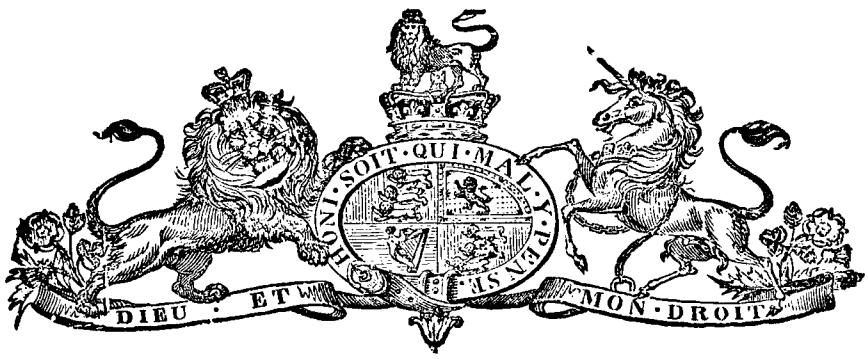


ANNO VICESIMO QUARTO & VICESIMO QUINTO

VICTORIÆ REGINÆ.

****

CAP. LXXXIII.

An Act to amend the Law regarding the Registration of County Voters in *Scotland*.

[6th *August* 1861.]

WHEREAS an Act was passed in the Second and Third Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to amend the Representation of the People in* Scotland; and another Act was passed in the Seventeenth and Eighteenth Year of the Reign of Her present Majesty, intituled *An Act for the Valuation of Lands and Heritages in* Scotland: And whereas it is expedient to make further Provision with respect to the Registration of Persons entitled to vote in the Election of Members to serve in Parliament for Counties in *Scotland*: 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:

2 & 3 W. 4. c. 65.

17 & 18 Vict. c. 91.

1. This Act may be cited for all Purposes as "The County Voters Registration (*Scotland*) Act, 1861."

Short Title.

2. The following Words and Expressions in this Act shall have the Meanings hereby assigned to them respectively, unless there be something

Interpretation of Terms.

something in the Subject or Context repugnant to such Construction:

"Burgh" shall mean any Royal Burgh not contributing as a Burgh to send a Member to Parliament, but entitled under the second-recited Act to appoint a separate Assessor:

"Assessor" shall mean the Assessor of any County or Burgh in and for which he is Assessor appointed under the second-recited Act, or any Assessor specially appointed under the Provisions of this Act, where such last-mentioned Appointment has been made:

"Sheriff" shall mean the Sheriff of the County of which he is Sheriff, and shall include Sheriff Substitute:

"Sheriff Clerk" shall mean the Sheriff Clerk of the County of which he is Sheriff Clerk, and shall include any Person discharging the Duties of such Sheriff Clerk:

"Valuation Roll" shall mean the Valuation Roll in force for the Time for any County, made up under the Authority of the second-recited Act, or any other Act relating to the Valuation of Lands and Heritages in *Scotland* which may be in force for the Time:

Where in this Act Notice is required to be given by "special Advertisement," such Notice shall be inserted once in at least Two Newspapers published in the County, or if there be no Newspaper or only One Newspaper published therein, in any Newspaper or Newspapers published in a County adjoining thereto:

"Proprietor" shall include Life Renter.

Provisions of first-recited Act as to forming Registers of Persons entitled to vote for Counties repealed.

3. The Clauses and Provisions of the first-recited Act enacted for the Purpose of forming Registers of Persons entitled to vote in the Election of Members to serve in Parliament for Counties in *Scotland* shall be and the same are hereby repealed, except as to any Register heretofore made, and in so far as the same may be necessary to give Effect to the Provisions of this Act; and this Act shall be taken to be Part of the said Act as fully as if it were incorporated therewith.

Future Valuation Rolls of Counties or Burghs to set forth additional Particulars.

4. In any future Valuation Roll to be made up in any County or Burgh under the Provisions of the second-recited Act, or of any other Act in force for the Time for the Valuation of Lands and Heritages in *Scotland*, the Assessor of every County or Burgh shall, in addition to the Particulars which are by the said Act required to be ascertained by him, and to be entered in such Roll, ascertain and enter in such Roll the Amount of Feu Duty, Ground Annual, or other yearly Consideration payable as a Condition of his Right by every Proprietor of any Lands or Heritages entered in such Roll as of the yearly Rent

Rent or Value of Ten Pounds or upwards, and the Name of the Person to whom the said Consideration is payable, and also the Rent, calculated in Terms of the Ninth Section of the first-recited Act, payable by every Tenant holding any Lands or Heritages entered in such Roll as of the yearly Rent or Value of Ten Pounds or upwards, under any Lease originally granted for not less than Fifty-seven Years, exclusive of Breaks; and in order to the Ascertainment of such Particulars it shall be lawful for the Assessor to call upon any Proprietor or Tenant for Receipts or other written Evidence of the Amount of such Feu Duty, Ground Annual, or other Consideration, or of such Rent, and such Proprietor or Tenant shall be bound to furnish and deliver such Evidence to the Assessor, under the same Penalty in case of Failure or of false Statement as is provided in similar Cases by the second-recited Act, and it shall also be lawful for the Assessor to exercise all the Powers which under the second-recited Act he may lawfully exercise for the Purposes thereof; and when the Proprietor is a married Woman the Assessor shall further insert in such Roll the Name and Designation of her Husband.

