ANNO TRICESIMO QUINTO

Georgii III. Regis.

CAP. LXV.

An Act to prevent unneceſſary Delay in the Execution of Writs, for the Election of Members to ſerve in Parliament for that Part of *Great Britain* called *Scotland*.

[19th *May* 1795.]

WHEREAS the Execution of Writs of Election of Members to ſerve for the Commons in Parliament for that Part of *Great Britain* called *Scotland*, has often been improperly delayed; for Remedy whereof, may it pleaſe Your Majeſty that it may be enacted; and 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 the Sheriff or Stewart Depute or Subſtitute of any County or Stewartry in that Part of *Great Britain* called *Scotland*, ſhall, within Six free Days after receiving the Writ or Writs for the Election of Members to ſerve in Parliament, direct the Notices required by Law to be given as to the Time and Place of Election of a Member for ſuch County or Stewartry; and that the Day of Election appointed by the Sheriff ſhall not be ſooner than Six free Days, nor later than Fifteen Days after the Day of Publication at the Church Doors.

Preamble.

Sheriffs Deputes or Subſtitutes, &c. to direct, within Six Days after receiving the Writs, the Notices required to be given for Elections of Members, &c.

II. And whereas Doubts have been entertained by whom the Writs for Election of Members to ſerve for the Commons in Parliament for that Part of *Great Britain* called *Scotland*, ſhould be received and executed when there happens to be a Principal or High Sheriff or Stewart appointed by His Majeſty in any County or Stewartry as well as a Sheriff Depute or Stewart Depute, whoſe Commiſſion is alſo derived from the Crown, and is *ad Vitam aut Culpam*, in reſpect that, by an Act, paſſed in the Twentieth Year of His late Majeſty, for taking away and aboliſhing the Heritable Juriſdictions, theſe Offices, and the Powers and Authorities belonging to them, were eſſentially changed; for Remedy thereof, and to remove ſuch Doubts, be it enacted, That, upon iſſuing of any Writ or Writs for the Election of a Member or Members to ſerve in Parliament for that Part of *Great Britain* called *Scotland*, the ſaid Writ or Writs ſhall be forthwith forwarded and delivered to the Sheriff Depute, or Stewart Depute, or to the Subſtitute of each, and the Principal or High

None but Sheriffs Deputes, &c. or in their Abſence their Subſtitutes, to receive and execute Writs for Elections.

High Sheriff, or Stewart, ſhall not officiate either in receiving or in executing the Writ, the Whole of this Duty being entruſted to the Sheriff Depute, or Stewart Depute, or, in caſe of Abſence, to the Subſtitute of each, and to no other Perſon whatſoever.

Penalty on Sheriffs Deputes, &c. for Neglect of Duty;

III. And be it enacted by the Authority aforeſaid, That if any Sheriff or Stewart Depute or Subſtitute ſhall wilfully refuſe, neglect, or delay, to do or perform what is hereby required of him in any of the Particulars aforeſaid, he ſhall, for every Offence, forfeit and pay the Sum of Five hundred Pounds Sterling, One Half to the Perſon who ſhall ſue for the ſame, and the other Half to His Majeſty, to be ſued for and recovered in the Manner directed by an Act of the Sixteenth Year of the Reign of His late Majeſty King *George* the Second, intituled, *An Act to explain and amend the Laws touching the Election of Members to ſerve for the Commons in Parliament for that Part of* Great Britain *called* Scotland; *and to reſtrain the Partiality, and regulate the Conduct, of Returning Officers at ſuch Elections.*

and on High Sheriffs, &c. for interfering in the Execution of Writs.

IV. And be it enacted by the Authority aforeſaid, That if any Principal or High Sheriff or Stewart, or any Perſon, other than the Sheriff or Stewart Depute, or the Subſtitute of each, ſhall preſume in any Reſpect to interfere or take upon himſelf the Execution of Writs of Election of Members to ſerve in Parliament for that Part of *Great Britain* called *Scotland*, every ſuch Perſon ſo offending in any Particular, ſhall, for every Offence, forfeit and pay the Sum of One thouſand Pounds Sterling, One Half to the Perſon who ſhall ſue for the ſame, and the other Half to His Majeſty, His Heirs and Succeſſors, to be ſued for and recovered in the Manner directed by an Act of the Sixteenth Year of the Reign of His late Majeſty King *George* the Second, intituled, *An Act to explain and amend the Laws touching the Election of Members to ſerve for the Commons in Parliament for that Part of* Great Britain *called* Scotland; *and to reſtrain the Partiality, and regulate the Conduct, of Returning Officers at ſuch Elections*; and further, the Perſon convicted on any Suit ſhall thereby become diſabled and incapable of ever bearing or executing any Office or Place of Truſt whatſoever under His Majeſty, His Heirs and Succeſſors.

Limitation of Actions.

V. Provided always, and be it further enacted by the Authority aforeſaid, That every Action or Suit for any Offence againſt this Act, ſhall be commenced within Twelve Months after Commiſſion of the Fact on which the ſame is grounded, or within Twelve Months after the Concluſion of any Proceedings in the Houſe of Commons relating to ſuch Election.

Writs for the Election of Members for *Orkney* and *Zetland* where to be publiſhed.

VI. And whereas the ſeveral Pariſh Churches in the Stewartry of *Orkney* and *Zetland* are ſituated upon Iſlands, detached and difficult of Acceſs; be it therefore enacted, That the Writ for the Election of a Member to ſerve in Parliament for the ſaid Stewarty ſhall be publiſhed at the Town of *Kirkwall*, and the Twelve Pariſh Churches in the Iſland of *Pomona*, or the Main Land of *Orkney* only.

FINIS.