ANNO QUINQUAGESIMO PRIMO

GEORGII III. REGIS.

CAP. LXXVII.

An Act to amend the Laws for regulating the Election, in *Ireland*, of Members to serve in Parliament.

[15th *June* 1811.]

WHEREAS by an Act made in the Forty-fifth Year of His present Majesty's Reign, intituled, *An Act for amending an Act passed in the Parliament of* Ireland *in the Thirty-fifth Year of His present Majesty, for regulating the Election of Members to serve in Parliament, so far as relates to Freeholds under the Value of Twenty Pounds, and for making further and other Regulations relating thereto*, it is among other Things enacted, that every Person who shall register a Freehold under the yearly Value of Twenty Pounds, not arising from a Rent Charge, shall register the same Twelve Months previous to the Teste of the Writ for holding the Election at which he shall tender his Vote in Manner and Form required by the said Act, and for that Purpose he shall produce in open Court at a Session of the Peace, the Deed, Lease, or Instrument under which his Freehold arises, and take and subscribe the Oath, or if a Quaker, the Affirmation, in Form prescribed in the said Act: And whereas Doubts have arisen as to the Words to be used in certain Parts of such Oath or Affirmation respectively; for the obviating of all such Doubts, 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 every Oath or Affirmation which shall have been made at any Time before the passing of this Act, or which shall be made at any Time after the passing of this Act, for the Purpose of registering his Freehold as aforesaid, shall be and the same is hereby declared to be good, valid, sufficient and effectual in Law, if the Party

45 G. 3. c. 59.

Oaths respecting Registry of Freeholders declared valid, if stated in Manner herein mentioned.

Party making such Oath or Affirmation shall have stated or shall state in such Oath or Affirmation, that his Freehold arises either by virtue of a Deed, or by virtue of a Lease, or by virtue of an Instrument produced by him, or by virtue of a Deed, Lease, or Instrument produced by him, whether all or any or either of the said Terms, Deed, Lease or Instrument are used in such Oath or Affirmation; and that every such Oath or Affirmation shall be good, valid, sufficient and effectual in Law, in which either the whole Yearly Rent or the Yearly Rent per Acre, or such Yearly Rent per Acre, together with the Number of Acres, shall be stated; and whether the Amount of Receiver's Fees and Duties is or is not included in the specified Amount of such Rent, or whether the Sums have been or shall be set forth in Figures or in Words at length; and that every such Oath or Affirmation shall be good, valid, sufficient and effectual in Law, in which the actual Occupation of such Freehold shall be stated to be either by residing thereon, or by tilling or by grazing, or by tilling or grazing, or by both tilling and grazing, or by all or any or either of the said Means, whether stated copulatively or disjunctively.

Term of Twelve Months deemed Twelve Calendar Months.

II. And whereas Doubts have arisen whether by the said recited Term of Twelve Months is meant Calendar or Lunar Months; be it declared and enacted, That the said Term of Twelve Months shall be deemed and taken to mean Twelve Calendar Months.

Papists taking Oaths, etc. under Irish Acts 13 & 14, and 33 G. 3. entitled to vote as under 37 G. 3.

III. And be it further enacted, That any Papist or Person professing the Roman Catholic Religion, who at any Time before the passing of this Act shall have taken and subscribed, or who after the passing of this Act shall take and subscribe, at any Time previous to his offering to Poll at any Election, the Oaths and Declarations contained in an Act, passed in the Thirteenth and Fourteenth Years of His present Majesty's Reign, intituled, *An Act to enable His Majesty's Subjects of whatever Persuasion, to testify their Allegiance to him*, and also an Act passed in the Thirty-third Year of His present Majesty's Reign, intituled, *An Act for the Relief of His Majesty's Popish or Roman Catholic Subjects in Ireland*, in some one of His Majesty's Four Courts in the City of *Dublin*, or at any Assizes, or at a General Sessions of the Peace or at any Adjournment thereof or at any Adjournment of an Adjournment thereof to be holden for any County, City, or Town wherein such Papist or Person professing the Roman Catholic Religion, doth or shall inhabit or dwell, in open Court, or at any Election in Manner herein provided, shall be entitled to vote at such Election in like Manner as if he had taken and subscribed such Oath and Declaration in Manner and at the Time required by an Act, made in the Parliament of *Ireland* in the Thirty-seventh Year of His present Majesty's Reign, intituled, *An Act for the further Regulation of the Election of Members to serve in Parliament.*

Returning Officer to appoint Persons to administer Oaths, etc. at Places of Elections.

IV. And, in order that any Person desirous of taking and subscribing such Oaths and Declarations at any Election may have an Opportunity of so doing; be it enacted, 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, Town, or Borough in *Ireland*, the Returning Officer or Officers at any such Election, after such Poll shall be demanded, shall, at the Instance and Request of any Candidate or Candidates at such Election, under his or their Hand or Hands immediately after such

ſuch Requeſt, and before he or they ſhall proceed further in taking the Poll, retain, nominate and appoint Two or more Juſtices of the Peace (as the Caſe may require) to adminiſter the Oaths and Declarations required in and by the ſaid herein-before recited Acts, in ſome convenient Part of the Court or Place where ſuch Election ſhall be carrying on, ſo as not to interrupt the Poll; and the Clerk of the Peace, or a Deputy by him appointed by Writing under his Hand for that Purpoſe, ſhall attend ſuch Perſons during the Adminiſtration of ſuch Oaths and Declarations, and ſhall give to every Perſon ſo taking and ſubſcribing ſuch Oaths and Declarations a Certificate thereof, in Manner required by the ſaid recited Acts, and the Perſons to be appointed as aforeſaid ſhall have full Power, and they are hereby authorized and required, to adminiſter all and every ſuch Oaths and Declarations to every Perſon deſirous of taking and ſubſcribing the ſame; 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,

Clerk of the Peace to give a Certificate thereof to Perſons applying.