Form for future Valuation Rolls of Counties to be as in Sched. (A.)

5. The Valuation Rolls of Counties and Burghs shall for the future be annually made up in the Form of the Schedule (A.) hereunto annexed, in place of the Form prescribed by the second-recited Act: Provided that it shall be competent to the Commissioners of Supply of any County, or the Magistrates of any Burgh, with the Sanction of the Lord Clerk Register or his Deputy, to make, as regards such County or Burgh respectively, such Alteration in the Form of the said Schedule, where this shall be found necessary or convenient, as may make it applicable to One Year only, or to any less Number of Years than Five Years.

Sheriff Clerk to deliver annually to Assessors a Copy of the Register of Voters.

6. The Sheriff Clerk of every County shall, on or before the Thirtieth Day of *June* in the Year One thousand eight hundred and sixty-two, and in every Year thereafter, make and cause to be delivered to the Assessor of such County, where there is but One Assessor, and where there is more than One Assessor then to the Assessor specially appointed as is herein-after provided, a Copy of the Register of Voters then in force for such County, arranged alphabetically in Parishes.

Assessors to be nominated specially for this Act.

7. If in any County there shall be more than One Assessor in and for such County, or if there shall be a separate Assessor for any Burgh situate therein, then the Commissioners of Supply of the County shall, within Three Weeks after the passing of this Act, appoint One of such Assessors to perform the Duties herein-after imposed on such Assessor under this Act, and give Notice of such Appointment by special Advertisement; and failing such Appointment

ment and Advertisement being duly made by the Commissioners of Supply, the same shall be made by the Sheriff of the County within Five Weeks after the passing of this Act; and every such Assessor so appointed shall from the Date of his Appointment be specially charged with all the Duties incumbent on the Assessor under this Act; and where in any County the Assessor so appointed shall cease to hold Office, the Commissioners of Supply shall within Three Weeks thereafter appoint another Assessor to act as aforesaid, and shall give Notice by special Advertisement of such Appointment as before provided; and in the event of such Commissioners failing so to do, such Appointment and Advertisement shall be made by the Sheriff of the County within Five Weeks after any Assessor shall have ceased to hold Office as aforesaid: Provided that all other Assessors in any County or Burgh situate therein shall, in all Matters relating to this Act, be subject to the Orders of the Assessor so to be appointed, and shall take Instructions from him, and shall be bound to act on such Instructions, so far as consistent with this Act.

Assessor to make up annually a List of Changes in Register, as in No. 1. of Sched. (B.)

8. On or before the Fifteenth Day of *August* in the Year One thousand eight hundred and sixty-two, and in every Year thereafter, the Assessor shall make out and subscribe, according to the Form No. 1. of the Schedule (B.) to this Act annexed, a List, arranged alphabetically in Parishes, of all Persons entered in the Register of Voters for the County who have died or become disqualified, and a like List of all Persons who shall appear from the Valuation Roll to have become entitled to vote in the Election of a Member of Parliament for the County, and shall give Notice by special Advertisement that such Lists have been prepared, and shall specify in such Advertisement the Office or Place at which such Lists shall be open to Inspection, and shall cause a written or printed Copy of such Lists, or of such Part thereof as relates to each Parish in the County, to be affixed on the Door of the Church of such Parish; and Copies of such Lists shall be open to Inspection by any Person in the Office or Place specified in such Notice, without Payment of any Fee, at any Time between the Hours of Ten o'Clock in the Morning and Four o'Clock in the Afternoon of each Day except *Sunday*, from the Sixteenth to the Twenty-fifth Days of *August*, both inclusive, in each Year, and Copies thereof or of Parts thereof shall be delivered by the Assessor to all Persons applying for the same, on Payment for every such Copy at the Rate of Sixpence for every One hundred Words so copied: Provided always, that in making out the List of Persons who shall appear, from the Valuation Roll, to be entitled to vote in the Election of a Member of Parliament, the Assessor shall not transfer to the said List the Name of any Proprietor the Value of whose Property, as entered in the said Valuation Roll, shall, after deducting the

the Amount of Feu Duty, Ground Annual, or other yearly Consideration payable by such Proprietor as a Condition of his Right, be reduced below Ten Pounds, nor of any Proprietor who shall have failed to furnish Evidence of the Amount of such Feu Duty, Ground Annual, or other Consideration, as required by Section Fourth of this Act, nor of any Tenant under a Lease of Fifty-seven Years or upwards when the Rent payable under such Lease, as the Consideration of the Right, shall reduce the Value of such Lease below Ten Pounds, nor of any such Tenant who shall have failed to furnish Evidence of the Amount of such Rent, as required by the said Section.

