

ANNO VICESIMO OCTAVO

VICTORIÆ REGINÆ.

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CAP. XXXVI.

An Act to amend the Law relating to the Registration of County Voters, and to the Powers and Duties of Revising Barristers in certain Cases. [2d *June* 1865.]

WHEREAS it is expedient to amend an Act passed in the Session of Parliament holden in the Sixth and Seventh Years of the Reign of Her Majesty, intituled *An Act to amend the Law for the Registration of Persons entitled to vote, and to define certain Rights of Voting, and to regulate certain Proceedings in the Election of Members to serve in Parliament for* England *and* Wales, so far as relates to the Registration of County Voters, and to the Powers and Duties of Revising Barristers: Be it enacted by the Queen'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, as follows: 6 & 7 Vict. c. 18.

1. This Act may be cited as "The County Voters Registration Act, 1865," and shall be construed with and as Part of the said recited Act, herein-after termed "the Principal Act." Short Title.

Clerk of Peace to deliver Precept to Overseers of Poor on or before 10th June in every Year.

2. The Clerk of the Peace shall, on or before the Tenth Day of *June* in every Year, make and cause to be delivered to the Overseers of the Poor of every Parish and Township within his County his Precept according to the Form No. 1. in Schedule (A.) to this Act, instead of the Precept numbered 1. in Schedule (A.) to the Principal Act, together with the Forms of Notices, List, and Copies of Register in the Principal Act mentioned.

Overseers to publish Register.

3. The Clerk of the Peace of every County shall, together with the Precept, transmit to the Overseers of every Parish or Township within such County a sufficient Number of Copies of the Part or Parts of the Register relating to such Parish or Township; and the Overseers of the Poor of every Parish and Township shall, on or before the Twentieth Day of *June* in every Year, and at the same Time with the Publication of the Notice mentioned in the Fourth Section of the Principal Act, publish a Copy of the Register then in force relating to their Parish or Township, and shall remove the same after a Period including Two *Sundays* at least, and not later than the Twentieth Day of *July*.

20th August last Day for giving Notices of Objection.

4. The Twentieth Day of *August* shall be the last Day for giving Notices of Objection to the Overseers and to the Person objected to; and the Seventh Section of the Principal Act shall be read as if the Word "Twentieth" had been substituted therein for the Word "Twenty-fifth."

1st September last Day for Delivery of Papers to Clerk of Peace.

5. The First Day of *September* shall be the last Day for the Delivery, by the Overseers, to the Clerk of the Peace, of the Papers mentioned in the Ninth Section of the Principal Act; and such Section shall be read as if the Words "First Day of *September*" had been substituted therein for the Words "Twenty-ninth Day of *August*."

Grounds of Objection to be specified in Notice.

6. Any Notice of Objection to any Person on the List of Claimants for any Parish or Township may be given according to the Provisions of the Seventh Section of the Principal Act, but with that Exception no Notice of Objection given under the Provisions of the said Seventh Section, other than a Notice to the Overseers, shall be valid, unless the Ground or Grounds of Objection be specifically stated therein; and this Provision shall be deemed to be sufficiently satisfied by naming the Column or Columns of the List on which the Objector grounds his Objection: Provided always, that if the Objection be grounded on the Third Column, then it shall be necessary to state in the Notice whether the Objection relates to the Nature of the Voter's Interest in the qualifying Property,

perty, or to the Value of the qualifying Property, or to both; and each of such last-mentioned Grounds of Objection shall be deemed a separate Ground of Objection, as well as any Objection grounded on any one of the other Columns; and such last-mentioned Notice may be according to the Form numbered 2. in Schedule (A.) to this Act, or to the like Effect, in substitution for the Form numbered 5. in Schedule (A.) to the Principal Act.

Person objected to only required to give Evidence in support of his Right to vote, &c.

7. No Person objected to under the Provisions of this Act shall be required to give Evidence before the Revising Barrister in support of his Right to be registered, otherwise than as such Right shall be called in question in such Ground or Grounds of Objection.

