expression "lease" shall include "tack" and "set," and shall apply to any lease, tack, or set whether constituted by writing or verbally, or by tacit relocation and of whatever duration; and the expression "tenant" shall mean a tenant under any lease as defined by this Act.

Terms of entry to and removal from houses fixed.

**3.** Where under any lease entered into after the passing of this Act the term for the tenant's entry to or removal from houses within the limits of any burgh shall be one or other of the terms of Whitsunday and Martinmas (whether old or new style), the term for such entry or removal shall, in the absence of express stipulation to the contrary, be held to be at noon of one or other of the following days, to wit, the twenty-eighth day of May if the term be Whitsunday, and the twenty-eighth day of November if the term be Martinmas: Provided always, that when any of these days shall fall upon a Sunday or legal holiday, the term of entry or removal shall be at noon of the first lawful day thereafter.

Period of notice of removal.

**4.** In cases where houses within any burgh are let for any period not exceeding four calendar months, notice of removal therefrom, shall, in the absence of express stipulation, be given as many days before the date of ish as shall be equivalent to at least one-third of the full period of endurance of the lease.

How notice of removal may be given.

**5.** Notice of removal from any houses within a burgh may hereafter be sufficiently given by registered letter, signed by the party entitled to give such notice or by the law agent or factor of such party, handed into any Post Office within the United Kingdom in time to admit of its being delivered at the address thereon, on or prior to the last date upon which by law such notice of removal must be given, addressed to the party entitled to receive such notice, and bearing the particular address of such party at the time if the same be known, or, if the same be not known, then the last known address of such party.

## CHAPTER 40.

An Act to make farther provision in regard to the Registration of Parliamentary Voters, and also in regard to the taking of the Poll by means of Voting Papers, in the Universities of Scotland. [22nd August 1881.]

WHEREAS it is expedient to amend the law relating to the manner of voting at the election of members of Parliament for the Universities of 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:

Short title.

**1.** This Act shall be cited for all purposes as the Universities Elections Amendment (Scotland) Act, 1881.

Amendment of 31 & 32 Vict. c. 48. ss. 38, 39.

**2.** So many of the regulations with respect to the polling at the elections for the Universities directed to be observed by sections 38 and 39 of the Representation of the People (Scotland) Act, 1868, as are inconsistent with this Act, are hereby repealed, and in place

thereof it is enacted that the following regulations shall be deemed and taken to be a part of the 38th and 39th sections of the said recited Act, and the recited Act shall, on and after the passing of this Act, be read and construed as if the 38th and 39th sections had included the following terms and provisions:—

Duration of the poll.

1. If more than one candidate shall be proposed, and a poll shall be demanded, the proceedings shall be adjourned for the purpose of taking the poll for not less than twelve or more than twenty clear days, exclusive of Saturdays and Sundays. On the day to which the proceedings have been adjourned as aforesaid for the purpose of taking the poll, the polling shall commence at each University by opening the voting papers, as herein-after provided, at eight o'clock in the morning, and shall continue for such period, not being less than four or more than six days (exclusive of Sundays), as the returning officer shall determine and announce in the public intimation of the adjournment for the purpose of taking the poll, but no poll shall be kept open later than four o'clock in the afternoon.

Electors to vote by voting papers only.

2. In case of a poll at an election, the votes shall be given by means of voting papers, and no voter shall be allowed to vote in person, or in any other way than is provided by this Act. Each voting paper shall be in the form or to the effect set forth in the Schedule (A.) annexed to this Act. Each voting paper shall have a number printed or written on the back thereof, and shall have attached a counterfoil with the same number printed or written on the face. Before a voting paper is issued to a voter as herein-after provided, it shall be marked with an official mark, either stamped or perforated, and the number of such voter, as stated on the register of voters, shall be marked on the counterfoil, and a mark shall be placed in the register or any copy thereof used for the purposes of the election against the number of the voter to denote that a voting paper has been issued to him.

Registrar of University to issue voting papers and letters of intimation.