Persons omitted from Register may claim to be registered, as in No. 1. Sched. (C.)

9. It shall be lawful for any Person whose Name has been erroneously struck out or omitted from the Register of Voters, or from the List of Voters made up by the Assessor, to give Notice to the Assessor on or before the Twenty-fifth Day of *August* in any Year, in the Form No. 1. of the Schedule (C.) to this Act annexed, of his Claim to have his Name entered in the Register of Voters for the County, on the Ground that he has one or other of the Qualifications required by the first-recited Act.

Assessor to make up and publish List of Claims, as in No. 2. of Sched. (B.)

10. On or before the First Day of *September* in every Year the Assessor shall make up a List of the Claims of which Notice has been given to him, in the Form No. 2. of the Schedule (B.) to this Act annexed, with the Names of the Persons claiming arranged alphabetically in Parishes, and shall give Notice by Special Advertisement that such List of Claims has been prepared, and shall specify in such Notice the Office or Place at which such List will be open to Inspection; and shall cause a written or printed Copy of such List, or of such Part thereof as relates to each Parish in the County, to be affixed on the Door of the Church of such Parish; and Copies of such List shall be open to Inspection from the Second to the Fourteenth Days of *September*, both inclusive, in each Year; and Copies of such List, or Parts thereof, shall be delivered by the Assessor to Persons applying for the same on Payment therefor as hereinbefore provided.

Assessor to correct Lists, and deliver Copy of Register to Sheriff Clerk.

11. The Assessor shall on a Copy of the Register furnished to him by the Sheriff Clerk strike out the Names of all Persons entered therein and included in the said first-mentioned List who have died or become disqualified, and add in alphabetical Order in each Parish the Names of all Persons who have become entitled to vote, and shall on or before the First Day of *September* in each Year deliver to the Sheriff Clerk of the County a complete Copy of the Register, subscribed by him, with all such Alterations thereon and Additions thereto.

12. If

Names may be omitted by Desire.

12. If any Person shall intimate in Writing to the Assessor his Desire that his Name shall not be inserted in any such List, the Assessor shall not insert in such List the Name of such Person.

Assessors disqualified from voting.

13. Every Assessor, whether acting under this or the second-recited Act, shall, while he continues such Assessor, be disqualified from being registered as a Voter in the County of which he is Assessor, and from voting or taking part in any Election of a Member to serve in Parliament for such County.

Provision for filling up ad interim Offices on the Holders of which Duties are imposed by this Act.

14. Where in any County any Office upon the Holder of which Duties are imposed by this Act shall become vacant, it shall be lawful for the Sheriff to appoint a fit Person to perform ad interim the Duties of such Office, in so far as imposed by or necessary for the Purposes of this Act; and the Person so to be appointed shall be charged with and perform such Duties until such Office be duly filled up, and shall be entitled to such reasonable Remuneration therefor as may be fixed by the Sheriff, with the Approbation of the Lord Advocate, and such Remuneration shall be payable in the like Manner and out of the like Funds as the Salary or Allowances of the Office which had become vacant.

Provision as to Service of Notices.

15. Where any Notice is by this Act required to be given to the Sheriff Clerk or Assessor, it shall be sufficient if such Notice be delivered to him personally, or left at his principal Office, or sent to him by Post in a registered Letter addressed to him at his principal Office; and where by this Act any Notice is required to be given to any other Person, it shall be sufficient if such Notice be delivered to him personally, or sent in a Letter by Post, Postage paid, addressed to him, with a sufficient Direction, at his usual or last known Place of Abode.

Lists put up to be maintained and Provision for replacing same.

16. Where any List shall, pursuant to the Provisions of this Act, be affixed on any Place, the same shall continue so affixed for a Period including Two consecutive *Sundays* at the least next after the Day of Publication, and if removed or defaced within such Period shall be replaced by the Person bound to give the Notice.

Penalty for injuring Lists put up.

17. Every Person who shall wilfully mutilate or remove any List so affixed during such Period shall for every such Offence be liable to a Penalty of not less than Ten Shillings and not exceeding Forty Shillings, to be recovered by any Person who may sue for the same, in a summary Manner, before the Sheriff or any Two Justices of the Peace.

18. No

Lists not invalidated by deficient Publication.

