for any penal sum made recoverable by that Act in respect of the offence of bribery, &c., the revising barrister shall, in case the name of such person is in the list of voters, expunge the same therefrom, or shall, in case such person is claiming to have his name inserted therein, disallow such claim; and the names of all persons whose names shall be so expunged from the list of voters, and whose claims shall be so disallowed, shall be thereupon inserted in a separate list, to be entitled "The List of Persons disqualified for Bribery," &c., which last-mentioned list shall be appended to the list or register of voters, and shall be printed and published therewith, whenever the same shall be or is required to be printed or published.

Names of offenders to be struck out of register, and inserted in separate list.

If any candidate at an election for any county, city, or borough shall be declared by any election committee guilty, by himself or his agents, of bribery, &c., at such election, such candidate shall be incapable of being elected or sitting in Parliament for such county, city, or borough during the Parliament then in existence (17 & 18 Vict. c. 102, s. 36).

Candidate declared guilty of bribery.

No indictment for bribery is triable before any court of quarter Sessions (17 & 18 Vict. c. 102, s. 10). The court before which any prosecution may be instituted for bribery may order payment to the prosecutor of such costs and expenses as to the said court shall appear to have been reasonably incurred in and about the conduct of such prosecution (*ibid.*), provided, that the prosecutor has before or upon the

Prosecution for bribery.

finding of the indictment or the granting of the information, entered into a recognisance, with two sufficient sureties, in the sum of £200 (to be acknowledged in like manner as is now required in cases of writs of certiorari awarded at the instance of a defendant in an indictment), with the conditions that the prosecutor shall conduct the prosecution with effect, and pay to the defendant or defendants, in case of acquittal, his or their costs (s. 13). In case of an indictment or information by a private prosecutor, if judgment shall be given for the defendant, he will be entitled to recover from the prosecutor the costs sustained by him by reason of such indictment or information, such costs to be taxed by the proper officer of the court in which such judgment shall be given (s. 12). The prosecution must be commenced within the space of one year (unless the offender has absconded) next after the offence has been committed (26 & 27 Vict. c. 29, s. 5; see also 17 & 18 Vict. c. 102, s. 14). As to the form of the indictment or information, and as to the evidence of the due holding of the election, and of the candidature of any person thereat, see 26 & 27 Vict. c. 29, s. 6.

Action to recover penalty for bribery.

Any action or suit to recover a penalty for bribery must be commenced against the offender within the space of one year next after the offence has been committed, and the offender must also be served with a writ or process within the same space of time, but the service of the writ or process is not to be prevented by the offender absconding or withdrawing out of the jurisdiction of the court out of which the writ or process issues; and any such action or suit must be proceeded with and carried on without any wilful delay (17 & 18 Vict. c. 102, s. 14). The action or suit must be brought in one of Her Majesty's Superior Courts at Westminster, and not otherwise (s. 9); and the parties to it, and the husbands and wives of such parties respectively, are competent and compellable to give evidence in the same manner as parties and their husbands and wives are competent and compellable to give evidence in actions and suits under the 14 & 15 Vict. c. 99, and "The Evidence Amendment Act, 1853," but subject to and with the exceptions contained in those Acts; but such evidence is not to be used in an indictment or criminal proceeding against the party giving it (s. 35).

As to the form of the declaration, and as to the evidence of the due holding of the election, and of the candidature of any person thereat, see 26 & 27 Vict. c. 29, s. 6.

Returning Officer, &c., L. No Returning Officer for any County (1) or Borough, (1) nor his Deputy, nor any Partner or

Clerk of either of them, shall act as Agent for any Candidate (2) in the Management or Conduct of his Election as a Member to serve in Parliament for such County or Borough ; and if any Returning Officer, his Deputy, the Partner or Clerk of either of them, shall so act, he shall be guilty of a Misdemeanor.

acting as agent, guilty of misdemeanour.

(1) As to the meaning of the terms "county" and "borough," see s. 61, *post*, p. 109.

(2) As to the meaning of the term "candidate," see note

(3) s. 11, *ante*, p. 43.

LI. Whereas great Inconvenience may arise from the Enactments now in force limiting the Duration of the Parliament in being at the Demise of the Crown : Be it therefore enacted, That the Parliament in being at any future Demise of the Crown shall not be determined or dissolved by such Demise, but shall continue so long as it would have continued but for such Demise, unless it should be sooner prorogued or dissolved by the Crown, anything in the Act passed in the Sixth Year of Her late Majesty Queen *Anne*, Chapter Seven, in any way notwithstanding. (1)

Not necessary to dissolve Parliament on any future Demise of the Crown.

(1) By the 6 Anne, c. 7, s. 6, Parliament was not to be dissolved by a demise of the Crown, but was to continue, and was required and empowered, if sitting at the time of a demise, immediately to proceed to act, for the term of six months, but no longer, unless sooner prorogued or dissolved by the lawful successor to the Crown. If prorogued the Parliament was to meet and sit on the day to which it had been prorogued, and to continue for the residue of the term of six months, unless sooner prorogued or dissolved in the manner just mentioned. In the event (s. 5) of there being a Parliament in existence at the time of a demise of the Crown, and of it being separated by adjournment or prorogation, such Parliament was immediately to meet and act for the term of six months, but no longer, unless sooner prorogued or dissolved as aforesaid. The effect of this section is virtually to repeal these provisions of the 6 Anne, c. 7, so

that the Parliament in being at any future demise of the Crown, and whether separated or not at the time by adjournment or prorogation, will not be dissolved by such demise, but will continue (unless sooner prorogued or dissolved by the Crown) so long as it would have continued had the demise of the Crown not taken place, that is, until the expiration of seven years from the day on which by the writ of summons it shall be appointed to meet (1 Geo. 1, st. 2, c. 38).