3. In case of a poll the registrar of the University, as soon as he conveniently can after the day of demand for a poll, and not later than six clear days thereafter (exclusive of Sundays), shall issue simultaneously through the post a voting paper, in the form or to the effect set forth in Schedule (A.) annexed to this Act, to each voter to his address as entered on the register of the general council of the University, who shall appear from said address to be resident within the United Kingdom or the Channel Islands; and such voting paper (the Christian name, surname, designation, and residence of the voter as appearing on the register having previously been filled in by the registrar, or some one having his authority), contained in an envelope marked on the outside as sent by the registrar of the University, shall be accompanied by a letter of intimation in the form or to the effect set forth in Schedule (B.) hereunto annexed, and by a stamped envelope addressed to the registrar, for the return of the said voting paper; and each voter, upon

receipt of his voting paper, if he desires to vote in the election, shall insert in the voting paper the name of the candidate for whom he votes, and the place and date of signature, and affix his subscription thereto, in the presence of one witness, who shall personally know the voter, and who shall attest the fact of such voting paper having been signed by the voter in his presence at the place therein mentioned, by signing his name at the foot thereof, and adding his designation and place of residence in the form or to the effect set forth in Schedule (A.) hereto annexed.

Return of voting paper.

4. Thereafter the voting paper, so signed and attested as aforesaid, shall, if the voter desires to vote in the election, be returned through the post to the registrar of the University by whom it was issued, so as to reach him not later than the time named for the return of the voting paper. Each voting paper, when received back by the registrar, shall be kept by him unopened in a fireproof safe, or other place of safety, until the poll begins.

Incapacitated voter.

5. If a voter, before or after he has received a voting paper, shall intimate or cause to be intimated in writing to the registrar that he is incapacitated from blindness or other physical cause to vote in the manner prescribed by this Act, it shall be lawful for the registrar, on getting back the voting paper from the voter, if such has been issued, to issue to the voter so incapacitated a voting paper in the form or to the effect set forth in Schedule (C.) hereunto annexed; and on said voting paper being received by the voter, it shall be competent for him to record his vote by the hand of a justice of the peace in the manner therein directed; and the said justice of peace shall certify and attest the fact of his having been requested and authorised by the voter to sign said voting paper for him, and of its having been so signed by him in presence of the voter by signing an attestation in the form or to the effect of Schedule (C.) hereunto annexed; and such voting paper, when received by the registrar, shall have the same effect and be similarly dealt with as a voting paper signed by a voter in the form or to the effect set forth in Schedule (A.) hereunto annexed.

New voting paper.

6. A voter who has not received a voting paper sent by post as aforesaid to his address as appearing on the register, or who has before re-delivery thereof to the registrar, inadvertently spoilt his voting paper in such manner that it cannot be conveniently used as a voting paper, or who has lost his voting paper, may, on his transmitting to the registrar a declaration signed by himself before a justice of the peace setting forth the fact of the non-receipt, the inadvertent spoiling, or the loss of the voting paper, require the registrar to send him a new voting paper in place of the one not received, or spoilt, or lost; and in case the voting paper has been spoilt, the spoilt voting paper shall be returned to the registrar, and when received by him shall be immediately cancelled, and in every case where a new voting paper is issued a mark shall be placed opposite the number of the

voter's name on the register, to denote that a new voting paper has been issued in place of the one not received, or spoilt, or lost.

Application for voting paper.

7. A voter who does not appear from his address as entered on the register to be resident within the United Kingdom or the Channel Islands, may apply in writing to the registrar to send a voting paper to him to an address within the United Kingdom or the Channel Islands.

Registrar to transmit new voting paper.

8. The registrar, upon receiving an application in terms of either of the two preceding sub-sections at any time before the day on which the poll begins, shall forthwith transmit a new voting paper, or a voting paper, as the case may be, to the address as appearing on the register, or to the address within the United Kingdom or Channel Islands, as the case may be: Provided always, that no person shall be entitled to vote at any election by more than one voting paper, and that no voting paper containing the names of more candidates than the voter is entitled to vote for at such election shall be received or counted: Provided also, that the registrar shall open all letters coming addressed to him from the Dead Letter Office after the date of his issuing the voting papers, in order to ascertain and make public the names and addresses of the voters whose voting papers have not reached them, which he shall do by exhibiting publicly at his office in the University as they reach him a list of the names and addresses of the voters whose letters have been returned to him from the Dead Letter Office, for the information of all concerned. No voting paper shall be counted which does not reach the registrar before ten of the clock on the morning of the day on which the poll closes.

Polling of votes.

9. When the poll begins, the voting papers shall be opened and examined by the registrar in the presence of the vice-chancellor or his pro-vice-chancellors and the candidates, or the agents, if any, of the candidates, and the voting papers found to be marked with the official mark and the number on the back as appearing on the counterfoil, and otherwise regular, shall be counted and put apart until the end of the poll. Any voting paper which has not the official mark and the number on the back as appearing on the counterfoil, or which is in the opinion of the vice-chancellor or his pro-vice-chancellor otherwise wanting in any of the essential conditions required by this Act, shall not be counted as a vote in the election, but shall be sealed up in a paper apart, marked on the back thereof with the words "voting papers received but rejected," and initialed by the vice-chancellor or a pro-vice-chancellor.