18. No List shall be invalidated by reason that it shall not have been advertised pursuant to this Act, or shall not have been affixed in the Place and for the full Time herein required for Publication thereof; and the Sheriff shall proceed to revise and adjudicate upon every such List, though not advertised or affixed as aforesaid: Provided that nothing herein contained shall be construed to exempt any Assessor or other Person, acting in wilful or culpable Neglect of any Duty imposed upon him by this or the first-recited Act, from any Penalties thereby incurred.

Errors of Officers not to affect Claims.

19. No Claim or Objection to any Claim shall be affected by any Mistake, Error, or Omission committed by any Public Officer or other Person to whom Claims or Objections are appointed to be given in or transmitted.

Valuation Rolls to be open to Inspection for the Purposes of this Act.

20. Any Person whose Name shall be on the Register or any List of Voters for the County, or who shall have claimed to have his Name inserted in any such Register or List, may, at any Time between the Hours of Ten o'Clock in the Morning and Four o'Clock in the Afternoon of any Day, except *Sunday*, between the Sixteenth Day of *August* and the Twenty-first Day of *October* in each Year, inspect any Valuation Roll, and make Extracts therefrom for any Purpose relating to any Claim or Objection made or intended to be made by or against such Person; and every Officer having the Custody thereof is hereby required to permit such Inspection, and the making of such Extracts, without Payment of any Fee.

Objection to Persons on the Register, or claiming to be put on the Register as in No. 2. and No. 3. of Sched. (C.)

21. It shall be lawful for any Person whose Name shall be entered on the Register of Voters for any County to object to the Name of any other Person being entered or remaining on the Register of Voters of such County, provided such Person, on or before the Twenty-fifth Day of *August* in any Year, give to the Assessor and to the Person so objected to Notices of Objection in the Forms No. 2. and No. 3. of the Schedule (C.) to this Act annexed.

List of Objections made up by Assessor.

22. On or before the First Day of *September* in every Year the Assessor shall make up a List of the Objections to Claims of which Notice has been given to him on or before the Twenty-fifth Day of *August* preceding, arranged alphabetically in Parishes, in the Form No. 3. of the Schedule (B.) to this Act annexed; and such List of Objections shall be affixed, published, and open to Inspection at the same Places and during the same Time as is herein-before provided with respect to the List of Claims; and Copies of such List of Objections,

Objections, or Parts thereof, shall be delivered by the Assessor to Persons applying for the same on Payment therefor as herein-before provided.

Sheriff to hold Courts for Revisal and Correction of Register.

23. Every Sheriff shall, between the First Day of *September* and the Fifth Day of *October* in each Year, revise and correct the Register of Voters for the County, and for that Purpose shall hold open Court at the Places prescribed in the first-recited Act, and shall, on or before the First Day of *September* in each Year, deliver or transmit to the Sheriff Clerk a Notice of the Days on which he is to hold the Court; and the Sheriff Clerk shall forthwith give Notice thereof by special Advertisement, and shall also give Notice to the Assessor, requiring him to attend at the Court.

Sheriff Clerk to produce Lists prepared by Assessor, and Notices of Claim and of Objection.

24. The Assessor shall, on or before the First Day of *September* in each Year, deliver to the Sheriff Clerk the Lists of Voters made out by him as before provided, and the Lists of Persons claiming and objected to; and the Sheriff Clerk shall lay before the Sheriff, at or prior to the holding of the Registration Court, the corrected Copy of the Register of Voters and the Lists delivered to him by the Assessor; and the Assessor shall attend the Court, and shall deliver to the Sheriff the original Notices of Claims and Objections; and the Valuation Roll for the Year shall be laid on the Table of the Court by the Person having the Custody of the same; and the Sheriff may require the Production of all Documents in the Hands of any Sheriff Clerk, Clerk of Supply, or Assessor which he may think necessary.

Assessor to maintain Lists, and answer Objections thereto, and Claims and Objections to be disposed of.

25. It shall be the Duty of the Assessor to maintain the Register and the List of Voters prepared by him, and to answer, so far as he can, any Objections with respect to the undue Omission or the undue Insertion of the Name of any Person in such Register or Lists; and it shall be lawful for any Person who shall have given any Notice of Claim or any Notice of Objection to support the same before the Court, by himself, his Agent or Mandatory; and the Sheriff shall decide on all such Claims and Objections summarily, and without any Record or written Pleadings, and shall, if necessary, alter the Register in conformity with such Decision, and such Decision shall be final, excepting as herein-after provided; and every Mandate produced to the Court, and bearing to be signed by any Person entitled to give or to support any Notice of Claim or of Objection, shall be *primâ facie* a sufficient Mandate, and shall have all the Privileges of a judicial Mandate.

26. If

Claimants omitted in Lists may be enrolled by Sheriff.

