ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

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CAP. LXXXI.

An Act to limit the Time for taking the Poll at Elections of Members to serve in Parliament for Counties of Cities, Counties of Towns, and Boroughs in *Ireland*. [22d *July* 1847.]

WHEREAS it is expedient that the Poll at all contested Elections of Members to serve in Parliament for Counties of Cities, Counties of Towns, and Boroughs in *Ireland*, should be taken in One Day: And whereas by an Act of the Second and Third Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to amend the Representation of the People of* Ireland, it is amongst other things enacted, that such Poll may continue open until the Fifth Day thereof: And whereas it is expedient to repeal so much of the said recited Act as allows the Poll at such Elections for Counties of Cities, Counties of Towns, or Boroughs, so to continue open until the Fifth Day: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords

2 & 3 W. 4. c. 88. s. 52.

So much of recited Act as allows the Poll at Elec-

tions for Cities, Towns, or Boroughs in Ireland, to continue open until the Fifth Day repealed.

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 so much of the said recited Act or any other Act as allows the Poll at such Elections for Counties of Cities, Counties of Towns, or Boroughs in *Ireland* to continue open until the Fifth Day of the Poll be and the same is hereby repealed.

Period of Polling.

II. And be it enacted, That at every contested Election of a Member or Members to serve in Parliament for any County of a City, County of a Town, or Borough in *Ireland* the Polling shall commence at Eight of the Clock in the Forenoon of the Day next but one after the Day fixed for the Election, and the Polling shall continue during such One Day only, and no Poll shall be kept open later than Five of the Clock in the Afternoon: Provided always, that when such Day next but one after the Day fixed for the Election shall be *Sunday*, *Good Friday*, or *Christmas Day*, then, in the Case it be *Sunday*, the Poll shall be on the *Monday* next following; and in the Case it be *Good Friday*, then on the *Saturday* next following; and in the Case it be *Christmas Day*, then on the next following Day, if the same shall not be *Sunday*, and if it be *Sunday* on the next following *Monday*: Provided also, that if the Day next following the Day fixed for the Election be a *Sunday*, *Good Friday*, or *Christmas Day*, such *Sunday*, *Good Friday*, or *Christmas Day* shall not be counted, but the Day of Polling shall be postponed, so that One Day over and above such *Sunday*, *Good Friday*, or *Christmas Day* shall intervene between the Day fixed for the Election and the Day of Polling.

Returning Officer to provide so many Booths that not more than One hundred Voters shall poll in any Booth.

III. And be it enacted, That it shall and may be lawful for the Returning Officer or Officers of every such County of a City, County of a Town, or Borough, and he and they are hereby required, to provide so many Booths or Polling Places for such County of a City, County of a Town, or Borough in convenient Parts of the same as may be necessary, and to make such a Division or Divisions of the Voters that it shall not be necessary for more than One hundred and twenty Voters, as the same shall appear on the Registry of Persons entitled to vote, to poll in any One Booth or Place of Polling, and making such Division of Voters according to the First Letter of their Names, when the Number of registered Voters whose Surnames shall begin with the same Letter of the Alphabet shall not exceed One hundred and twenty, and when the Number shall exceed One hundred and twenty, then as nearly as may be in alphabetical Order, according to the First, Second, and other Letters of their Names; and so also that the several Booths or Polling Places for Voters whose Surnames begin with the same Letter shall be as near as conveniently may be to one another: Provided nevertheless, that all Voters who shall have the same Surname shall be obliged to vote in the same Place of Polling, even although their Number shall exceed One hundred and twenty, and which said Booths or Polling Places shall be provided at the equal Expence of the several Candidates, and the same

same shall be erected or provided by Contract with the Candidates, if they shall think fit to make such Contract, or if they shall not make such Contract then the same shall be provided or erected by the Sheriff or other Returning Officer or Officers at the Expence of the several Candidates as aforesaid, who shall be liable each to pay his own Proportion thereof, the Expence of each such Booth or Polling Place not to exceed the Sum of Three Pounds if in a public Building, and not to exceed the Sum of Five Pounds if not in a public Building; and it shall be lawful for such Returning Officer or Officers and he and they are hereby required to appoint as many Deputies and Poll Clerks as shall be necessary to take the Poll in such Places of Polling, not exceeding One Deputy or One Poll Clerk for each Place of Polling; and the Clerk of the Peace shall appoint, or on Failure thereof the Returning Officer or Officers shall appoint, a Deputy Clerk of the Peace, and likewise an Assistant to such Deputy, to be present in each Booth or Polling Place, who shall take with him into such Polling Place all the original Affidavits and Affirmations which have been made by the Persons capable of voting in such Place of Polling respectively, and which said Deputies, Clerks, and Assistants shall be paid the Sums following for taking the Poll at the said Election; that is to say, each Deputy Sheriff Two Guineas, his Clerk One Guinea; each Deputy Clerk of the Peace Ten Shillings, his Clerk or Assistant Five Shillings; the said several Payments to be made by the Sheriff or other Returning Officer who shall be entitled to receive the same from the several Candidates, who shall be liable each to pay his own Proportion or Share thereof.

If a Vote be objected to, Poll not to be delayed, but written Objection to be handed in within a reasonable Time.

IV. And be it enacted, That if the Vote of any Person shall be objected to by an Inspector of any Candidate the Poll shall not on that Account be delayed, but the Returning Officer's Deputy shall direct the Poll Clerk to enter a Memorandum on the Poll Books, showing to which Candidate or Candidates such Person has given his Vote, and that an Objection has been made to such Vote, and he shall, without waiting for a written Memorandum of such Objection, immediately proceed to receive the Vote of the next Person who shall tender his Vote or offer to poll; and the Inspector who shall have made such Objection shall, either before the Close of the Poll on the Day on which such Objection shall have been made or within One Hour afterwards, cause to be delivered to the Sheriff or other Returning Officer or his Assessor at his Booth a Memorandum of such Objection in the Form now by Law required, and if such Memorandum shall not be delivered within such Time the same shall not be afterwards received, but such Objection shall be overruled and the Vote so objected to allowed; and in case the Objection taken to any Voter shall be in consequence of any alleged Defect in the Certificate produced by him, or such as requires the Production thereof before the Sheriff or his Assessor, it shall be necessary for the Inspector making such Objection to apprize the Voter and the Returning Officer's Deputy at the Time of making the same that such Certificate is required, and thereupon the Returning Officer's Deputy shall enter

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in the Poll Book a Memorandum to that Effect, and in such Case the said Deputy shall retain such Certificate, and transmit the same to the Sheriff or Returning Officer, to be by him retained till such Objection is disposed of, and then to be returned by the said Sheriff or Returning Officer to the Voter or some Person on his Behalf.

Public Notice of the Booths to be given.

V. And be it enacted, That before the Hour of Twelve of the Clock on the Day next before the Day fixed for taking the Poll at any such Election the Returning Officer or Officers shall give public Notice, by Placards or otherwise, of the Number and Situation of the Booths or Polling Places, and of the Division of Voters to poll therein respectively, and shall also, at the Request of any Candidate or his Agent, furnish to such Candidate or Agent a written or printed List or Statement of the same.

Continuance of the Poll on the following Day in case of Riot.

