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SECOND EDITION

REPRESENTATION

OF THE

PEOPLE ACT.

1884.

GLEN

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And in accordance with the Circular of the Local Government Board,

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SHAW & SONS,

FETTER LANE AND CRANE COURT,

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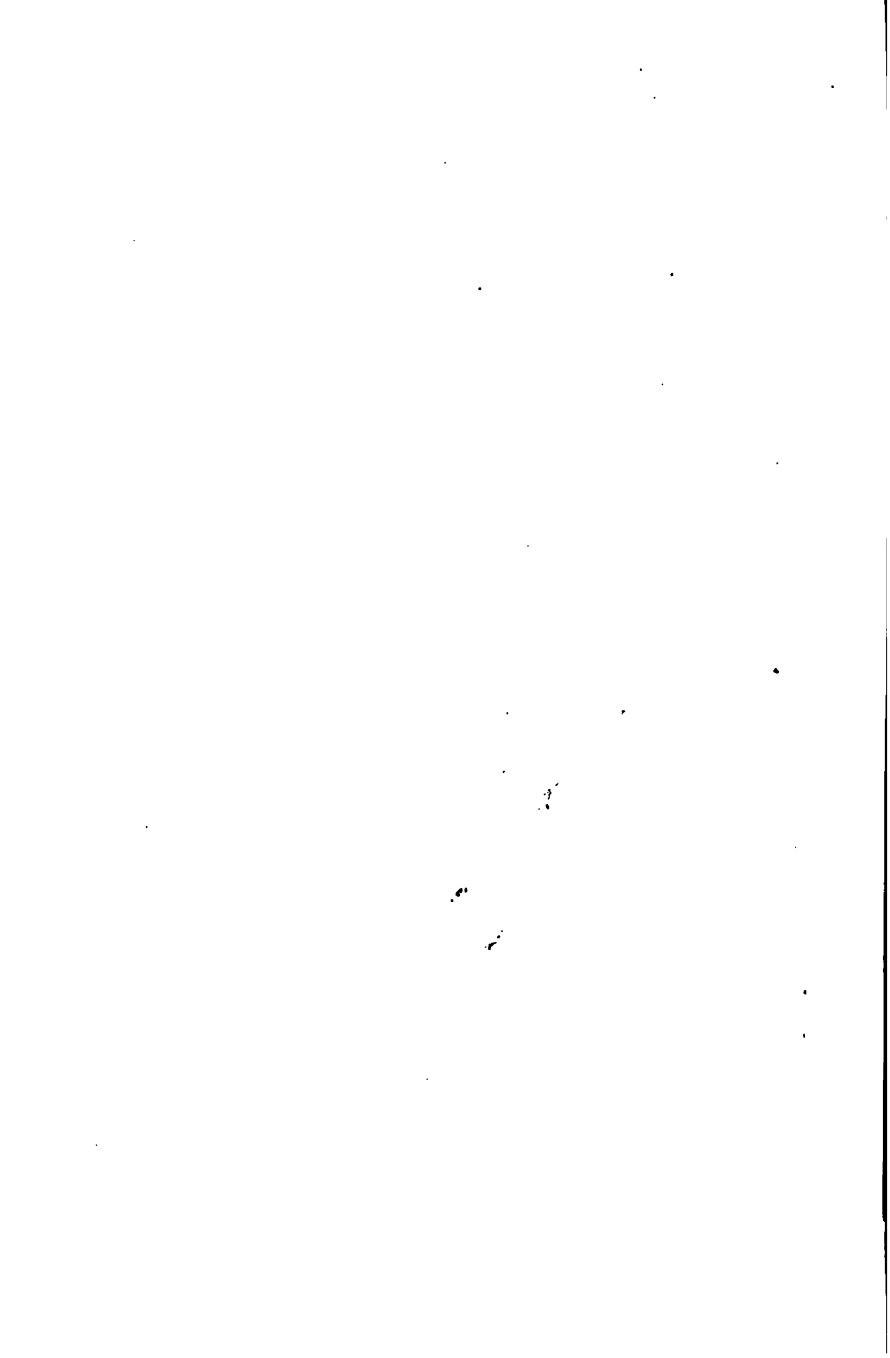
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**THE REPRESENTATION OF THE
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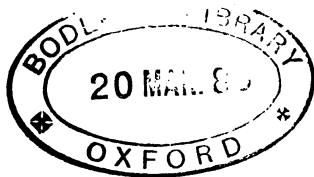


THE
REPRESENTATION OF THE PEOPLE
ACT, 1884,

WITH INTRODUCTION, NOTES, AND INDEX.