26. If any Person who shall have given to the Assessor due Notice of his Claim to have his Name inserted in the Register or List of Persons entitled to vote in the Election of a Member to serve in Parliament for any County shall have been omitted by the Assessor from such Register or List, the Sheriff shall, on the Revision of such Register, insert therein the Name of the Person so omitted, if it shall be proved to the Satisfaction of the Sheriff that such Person is, and was on the Thirty-first Day of *July* last preceding, entitled to be inserted therein in respect of the Qualification described in such Notice of Claim.

Claims omitted may be objected to.

27. It shall be lawful for any Person whose Name shall be on the Register or List of Voters for any County to oppose the Claim of any Person to have his Name inserted in the Register for such County on the Ground of his Name having been omitted; and such Person intending to oppose any such Claim shall, in the Court to be held for the Revision of such Register, and before the Hearing of such Claim, give Notice in Writing to the Sheriff of his Intention to oppose such Claim, and shall thereupon be admitted to oppose the same by Evidence or otherwise, without any previous or other Notice, and shall have the same Rights, Powers, and Liabilities as to Costs, Appeals, and other Matters relating to the Hearing and Determination of such Claim as any Person who shall have duly objected to the Name of any other Person being retained on any List of Voters, and who shall appear and prove the requisite Notices in Terms of this Act.

Sheriffs may grant Warrant to cite Parties, &c., and grant Diligence for Recovery of Writings.

28. It shall be lawful for the Sheriff, upon *ex-parte* Application made to him to that Effect by any Claimant or Objector, to grant Warrant to cite Parties, Witnesses, and Havers, and to grant Diligence for the Recovery of Writings with reference to any Claim or Objection to be discussed before any Registration Court to be held by the Sheriff of the County.

Sheriffs may adjourn Registration Courts, but not beyond 5th October.

29. Every Sheriff holding any Court under the first-recited Act or this Act shall have Power to adjourn the same from Time to Time, and from any one Place to any other Place within the same County, but so that no such adjourned Court shall be held after the Fifth Day of *October* in any Year.

Sheriff Clerks to enter and authenticate Register.

30. The Sheriff shall, on or before the Fifth Day of *October* in each Year, authenticate the Register by subscribing the same, and shall mark with his Signature or Initials every Alteration of or Addition to the Register; and the Sheriff Clerk shall forthwith cause the Register, signed as aforesaid, to be entered in a Book, with the Names in each Parish arranged in strict alphabetical Order, according to the Surnames, and shall in such Book prefix to every

Name its proper Number, beginning the Numbers from the First Name, and continuing them in a regular Series down to the last Name; and the Sheriff Clerk shall sign such Book, and deliver the same, on or before the Thirty-first Day of *October* in each Year, to the Sheriff, to be kept by him for the Purposes specified in the first-recited Act and this Act.

Register, signed by Sheriff Clerk, to be the Register of Voters.

31. The Book so signed as aforesaid by the Sheriff Clerk, and delivered to the Sheriff, shall be the Register of Persons entitled to vote at any Election of a Member to serve in Parliament which shall take place in and for the County between the Thirty-first Day of *October* in the Year in which such Register shall have been made and the First Day of *November* in the succeeding Year; and the Sheriff Clerk shall keep a Copy of such Register, and shall deliver a Copy thereof or of any Part thereof to any Person applying for the same, on Payment for every such Copy at the Rate of Sixpence for every One hundred Names copied: Provided that the Registers of Electors made up in the Year One thousand eight hundred and sixty-one shall be the Registers in force for Elections of Members to serve in Parliament until the First Day of *November* One thousand eight hundred and sixty-two.

Sheriff to cause printed Copies of Register to be entered in Books.

32. The Sheriff shall, in addition to the said General Register, cause printed Copies of the same to be entered in a Book or Books, according to the Number of Polling Districts in each County, embracing the Parishes respectively attached to each District.

Register of Voters to be in force till revised and altered.

33. Every Register of Voters made up or that shall be made up for any County under the Provisions of this Act shall be the Register for such County until the same shall be revised and altered, pursuant to this Act, and shall for all Purposes come in place of the Register directed to be completed by the first-recited Act.

Persons dissatisfied with Judgment of Sheriff may appeal on Points of Law to Lords Ordinary.

34. If any Person whose Name shall have been struck out of the Register by the Sheriff, or who shall claim or object before the Sheriff at any Court, shall consider the Decision of the Sheriff on his Case to be erroneous in point of Law, he may, either himself or by some Person on his Behalf, in open Court, require the Sheriff to state the Facts of the Case, and such Question of Law, and his Decision thereon, in a Special Case; and the Sheriff shall prepare and sign such Case, and deliver the same in open Court to the Sheriff Clerk; and such Person, or some Person on his Behalf, may thereupon, in open Court, declare his Intention to appeal against the said Decision, and may within Ten Days of the Date of such Case lay a certified Copy thereof before the Senior Lord Ordinary and the Lord Ordinary in Exchequer Causes in the Court of Session, for their Decision thereon;

thereon; and the said Judges shall with all convenient Speed hear Parties and give their Decision on such Case, and shall confirm or reverse the Decision of the Sheriff; and in the event of Reversal the Register shall be forthwith altered accordingly, by or at the Sight of the Sheriff; and if it shall appear to the Sheriff that his Judgment respecting the Qualifications of any Two or more Persons depends on the same Question of Law, he shall append to such Special Case the Names of all such Persons who have appealed against his Judgment on their respective Claims; and the Decision of the said Judges on such Special Case shall extend and apply to the Qualifications of all such Persons, in like Manner as if a separate Appeal had been taken in the Case of each of them; and the Decision of the said Judges shall be final, and not subject to Appeal or Review by any Court or in any Manner whatsoever.