VI. And be it enacted, That in case it shall appear to the Returning Officer, on his own View or on the Evidence of Two or more credible Witnesses taken upon Oath, and which Oath the Returning Officer is hereby empowered to administer, that the taking of the Poll at any Booth or Polling Place shall have been obstructed by any Riot or open Violence, so that any Persons intending to offer themselves to poll at such Booth or Polling Place shall be unable to do so within the Time hereby limited for taking the Poll, or that any Persons intending to offer themselves to poll in such Booth or Polling Place have been by Force or Violence prevented from so doing within the Time hereby limited for taking the Poll, then and in either of such Cases it shall be lawful for the Returning Officer, and he is hereby required to keep such Booth or Polling Place open for another Day within the Hours herein-before mentioned, and so on from Day to Day, if such Force or Violence be repeated and be found to have taken place, upon such Evidence as aforesaid, to the Satisfaction of the Returning Officer: Provided always, that if on any such Second or other subsequent Day of Polling One Half Hour previously to the Hour of Five of the Clock in the Afternoon shall have elapsed without any Voter authorized to vote in such Booth or Polling Place tendering his Vote, then the Poll in such Booth or Polling Place shall be finally closed: Provided also, that nothing herein shall be taken to authorize a Continuance of the polling on a *Sunday*, *Good Friday*, or *Christmas Day*, but in every Case in which the Day on which the Continuance of the Poll as aforesaid would otherwise be had shall happen to be a *Sunday*, *Good Friday*, or *Christmas Day*, that Day or Days shall be passed over, and the following shall be the Day when the Poll shall be continued.

On the Close of the Poll remaining Objections to Voters to be disposed

VII. And be it enacted, That at the Close of the Poll in each Booth or Polling Place on the First Polling Day, and on any subsequent Day on which the Poll shall be continued as aforesaid in any Booth or Polling Place, the Poll Clerk shall deliver the Poll Book of

such Booth or Polling Place to the Returning Officer or Officers, and such Returning Officer or Officers, or his or their Assessor, shall on the Evening of such Day, and, if necessary, on the following Day or Days, dispose of all Objections to Votes that shall not have been previously disposed of, and shall proceed in so doing from the Hour of Seven of the Clock in the Afternoon until the Hour of Ten of the Clock in the Afternoon of the Day on which the Poll shall so close, and from the Hour of Eight of the Clock in the Forenoon until the Hour of Five of the Clock in the Afternoon, and from Seven of the Clock until Ten of the Clock in the Afternoon of the following Day or Days, so far as shall be necessary, until all Objections to Votes not previously disposed of shall have been disposed of, when the Returning Officer or Officers shall finally declare the State of the Poll: Provided that in every Case in which the Day on which such Disposal of Objections would otherwise be continued shall happen to be a *Sunday*, *Good Friday*, or *Christmas Day*, that Day or Days shall be passed over, and the following Day shall be the Day on which such Disposal of Objections shall be continued.

of by the Returning Officer.

VIII. And be it enacted, That if any Person shall be admitted to poll at any such Election who has personated another Elector for the Purpose of polling at such Election, upon Complaint made by any Candidate or his Agent, and supported by an Affidavit at or at any Time before the opening of the Returning Officer's Booth, on the Day following the Close of the Poll in any Booth or Polling Place in which such Person shall have polled, unless the State of the Poll shall previously have been finally declared, it shall be lawful for the Returning Officer or Officers and he and they are hereby required and empowered to take the Vote of such Person off the Poll: Provided always, that the Act complained of as having been committed by such Person be set forth and described, and positively declared to have been committed by such Person, in such Affidavit as aforesaid, to be sworn before a Justice of the Peace, and that such Affidavit be delivered to the Returning Officer or Officers; and further, that the Act complained of shall appear to the Returning Officer or Officers upon a due Examination of One or more credible Witness or Witnesses concerning the same, upon his or their Oaths, to be proved to have been committed by such Person, which Oath or Oaths the Returning Officer or Officers is or are hereby authorized and empowered to administer.

In case of Personation, Vote may be taken off the Poll.

IX. And be it enacted, That all the Laws now in force as to the taking of the Poll at any such Election shall continue in force, save so far as they or any of them are repealed or altered by this Act.

As to Continuance of Laws now in force as to Elections.

X. Provided always, and be it enacted, That nothing in this Act contained shall extend to or in anywise affect the Election of any Member or Members to serve in Parliament for the University of *Dublin*, or to the Polling at any such Election.

Not to affect Elections for the University of Dublin

Act may be amended, &c.

XI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

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