BY
W. CUNNINGHAM GLEN,
BARRISTER-AT-LAW.

SECOND EDITION.



London :
SHAW & SONS, FETTER LANE & CRANE COURT, E.C.,
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PREFACE TO THE SECOND EDITION.

THE First Edition of this little work having been so favourably received, and the sale so rapid, the Publishers have requested me to prepare for immediate issue a Second Edition.

It would doubtless have been an advantage to have incorporated the Law relating to the Redistribution of Seats, and thus have made a more complete work, but taking into consideration the present position of the Redistribution Bill it has not been deemed advisable to wait for it, the more so as I have in hand a work on the Registration of Voters which will include that subject.

In conclusion, I have only to express the hope this Second Edition may prove as acceptable as its predecessor, and be found of use to all concerned in Registration and Election matters.

W. CUNNINGHAM GLEN.

3, ELM COURT, TEMPLE,

May, 1885.



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INTRODUCTION.

THE anticipated addition of some 2,000,000 electors to the Electoral Roll of the United Kingdom is an occasion on which it may not be out of place to look back upon the rise of the representative system of this country. The growth of the idea of representative government in England is comparatively modern, and we may search almost in vain amongst the institutions of our Saxon forefathers for any authentic trace of the phenomenon of representation, although it can be little doubted that the modern English Parliament had its prototype long before the Conquest.

A writer of the last century, commenting upon the word "Parliament," states that long before the Norman laws, all matters of importance were debated in the Great Council of the realm.

Blackstone informs us that King Alfred ordered that this Council should meet "twice in the year, or oftener if need be."

Oldfield informs us that in Saxon times the right of representation rested with the freemen who were the possessors of land in their own right.

The "Witanagemot" of that day exercised powers far greater than those of any modern Parliament; *inter alia*, they could elect or depose the king, they imposed taxes, made laws, treaties and wars, and appointed public officers. The whole body of the freemen in each division was entitled to be present at the meeting of the Witan, and it is to this that we may trace the right of modern electors to representation in Parliament.

After the Norman Conquest the freemen had no longer a share in the central legislation of the realm, but the Hundred and Shire Courts of Saxon days were retained.

The first step towards actual popular representation must be fixed in the reign of King John, when the Great Charter was granted. In it the king promised to summon the prelates and greater barons by special writ, and all other persons holding from the Crown as tenants in chief, *per vice comites et ballivos nostros*.

We here obtain the germ of the Lower House, who had to be consulted before any taxes could be levied to aid the Crown.

The constant violation of the Charter paved the way for the rule of the barons under Simon de Montfort, who insisted upon the principle of representation; and we find the barons enabled to summon a Parliament in December, 1264, in which were included two citizens from every borough.

Here, then, we have undoubted evidence of great growth in the borough franchise, whilst by a kind of silent revolution the knights of

the shire became the representatives of the free commonalty in the counties, they being elected by the freemen assembled in the shire courts.

In 1295 we meet with a full Parliament, two burgesses being summoned from each borough, being elected by the free burgesses of the towns, whilst the freemen who attended the shire courts without further qualifications elected the knights of the shire.

The statute of 1 Hen. 5, c. 1, enacted that the knights, esquires, and others which should elect the knights of the shires should be resident within the shire where the election was. At this time the only qualification entitling to the vote was simple freehold.

The statute of Hen. 6, c. 7, is the first statute which limits the franchise in point of value. The provisions of this Act were that "voters must have a freehold value of 40s. a year above reprises," and this measure has formed the basis

of the county franchise ever since; whilst the Act 10 Hen. 6, declares that the 40s. freehold must be "within the same county where any such chooser will meddle of any such election."

In the meanwhile, the interior government of towns had passed from the borough mote to common councils, and the privilege of electing burgesses to assemble in Parliament was in many instances confined to them.

In the time of the Commonwealth, for the first time Ireland and Scotland were represented, and all members were returned by an electorate of those persons possessed of 200*l.* in real or personal property.

This was the first limitation of the franchise since the statute of Hen. 6, and here we have the first and only attempt at an assimilation of borough and county franchise.

After the Restoration the qualification of votes was left untouched, and the statute of

10 Anne, c. 23, requires the voter to swear that he was a freeholder of land or hereditaments of the yearly value of 40s. above all charges payable out of the same, in some boroughs the franchise remaining in the hands of inhabitants paying "Scot and lot" or parish rates, or who were "potwallers,"—that is persons furnishing their own diet, whether householders or lodgers; in other boroughs none but those holding land by "burgage tenure," &c., could vote.