Dependence of Appeal not to affect Right of voting, and Decision on a depending Appeal not to affect Poll.

35. The Right of voting at any Election of a Member to serve in Parliament shall not be affected by any such Appeal depending at the Time of issuing the Writ for such Election, and it shall be lawful for every Person whose Name has been entered on the Register of Voters to exercise the Right of voting at such Election as effectually, and every Vote tendered thereat shall be as good, as if no such Appeal were depending; and the subsequent Decision in any Appeal which shall be depending at the Time of the issuing of the Writ for any such Election shall not in any way whatever alter or affect the Poll taken at such Election, or the Return made thereat by the Returning Officers.

Penalty on Persons not attending Registration Courts when required.

36. Any Person who shall wilfully refuse or neglect, when duly required by the Sheriff, to attend as a Witness or a Haver before him at any Court to be held under the first-recited Act or this Act, or who shall refuse to produce any Documents or Writings in his Possession or Power, shall for every such Offence be liable to a Fine of not less than One Pound and not exceeding Five Pounds, to be imposed by and at the Discretion of the Sheriff.

Sheriff may award Costs, and Witnesses and Havers to be paid their Expenses.

37. It shall be lawful for the Sheriff to award Expenses against any Person maintaining any frivolous Objection to the Claim of any Voter, or to his Title to remain on the Register; and such Expenses may be recovered in like Manner as any Expenses of Process awarded by the Sheriff in an ordinary Action; and all Witnesses and Havers who may be cited as such, under the Provisions of the first-recited Act or this Act, shall be entitled to demand, from the Person citing them or causing them to be cited as such Witnesses or Havers, their reasonable Expenses, in the same Manner and at the same Rate of Payment as any Witness or Haver cited as such to any ordinary Civil Court; and the Lord Ordinary shall have Power to award the Costs of any Appeal.

38. Any

Penalties on Assessors and others for Neglect of Duty.

38. Any Assessor who shall wilfully refuse or neglect to make out any List of Voters, or who, in making out any such List, shall wilfully, and without any reasonable Cause, omit the Name of any Person duly qualified to be inserted in such List, or who shall wilfully, and without any reasonable Cause, insert in such List the Name of any Person not duly qualified, or who shall wilfully refuse or neglect to publish any Notice, or any List of Voters or of Claims, at the Time and in the Manner required by this Act, and any Sheriff Clerk who shall culpably neglect to make up any List of Claims or Register of Voters, pursuant to this Act, and any Assessor or Sheriff Clerk who shall be wilfully guilty of any other Breach of Duty in the Execution of this Act, shall for every such Offence be liable to a Fine of not less than Five Pounds and not exceeding Twenty Pounds, to be imposed by and at the Discretion of the Sheriff.

Penalties to be applied for the Purposes of this Act.

39. The Sheriff, when and so often as he shall impose any Fine under the Authority of this Act, shall at the same Time, in open Court, by an Order in Writing stating the Amount of such Fine, direct by and to whom and when the same shall be paid; and the Person to whom the said Fine shall be so ordered to be paid shall receive the same; and in every Case where the Offence for which such Fine shall have been imposed shall relate to the making up of the Register of Voters for any County, he shall pay over the Sum so received by him to the Assessor of such County for the Purposes of this Act.

Accounts to be kept of Monies received under this Act.

40. The Sheriff Clerk shall keep an Account of all Monies received by him for Copies of the Register of Voters or List of Claims, or Parts thereof, or otherwise under this Act, and shall account for and pay over the same to the Assessor of the County for the Purposes of this Act; and the Assessor shall keep an Account of all Monies received by him for Copies of the Lists of Voters or Parts thereof, or otherwise under this Act, and shall account for the same for the Purposes of this Act.

Expenses of annual Registrations, how to be defrayed.

