ANNO TRICESIMO QUARTO

Georgii III. Regis.

CAP. LXXIII.

An Act for directing the Appointment of Commissioners, to administer certain Oaths and Declarations required by Law to be taken and made by Persons offering to vote at the Election of Members to serve in Parliament.

[11th *June* 1794.]

Preamble.

WHEREAS great Delays have arisen in the Election of Members to serve in Parliament for Places in *England*, *Wales*, and the Town of *Berwick upon Tweed*, by the Time and Place in which the Oaths of Allegiance, Supremacy, the Declaration of Fidelity, the Oath of Abjuration, and the Declaration or Affirmation of the Effect thereof, are usually administered to Electors; and in many Places it might thereby be rendered impracticable to receive the Votes of all Persons claiming and having a Right to vote within the Time limited by Law for the Duration of the Polls at such Elections: Be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, from and after the passing of this Act, when a Poll shall be demanded at any Election of a Member or Members to serve in Parliament for any County, City, Borough, or other Place in *England* or *Wales*, or for the Town of *Berwick upon Tweed*,

Returning Officers, on Requeſt of Candidates, to appoint Perſons to adminiſter the Oaths of Allegiance, *etc.*

Tweed, the Returning Officer or Officers at every ſuch Election, after ſuch Poll ſhall be demanded, ſhall, at the Inſtance and Requeſt in Writing of any of the Candidates, under his or their Hand or Hands, immediately after ſuch Requeſt, and before he or they ſhall proceed further in taking the Poll, retain, nominate, and appoint, Two or more Perſons to adminiſter the Oaths of Allegiance, Supremacy, the Declaration of Fidelity, the Oath of Abjuration, and the Declaration or Affirmation of the Effect thereof, now required by Law to be taken, made, or ſubſcribed by Voters at Elections of Members to ſerve in Parliament, and to certify the Names of the reſpective Electors who ſhall take ſuch Oaths, or ſubſcribe and make ſuch Declarations or Affirmations reſpectively, in Manner herein-after mentioned; and the Perſons to be appointed as aforeſaid, or in Manner herein-after mentioned, ſhall reſpectively have full Power, and each of them is hereby authorized and required to adminiſter all and every ſuch reſpective Oaths, Declarations, and Affirmations to every ſuch Elector who ſhall deſire or be required to take the ſame Oaths, or any of them, or to ſubſcribe or make the ſaid Declarations and Affirmations reſpectively, previous to his voting at any ſuch Election; and every ſuch Perſon ſo appointed as aforeſaid ſhall, immediately after ſuch Appointment, and before he ſhall take upon him to act under ſuch Appointment, take the following Oath; (that is to ſay),

Perſons ſo appointed to take the following Oath.

'I Do ſwear, That I will faithfully and impartially adminiſter the Oaths of Allegiance, Supremacy, and Abjuration, and the Declaration of Fidelity, and Declaration or Affirmation of the Effect of the ſaid Oath of Abjuration, to ſuch Perſons as ſhall lawfully apply to me in that Behalf, in order to qualify themſelves to vote at this Election; and that I will, on being thereunto requeſted, fairly and truly give to every ſuch Perſon, or any of them, who ſhall take ſuch Oaths, or ſubſcribe ſuch Declaration of Fidelity, and make ſuch Declaration or Affirmation of the Effect of the ſaid Oath of Abjuration, or either of them, before me, a Certificate thereof, according to the Direction of an Act of Parliament, made in the Thirty-fourth Year of the Reign of His Majeſty King *George* the Third, intituled, [*Here ſet forth the Title of the Act*], and that I will not give ſuch Certificate to any Perſon before he ſhall have taken ſuch Oath or Oaths, or made or ſubſcribed ſuch Declaration or Declarations, Affirmation or Affirmations, as ſhall be mentioned in ſuch Certificate, before me and in my Preſence:'

Which Oath, to be taken by the reſpective Perſons ſo to be appointed, the Returning Officer or Officers at every ſuch Election, and his or their Deputy and Deputies, or any of them, is and are hereby authorized and required to adminiſter.

Electors to apply to ſuch Perſons before voting, who ſhall adminiſter the Oaths of Allegiance, *etc.* and give Certificates thereof.