Although several bills were proposed after the Act last mentioned, no other Act of any importance was passed until the Reform Act of 1832, which after a considerable interval was followed by the Representation of the People Act, 1867, which again was followed by the Representation of the People Act, 1884, which forms the subject of this work.

The Representation of the People Act, 1884, which came into operation on the 1st January, 1885, extends a uniform household franchise

and a uniform lodger franchise at elections to all counties and boroughs throughout the United Kingdom, and enacts that every man possessed of a household qualification or a lodger qualification shall, if the qualifying premises be situate in a county in England or Scotland, be entitled to be registered as a voter, and when registered to vote at an election for such county, and if the qualifying premises be situate in a county or borough in Ireland, be entitled to be registered as a voter, and when registered to vote at an election for such county or borough.

Hitherto the tenure of a house by office or service did not confer the franchise; but now where a man himself inhabits any dwelling-house by virtue of any office, service, or employment, and the dwelling-house is not inhabited by any person under whom he serves in such office, service, or employment, he shall be deemed for the purposes of this Act and of the Representation of the People Acts to be an

inhabitant occupier of such dwelling-house as a tenant.

The Act also prohibits the multiplication of votes by the restriction of fagot votes, subject to a saving for existing voters, and has effect with reference to elections by enacting that:

A man shall not be entitled to be registered as a voter in respect of the ownership of any rentcharge except the owner of the whole of the tithe rentcharge of a rectory, vicarage, chapelry, or benefice to which an apportionment of tithe rentcharge shall have been made in respect of any portion of tithes.

Where two or more men are owners either as joint tenants or as tenants in common of an estate in any land or tenement, one of such men, but not more than one, shall, if his interest is sufficient to confer on him a qualifi-

cation as a voter in respect of the ownership of such estate, be entitled (in the like cases and subject to the like conditions as if he were the sole owner) to be registered as a voter, and when registered to vote at an election.

Provided that where owners have derived their interest by descent, succession, marriage, marriage settlement, or will, or where they occupy the land or tenement, and are *bonâ fide* engaged as partners carrying on trade or business thereon, each of such owners whose interest is sufficient to confer on him a qualification as a voter shall be entitled (in the like cases and subject to the like conditions as if he were sole owner) to be registered as a voter in respect of such ownership, and when registered to vote at an election, and the value of the interest of each such owner where not otherwise legally defined shall be ascertained

by the division of the total value of the land or tenement equally among the whole of the owners.

The occupation qualification in counties and boroughs is assimilated by the Act; and now every man occupying any land or tenement in a county or borough in the United Kingdom of a clear yearly value of not less than ten pounds shall be entitled to be registered as a voter and when registered to vote at an election for such county or borough in respect of such occupation subject to the like conditions respectively as a man is, at the passing of the Act, entitled to be registered as a voter and to vote at an election for such county in respect of the county occupation franchise, and at an election for such borough in respect of the borough occupation franchise.

But a man shall not by virtue of the Act be entitled to be registered as a voter or to vote

at any election for a county in respect of the occupation of any dwelling-house, lodgings, land, or tenement, situate in the borough.

The Act then gives a definition of household and lodger qualification and other franchises, and applies the enactments relating thereto.

It also defines the "Representation of the People Acts" and the "Registration Acts," and applies the Rating Acts. By sect. 10, it saves the rights of persons (who at the date of the passing of the Act are registered in respect of any qualification to vote for any county or borough), to be from time to time registered and to vote for such county or borough in respect of such qualification in like manner as if the Act had not passed. Provided that where a man is so registered in respect of the county or borough occupation franchise by virtue of a qualification which also qualifies him for the franchise

under the Act, he shall be entitled to be registered in respect of such latter franchise only.

Nothing in the Act shall confer on any man who is subject to any legal incapacity to be registered as a voter or to vote, any right to be registered as a voter or to vote.

Lastly the Act, so far as may be consistently with the tenor thereof, shall be construed as one with the Representation of the People Acts, as defined by the Act. "Borough" and other expressions in the Act and in the enactments applied by the Act, shall have the same meaning as in such Acts, and it defines certain expressions used therein, namely: "overseers," "rentcharge," "land or tenement," "joint tenants," "tenant in common," and the expression "clear yearly value," as applied in Scotland and in Ireland.