41. As soon as may be after the Completion of each annual Registration under this Act the Commissioners of Supply of each County shall cause an Account to be made up of the Costs and Expenses attending such annual Registration in such County, and shall ascertain and fix the Amount thereof, including therein the Remuneration to Assessors which they may deem proper, and shall also cause an Account to be made up of all Monies which shall have been received by the Assessor under this Act for the Purposes thereof; and where the Amount of the Costs and Expenses so ascertained shall exceed the Amount of the Monies received for the Purposes of this

this Act, the said Commissioners shall cause the Amount of such Excess, along with such reasonable Sum as they may deem necessary to meet the Expenses of Collection, to be assessed and levied on the Lands and Heritages within such County, exclusive of any Lands and Heritages within the Parliamentary Bounds of any Burgh returning or contributing to return a Member to Parliament, according to the yearly Rent or Value of such Rents and Heritages, and to be collected along with any County Rate for the current Year; and any Balance of Funds remaining on hand from Time to Time in such County arising from such Assessment under this Act in any Year, after paying the Expenses of the Year with reference to which such Assessment was imposed, may be retained and applied by the said Commissioners in such Manner as they think fit for defraying the Expenses of Registration under this Act in subsequent Years, but for no other Use or Purpose whatever: Provided always, that no County shall be liable under this Act for any Expenses heretofore defrayed in Exchequer, or which, under the Provisions of this Act, may come in lieu of such Expenses: Provided also, that nothing herein contained shall alter the Provisions of an Act passed in the Twentieth and Twenty-first Year of the Reign of Her Majesty, Chapter Fifty-eight, to amend the second-recited Act. 20 & 21 Vict. c. 58.

42. At every future Election for a Member to serve in Parliament for any County the Register of Voters made up as herein-before provided shall be deemed and taken to be conclusive Evidence that the Persons therein named have the Qualifications which are annexed to their Names respectively in the Register in force at the Time of such Election: Provided always, that if any registered Voter shall, after the Completion of the Register in any Year, have ceased to be the Proprietor or the Occupant, as the Case may be, of the Property in respect of which he was enrolled, he shall not be entitled to vote unless he have retained or acquired a Qualification which would entitle him to have his Name continued or inserted on the Register. Register to be conclusive Evidence of Qualification.

43. Any Person whose Name shall appear in the Register of Voters for any Parish in any County, and whose Place of Abode shall not be within the Polling District at which such Parish shall be allotted to poll, but within the same County, may claim before the Sheriff to vote at the Polling Place of the District wherein his Place of Abode may be situate; and any Person whose Name shall appear in the Register of Voters for any County, and whose Place of Abode shall not be within the County, may in like Manner claim to vote at the Polling Place of any District within such County; and every such Person shall make such Claim in Writing under his Hand, and such Claim shall be delivered to and verified before the Sheriff, and County Voters may be transferred from one Polling District to another.

it shall be lawful for the Sheriff, in his Registration Court, to insert in the Register of Voters in which the Name of such Person shall appear as aforesaid, against the Name of such Person, the Name of the Polling Place at which such Person shall be registered to vote; and such Person so registered shall be admitted to vote at every Election for the County at the said last-mentioned Polling Place, and not elsewhere, anything in the first-recited Act to the contrary notwithstanding.

Misnomer not to vitiate.

44. No Misnomer or inaccurate or defective Description of any Person, Place, or Thing named or described in any List or Register of Voters, or in any Notice required by this Act, shall prevent or abridge the Operation of this Act with respect to such Person, Place, or Thing; provided that such Person, Place, or Thing shall be so named or described in such List, Register, or Notice as to be commonly understood; and it shall be lawful for the Sheriff, in his Registration Court, if it shall appear to him that there has been no wilful Purpose to mislead or deceive, or that such Misnomer or inaccurate or defective Description was not such as to mislead or deceive, to allow any verbal, clerical, or casual Error in any such List, Register, or Notice to be corrected or supplied.

Repeal of Part of Sect. 26. of 2 & 3 W. 4. c. 65., and a Declaration as in Sched. (D.) substituted for Oath, &c.

45. The following Words in Section Twenty-six of the first-recited Act are hereby repealed; that is to say, the Words "of his "being still possessed of the Qualification there recorded, on his own "Account, and not in trust for or at the Pleasure of any other Person;" and a Declaration in the Form of the Schedule (D.) to this Act annexed shall be substituted for the Oath or solemn Affirmation in the Form of the Schedule (I.) annexed to the first-recited Act; and wherever, according to the Provisions of the said Act, an Oath or solemn Affirmation, as the Case may be, in the Form of the Schedule (I.) to the said Act annexed, may be put and is required to be taken, there shall be put and be required to be made a Declaration in the Form of the Schedule (D.) to this Act annexed; and the said Act shall for the future be read and construed as if the Schedule (D.) to this Act annexed were the Schedule (I.) annexed to the said Act; and if any Person shall wilfully make the said Declaration, knowing the same to be false, he shall be guilty of a Crime and Offence, and shall be liable to be prosecuted accordingly, and punished by Fine or Imprisonment.

Commencement of Act.

