


ANNO QUINTO & SEXTO

# GULIELMI IV. REGIS.

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## CAP. LXXVIII.

**An Act to explain and amend an Act passed in the Second and Third Year of the Reign of King *William* the Fourth, for amending the Representation of the People in *Scotland* and to diminish the Expences there.**

[9th *September* 1835.]

WHEREAS it is expedient that the Time for fixing the Day of Election of Members to serve in Parliament for Cities, Burghs, or Towns in *Scotland* should be shortened after the Receipts of the Writs by the Sheriff, and that the Poll at such Elections should be taken in One Day: And whereas an Act was passed in the Second and Third Year of the Reign of His present Majesty, intituled *An Act to amend the Representation of the People in* Scotland, whereby it is provided that the Day of Election shall be not less than Ten or more than Sixteen Days after the Day on which the Writ is received: 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 each Sheriff to whom any Writ for the Election of a Member or Members to serve for any City, Burgh, or Town, or District of Cities, Burghs, or Towns, shall be directed, under the Provisions of the said recited Act, shall endorse on the Back of the Writ the Day on which he received it, and shall (except only in the Cases herein-after provided) within Two Days thereafter announce a Day

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Sheriff to endorse on the Writ the Day on which he received it, and within Two Days announce

Time for the Election, within Ten Days.

a Day or Days for the Election or Elections, which Day or Days shall (except only in the Cases herein-after provided) be not less than Four nor more than Ten Days in Cities, Burghs, and Towns, or Districts of Cities, Burghs, and Towns, after the Day on which the Writ was received, and shall give due Intimation thereof as is provided in the said recited Act.

Proviso as to Shires and Districts of Burghs herein specified.

II. Provided always, and be it enacted, That in the Districts comprehending *Kirkwall*, *Wick*, *Dornoch*, *Dingwall*, *Tain*, *Cromarty*, *Ayr*, *Irvine*, *Campbelltown*, *Inverary*, and *Oban*, the Provisions of the said recited Act, in so far as they relate to the Announcement of the Day of Election, and the Interval to elapse between the Receipt of the Writ and the Proclamation thereof, shall remain in full Force and Effect, any thing contained in this Act notwithstanding.

Sheriff may alter Polling Districts and Polling Places.

III. And be it enacted, That the Sheriff may, if required by or on behalf of any Candidate, or, if not so required, if it shall appear to him expedient, increase or alter the Number, Situation, or Arrangement of the existing Polling Places and Districts, or Parts thereof, so that not more than Three hundred Electors shall be allotted to poll in each Booth or Compartment for any of the Cities, Burghs, or Towns within his Shire; and where an Alteration has been made by the Sheriff in the Number, Situation, or Arrangement of the Polling Places in any such City, Burgh, or Town, the Town Clerk shall forthwith make up a List of the Polling Places, and cause Copies thereof to be affixed to the Doors of all the Parish or Town Churches within such City, Burgh, or Town.

On Requisition, Sheriff to arrange Booths so as not more than 100 Electors shall poll in each, the Candidate paying the Expences.

IV. And be it further enacted, That on the Requisition of any Candidate, or of any Elector being the Proposer or Seconder of any Candidate, the Booths or Compartments at each Polling Place shall be so divided and arranged by the Sheriff or his Substitute duly authorized by him that not more than One hundred Electors shall be allotted to poll in each such Booth or Compartment: Provided always, that such Candidate or Elector making such Requisition shall pay all Expences incident upon such Division or Arrangement.

Polls only to be kept open One Day.

V. And be it enacted, That no Poll at any Election for any City, Burgh, or Town, or District of Cities, Burghs, or Towns, shall be kept open for more than One Day, and that only between the Hours of Eight in the Morning and Four in the Afternoon; provided always, that at any Time after a Poll has been demanded the Poll at any One Place may be closed if all the Candidates or their Agents and the Sheriff or his Substitute shall agree in so closing it; and after the Poll shall have been closed at all the Polling Places the Sheriff or his Substitute may forthwith upon Receipt of the whole Poll Books, and after having summed them up, make Proclamation of the Member or Members chosen, at any Hour not later than Two of the Clock in the Afternoon, without waiting for the Day appointed for the Declaration: Provided also, that where the Proceedings at any Election shall be interrupted or obstructed by any Riot or open Violence, whether such Proceedings shall consist of the Nomination

of Candidates or of the taking the Poll, the Sheriff or his Substitute at the Place where the Riot or open Violence has occurred may adjourn the Nomination or the taking the Poll at the particular Polling Place or Places at which such Riot or open Violence shall have happened to the following Day or some other convenient Time, and, if necessary, may repeat such Adjournment till such Interruption or Obstruction shall have ceased, he always giving Notice to the Sheriff, or his Substitute who is to make the Return, of such Adjournment having been made; and the State of the Poll shall not be finally declared, nor the Result of the Election proclaimed, until the Poll so interrupted or obstructed shall be closed and transmitted to the Sheriff or his Substitute who is to make the Return.