Voting papers may be objected to by any candidate or agent in attendance.

10. It shall be lawful for any candidate, or the agents of the candidates who may be in attendance, to inspect any voting paper before the same shall be counted, and to object to it on one or more of the following grounds:

1. That the voter named in the voting paper has already voted at that election:

2. That the person giving a vote by the voting paper is not qualified to vote:
3. That the voting paper is forged or falsified:
4. That the voting paper is wanting in any of the essential conditions required by this Act:

and the vice-chancellor, or one of his pro-vice-chancellors, shall have power to reject or receive, or receive and record as objected to, any voting papers: Provided, that in case the objection offered to any voting paper shall be that it is forged or falsified, such vice-chancellor or pro-vice-chancellor shall receive and count such voting paper, having previously written upon it, "objected to as forged," or, "objected to as falsified," together with the name of the person making such objection.

Transmission of certificate of votes and declaration of the poll.

11. After the close of the poll the papers which shall have been counted shall be sealed up in a paper marked on the back thereof with the words "papers received and counted," and initialed by the vice-chancellors or pro-vice-chancellors of the respective Universities, and the vice-chancellors of the Universities of St. Andrews and Aberdeen shall immediately transmit to the respective returning officers a certificate in the form or to the effect set forth in Schedule (D.) hereunto annexed, subscribed by them respectively in presence of the candidates or their agents or of any three members of the general council of the respective Universities, and each of these returning officers shall, as soon as he conveniently can, in presence of the candidates, or of the agents, if any, of the candidates who may be in attendance, cast up the votes for the two Universities for which he is returning officer, and declare to be elected the candidate for whom the majority of votes has been given.

In an equality of votes returning officer may vote.

12. Where an equality of votes is found to exist between any candidates at an election for the Universities, and where the addition of a vote would entitle any one of such candidates to be declared elected, the returning officer, if a member of the general council of either of the Universities for which the election is being held, may give such additional vote, but shall not in any other case be entitled to vote at an election for which he is returning officer.

Voting papers to be filed.

13. All voting papers received and counted at such election, and the counterfoils thereof, as well as any voting papers rejected for informality, or on any other ground, and the counterfoils thereof, shall be filed, and, along with any copy of the register used for the purposes of said election, shall be kept by the registrar or other officer entrusted with the care of the documents relating to the election; and any person shall be allowed to examine such voting papers, register, and other documents, at all reasonable times, on payment of a fee of one shilling, and to take copies thereof on payment of one shilling for each hundred voting papers or names in the register so copied.

Penalty for falsely signing voting papers.

14. Any person falsely or fraudulently signing any voting paper in the name of any other person, either as a voter or as a

witness, and every person signing, certifying, attesting, or transmitting as genuine any false or falsified voting paper, knowing the same to be false or falsified, or with fraudulent intent altering, defacing, destroying, withholding, or abstracting any voting paper, shall be guilty of a crime and offence, and shall be punishable by fine or imprisonment for a term not exceeding one year.

Voting papers not liable to stamp duty.

15. No such voting paper as herein-before mentioned shall be liable to any stamp duty.

Every graduate to become a member of general council, and certain ex-officio members of council to continue members.

16. On and after the passing of this Act, no person shall be allowed after examination to graduate at any of the Universities of Scotland until he shall have paid, as a registration fee, a sum not exceeding twenty shillings to the general University fund of the University at which he wishes to graduate, the amount and period of payment of such fee to be fixed from time to time by the University court of the said University, and thereafter the name, designation, qualification, and ordinary place of residence of each person qualified as at present to become a member of the general council of his University shall, on his graduation, be entered by the registrar in the registration book, made up in terms of the twenty-ninth section of the Representation of the People (Scotland) Act, 1868, in order to their being transferred to the register of members of the general council at the next revisal of the same, in terms of the thirty-fifth section of the last-mentioned Act; and every person who has hitherto been or who shall in the future become ex-officio a member of the general council of any of the Universities, owing either to his having been a professor in or having held office as member of a University court in any University, shall, on payment of a registration fee as aforesaid, be put and continued on the register of members of general council of said University during his life, and shall be entitled to all the privileges of a member of council: Provided always, that no person subject to any legal incapacity shall be entitled to vote at any parliamentary election or exercise any other privilege as a member of the general council of any University.

31 & 32 Vict. c. 48.