46. This Act shall commence and take effect on the First Day of *January* One thousand eight hundred and sixty-two.

SCHE-

SCHEDULE (A.)

No.	Description of Subject.	Proprietor.	Occupier.	Tenant.			Rent payable under such Lease.	Feu Duty or Ground Annual, &c.	Feu Duties, to whom payable.	Yearly Rent or Value.				
				Not under Lease of 19 Years or upwards.	Under Lease of 19 Years and less than 57 Years.	Under Lease of 57 Years or upwards.				1861.	1862.	1863.	1864.	1865.
1	Farm of	A.B. of C.	E.F., residing at	G.H., residing at	G.H., residing at	G.H., residing at	—	—	—	£60	—	—	—	—
	—	—	—	—	—	—	—	—	—	—	£60	—	—	—
	—	—	—	—	—	—	—	—	—	—	—	£65	—	—
	—	—	—	—	—	—	—	—	—	—	—	—	£65	—
	—	—	—	—	—	—	—	—	—	—	—	—	—	£65
2	Manor House and Grounds of	A.B. of C.	L.M., Advocate	L.M., Advocate	—	—	—	—	—	£40	—	—	—	—
	—	—	O.P. of Q	—	—	—	—	—	—	—	£40	—	—	—
	—	—	—	—	—	—	—	—	—	—	—	£40	—	—
	—	—	—	—	—	—	—	—	—	—	—	—	£40	—
	—	—	—	—	—	—	—	—	—	—	—	—	—	£40

SCHE-

SCHEDULE (B.)

Forms of Lists.

No. 1.

County of

List of Persons entered in the Register of Voters for the County of who have died or become disqualified, and of Persons who have become entitled to vote in the Election of Members of Parliament for the said County, in respect of Lands and Heritages situate in whole or in part within the following Parishes:—

(1.) Parish of

Christian Name and Surname of each Voter at full Length.	Place of Abode.	Dead or become disqualified.	In the Case of Persons who have become entitled to vote.	
			Nature of Qualification.	Street, Lane, or other Place where the Property is situate, and Number of House, (if any,) or Name of Property, and the Name of the Tenant; or if the Qualification be a Feu Duty, then the Names of the Owners of the Property out of which such Feu Duty is payable, or some of them; and the Situation of the Property.
C. D. *E. F.*	*of G.* *residing at*	*dead.* *disqualified.*		

(Signed) A. B.
Assessor of the County of

No. 2.

County of

List of Persons who have given Notice to the Assessor on or before the 25th Day of August 18 of Claims to be entered in the Register of Voters for the Election of a Member of Parliament for the County of

(1.) Parish of

Christian Name and Surname of each Claimant at full Length.	Place of Abode.	Nature of Qualification.	Place where Property is situated.	Parish in which Property is situate.

(Signed) A. B.
Assessor of the County of

No. 3.

No. 3.

County of

List of Persons objected to as not being entitled to have their Names entered or retained on the Register of Voters for the Election of a Member of Parliament for the County of

Christian Name and Surname of each Person objected to at full Length.	Place of Abode.	Nature of Qualification.	Street, Lane, or other Place where the qualifying Property is situate, &c.	Parish in which Property is situate.

(Signed) A. B.
Assessor of the County of

SCHEDULE (C.)

Forms of Notices.

No. 1.

Notice of Claim to be given to Assessor.

To the Assessor of the County of

I hereby give you Notice, That I claim to have my Name entered in the Register of Voters for the Election of a Member of Parliament for the County of and that the Particulars of my Qualification are stated in the Columns below.

Dated the Day of 18

(Signed) C.D.

Christian Name and Surname of each Claimant at full Length.	Place of Abode.	Nature of Qualification.	Place where Property is situated.	Parish in which Property is situated.

County Voters (Scotland).

No. 2.

Notice of Objection to be given to Assessor.

To the Assessor of the County of

I hereby give you Notice, That I object to the Name of the Person named and described below being entered [*or* retained] in the Register of Voters for the County of

Christian Name and Surname of the Person objected to at full Length.	Place of Abode.	Nature of Qualification.	Street, Lane, or other Place where the qualifying Property is situate, &c.	Parish in which Property is situate.

Dated the Day of 18 .

(Signed) E.F.

(Designation and Place of Abode.)

No. 3.

Notice of Objection to be given to Person objected to by any Person other than the Assessor.

County of , Parish of

To Mr. of

Take notice, That I object to your Name being entered [*or* retained] in the Register of Voters for the County of

Dated this Day of 18 .

(Signed) E.F.

(Designation and Place of Abode.)

SCHEDULE (D.)

I *A.B.* declare, That I am the Person whose Name appears on the Register of Voters now in force for the County of as *A.B.* [*Name and Surname, and Place of Abode, as in Register*], and that I have not before voted at this Election, and that I am possessed of a Qualification which entitles me to vote at this Election.

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