Each Ground of Objection to be treated by Revising Barrister as a separate Objection.

8. Every separate Ground of Objection shall be treated by the Revising Barrister as a separate Objection; and for every Ground of Objection which, in the Opinion of the Revising Barrister, shall have been groundlessly or frivolously and vexatiously stated in a Notice of Objection, he shall, on the Application of the Person objected to, or any one on his Behalf, and upon Production of the Notice of Objection, award Costs against the Objector to the Amount at least of Two Shillings and Sixpence, and this though the Name of the Person objected to be expunged upon some other Ground of Objection stated in the same Notice of Objection.

Sect. 100. of Principal Act to apply to Objections.

9. The Provisions of the Hundredth Section of the Principal Act shall apply to Notices of Objection given under the Provisions of this Act.

Persons changing their Place of Abode, and Persons objected to, may make Declarations.

10. Any Person whose Name appears on the List of Voters then in force, and whose then Place of Abode is not correctly stated in the said List, or who shall have received a Notice of Objection grounded on the Second Column of the List, and who shall have possessed on the last Day of *July* the same Qualification in respect of which his Name has been inserted on the List, may, if he think fit, make and subscribe a Declaration before any Justice of the Peace, or any Commissioner or other Person authorized to administer Oaths in any of Her Majesty's Superior Courts at *Westminster*, in the Form contained in Schedule (B.) to this Act, or to the like Effect; and all such Declarations shall be duly dated, and shall, on or before the Fourteenth Day of *September*, be transmitted to the Clerk of the Peace; and it shall be the Duty of the Clerk of the Peace to endorse on every such Declaration the Name of the Polling District, and of the Parish or Township in which the Qualification to which the Declaration relates

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is situate, and the Name of the Person making the Declaration, and also the Date on which he has received the same, and to affix his Initials to such last-mentioned Endorsement, and to deliver all such Declarations to the Revising Barrister at his First Court, arranged under the Heads of the several Polling Districts according to the alphabetical Order of the Parishes and Townships; and every Revising Barrister shall, for the Purpose of correcting the Statement in the List of the Place of Abode of such Person, receive any such Declaration as Evidence, to be used in Court at the proper Time, if transmitted to the Clerk of the Peace on or before such last-mentioned Day, of which the Endorsement in that Behalf by the Clerk of the Peace shall be *primâ facie* Proof, and if purporting to be subscribed before a Justice of the Peace, or Commissioner, or other Person authorized as aforesaid, without Proof of the Signature of the Person subscribing the same, or of the Justice, Commissioner, or Person before whom the same purports to have been subscribed, unless he shall have good Reason to doubt the Genuineness of any Signature thereto; and all such Declarations may be perused by any Person at the Office of the Clerk of the Peace, without Payment of any Fee, at any Time between the Hours of Ten of the Clock in the Forenoon and Four of the Clock in the Afternoon of any Day, except *Sunday*, before the Twentieth Day of *September;* and the Clerk of the Peace shall deliver Copies of any such Declaration to all Persons applying for the same, on Payment of the Price of Fourpence *per* Folio of Seventy-two Words.

Penalty for falsely signing such Declaration.

11. Any Person falsely or fraudulently signing any such Declaration in the Name of any other Person, whether such Person shall be living or dead, and every Person transmitting as genuine any false or falsified Declaration, knowing the same to be false or falsified, and any Person knowingly and wilfully making any false Statement of Fact in such Declaration, shall be guilty of a Misdemeanor, and punishable by Fine or Imprisonment for a Term not exceeding One Year, and the Revising Barrister shall have Power to impound any such Declaration.

As to Time for Revision of County Lists.

12. No Court shall be holden by a Revising Barrister for the Revision of the Lists of any County before the Twentieth Day of *September* in any Year.

Orders for Costs.

13. Every Order for Costs by a Revising Barrister, whether revising the Lists of a County, City, or Borough, in the Case of any Objection, shall be made before his proceeding to hear any Objection stated in any other Notice of Objection, and such Order may

may be delivered either to the Person to whom the Costs shall therein be ordered to be paid, or to some other Person on his Behalf: Provided always, that this Section shall not be taken to repeal the last Proviso contained in the Forty-sixth of the Principal Act.