The Act, as has been already said, came into operation on the first day of January, one thousand eight hundred and eighty-five; but the register of voters in any county or borough in Scotland made in that year does not come into force until the first day of January, one thousand eight hundred and eighty-six, and until that day the previous register of voters shall continue in force.



THE REPRESENTATION OF THE PEOPLE ACT, 1884.

48 VICT. CHAP. 3.

An Act to amend the Law relating to the Representation of the People of the United Kingdom.

[6th December, 1884.]

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 :

Preliminary.

1. *Short title of Act.*] This Act may be cited as the Representation of the People Act, 1884.

Extension of the Household and Lodger Franchise.

2. *Uniform household and lodger franchise.*] A uniform household franchise and a uniform lodger franchise at elections shall be established in all

counties and boroughs throughout the United Kingdom, and every man possessed of a household qualification or a lodger qualification shall, if the qualifying premises be situate in a county in England or Scotland, be entitled to be registered as a voter, and when registered to vote at an election for such county, and if the qualifying premises be situate in a county or borough in Ireland, be entitled to be registered as a voter, and when registered to vote at an election for such county or borough.

Household qualification.—This qualification or franchise of the Representation of the People Act, 1867 (30 & 31 Vict. c. 102), section 3, is as follows:—

Every man shall, in and after the year one thousand eight hundred and sixty-eight, be entitled to be registered as a voter, and when registered, to vote for a member or members to serve in Parliament for a borough, who is qualified as follows (that is to say):

1. Is of full age, and not subject to any legal incapacity; and
2. Is on the last day of July in any year, and has during the whole of the preceding twelve calendar months been, an inhabitant occupier, as owner or tenant, of any dwelling-house within the borough; and
3. Has during the time of such occupation been rated as an ordinary occupier in respect of the premises so occupied by him within the borough to all rates (if any) made for the relief of the poor in respect of such premises; and
4. Has on or before the twentieth day of July in the same year *bond fide* paid an equal amount in the pound to that pay-

able by other ordinary occupiers in respect of all poor rates that have become payable by him in respect of the said premises up to the preceding fifth day of January:

Provided that no man shall under this section be entitled to be registered as a voter by reason of his being a joint occupier of any dwelling-house.

“Every man” “of full age” is, by the Act, entitled to be registered as a voter who possesses certain qualifications, and is “not subject to any legal incapacity.” The legal incapacity must exist at the *time of registration*, in order to deprive the claimant of his right to be registered. The fact that the person registered may become at the time of the election legally disqualified or incapacitated to vote does not operate to prevent his being registered. Whether he is then under “legal incapacity” to vote will be a question to be determined by the facts of the particular case.

The following persons are legally incapacitated to vote at the election of a member of Parliament:—

1. Aliens (Resol. H. C. 22nd December, 1698, and nothing in the Naturalization Act, 1870 (33 *Vict. c. 70, s. 2*), shall qualify an alien for any office or for any municipal or other franchise).
2. Minors (7 & 8 *Will. 3, c. 25, s. 8*).
3. Idiots.
4. Lunatics, if found *non compos mentis*.
5. Justices, receivers, or persons belonging to the Metropolitan Police Force, appointed under the Act, as regards Middlesex, Surrey, Hertford, Essex, or Kent, and any city or borough within the metropolitan district, during the time they shall continue in office, and until six months afterwards (10 *Geo. 4, c. 44, s. 18*).

18 *Representation of the People Act, 1884.*

6. Commissioners and members of the city of London Police Force, while holding office, or within six months afterwards, as regards the counties of Middlesex, Surrey, Hertford, Essex, and Kent, the city of London, or any borough within the Metropolitan Police district (2 & 3 Vict. c. xciv. s. 7).
7. Head or other constables appointed for any borough under 45 & 46 Vict. c. 50 (except special constables), while holding office, or within six months afterwards, as regards the borough or county in which the borough is situate (19 & 20 Vict. c. 69, s. 9).
8. Chief and other county constables, while holding office, and within six months afterwards, as regards the county in which they are appointed to serve, or for any adjoining county, or for any borough within them (2 & 3 Vict. c. 93, s. 9).
9. Felon convict.
10. Felons having tickets of leave. See 16 & 17 Vict. c. 99 ; 27 & 28 Vict. c. 47.
11. Persons guilty of bribery or undue influence, and candidates guilty of treating, upon conviction, are liable to perpetual disqualification (17 & 18 Vict. c. 102, s. 6).
12. By the Corrupt and Illegal Practices Prevention Act, 1883, a person who is convicted on indictment of any corrupt practice, shall be not capable during a period of seven years from the date of his conviction of being registered as an elector or voting at any election in the United Kingdom.