Members holding Offices of Profit from the Crown, as in Schedule (H.), not required to vacate their Seats on Acceptance of another Office.

LII. Whereas it is expedient to amend the Law relating to Offices of Profit the Acceptance of which from the Crown vacates the Seats of Members accepting the same, but does not render them incapable of being re-elected: (1) Be it enacted, That where a Person has been returned as a Member to serve in Parliament since the Acceptance by him from the Crown of any Office described in Schedule (H.) to this Act annexed, the subsequent Acceptance by him from the Crown of any other Office or Offices described in such Schedule in lieu of and in immediate Succession the one to the other shall not vacate his Seat.

(1) By the 6 Anne, c. 7, s. 26, it is enacted that "if any person being chosen a member of the House of Commons, shall accept of any office of profit from the Crown, during such time as he shall continue a member, his election shall be and is hereby declared to be void, and a new writ shall issue for a new election, as if such person so accepting was naturally dead: Provided, nevertheless, that such person shall be capable of being again elected, as if his place had not become void as aforesaid;" but by the 28th section of the same Act this provision is not to extend to any member of the House of Commons, being an officer in Her Majesty's navy or army, who shall receive any new or other commission in the navy or army respectively; and the same exception has been extended by construction to officers in the marines (2 Hatsell, 45, n), and to many other persons (see May's Parl. Pract., 4th ed., p. 552). The 26th section of the 6 Anne, c. 7, applies only to what are termed *old* offices; that is, to offices which were created before the 25th of October,

1705 ; the holders of offices or places of profit under the Crown created at any time since that date being declared by the 25th section of the Act incapable of being elected or of sitting or voting as a member of the House of Commons. Whenever, therefore, before the passing of the present Act, any member of the House of Commons accepted any such *old* office, his seat became *ipso facto* vacant, whether he was at the time of his acceptance of the office holding any other office of the same kind or not. It consequently not unfrequently happened that a person who had accepted one such office, and who had been returned to Parliament since his acceptance of it, was compelled within a very short time, in consequence of his acceptance of another such office, again to go through (*e. g.* the Solicitor General on becoming Attorney General) all the formalities and expenses of an election. The object of this section is to prevent for the future the inconvenience and expense thus arising, by providing that, where a person has been returned as a member to Parliament since his acceptance from the Crown of any office described in Schedule (H.) annexed to this Act, the subsequent acceptance by him of any other office or offices described in that schedule in lieu of, and in immediate succession, the one to the other, shall not vacate his seat.

LIII. Any Copy of any of the said Reports (1) by the said Commissioners appointed for the Purpose of making Inquiry into the Existence of corrupt Practices in any of the said Boroughs of *Totnes, Great Yarmouth, Lancaster, or Reigate*, with the Schedules thereof annexed, and purporting to be printed by the Queen's Printer, shall for the purposes of this Act be deemed to be sufficient Evidence of any such Report of the said Commissioners, and of the Schedules annexed thereto.

Copy of Reports of Commissioners as to Boroughs herein named, and printed by Queen's Printer, to be Evidence.

(1) See sections 13, 14, 15, and 16, respectively, *ante*, pp. 47, 48, 49.

LIV. Where separate Registers of Voters have been directed to be made in respect of the Divisions of the Borough and Counties divided by this Act into Two Divisions only, (1) if a Vacancy take place in the Re-

Provision in case of separate Registers.

presentation of the said County or Borough before the summoning of a future Parliament, and after the completion of such separate Registers, such last-mentioned Registers shall, for the Purpose of any Election to fill up such Vacancy, be deemed together to form the Register for the Borough or County ; and in the case of a County divided into more than Two Divisions (2) the Clerk of the Peace shall, from the separate Registers, make out a Register of Voters for the County or original Division of the County in which the Election may be about to take place, in the same manner as if no new Division or Divisions of such County had been made by this Act.

(1) By s. 21, *ante*, p. 52, the borough of the Tower Hamlets is divided into two divisions, to be called the "Borough of Hackney" and the "Borough of the Tower Hamlets," each of which is in future Parliaments to be a separate borough returning two members to serve in Parliament, and by s. 22, *ante*, p. 52, registers of voters are to be formed in and after the year 1868, notwithstanding the continuance of the present Parliament, in respect of the said boroughs in like manner as if such divisions had previously to the passing of this Act been separate boroughs returning members to serve in Parliament. The counties, which term includes (see s. 61, *post*, p. 109) any county, riding, parts or divisions of a county returning a member or members to serve in Parliament, divided by the Act into two divisions only for which separate registers are directed to be made are—West Kent, North Lancashire, South Lancashire, and East Surrey (see s. 23, *ante*, p. 53, and Schedule (D.), *post*, p. 114).

(2) The counties divided into more than two divisions for which separate registers are directed to be made are—Cheshire, Derbyshire, Devonshire, Essex, Lincoln, Norfolk, Somersetshire, Staffordshire, and the West Riding of Yorkshire. All these are divided into *three* divisions. (See s. 23, *ante*, p. 53, and Schedule (D.), *post*, p. 114.)