Corrupt payment of registration fee to be punishable as bribery.

17. Any person either directly or indirectly corruptly paying any fee for the purpose of enabling any person to be registered as a member of the general council, and thereby to influence his vote at any future election, and any candidate or other person either directly or indirectly paying such fee on behalf of any person for the purpose of inducing him to vote or to refrain from voting, shall be guilty of bribery, and shall be punishable accordingly; and any person on whose behalf and with whose privity any such payment as in this section mentioned is made shall also be guilty of bribery, and punishable accordingly.

Polling expenses.

18. The candidates shall be bound to pay and contribute among them the expenses necessarily incurred by the registrars in preparing and issuing the voting papers and in taking the poll, together with a reasonable remuneration for their trouble

in reference thereto, as the same shall be determined by the returning officer.

19. All statutes, customs, ordinances, and enactments inconsistent with this Act are hereby repealed. Repeal of Acts inconsistent herewith.

# SCHEDULES.

## SCHEDULE (A.)

PARLIAMENTARY ELECTION, 18 .

UNIVERSITY OF (*name of University*) VOTING PAPER.

No. (*number of voter as on the register*).

I, *A.B.* (*the Christian name, surname, and designation of the voter*), entered on the register as residing at (*residence as appearing on the register*), hereby declare that I have not before voted at this election, and hereby give my vote at this election for

Witness my hand at this day of , 18 .

(Signed) *A.B.*

Signed by *A.B.*, who is personally known to me, at the place and of the date above mentioned in my presence.

(Signed) *C.D.*

(*Add designation and place of residence.*)

## SCHEDULE (B.)

PARLIAMENTARY ELECTION, 18 .

UNIVERSITY OF (*name of University*).

REGISTRAR'S LETTER.

No. (*number of voter as on the register*).

| Persons nominated. | Proposed by | Seconded by |
|---|---|---|
| *A.B.*<br>*C.D.* | *Name of Proposer.*<br>*Do.* | *Name of Seconder.*<br>*Do.* |

SIR,

I HAVE to intimate that the above-named persons have been nominated for the office of member of Parliament. Along with this letter you will receive a voting paper, and, should you desire to vote at this election, I have to request that you will insert in the blanks of the voting paper the name of the person for whom you vote and the place and date of your signing, and having signed your name thereto in presence of one witness, who will also sign his name as directed, you will return the voting paper by post to me at the University of , so as to reach me on or before 10 a.m. of (*insert the day on which the poll finally closes*).

I am, &c.

(Signed) *G.H., Registrar.*

(*Date.*)

SCHEDULE (C.)

PARLIAMENTARY ELECTION, 18 .

UNIVERSITY OF (*name of University*) VOTING PAPER.

INCAPACITATED VOTER.

No. (*number of voter as on the register*).

I, *A.B.* (*the Christian name and surname of the voter in full, and his designation and residence, to be filled in by the registrar or some one authorised by him*), hereby declare that I have not before voted at this election, and hereby give my vote for , and have requested and authorised *C.D.*, a justice of peace, to fill in the name of the candidate voted for, and subscribe this voting paper for me, as I am from (*state the incapacity*) unable to write.

I, *C.D.*, a justice of peace for , and residing at , hereby declare that *A.B.*, before named, being personally known to me, did in my presence make the declaration before mentioned, and did duly request and authorise me to fill in the name of as the candidate voted for at this election, and to subscribe this voting paper for him, which I did on day of 18 .

(Signed) *C.D.*, a justice of peace for ,
and residing at .

SCHEDULE (D.)

PARLIAMENTARY ELECTION, 18 .

UNIVERSITY OF (*name of University*).

I, *A.B.*, Vice-Chancellor of the said University, hereby declare that the voting papers in this election have been duly counted, and that the following is the result:

| | Number. |
|---|---|
| Voting papers in favour of | - |
| Voting papers in favour of | - |

(*In accordance with the number of candidates voted for.*)

Certified by me and signed by me at on at o'clock afternoon.

(Signed) *A.B.*,
Vice-Chancellor of University.

(Addressed)
To the Returning Officer of the Universities of and .

In presence of } (*This must be signed in presence of the candidates or their agents, or three members of the general council of the University, who must also subscribe.*)

# CHAPTER 41.

An Act for simplifying and improving the practice of Conveyancing; and for vesting in Trustees, Mortgagees, and others various powers commonly conferred by provisions inserted in Settlements, Mortgages, Wills, and other Instruments; and for amending in various particulars the Law of Property; and for other purposes.

[22nd August 1881.]

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: