

ANNO QUADRAGESIMO QUINTO

GEORGII III. REGIS.

CAP. LIX.

An Act for amending an Act, passed in the Parliament of *Ireland* in the Thirty-fifth Year of His present Majesty, for regulating the Election of Members to serve in Parliament, so far as relates to Freeholds under the yearly Value of Twenty Pounds; and for making further and other Regulations relating thereto. [27th *June* 1805.]

WHEREAS by an Act, passed in the Parliament of *Ireland* in the Thirty-fifth Year of the Reign of His present Majesty King *George* the Third, intituled, *An Act for regulating the Election of Members to serve in Parliament, and for repealing the several Acts therein mentioned*, it is enacted, that no Person shall be admitted to vote at any Election of a Member or Members to serve in Parliament, by virtue of a Freehold under the yearly Value of Twenty Pounds, unless such Freehold shall have been in his actual Occupation, either by his residing thereon, or tilling or grazing the same to the Amount of Forty Shillings yearly Value thereof, at the Time of his registering the same pursuant to the Provisions of the said Act, and also for Six successive Calendar Months at Irish Act 35 G. 3.

at the leaſt between the Date of ſuch Regiſtry and the Teſte of the Writ for holding the Election, unleſs ſuch Freehold ſhall have come to ſuch Perſon by Deviſe, Deſcent, Marriage, or Marriage Settlement, and was demiſed at the Time it ſo came, and continued at the Time of ſuch Election to be held under him by virtue of ſuch Demiſe: And whereas the aforeſaid wholeſome Proviſions of the ſaid recited Act may be evaded by pretended Grants of or Agreements for Leaſes for a Life or Lives, though no Leaſe ſhall have been executed, or ſuch Life or Lives been nominated: Be it therefore enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That every Perſon who, from and after the paſſing of this Act, ſhall regiſter a Freehold under the yearly Value of Twenty Pounds, not ariſing from a Rent Charge, ſhall regiſter the ſame in Manner and Form following, inſtead of regiſtering it in Manner and Form preſcribed by ſaid recited Act, or any Law or Laws now in force; (that is to ſay), he ſhall at a Seſſions of the Peace for the County, County of a Town, or City, wherein his Freehold lies, held Twelve Months at the leaſt previous to the Teſte of the Writ for holding the Election at which he ſhall tender his Vote, produce in open Court the Deed, Leaſe, or Inſtrument under which his Freehold ariſes, and take and ſubſcribe the following Oath, or, if a Quaker, the following Affirmation:

Perſons poſſeſſing a Freehold under 20*l.*, not ariſing from a Rent Charge, how to regiſter the ſame.

Form of Oath.

'I *A. B.* of in the County of [*or*, of the County of the City, *or*, Town of *as the Caſe may be*], do ſwear [*or if a Quaker*, affirm], That I am a Freeholder of the County of and that I have a Freehold therein, ariſing from [an Houſe or Houſes, Land, or both, or other Hereditaments, *as the Caſe may be*], of the clear yearly Value of Forty Shillings at the leaſt above all Charges payable out of the ſame, lying and being at . [*naming the Townland or Townlands, or other Denomination by which the Place is generally known, and Barony or Half Barony, or Baronies or Half Baronies wherein it is ſituate*], in this County [*and if in a City or Town, or County of a City or Town, naming the ſame, and the Street, and Square, Row, Alley, Lane, or Place*]; and that the ſaid Freehold does not ariſe from a Rent Charge; and that the ſame ariſes by virtue of the Deed, Leaſe, or Inſtrument which I now produce, bearing Date the Day of in the Year for the Life or Lives of *A. B.* and *C. D.* [*or in caſe the ſaid Freehold be not for Life or Lives, then ſtating the Nature of his Tenure, as the Caſe may be*], at the yearly Rent of ; and that I am in the actual Occupation thereof, by reſiding thereon, or by tilling, or by grazing, or by both tilling and grazing [*as the Caſe may be*], to the Amount of at leaſt Forty Shillings yearly Value thereof; and that the ſaid Freehold is not ſet or agreed to be ſet to the Perſon or Perſons who executed the ſaid Deed, Leaſe, or Inſtrument, or to the Heirs or Aſſigns of ſuch Perſon or Perſons, or to any one in Truſt for him, her, or them, nor do I intend to ſet the ſame to ſuch Perſon or Perſons, or any of them; and that I have not agreed to ſet it for the Term for which I hold it; nor have I procured it fraudulently, or in Exchange for a Freehold in any other County.

'So help me GOD.'

And

And if the Freehold in right or virtue whereof any Perſon ſhall deſire to qualify himſelf to vote, ſhall not ariſe by virtue of a Deed, Leaſe, or Inſtrument, the Perſon deſiring to regiſter it ſhall deſcribe the ſame in the Oath or Affirmation ſo to be taken by him, according to the true State and Nature of his Tenure; in which Caſe the Words in the foregoing Oath, importing that the ſame ariſes by virtue of Deed, Leaſe, or Inſtrument, ſhall be omitted, and ſuch Deſcription inſerted in the Place thereof.

Perſons having Freeholds ariſing from a Deed or Leaſe, to deſcribe the ſame in the Oath to be taken by them.

II. And be it enacted, That every ſuch Oath or Affirmation ſhall be read aloud in open Court, and be ſigned by Two at leaſt of the Juſtices preſiding there; and ſhall be then delivered by the Court to the acting Clerk of the Peace, to be filed and kept amongſt the Records of the County, County of a City, or Town, wherein ſuch Freehold ſhall lie.

Copy of Oath to be recorded.

III. And be it further enacted, That every Deed, Leaſe, or Inſtrument produced by any Perſon making the Affidavit or Affirmation aforeſaid, ſhall be indorſed at the Time in open Court by the acting Clerk of the Peace, with his Name and the Day of the Month and Year; and the Clerk of the Peace ſhall then and there compare the Deed, Leaſe, or Inſtrument with the Affidavit of Regiſtry; and he ſhall within Ten Days from the Date thereof, enter in the Book of his Regiſtry the Date thereof, the Names of the Parties, and the Name or Names of the Life or Lives for which the ſame is held.

Deed or Leaſe produced by Perſons taking the aforementioned Oath, how to be regiſtered.

IV. And be it further enacted, That, from and after the Twenty-ninth Day of *September* One thouſand eight hundred and nine, no Perſon ſhall be admitted to vote at any Election to be held in *Ireland* for a Member or Members to ſerve in Parliament, by virtue of a Freehold under the clear yearly Value of Twenty Pounds, who ſhall not have ſo regiſtered his Freehold Twelve Calendar Months at the leaſt before the Teſte of the Writ for holding the Election at which he ſhall offer his Vote; and that every Perſon who ſhall offer to vote as a Freeholder, in right of a Freehold under the yearly Value of Twenty Pounds, ſhall, before he ſhall be admitted to poll at any Election, if required by the Sheriff or any Elector, declare upon Oath from whom he holds or derives his Freehold, if he holds it under any Perſon or Perſons; and if the ſame be ſituate in a City, Town Corporate, or Market Town, and deſcribe the Street or Part of the City or Town in which the ſame is ſituate, and who are his next reſident Neighbours, and when the ſame was granted, and for what Life or Lives, and whether ſuch Life or Lives, or any of them, is or are in being at the Time of ſuch Election; and whether he is the Perſon who actually regiſtered the Freehold under which he deſires to vote; and the ſaid Declarations, in all ſuch Caſes, ſhall be entered in the Poll Book taken by the Sheriffs, or their Deputies, at ſuch Election; and he ſhall, if ſo required by any Elector, before he be admitted to poll, take the following Oath:

Perſons not to vote until Freehold is regiſtered.

From whom derived.

Where ſituate.

And be ſworn.

Form of Oath.

'I *A. B.* of in the County of [*or*, of the Town or City of], do ſweat [*or, if a Quaker*, do affirm], That I am a Freeholder of this County; and that I have a Freehold therein ariſing from a Houſe or Houſes, Land, or both, or other Hereditaments [*as the Caſe may be*], of the yearly Value of Forty

'Shillings at the leaſt, above all Charges payable out of the ſame, lying and being at in the Barony or Baronies, Half Barony or Half Baronies of in this County [*and if in a City or Town, or County of a City or Town, naming the ſame, and the Street, Square, Row, Alley, Lane, or Place*]; and that the ſaid Freehold does not ariſe from a Rent Charge.

'So help me GOD.'

Additional Form of Oath.

V. Provided always, and be it further enacted, That if any Candidate or Elector ſhall deſire the Words following to be added, 'and that the ſame ariſes by virtue of a Deed, Leaſe, or Inſtrument [*or otherwiſe, as the Caſe may be*], bearing Date the Day of in the Year for the Life or Lives of ; and that the ſaid one of the aforeſaid Lives, is ſtill alive, to the beſt of my Knowledge and Belief [*unleſs he is himſelf one of the Lives, in which Caſe he ſhall ſwear*, that I am one of the Lives therein, *inſtead of the Words*, that the ſaid one of the aforeſaid Lives, is ſtill alive, to the beſt of my Knowledge and Belief;' [or in caſe the ſaid Freehold be not for Life or Lives, then ſtating the Nature of his Tenure], or the Words following, 'and that I have been in the actual Occupation thereof for Twelve ſucceſſive Calendar Months, between [*naming the Day he regiſtered the ſame*], and [*naming the Date of the Teſte of the Writ for holding this Election*], by reſiding thereon, or by tilling, and by grazing, or by both tilling and grazing [*as the Caſe may be*], to the Amount of at leaſt Forty Shillings yearly Value thereof [*as the Caſe may be*];' or the Words following, 'and that the ſaid Freehold is not ſet, or agreed to be ſet, to the Perſon or Perſons who executed the ſaid Deed, Leaſe, or Inſtrument, or to the Heirs or Aſſigns of ſuch Perſon or Perſons, or to any one in Truſt for him or them; nor do I intend to ſet the ſame to ſuch Perſon or Perſons, or any of them; and that I have not ſet it, or agreed to ſet it, for the Term for which I hold it; and that I have not been polled before at this Election; and that I am to the beſt of my Belief of the Age of Twenty-one Years;' the ſame ſhall, or ſo much thereof as ſhall be ſo deſired, ſhall be added to the ſaid Oath or Affirmation, before the Perſon offering to vote ſhall be admitted to poll.

For filling up Blanks in Affirmations.

VI. And be it further enacted, That the Blanks in the ſaid Oath or Affirmation ſhall be filled up in Conformity to the Oath or Affirmation which the Perſon going to take the ſame ſhall have taken at the Time of his regiſtering ſuch Freehold.

Repealing Proviſions of former Act.

VII. And be it further enacted, That, from and after the Commencement of this Act, all the Proviſions, Clauſes, Conditions, Regulations, and Penalties of the ſaid recited Acts, or any Acts amending the ſame, with reſpect to Freeholds, under the yearly Value of Twenty Pounds, and which are not hereby altered or repealed, ſhall be applied, conſtrued, deemed, and taken to extend to Freeholds under the Value of Twenty Pounds, the Regiſtry whereof is by this Act directed and required, as fully and effectually as if the ſame were hereby and herein ſpecifically enacted and applied thereto.

VIII. And

VIII. And be it enacted, That if any Perſon or Perſons ſhall fraudulently and knowingly grant any Intereſt importing to be a Freehold, which really is not ſo, with Intent to enable any Perſon to vote, ſuch Grant ſhall be good and valid againſt the Grantor thereof for every Purpoſe, but enabling the Grantee to vote. Puniſhing Perſons granting fraudulent Freeholds.

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

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

'I *A. B.* Clerk or Deputy Clerk of the Peace for the County of [*as the Caſe may be*], do ſwear, That I will faithfully and honeſtly, and without Favour or Affection, perform and diſcharge the ſeveral Duties directed to be performed by the Clerks and Deputy Clerks of the Peace, by an Act paſſed in the Parliament of *Ireland*, in the Thirty-fifth Year of the Reign of His preſent Majeſty, intituled, *An Act for regulating the Election of Members to ſerve in Parliament, and for repealing the ſeveral Acts therein mentioned*; and by an Act paſſed in the Forty-fifth Year of His preſent Majeſty's Reign, intituled, [*here ſet forth the Title of this Act*]; and that I will not demand or receive any Fee or Fees, for diſcharging any of the ſaid Duties, which I am not entitled to by Law.

'So help me GOD.'

And which Oath the ſaid Clerks and Deputy Clerks of the Peace are hereby required to deliver to the Treaſurer of the County, to preſerve amongſt his Records of the County.

XI. And be it further enacted, That the ſaid ſeveral and reſpective Clerks and Deputy Clerks of the Peace ſhall from Time to Time, as directed by the ſaid in Part recited Act of the Thirty-fifth Year of His preſent Majeſty's Reign, give to every Freeholder who ſhall require the ſame, a full, true, and correct Return of the Names of all ſuch Perſons as ſhall regiſter their Freeholds according to the Directions of this Act and of the ſaid Act of the Thirty-fifth Year of His preſent Majeſty's Reign, and ſhall certify at the Foot thereof that the ſaid Return ſo made is true and correct, according to the Schedule hereunto annexed. Returns of Freeholders.

Act not to prevent Persons voting before a limited Time.

XII. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to prevent any Person who shall have registered his Freehold before the First Day of *August* next ensuing, pursuant to the Laws in force for that Purpose from voting at any Election for a Member or Members to serve in Parliament, the Teste of the Writ for holding which shall bear Date before the Twenty-ninth of *September* One thousand eight hundred and nine; but every Person who might by the Law in force vote at any such Election, shall and may vote thereat as fully and freely, to all Intents and Purposes, as if this Act had not been made, subject to all and singular the Clauses, Conditions, Oaths, and Regulations appointed and provided by the said in Part recited Act; provided he shall produce to the Returning Officer, if required by him or any Elector, the Deed, Lease, Article, or Agreement under which he shall have registered such Freehold, duly executed prior to such Registry.

Registry of Freeholds.

XIII. And, for the greater Convenience of registering Freeholds, be it enacted, That every Adjournment of a Sessions of the Peace, and every Adjournment of an Adjournment, shall be deemed a Sessions of the Peace within the Meaning of the said Act and this present Act; and in case there shall have been no Adjournment of such Sessions, or no Adjournment of an Adjournment of such Sessions, and that such Sessions shall in that case lapse, a Sessions shall be holden at which the Clerk of the Peace or his Deputy shall and is hereby required to attend, for the Purpose of registering of Freeholders, the First *Monday* in the next Month, at the Place where the last General Sessions of the Peace shall have been held for the Purpose of registering Freeholders; and every Adjournment of every such Sessions to any City or Market Town within the County shall be deemed and taken to be a Sessions within the Meaning of the said Act or this present Act.

Perjury.

XIV. And be it further enacted, That if any Person, in taking any Oath or Affirmation herein-before appointed or authorized to be taken at any Registry, or before any Returning Officer or Officers, shall thereby commit wilful Perjury, and be thereof convicted, or if any Person shall unlawfully and corruptly procure or suborn any other Person to take any such Oath or Affirmation, whereby he or such Person or Persons shall commit such wilful Perjury, and shall be thereof convicted, he or such Person or Persons so offending shall incur such Pains and Penalties as are inflicted by any Act or Acts for the more effectual preventing and further Punishment of Perjury and Subornation of Perjury.

SCHEDULE

SCHEDULE to which this Act refers.

Name of Freeholder and Residente.	Name of Landlord and Residence.	Value of Freehold.	Description.	Situation.	Barony or Half Barony.	Names of Life or Lives or other Tenure.	Rent.	Date of Registry.

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