'I do ſwear, That I will faithfully and impartially adminiſter the Oaths and Declarations now required to be taken and ſubſcribed by Papiſts or Perſons profeſſing the Roman Catholic Religion, by an Act paſſed in the Thirteenth Year of His preſent Majeſty's Reign, intituled, *An Act to enable His Majeſty's Subjects, of whatever Perſuaſion to teſtify their Allegiance to Him*; and alſo another Act, paſſed in the Thirty-third Year of His preſent Majeſty's Reign, intituled, *An Act for the Relief of His Majeſty's Popiſh or Roman Catholic Subjects in* Ireland.'

Oath to be taken by Perſons adminiſtering Oaths.

And every Clerk of the Peace or his Deputy ſo appointed for the Purpoſe as aforeſaid, ſhall at the ſame Time take the following Oath; that is to ſay,

'I do ſwear, That I will, on being thereunto requeſted, fairly and truly give to every Perſon who ſhall now take and ſubſcribe the Oaths and Declarations required by Law to be taken by Perſons profeſſing the Roman Catholic Religion, in order to entitle them to vote at any Election, before the Commiſſioners appointed by the returning Officer for that Purpoſe, a Certificate thereof as required by Law; and that I will not give any ſuch Certificate to any Perſon before he ſhall have taken and ſubſcribed ſuch Oaths and Declarations as ſhall be mentioned in ſuch Certificate, before me and in my Preſence.'

Oath to be taken by the Clerk of the Peace.

Which Oath, to be taken by the ſeveral Perſons reſpectively ſo to be appointed, the returning Officer or Officers or any of them, is and are hereby authorized and required to adminiſter.

V. And whereas by the ſaid recited Act of the Thirty-third Year of His preſent Majeſty's Reign, it is enacted, That the Names of ſuch Perſons who ſhall ſo take and ſubſcribe the ſaid Oaths and Declarations, with their Titles and Additions, ſhall be entered upon Rolls for that Purpoſe to be appointed by the ſaid reſpective Courts; and that the ſaid Rolls ſhall be tranſmitted to and depoſited in the Rolls Office in the City of *Dublin*, to remain amongſt the Records thereof: Be it therefore enacted, That the Officer of the Court where ſuch Oaths and Declarations ſhall have been taken and ſubſcribed, ſhall, on or before the Firſt Day of *January* One thouſand eight hundred and twelve, tranſmit to the ſaid Office of the Rolls all ſuch Rolls as ſhall not have been duly tranſmitted before the paſſing

Proper Officer of the Court to tranſmit to the Office of Rolls containing Names, etc. of Perſons taking ſuch Oaths, &c.

of this Act; and that such Officer shall also, within Fourteen Days after the First Day of *January* in each and every subsequent Year, transmit to the said Office of the Rolls, all Rolls containing the Names, Titles and additions of all Persons who shall have taken and subscribed such Oaths and Declarations, which shall remain in the Office of such Court previous to such First Day of *January* in each Year.

Officer to enter in a Book Names, etc. of such Persons contained in such Rolls.

VI. And be it further enacted, That such Officer shall, previous to his transmitting such Rolls as aforesaid to the Rolls Office, justly and truly enter in a Book, in alphabetical Order, the Names, Residence and Additions of all Persons whose Names shall be entered in such Rolls, and such Book shall be open to the Inspection of any Person requiring to see the same, on paying to such Officer a Fee of Two Shillings and Sixpence; and in case any Person who shall have taken and subscribed, or who shall hereafter take and subscribe such Oaths and Declarations in such Court, shall, at any Time after the passing of this Act, be desirous of obtaining a Certificate thereof, and shall demand the same from such Officer; and if upon Reference to such Book, it shall appear that the Name with the Residence of such Person is contained therein, and that such Person so demanding a Certificate shall verify on Oath that he actually did at any former Time take and subscribe such Oaths and Declarations in such Court, then such Officer shall on Demand give to such Person a Certificate thereof in Manner required by the said recited Act.

Votes refused on account of Invalidity of Certificate, the Person allowed a new one.

VII. And be it further enacted, That if the Vote of any Person to whom such Certificate shall be given shall be refused on account of the Invalidity of any such Certificate, as not being in the Form required by Law, it shall and may be lawful for such Person or Persons to demand from the Clerk of the Peace, his Deputy, or other proper Officer, a new and sufficient Certificate in the Form required by Law, on paying to such Officer a Fee of One Shilling; and such Person shall be permitted to poll (if in all other Respects duly qualified) upon producing such new Certificate, notwithstanding such former Refusal.

Penalty on Officer of of Court neglecting to transmit Rolls or make out Lists, etc. 100l.

VIII. And be it further enacted, That every such Officer of Court who shall neglect or omit to transmit in Manner and within the Time required as aforesaid, the said Rolls to the Rolls Office, or who shall refuse or neglect to make such Alphabetical Lists, or who shall omit from such Alphabetical List the Name of any Person entered on such Rolls and entitled to any such Certificate as aforesaid, or who shall insert in such Alphabetical List the Name of any Person not so entered and entitled, or who shall refuse or neglect to give any Certificate herein required to be given, shall for every such Offence forfeit the Sum of One hundred Pounds; to be recovered by Bill, Plaint, or Information, in any of His Majesty's Courts of Record in *Dublin*.

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