Temporary
Provisions
consequent
on Formation

LV. Nothing in this Act contained shall affect the Rights of Persons whose Names are for the Time being on the Register of Voters for any County (1) in which

the Boroughs constituted by this Act (2) are situate ^{of new} to vote in any Election for such County in respect of ^{Boroughs.} any Vacancy that may take place before the summoning of a future Parliament; but after such summoning no Person shall be entitled to be registered as a Voter or to vote in any Election for any such County who would not be entitled to be so registered or to vote in case the Qualifications held by him were situate in a Borough other than One constituted by this Act. (3)

In the Case of a Parish wholly or partly situate within the Limits of a Borough constituted by this Act, the Revising Barrister in revising at any Time before the summoning of a future Parliament the List of Voters for the County in which such Parish is situate shall write the Word "Borough" opposite to the name of each Voter whose Qualification in respect of the Premises described in the List would not, after the summoning of a future Parliament, entitle such Voter to vote for the County; and at any Election taking place after the summoning of a future Parliament the Vote of every Person against whose Name the Word "Borough" is written, if tendered in respect of such Qualification, shall be rejected by the Returning Officer.

(1) As to the meaning of the term "county," see s. 61, *post*, p. 109.

(2) The boroughs constituted by the Act are those named in Schedules (B.) and (C.), *post*, pp. 112, 113.

(3) The right to vote is to remain as it at present exists until the summoning of a future Parliament; but after the summoning of a future Parliament no person is to be entitled to be registered as a voter for a county in respect of a qualification situate in either of the boroughs constituted by the Act, unless the qualification be one which, if it were situate in a borough already in existence when the Act was passed, would entitle him to be so registered. See ss. 24, 25, of 2 Will. 4, c. 45, in note (1) to s. 59 of this Act, *post*, p. 107.

**General
Saving.**

LVI. The Franchises conferred by this Act (1) shall be in addition to and not in substitution for any existing Franchises, but so that no Person shall be entitled to vote for the same Place in respect of more than One Qualification ; and, subject to the Provisions of this Act, all Laws, Customs, and Enactments now in force conferring any Right to vote, or otherwise relating to the Representation of the People in *England* and *Wales*, and the Registration of Persons entitled to vote, shall remain in full Force, and shall apply, as nearly as Circumstances admit, to any Person hereby authorized to vote, (1) and shall also apply to any Constituency hereby authorized to return a Member or Members to Parliament (2) as if it had heretofore returned such Members to Parliament, and to the Franchises hereby conferred, and to the Registers of Voters hereby required to be formed. (3)

(1) As to the franchises conferred by the Act, and as to the persons thereby authorised to vote, see ss. 3, 4, 5, 6, *ante*, pp. 2, 20, 28, 34, respectively.

(2) As to the borough constituencies authorised by the Act to return a member or members to Parliament, see ss. 19, 21, *ante*, pp. 50, 52, and Schedules (B.) and (C.) *post*, pp. 112, 113. As to the county constituencies, see s. 23, *ante*, p. 53, and Schedule (D.) *post*, p. 114. As to the University of London, see s. 24, *ante*, p. 54.

(3) As to the registers of voters required to be formed by the Act, see ss. 20, 22, 23, *ante*, pp. 50, 52, 53, respectively.

**As to Issue
of Writs to
County
Palatine of
Lancaster.**

LVII. From and after the passing of this Act the County Palatine of *Lancaster* shall cease to be a County Palatine, in so far as respects the Issue, Direction, and Transmission of Writs for the Election of Members to serve in Parliament for any Division of the said County or for any Borough situate in the said County ; and such Writs may be issued under the same Seal, be

directed to the like Officer, and transmitted in the like Manner, under, to, and in which Writs may be issued, directed, and transmitted in the Case of Divisions of Counties and Boroughs not forming Part of or situate in a County Palatine; and any Writ issued, directed, and transmitted in manner directed by this Section shall be valid accordingly.

LVIII. All Writs to be issued for the Election of Members to serve in Parliament, and all Mandates, Precepts, Instruments, Proceedings, and Notices consequent upon such Writs or relating to the Registration of Voters, shall be framed and expressed in such Manner and Form as may be necessary for the carrying the Provisions of this Act into effect.

Writs, &c.
to be made
conformable
to this Act.

LIX. This Act, so far as is consistent with the Tenor thereof, shall be construed as One with the Enactments for the Time being in force relating to the Representation of the People and with the Registration Acts; and in construing the Provisions of the Twenty-fourth and Twenty-fifth Sections of the Act of the of the Second Year of King *William* the Fourth, Chapter Forty-five, the Expressions "the Provisions hereinafter contained," and "as aforesaid," shall be deemed to refer to the Provisions of this Act conferring Rights to vote, as well as to the Provisions of the said Act. (1)

This Act,
as far as
consistent, to
be construed
with Enact-
ments now
in force.

(1) The following are the sections of 2 Will. 4. c. 45, here referred to. Section 24. "And be it enacted, That notwithstanding anything hereinbefore contained, no person shall be entitled to vote in the election of a knight or knights of the shire to serve in any future Parliament in respect of his estate or interest as a freeholder in any house, warehouse, counting-house, shop or other building occupied by himself, or in any land occupied by himself together with any house,

warehouse, counting-house, shop, or other building, such house warehouse, counting-house, shop, or other building, being, either separately or jointly with the land so occupied therewith, of such value as would, according to the provisions, hereinafter contained, confer on him the right of voting for any city or borough, whether he shall or shall not have actually acquired the right to vote for such city or borough in respect thereof."

Section 25. "And be it enacted, That notwithstanding anything hereinbefore contained, no person shall be entitled to vote in the election of a knight or knights of the shire to serve in any future Parliament in respect of his estate or interest as a copyholder or customary tenant, or tenant in ancient demesne, holding by copy of court-roll, or as such lessee or assignee, or as such tenant and occupier as aforesaid, in any house, warehouse, counting-house, shop, or other building, or in any land occupied together with a house, warehouse, counting-house, shop, or other building, such house, warehouse, counting-house, shop, or other building being, either separately or jointly with the land so occupied therewith, of such value as would, according to the provisions hereinafter contained, confer on him or on any other person the right of voting for any city or borough, whether he or any other person shall or shall not have actually acquired the right to vote for such city or borough in respect thereof." As to the application of these sections to the provisions of this Act whereby rights to vote are conferred, see s. 55, note (3) *ante*, p. 105.

In event of
Dissolution of
Parliament
before Jan.
1, 1869,
Elections to
take place as
heretofore,
except as to
Boroughs
disfranchised.

LX. Notwithstanding anything in this Act contained, in the event of a Vacancy in the Representation of any Constituency, or of a Dissolution of Parliament taking place, and a Writ or Writs being issued, before the First Day of *January* One thousand eight hundred and sixty-nine for the Election of Members to serve in the present or any new Parliament, each Election shall take place in the same Manner in all respects as if no Alteration had been made by this Act in the Franchises of Electors, or in the Places authorised to return a Member or Members to serve in Parliament, with this Exception, that the Boroughs by this Act disfran-

chised (1) shall not be entitled to return Members to serve in any such new Parliament.

(1) The boroughs disfranchised by the Act are Totnes, Reigate, Great Yarmouth, and Lancaster. See s, 12, *ante*, p. 46.

LXI. The following Terms shall in this Act have the Interpretation of Terms: Meanings hereafter assigned to them, unless there is something in the Context repugnant to such Construction ; (that is to say,)

- “ Month ” shall mean Calendar Month : (1) “ Month : ”
- “ Member ” shall include a Knight of the Shire : “ Member : ”
- “ Election ” shall mean an Election of a Member or Members to serve in Parliament : “ Election : ”
- “ County ” shall not include a County of a City or County of a Town, but shall mean any County, Riding, Parts, or Divisions of a County returning a Member or Members to serve in Parliament : “ County : ”
- “ Borough ” shall mean any Borough, City, Place, or Combination of Places, not being a County as herein-before defined, returning a Member or Members to serve in Parliament : “ Borou gh : ”
- “ Dwelling House ” shall include any Part of a House occupied as a separate Dwelling, and separately rated to the Relief of the Poor : “ Dwelling House : ”
- “ The Registration Acts ” shall mean the Act of the Sixth Year of the Reign of Her present Majesty, Chapter Eighteen, and the Act of the Twenty-eighth Year of the Reign of Her present Majesty, Chapter Thirty-six, and any other Acts or Parts of Acts relating to the Registration of Persons entitled to vote at and Proceedings in the Election of Members to serve in Parliament for *England* and *Wales*. “ The Registration Acts : ”

(1) This definition of the term "month" is wholly unnecessary, as the statute 13 & 14 Vict. c. 21, which is "An Act for shortening the language used in Acts of Parliament," is still in force, and enacts (s. 4.) that, in all Acts passed after its commencement, the word "month" shall mean calendar month, unless words be added showing lunar month to be intended.

THE REPRESENTATION OF THE
PEOPLE ACT, 1867.

SCHEDULES.

SCHEDULE (A.)

Boroughs to return One Member only in future Parliaments.

Honiton.	Knarborough.	Lewes.
Thetford.	Andover.	Cirencester.
Wells.	Leominster.	Bodmin.
Evesham.	Tewkesbury.	Great Marlow.
Marlborough.	Ludlow.	Devizes.
Harwich.	Ripon.	Hertford.
Richmond.	Huntingdon.	Dorchester.
Lymington.	Maldon.	Lichfield.
Chippenham.	Buckingham.	Cockermouth.
Bridport.	Newport (Isle of	Bridgnorth.
Stamford.	Wight).	Guildford.
Chipping Wycombe.	New Malton.	Chichester.
Poole.	Tavistock.	Windsor.

SCHEDULE (B.)

New Boroughs.

County.	Places to be Boroughs.	Temporary Contents or Boundaries.
MIDDLESEX - -	Chelsea - - -	Parishes of— Chelsea. Fulham. Hammersmith. Kensington.
DURHAM - - -	Darlington - -	Townships of— Darlington. Haughton-le-Skerne. Cockerton.
	The Hartlepoons	Municipal Borough of Hartlepool. Townships of— Throston. Stranton. Seaton Carew.
	Stockton - - -	Municipal Borough of Stock- ton, and the Township of Thornaby.
KENT - - - -	Gravesend - -	Parishes of— Gravesend. Milton. Northfleet.
LANCASHIRE - -	Burnley - - -	Townships of— Burnley. Habbergham Eaves.

County.	Places to be Boroughs.	Temporary Contents or Boundaries.
LANCASHIRE AND CHESHIRE.	Staleybridge -	Municipal Borough of Staley-bridge. Remaining Portion of Town-ship of Dukinfield. Township of Stalley. The District of the Local Board of Health of Mossley
STAFFORDSHIRE -	Wednesbury- -	Parishes of— Wednesbury. West Bromwich. Tipton.
YORKSHIRE, NORTH RIDING	Middlesborough	Township of Linthorpe, and so much of the Townships of Middlesborough, Ormesby, and Eston as lie to the North of the Road leading from Eston towards Yarm.
DO. WEST RIDING.	Dewsbury - -	The Townships of— Dewsbury. Batley. Soothill.

SCHEDULE (C.)

New Boroughs formed by Division of the Borough of the Tower Hamlets.

Name of Borough.	Places comprised in the Borough.
BOROUGH OF TOWER HAMLETS - -	{ The Parish of St. George's-in-the-East. The Hamlet of Mile End Old Town. The Poplar Union. The Stepney Union. The Whitechapel Union. The Tower of London.
BOROUGH OF HACKNEY - -	{ The Parish of St. John, Hackney. The Parish of St. Matthew, Bethnal Green. The Parish of St. Leonard, Shoreditch.

SCHEDULE (D.)

Counties to be divided.

Name of County to be divided.	Division.	Parts temporarily comprised in such Division.	Places temporarily appointed for holding Courts for Election of Members.
CHESHIRE -	North Cheshire	The Hundred of— Macclesfield.	Macclesfield.
	Mid Cheshire	The Hundreds of— Bucklow, and Northwich.	Knutsford.
	South Cheshire	The Hundreds of— Broxton, Eddisbury, Nantwich, and Wirral, And also the City and County of the City of Chester.	Chester.
DERBYSHIRE	North Derbyshire.	The Hundred of— High Peak, and The Wapentake of Worksworth.	Bakewell.
	South Derbyshire.	The Hundreds of— Repton and Gresley, Morleston and Litchurch, and Appletree.	Derby.
	East Derbyshire.	The Hundred of— Scarsdale.	Chesterfield.

Name of County to be divided.	Division.	Parts temporarily comprised in such Division.	Places temporarily appointed for holding Courts for Election of Members.
DEVONSHIRE	North Devonshire.	The Hundreds of— Bampton, Braunton, Crediton, Fremington, Halberton, Hartland, Hayridge, Hemyock, North Tawton, Shebbear, Sherwill, South Molton, Tiverton, Winkleigh, Witheridge, and West Budleigh.	South Molton.
	East Devonshire.	The Hundreds of— Axminster, Cliston, Colyton, East Budleigh, Exminster, Ottery St. Mary, Haytor, Teignbridge, and also The Castle of Exeter and the Hundred of Wonford, except such Parts of the Hundred as are included in the Limits of the City and County of Exeter by the 2nd and 3rd Will. IV. Cap. 64.	Castle of Exeter.
	South Devonshire.	The Hundreds of— Black Torrington, Ermington,	Plymouth.

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Name of County to be divided.	Division.	Parts temporarily comprised in such Division.	Places temporarily appointed for holding Courts for Election of Members.
DEVONSHIRE —cont.	South Devonshire —cont.	Lifton, Plympton, Roborough, Stanborough and Coleridge, and Tavistock.	
ESSEX	North West Essex.	The Hundreds of— Freshwell, Uttlesford, Clavering, Dunmow, Harlow, Waltham, Ongar, and Chelmsford.	Chelmsford.
	North East Essex.	The Hundreds of— Hinckford, Lexden, Tendring, Winstree, Witham, Thurstable, and Dengie.	Braintree
	South Essex	The Hundreds of— Becontree, Chafford, Barstable, and Rochford, With the Liberty of Havering.	Brentwood.
WEST KENT -	West Kent -	The Lathe of Sutton at Hone.	Blackheath.
	Mid Kent -	Remainder of the Division.	Maidstone.

Name of County to be divided.	Division.	Parts temporarily comprised in such Division.	Places temporarily appointed for holding Courts for Election of Members.
NORTH LAN- CASHIRE.	North Lan- cashire.	The Hundreds of— Lonsdale, Amounderness, and Leyland.	Lancaster.
	North East Lancashire	The Hundred of— Blackburn.	Blackburn.
SOUTH LAN- CASHIRE.	South East Lancashire	The Hundred of— Salford.	Manchester.
	South West Lancashire.	The Hundred of— West Derby.	Liverpool.
LINCOLN	North Lin- colnshire.	The Wapentakes, Hun- dreds, or Sokes of— Manley, Yarborough, Bradley Haverstoe, Ludborough, Walshcroft, Aslaoce, Corringham, Louth Eske, and Calceworth, So much as lies within Louth Eske.	Glanford Brigg.
	Mid Lin- colnshire	The Wapentakes, Hun- dreds, or Sokes of— Well, Lawress, Wraggoe, Gartree, Candlehoe, Calceworth, Except so much as lies within the Hundred of Louth Eske, Hill,	Lincoln.

Name of County to be divided.	Division.	Parts temporarily comprised in such Division.	Places temporarily appointed for holding Courts for Election of Members.
LINCOLN— <i>cont.</i>	Mid Lincolnshire <i>—cont.</i>	Bolingbroke, Horncastle, Boothby Graffoe, and Langoe and Lincoln Liberty.	
	South Lincolnshire.	The Wapentakes, Hundreds, or Sokes of— Loveden, Flaxwell, Aswardhurn, Winnibriggs and Threo, Aveland, Beltisloe, Ness, Grantham Soke, Skirbeck, Kirton, and Holland Elloe.	Sleaford.
NORFOLK -	West Norfolk.	The Hundreds of— Wayland, Launditch, South Greenhoe, Gallow, Brothecross, Smithdon, Freebridge Lynn, FreebridgeMarshland Clackclose, and Grimshoe.	Swaffham.
	North East Norfolk.	The Hundreds of— East Flegg, West Flegg, Happing,	Aylsham.

Name of County to be divided.	Division.	Parts temporarily comprised in such Division.	Places temporarily appointed for holding Courts for Election of Members.
<p>NORFOLK— <i>cont.</i></p>	<p>North East Norfolk <i>—cont.</i></p>	<p>Tunstead, Erpingham (North), Erpingham (South), Eynsford, Holt, and North Greenhoe.</p>	
	<p>South East Norfolk.</p>	<p>The Hundreds of— Walsham, Blofield, Henstead, Humbleyard, Loddon, Clavering, Diss, Deepwade, Earsham, Gaultcross, Shropham, Taverham, Forehoe, and Mitford.</p>	<p>Norwich.</p>
<p>SOMERSET-SHIRE.</p>	<p>East Somerset.</p>	<p>The existing Sessional Divisions of— Long Ashton, Keynsham, Weston, Axbridge, and Temple Cloud, As established by virtue of the Order of Her Majesty's Justices of the Peace for the County of Somerset, and also all such other Places in the said County as are locally situated with-</p>	<p>Bath.</p>

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Name of County to be divided.	Division.	Parts temporarily comprised in such Division.	Places temporarily appointed for holding Courts for Election of Members.
SOMERSET-SHIRE— <i>con.</i>	East Somerset— <i>cont.</i>	in or are surrounded by the said Sessional Divisions, or any of them, and are not mentioned in the said Order.	
	Mid Somerset.	The existing Sessional Divisions of— Crewkerne, Yeovil, Somerton, Shepton Mallet, Wincanton, Wells, Frome, and Kilmersdon, As established by virtue of the Order of Her Majesty's Justices of the Peace for the said County of Somerset, and also all such other Places in the said County as are locally situated within or are surrounded by the said Sessional Divisions, or any of them, and are not mentioned in the said Order.	Wells.
	West Somerset.	The existing Sessional Divisions of— Dunster, Dulverton, Williton, Wiveliscombe,	Taunton.

Name of County to be divided.	Division.	Parts temporarily comprised in such Division.	Places temporarily appointed for holding Courts for Election of Members.
SOMERSET-SHIRE—cont.	West Somerset—cont.	<p>Bishop's Lydeard, Wellington, Taunton, Bridgwater, and Ilminster, As established by virtue of the Order of Her Majesty's Justices of the Peace for the said County of Somerset, and also all such other Places as are locally situated within or are surrounded by the said Sessional Divisions, or any of them, and are not mentioned in the said Order.</p>	
STAFFORD-SHIRE.	North Staffordshire.	The Hundreds of— Totmanslow and Pirehill, North.	Stoke-upon-Trent.
	West Staffordshire.	The Hundreds of— Pirehill, South, Cuttlestone, and Seisdon.	Stafford.
	East Staffordshire	The Hundreds of— Offlow (North), Offlow (South).	Lichfield.
EAST SURREY.	East Surrey	The Hundred of— Tandridge, and So much of the Hundred of Wallington as includes and lies to the East of the Parishes of Croydon and San-	Croydon.

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Name of County to be divided.	Division.	Parts temporarily comprised in such Division.	Places temporarily appointed for holding Courts for Election of Members.
EAST SURREY— <i>cont.</i>	East Surrey— <i>cont.</i>	derstead, and so much of the Hundred of Brixton as includes and lies to the East of the Parishes of Streatham, Clapham, and Lambeth.	
	Mid Surrey	The Remainder of the present Division.	Kingston-upon Thames.
YORKSHIRE, WEST RIDING.	Northern Division.	The Hundreds of— Ewecross and Staincliffe, Claro, Skyrack, Barkstone Ash, and Osgoldcross.	Leeds.
	Mid Division.	The Hundred of— Morley.	Bradford.
	Southern Division.	The Hundreds of— Agbrigg, Strafforth and Tickhill, and Staincross.	Wakefield.

SCHEDULE (E.)

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SCHEDULE (E.)

To A. B.

City [or Borough of]

Take Notice that you will not be entitled to have your Name inserted in the List of Voters for this City [or Borough] now about to be made in respect of the Premises in your Occupation in

[Street or Place] unless you pay on or before the Twentieth Day of July next all the Poor Rates which have become due from you in respect of such Premises up to the Fifth Day of January last, amounting to £ , and if you omit to make such Payment you will be incapable of being on the next Register of Voters for this City [or Borough].

Dated the

Day of June, 18 .

C.D. } Overseers,
E.F. }

or

G.H. } Assistant
Overseer,

or

I.K. Collector.

SCHEDULE (G.)

Form No. 1.

Claim of Lodger.

Borough of

To the Overseers of the Parish of

I hereby claim to be inserted in the List of Voters in respect of the Occupation of the under-mentioned Lodgings, and the Particulars of my Qualification are stated in the Columns below:—

Christian Name and Surname at full Length	Profession, Trade, or Calling.	Description of Lodgings.	Description of House in which Lodgings situate, with Number, if any, and Name of Street.	Name, Description, and Residence of Landlord or other Person to whom Rent paid.

I the above-named

hereby declare that I have been

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during the Twelve Months immediately preceding the last Day of July in this Year the Occupier as sole Tenant of the above-mentioned Lodgings, and that I have resided therein during the Twelve Months immediately preceding the said last Day of July, and that such Lodgings are of a clear yearly Value, if let unfurnished, of Ten Pounds or upwards.

Dated the _____ Day of _____
 Signature of Claimant _____
 Witness to the Signature of the said _____
 And I certify my Belief in the Accuracy of the above Claim. _____
 Name of Witness _____
 Residence and Calling _____

This Claim must bear Date the First Day of August or some Day subsequent thereto, and must be delivered to the Overseers after the last Day of July, and on or before the Twenty-fifth day of August.

Form No. 2.

List of Claimants in respect of Lodgings to be published by the Overseers.

The following Persons claim to have their Names inserted in the List of Persons entitled to vote in the Election of a Member [or Members] for the City [or Borough] of _____

Christian Name and Surname of each Claimant at full Length.	Profession, Trade, or Calling.	Description of Lodgings.	Description of House in which Lodgings situate, with Number, if any, and Name of Street.	Name, Description, and Residence of Landlord or other Person to whom Rent paid.

(Signed) A.B. } Overseers
 C.D. } of,
 E.F. } &c.

SCHEDULE (H.)

Offices of Profit referred to in this Act.

Lord High Treasurer.
Commissioner for executing the Offices of Treasurer of the Exchequer of Great Britain and Lord High Treasurer of Ireland.
President of the Privy Council.
Vice-President of the Committee of Council for Education.
Comptroller of Her Majesty's Household.
Treasurer of Her Majesty's Household.
Vice-Chamberlain of Her Majesty's Household.
Equerry or Groom in Waiting on Her Majesty.
Any Principal Secretary of State.
Chancellor and Under Treasurer of Her Majesty's Exchequer.
Paymaster General.
Postmaster General.
Lord High Admiral.
Commissioner for executing the Office of Lord High Admiral.
Commissioner of Her Majesty's Works and Public Buildings.
President of the Committee of Privy Council for Trade and Plantations.
Chief Secretary for Ireland.
Commissioner for administering the Laws for the Relief of the Poor in England.
Chancellor of the Duchy of Lancaster.
Judge Advocate General.
Attorney General for England.
Solicitor General for England.
Lord Advocate for Scotland.
Solicitor General for Scotland.
Attorney General for Ireland.
Solicitor General for Ireland.

A P P E N D I X.

24 & 25 Vict. c. 53.

An Act to provide that Votes at Elections for the Universities may be recorded by means of Voting Papers.
1st August, 1861.

WHEREAS it is expedient to afford greater Facilities for voting to the Electors at Elections for Burgesses to serve in Parliament for the Universities of *Oxford*, *Cambridge*, and *Dublin*: (1) Be it enacted by the Queen'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, as follows :

Electors to
vote by
means of
Voting
Papers.

1. It shall be lawful for such Electors, in lieu of attending to vote in Person, to nominate any other Elector or Electors of the same University, competent to make the Declaration hereinafter mentioned, to deliver for them at the Poll Voting Papers containing their Votes, as by this Act provided. Every such Voting Paper shall bear Date subsequently to Notice given by the Returning Officer of the Day for proceed-

(1) By "The Representation of the People Act, 1867," s. 45, *ante* p. 91, all the provisions of this Act are also to apply to every election of a member for the University of London.

ing to Election, and shall contain the Name or Names of the Candidate or Candidates thereby voted for, and the Name or Names of the Elector or Electors authorized on behalf of the Voter to tender such Voting Paper at the Poll, and shall be according to the Form or to the Effect prescribed in the Schedule to this Act annexed. Such Voting Paper, the aforesaid Date and Names being previously filled in, shall, on any Day subsequent to Notice given by the Returning Officer of the Day for proceeding to Election, be signed by the Voter in the Presence of a Justice of the Peace for the County or Borough in which such Voter shall be then residing; and the said Justice shall certify and attest the Fact of such Voting Paper having been so signed in his Presence, by signing at the Foot thereof a Certificate or Attestation in the Form or to the effect prescribed in the said Schedule, with his Name and Address in full, and shall state his Quality as a Justice of the Peace for such County or Borough.

2. The Voting Paper, signed and certified as aforesaid, may be delivered to the Vice Chancellor of the University for which the Election is held, or to any Pro Vice Chancellor appointed by him, or, in the Case of the University of *Dublin*, to the Provost of *Trinity College*, or to any Person lawfully deputed to act for him, at any One of the appointed Polling Places, during the appointed Hours of Polling, by any One of the Persons therein nominated in that Behalf, who shall, on tendering such Voting Paper at the Poll, read out the same; and the said Vice Chancellor, Pro Vice Chancellor, Provost, or Deputy shall receive the Voting

Voting
Papers to be
read, and
Votes
recorded.

Papers as the same shall be delivered, and shall cause the Votes thereby given, or such of them as may not appear to be contrary to the Provisions of this Act, to be recorded in the Manner heretofore used, in all respects as if such Votes had been given by the Electors attending in Person; and all Votes so recorded shall have the same Validity and Effect as if they had been duly given by the Voters in Person: Provided always, that no Person shall be entitled to sign or vote by more than One Voting Paper at any Election, and that no Voting Paper containing the Names of more Candidates than there are Burgesses to be elected at such Election shall be received or recorded: Provided also, that no Voting Paper shall be received or recorded unless the Person tendering the same shall make the following Declaration, which he shall sign at the Foot or Back thereof:

“ I solemnly declare, that I am personally acquainted with *A.B.* [the Voter], and I verily believe that this is the Paper by which he intends to vote pursuant to the Provisions of the Universities Elections Act.’