II. And be it further enacted by the Authority aforeſaid, That after the Perſons ſo appointed ſhall have taken ſuch Oath, ſo required to be taken by them reſpectively as aforeſaid, any Perſon or Perſons claiming to vote at any ſuch Election as aforeſaid may at any Time, before he or they ſhall give his or their Vote or Votes at ſuch Election, apply to any One of the Perſons ſo appointed and ſworn as aforeſaid, to take the ſaid Oaths of Allegiance and Supremacy, and Abjuration, or any of them, or to ſubſcribe the ſaid Declaration of

Fidelity, and make the ſaid Declaration or Affirmation of the Effect of the ſaid Oath of Abjuration, or either of them, and the Perſon to whom ſuch Application ſhall be made ſhall accordingly adminiſter the ſame to ſuch Perſon or Perſons ſo claiming a Right to vote, and ſhall immediately upon ſuch Oaths being taken, or Declarations or Affirmations reſpectively being ſubſcribed or made, ſign and deliver a Certificate thereof to ſuch Perſon who ſhall have taken ſuch Oaths, or made or ſubſcribed ſuch Declarations or Affirmations reſpectively, which Certificate ſhall contain the Name, Addition, and Place of Abode, of the Perſon to whom the ſame ſhall be ſo given; and in caſe of Perſons taking the ſaid Oaths, ſhall be in the Terms following; (that is to ſay),

Form of Certificate of taking Oaths,

'*A. B.* [*naming the Perſon taking the Oath*] of [*naming the Place of ſuch Perſon's Abode, and his Addition or Occupation*] has taken the Oath [*or* Oaths] of [*naming the ſaid Oath or Oaths ſo adminiſtered*] before me this Day of

And in caſe of Quakers ſubſcribing the ſaid Declaration of Fidelity, or taking their Affirmation of the Effect of the ſaid Oath of Abjuration, ſhall be in the Form following; (that is to ſay),

or of making Affirmation.

'*A. B.* [*naming the Perſon ſubſcribing or affirming*] of [*naming the Place of ſuch Perſon's Abode, and his Addition or Occupation*] has made and ſubſcribed the Declaration of Fidelity, and affirmed the Effect of the Oath of Abjuration [*or if only One of thoſe Acts has been done, then naming ſuch One Act only*] before me, this Day of

Production of Certificate to intitle to vote.

And every ſuch Perſon to whom ſuch Certificate ſhall be ſo given, and having a Right to vote at ſuch Election, ſhall, on producing ſuch Certificate to the Returning Officer or Officers, or other Perſon or Perſons lawfully taking the Poll at ſuch Election, be permitted to poll, and his Vote ſhall be taken and received in like Manner as if ſuch reſpective Oaths, Declarations, or Affirmations, mentioned and expreſſed in ſuch reſpective Certificates, had been adminiſtered by, and made, ſubſcribed, or taken before, the Returning Officer or Officers at ſuch Election.

Perſons offering to vote, without producing Certificate, to withdraw and take the Oaths.

III. And be it further enacted by the Authority aforeſaid, That when any Perſon or Perſons offering to vote at any ſuch Election, without producing ſuch Certificate as aforeſaid, ſhall be lawfully required to take the ſaid Oaths of Allegiance, Supremacy, and Abjuration, or any of them, or to ſubſcribe the ſaid Declaration of Fidelity, and make the ſaid Declaration or Affirmation of the Effect of the ſaid Oath of Abjuration, or either of them; then ſuch Oaths, Subſcription, Declarations, or Affirmations, or any of them, ſhall not be adminiſtered by the Returning Officer or Officers, or other Perſon or Perſons taking the Poll, but the Elector or Electors ſo required to take ſuch Oaths, or to ſubſcribe or make ſuch Declarations or Affirmations reſpectively, ſhall immediately withdraw, and ſhall take the ſaid Oaths, or ſubſcribe and make the ſaid Declarations or Affirmations reſpectively, before One of the Perſons appointed and ſworn as aforeſaid, in Manner herein-before mentioned.

If the Number of Perſons ſo appointed ſhould be inſufficient, more may be appointed.

IV. And be it further enacted by the Authority aforeſaid, That if at any Time during the Poll at any ſuch Election it ſhall be found that the Number of Perſons ſo appointed as aforeſaid is inſufficient for the Purpoſes aforeſaid, and that the Poll is delayed for Want of a ſufficient Number of Perſons to adminiſter ſuch Oaths, Declarations, and Affirmations as aforeſaid, then and in every ſuch Caſe the Returning Officer or Officers at ſuch Election may, and he or they is and are hereby impowered and required, at the Inſtance and Requeſt in Writing of any Candidate then preſent, to retain, nominate, and appoint, ſuch further Number of Perſons, for the Purpoſe of adminiſtering the ſaid Oaths, Declarations, and Affirmations as aforeſaid, and of granting ſuch Certificates as aforeſaid, as ſhall be neceſſary to prevent ſuch Delay; and the Perſons ſo nominated and appointed ſhall take the like Oath, which ſhall be adminiſtered to them reſpectively in like Manner as is herein-before directed with reſpect to the Perſons firſt appointed for the Purpoſes aforeſaid.

Returning Officers to appoint proper Places for taking the Oaths, &c.

V. And be it further enacted by the Authority aforeſaid, That the Returning Officer or Returning Officers at every ſuch Election ſhall, and is and are hereby required to appoint, find, and provide, a proper Place for every ſuch Perſon, ſo appointed as aforeſaid, to execute the Duty hereby impoſed upon ſuch Perſon, to which Place the reſpective Electors may have free Acceſs, without interrupting the Poll, and ſo as to enable the Perſons ſo appointed to act ſeparately without interfering with each other in the Execution of their Office; and that each of the ſaid Places ſo appointed ſhall be open, and attended by the Perſon or Perſons appointed to act there, during all ſuch Times as the Poll at any ſuch Election ſhall be kept open, and continue at leaſt Eight Hours in every Day, between the Hours of Eight in the Morning and Eight in the Evening, until the final Cloſe of the Poll; and that the ſaid Oaths, and the ſaid Declarations or Affirmations of the Effect of the ſaid Oath of Abjuration, ſhall reſpectively be adminiſtered to as many of the Electors, being ready, and deſiring to take or make the ſame reſpectively, as can conveniently take or make the ſame together, not exceeding the Number of Twelve at One Time; and ſuch Returning Officers ſhall alſo find, provide, and deliver to each Perſon, who ſhall be appointed by him or them in Manner aforeſaid, a ſufficient Number of printed Forms of the Declaration of Fidelity required by Law to be made and ſubſcribed by Quakers, before they can be admitted to vote at ſuch Election, with Blanks therein for the Names of the Perſons offering to make and ſubſcribe the ſame to be inſerted therein, One of which Forms ſhall be filled up with the Name of, and ſubſcribed by, the Perſons deſiring to make and ſubſcribe the Declaration of Fidelity; and ſuch Returning Officer or Returning Officers ſhall alſo find, provide, and deliver to each Perſon who ſhall be ſo appointed by him or them as aforeſaid, a ſufficient Number of printed Certificates, agreeable to the Form herein-before directed, to be filled up as Occaſion ſhall require, and deliver to each Elector ſo taking the ſaid Oaths, or ſubſcribing or affirming as aforeſaid.

The Returning Officer, on Notice, to provide ſuch Places to be ready by the

VI. And be it further enacted by the Authority aforeſaid, That in caſe the Candidates, or any of them, ſhall, Three Days at the leaſt before any ſuch Election, give or cauſe to be given Notice in Writing to the Returning Officer or Officers to provide proper Places for adminiſtering

niſtering the ſaid Oaths, Declarations, and Affirmations as aforeſaid, to the Electors, then and in every ſuch Caſe ſuch proper Places ſhall be prepared and provided, ſo as to be ready before and againſt the Day of Election; and in caſe there ſhall not be a ſufficient Number of fit and convenient Places for that Purpoſe, at the Town or Place where ſuch Election ſhall be had, which the Returning Officer or Officers can conveniently and at a reaſonable Expence procure, then the ſaid Returning Officer or Officers ſhall, and is and are hereby required to cauſe ſuch Booths or temporary Erections to be made, in convenient Places in that Behalf, as ſhall be neceſſary for the Purpoſe, the Expence of which Booths or Places, and of the ſaid printed Forms, and alſo the Allowance and Compenſation to be made to the ſeveral Perſons who ſhall be appointed to adminiſter the ſaid Oaths, Declarations, and Affirmations as aforeſaid, for their Trouble and Attendance, not exceeding One Pound One Shilling a Day to every of them for each Day of Attendance, ſhall be defrayed and repaid by the Candidates at ſuch Election, in equal Proportions to the Returning Officer or Returning Officers who ſhall have incurred ſuch Expence, and ſhall and may be recovered by ſuch Returning Officer or Returning Officers, in any of His Majeſty's Courts of Record at *Weſtminſter*, by Action of Debt, or on the Caſe, Bill, Suit, or Information, wherein no Eſſoin, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed.

Day of Election.

Expences to be defrayed by the Candidates.

FINIS.