Such Costs in no Case to exceed 5*l.*

14. The Sum ordered to be paid by way of Costs shall not upon any One Vote exceed the Sum of Five Pounds, and the Forty-sixth Section of the Principal Act shall be read as if the Words "Five Pounds" had been substituted therein for the Words "Twenty Shillings."

Revising Barrister to read out Names expunged and inserted.

15. It shall be the Duty of every Revising Barrister, whether revising the Lists of a County, City, or Borough, before signing any Page of any List, as required by the Forty-first Section of the Principal Act, to read out audibly in open Court the Names expunged and inserted by him therein, and all Corrections and Insertions made by him.

Power to remove Persons from Court who interrupt Proceedings.

16. It shall be lawful for any Revising Barrister, whether revising the Lists of a County, City, or Borough, to order any Person to be removed from his Court who shall interrupt the Business of the Court, or refuse to obey his lawful Orders in respect of the same; and it shall be the Duty of the Chief Constable, Commissioner, or Chief Officer of Police of the County, City, Borough, or Place in which the Court is held, to take care that an Officer of Police do attend that Court during its Sitting, for the Purpose of keeping Order therein, and to carry into effect any Order of the Revising Barrister as aforesaid.

Interpretation of Terms.

17. For the Purposes of this Act the Word "Value" shall in the Case of an Objection to any Person claiming to be retained or inserted in the List as an occupying Tenant mean "Amount of Rental."

SCHEDULES to which this Act refers.

SCHEDULE (A.)

No. 1.

PRECEPT of the CLERK of the PEACE to the OVERSEERS.

County of } To the Overseers of the Poor of the Parish of
to wit. } [*or* of the Township of].

IN pursuance of the Provisions of the Acts of Parliament in that Behalf, I require your Attention to the following

INSTRUCTIONS.

On or before the Twentieth Day of June you are to publish One of the Copies of the Register for your Parish [*or* Township] herewith sent, together with a Notice, signed by you, according to the Form marked No. 2., among the printed Forms herewith sent.

The Manner in which you are required to publish that Register and Notice is as follows; (that is to say,) you are to fix One of the printed Copies (each Copy being first signed by you) on or near the Outside of the outer Door or of the outer Wall near the Door of every Church and public Chapel in your Parish or Township, including Chapels which do not belong to the Established Church, or if there should be no such Church or Chapel, then in some public or conspicuous Situation in your Parish [*or* Township], and it must remain there during a Period including Two Sundays at least, and not later than the Twentieth Day of July.

On or before the last Day of July you are to make out an alphabetical List of all Persons who, on or before the Twentieth Day of July, shall have delivered or sent to you their Claims as Voters for the County [Riding, *&c.*] in which your Parish [*or* Township] lies, in respect of any Property situate wholly or in part within your parish [*or* Township]; and in making out such List you are to write or cause to be written, in the proper Column of the printed Form of List (herewith sent) numbered 3., the Christian Name and Surname of every such Person, with the Place of his Abode, the Nature of his Qualification, and the local or other Description of the Property, and the Name of the Occupier, accordingly as the same shall be stated in the Claim. If you have reasonable Cause to believe that any Person so claiming, or any Person whose Name shall appear in the Copy of the Register for your Parish [*or* Township] herewith sent, is not entitled to have his Name on the new Register about to be made, you are to add the Word "Objected" before his Name in the Margin of the Copy of the Register or List in which his Name appears; and you are also to add the Word "Dead" before the Name of any Person whom you shall have reasonable Cause to believe to be dead. Having done this, you are to sign the List of Claimants, and also One of the Copies of the Register herewith sent, and to cause a sufficient Number of Copies of such Lists to be written or printed, and then, on or before the First Day of August, you are to publish the said Register and Lists, with your marginal Additions, on every Church and Chapel

Chapel in your Parish [*or* Township] in the same Manner as before mentioned with regard to the Notice.

You are to keep a Copy of the List of Claimants and of the said Register sent to you, with your marginal Additions thereon, signed by you, and to allow them to be perused by every Person desirous of perusing them, at any Time between the Hours of Ten of the Clock in the Forenoon and Four of the Clock in the Afternoon of any Day, except Sunday, during the first Fourteen Days after you have published them, without Payment or Demand of any Fee; and you are also to deliver Copies of the List of Claimants and of the said Register, signed by you, to every Person applying for the same, on Payment of a Price for such Copy after the Rate contained in the Table marked Schedule (D.) No. 1., herewith sent.

You are to make out a List, according to the Form numbered 6. (herewith sent), containing the Name of every Person against whom a Notice of Objection shall have been given to you or any one of you, on or before the Twentieth Day of August; and you are to publish Copies of such Lists on or before the First Day of September on every Church and Chapel in your Parish or Township, in the same Manner as before mentioned with regard to the Notice; and you are to keep a Copy of such List of Persons objected to, to be perused by any Person, without Payment or Fee, at any Time between the Hours of Ten of the Clock in the Forenoon and Four of the Clock in the Afternoon of any Day, except Sunday, during the first Fourteen Days of September, both inclusive; and you are to deliver a Copy of such List to any Person requiring the same, on Payment of a Price for such Copy after the Rate contained in the Table marked Schedule (D.) No. 1., herewith sent.

And if you shall find any such Notice, List, Register, or other Document published by you as aforesaid to be destroyed, mutilated, defaced, or removed, you are forthwith to place another to the same Effect in its Place.

On or before the First Day of September you are to deliver to the Clerk of the Peace of the County [Riding, *&c.*] wherein your Parish [*or* Township] is situate, the List of Claimants, the Copy of the Part of the Register (herewith sent), and also a Copy of the List of Persons objected to, signed by you.

You are to attend the Court to be holden by the Barrister appointed to revise the Lists relating to your Parish [*or* Township], of the Time and Place of holding which Notice will be sent to you; and you are there to deliver to the Barrister holding such Court the original Notices of Claim and original Notices of Objection given to you as aforesaid.

Herein if you fail you will be liable to the Penalties in that Case provided.
Given under my Hand, this Day of

Clerk of the Peace for the County of

No. 2.

NOTICE of OBJECTION to be given to Parties already on Register objected to by any Person other than Overseers and to the occupying Tenant of the qualifying Property, where Notice is required to be given to the occupying Tenant.

To Mr. of [*here insert the Name and Place of Abode of the Person objected to as described in the List, and*

and in the Case of Notice to the Tenant of the qualifying Property insert his Name and Place of Abode as described in the List].

Take Notice that I object to your Name [*in the Notice to the Tenant instead of the Words* "your Name," *insert the Name of the Person objected to*] being retained in the [*here insert the Name of the Parish*] List of Voters for the County of [*or* for the Riding, *&c.*]

And I ground my Objection,

on the 1st Column of the Register,

or on the 2nd Column,

or on the 3rd Column,

and the Objection relates

to the Nature of your Interest [*in the Notice to the Tenant instead of the Words* "your Interest," *insert* "the Interest of" *here insert the Name of the Person objected to,*] in the qualifying Property;

or to the Value of the qualifying Property;

or on the 4th Column.

Dated this Day of One thousand eight hundred and

Signed *A.B.* of [*Place of Abode*],

on the Register of Voters for the Parish of

SCHEDULE (B.)

FORM of DECLARATION by Voter as to his Place of Abode.

I *A.B.* of [*Place of Abode*], on the List of Voters for the Parish [*or* Township] of in the County [*or* Riding *or* Division of the County] of , do solemnly and sincerely declare, That I possessed on the last Day of July now last past the same Qualification in respect of which my Name has been inserted in such List, and that my true Place of Abode is now

(Signed) *A.B.*

Place of Abode.

Made and subscribed before me
the Day
of in the
Year

C.D.

[*Signature of Justice, &c.*]

[*Statement of his Quality, as Justice, &c.*]

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