Provided also, that no Voting Paper shall be so received and recorded if the Voter signing the same shall have already voted in Person at the same Election: Provided also, that every such Elector shall be entitled to vote in Person, notwithstanding that he has duly signed and transmitted a Voting Paper to another Elector, if such Voting Paper has not been already tendered at the Poll.

3. It shall be lawful for any Person now by Law or Custom authorized on behalf of any Candidate to object to Votes to inspect any Voting Paper tendered at the Poll before the same shall be received or recorded, and to object to it on One or more of the following Grounds :

Voting Papers may be inspected by any Person now entitled to object to Votes.

1. That the Person on whose Behalf the Voting Paper is tendered is not qualified to vote :
2. That the Person tendering the Voting Paper is not duly qualified in that Behalf :
3. That the Person in whose Behalf the Voting Paper is tendered has already voted at that Election in Person or by Voting Paper :
4. That the Voting Paper bears Date anterior to Notice given by the Returning Officer of the Day for proceeding to Election :
5. That the Voting Paper is forged or falsified :

And the Returning Officer, his Deputy or Assessor, or any Officer having by Law or Custom Power to decide Objections in respect of Votes tendered by Voters attending the Poll in Person, shall have Power to put Questions to the Person tendering such Voting Paper, and to reject, receive, and record, or receive and record as objected to or protested against, any Votes tendered by Voting Papers : Provided, that in case the Objection offered to any Voting Paper shall be that it is forged or falsified, such Returning or other Officer shall receive and record such Voting Paper, having previously written upon it, " Objected to as forged," or " Objected to as falsified," together with the Name of the Person making such Objection.

**Voting
Papers to be
filed.**

4. All Voting Papers received and recorded at such Election, as well as any Voting Papers rejected for Informality or on any other Ground, shall be filed and kept by the Officer entrusted with the Care of the Poll Books or other Documents relating to the said Election; and any Person shall be allowed to examine such Voting Papers at all reasonable Times, and to take Copies thereof, upon Payment of a Fee of One Shilling.

**Penalty for
falsely sign-
ing Voting
Papers.**

5. Any Person falsely or fraudulently signing any Voting Paper in the Name of any other Person, either as a Voter or as a Witness, whether such other Person shall be living or dead, and every Person signing, subscribing, endorsing, attesting, certifying, tendering, or transmitting as genuine any false or falsified Voting Paper, knowing the same to be false or falsified, and any Person falsely making any such Declaration as aforesaid, or such Declaration as is contained in the Schedule, or with fraudulent Intent altering, defacing, destroying, withholding, or abstracting any Voting Paper, and any Person wilfully making a false Answer to any Question put to him by the Returning or other Officer as hereinbefore provided, shall be guilty of a Misdemeanor, and punishable by Fine, or Imprisonment for a Term not exceeding One Year.

**Voting
Papers not
liable to
Stamp Duty.**

6. No such Voting Paper as hereinbefore mentioned shall be liable to any Stamp Duty.

SCHEDULE.

UNIVERSITY ELECTION, 18 .

I *A.B.* [*the Christian and Surnames of the Elector in full, his College or Hall, if any, and his Degree or Academical Rank or Office, if any, to be here inserted*], do hereby declare, that I have signed no other Voting Paper at this Election, and do hereby give my Vote at this Election for

And I nominate - - *C.D.*
E.F.
G.H.

or One of them, to deliver this Voting Paper at the Poll.

Witness my Hand this Day of 18 .

(Signed) *A.B.* of [*the Elector's Place of Residence to be here inserted*].

Signed in my Presence by the said *A.B.*, who is personally known to me, on the above-mentioned Day of 18 , the Name [*or Names*] of as the Candidate [*or Candidates*] voted for having been previously filled in.

(Signed) *Z.M.* of [*the Witness's Place of Residence to be here inserted,*]
a Justice of the Peace for .

31 Vict. c. 6.

An Act to forbid the Issue of Writs for Members to serve in this present Parliament for the Boroughs of Totnes, Reigate, Great Yarmouth, and Lancaster.

7th December, 1867.

WHEREAS it is expedient to forbid the Issue of Writs for Members to serve in this present Parliament for the Boroughs of *Totnes, Reigate, Great Yarmouth, and Lancaster* :

Be it enacted by the Queen'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, as follows :

Prohibition
of Issue of
Writs.

1. From and after the passing of this Act, the Speaker shall not sign any Warrant for the Issue of a Writ, and no Writ shall issue, for the Election of any Member or Members to serve in Parliament for the Boroughs of *Totnes, Reigate, Great Yarmouth, and Lancaster*, or any of such Boroughs.

Prohibition
of Registra-
tion of
Voters.

2. After the passing of this Act, no Registration of Voters for Members of Parliament shall take place in any of the said Boroughs.

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 for County Palatine of Lancaster, provision as to issue of, 106.
 to be made conformable to this Act, 107.
- YARMOUTH**, borough of, disfranchised, 45.
 persons guilty of bribery in, how far disqualified to vote for North Eastern Division of Norfolk, or Eastern Division of Suffolk, 48.