Sheriff Substitutes to transmit their Poll Books to the Sheriff.

VI. And be it enacted, That where a Poll takes place for a District of Burghs situated in different Counties the Poll Books shall at the final Close thereof be forthwith sealed up and delivered or transmitted by the Sheriffs or Sheriff Substitutes in charge of the Polls to the Sheriff appointed by the said recited Act to make the Return of the Member for such District.

Return may be delayed when Poll Books have not been received.

VII. And be it enacted, That in case any of the Poll Books of any County, City, Burgh, or Town shall not have been received by the Returning Sheriff in Time to cast up the Votes on the several Poll Books and to declare the Election within the Period prescribed by this Act, the said Sheriff shall postpone the Declaration of the Election till the said several Books are received.

Sheriff to make Proclamation on the Day after the Receipt of Poll Books.

VIII. And be it enacted, That the Sheriff shall, on the Day after the Receipt of the Poll Books, and before Four of the Clock in the Afternoon, declare the Result of the Election, and make Proclamation accordingly: Provided that if the Poll Books shall be received on a *Saturday* such Declaration and Proclamation shall be made before Four of the Clock on the *Monday* following.

Sheriff, on Application of any Freeholder, to remove such Freeholder's Name from District to County Town List.

IX. And be it enacted, That any Freeholder of any County or Shire in *Scotland* whose Rights are preserved to him by the said recited Act shall be entitled to make Application to the Sheriff of such County or Shire, and upon One Month's Notice thereof being published on the Doors of the said Sheriff Court, to poll at all Times thereafter at the Polling Place for the District within which the County Town is situated; and the Sheriff shall delete his Name from the District List, and insert it in that for the District in which the County Town is situate: Provided always, that after making such Application to the said Sheriff, and publishing such Notice on the Doors of the said Sheriff Court, it shall not be lawful for the said Freeholder to poll in any other District of such County or Shire; and provided also, that where a Fiar and Life Renter are registered in respect of the same Freehold Qualification they shall both concur in the said Application.

Vote of Fiar of a Freehold not to be reckoned by Sheriff where

X. And be it enacted, That the Vote of any Fiar of a Freehold Qualification in any County or Shire in *Scotland* whose Rights are preserved to him by the said recited Act shall always be taken by the

Life Renter has voted on same Qualification.

the Sheriff on a Paper apart, and shall not be reckoned by him in casting up the Votes at any Election where it shall appear that the Life Renter has voted.

Sheriff, in case of necessary Absence, may appoint a special Substitute.

XI. And be it enacted, That where a Sheriff is necessarily absent from any Place where any Duty, other than that of acting as a Judge of Appeal, is required of him by the said recited Act or by this Act, it shall be competent for him to appoint a special Substitute to act for him at such Place; and in the Event of no such special Substitution, his ordinary Substitute at the Place shall be entitled and is hereby required to act in his Room; and if the Office of Sheriff shall at any Time be vacant, by Death or Resignation, when any of the Duties imposed by the said recited Act or by this Act (other than those imposed upon him as a Judge of Appeal) are required to be performed, the ordinary Substitute at the Head Burgh of the Shire appointed by the former Sheriff shall be entitled and is hereby required to act until a Successor to such former Sheriff shall be appointed and be in a Capacity to act.

Assembling of the Sheriffs Court of Appeal.

XII. And be it enacted, That the Sheriffs composing the Court of Appeal constituted by the said recited Act may assemble at the different Circuit Towns on such Day as they shall fix between the Fifteenth and Twenty-fifth Days of *September* in each Year, whether the Circuit Courts for this and the succeeding Years shall have been held prior to these Dates or not; and where such Court shall consist of Four Sheriffs, the Sheriff against whose Judgment any Appeal shall be brought shall have no Voice in the Determination of any such Appeal.

Recited Act repealed so far as inconsistent with this Act.

XIII. And be it enacted, That in all Cases in which the Provisions of the said recited Act shall be inconsistent with this Act, and in as far as shall be necessary to give effect to the true Intent and Meaning of this Act, but no further, the said recited Act shall be and the same is to such Extent hereby repealed; but the said recited Act shall in all other respects remain in full Force and Effect, and be as good and effectual to carry this Act into execution as if the same were herein repeated and re-enacted.

Commencement of Act.

XIV. And be it further enacted, That this Act shall take effect from and after the passing thereof.

Act may be amended this Session.

XV. And be it enacted, That this Act may be amended, altered, or repealed by any Act or Acts to be passed in the present Session of Parliament.

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