13. Any voter corruptly accepting any entertainment, is incapable of voting at the election (17 & 18 *Vict. c. 102, s. 4*).
14. Peers of the realm.
15. Persons who shall within twelve calendar months (in London two years, 11 *Geo. 1, c. 18*) next previous to the last day of July in each year have received parochial relief or other alms, which by the law of Parliament now disqualify from voting (2 *Will. 4, c. 45, s. 36*).
16. No elector who has been employed for reward for all or any of the purposes of the election by or on behalf of any candidate within six months of an election (30 & 31 *Vict. c. 102, s. 11*).
17. Where a debtor is adjudged a bankrupt, he shall be disqualified for being elected to, or sitting or voting in, the House of Commons or on any committee thereof. The disqualifications to which a bankrupt is subject under this section shall be removed and cease if and when the adjudication of bankruptcy against him is annulled; or he obtains from the court his discharge, with a certificate to the effect that his bankruptcy was caused by misfortune without any misconduct on his part. The court may grant or withhold such certificate as it thinks fit, but any refusal of such certificate shall be subject to appeal. The disqualifications imposed by this section shall extend to all parts of the United Kingdom. If a member of the House of Commons is adjudged bankrupt, and the disqualifications arising therefrom under this Act are not removed within six months from the date of the order, the court

shall, immediately after the expiration of that time, certify the same to the Speaker of the House of Commons, and thereupon the seat of the member shall be vacant. Where the seat of a member so becomes vacant, the Speaker, during a recess of the House, whether by prorogation or by adjournment, shall forthwith, after receiving the certificate, cause notice thereof to be published in the *London Gazette*; and after the expiration of six days after the publication shall (unless the House has met before that day, or will meet on the day of the issue) issue his warrant to the clerk of the Crown to make out a new writ for electing another member in the room of the member whose seat has so become vacant (46 & 47 Vict. c. 52).

The disqualification to vote of officers of the Customs, Inland Revenue, and Post Office, has been removed by the statute 31 & 32 Vict. c. 73, which repeals the statutes 22 Geo. 3, c. 41; 43 Geo. 3, c. 25; and 7 & 8 Geo. 4, c. 53, s. 9, on that subject.

And be it enacted, that notwithstanding anything hereinbefore contained no person shall be entitled to vote in the election of a knight or knights of the shire to serve in any future Parliament in respect of his estate or interest as a copyholder or customary tenant, or tenant in ancient demesne, holding by copy of court roll, or as such lessee or assignee, or as such tenant and occupier as aforesaid, in any house, warehouse, counting-house, shop, or other building, or in any land occupied together with a house, warehouse, counting-house, shop, or other building, such house, warehouse, counting-house, shop, or other building being, either separately or jointly with the land so occupied therewith, of such value as would, according to the provisions hereinafter contained, confer on him or on any other person the right of voting for any city or borough, whether he or any other person shall or shall not have actually acquired the right to vote for such city or borough in respect thereof.

Lodger qualification.—This qualification or franchise by the Representation of the People Act, 1867, section 4, is as follows:—

Every man shall, in and after the year one thousand eight hundred and sixty-eight, be entitled to be registered as a voter, and when registered, to vote for a member or members to serve in Parliament for a borough, who is qualified as follows ; (that is to say,)

1. Is of full age and not subject to any legal incapacity (see *ante*, p. 17) ; and
2. As a lodger has occupied in the same borough separately and as sole tenant for the twelve months preceding the last day of July in any year the same lodgings, such lodgings being part of one and the same dwelling-house, and of a clear yearly value, if let unfurnished, of ten pounds or upwards; and
3. Has resided in such lodgings during the twelve months immediately preceding the 15th day of July (41 & 42 Vict. c. 26, s. 7), and has claimed to be registered as a voter at the next ensuing registration of voters, and the period of qualification shall include any period of occupation, residence, possession, and on receipt of parochial relief or other alms.

The word “months,” according to the interpretation clause (section 61), means calendar months.

Lodgings defined.] Per ERLE, J., in *Cook v. Humber*, 31 L. J. C. P. 77, “the common meaning of ‘lodgings’ is part of a house used for residence.”

Now by the Parliamentary and Municipal Registration Act, 1878, in and for the purposes of the Representation of the People Act, 1867, the term "lodgings" shall include any apartments or place of residence, whether furnished or unfurnished, in a dwelling-house (41 & 42 Vict. c. 26, s. 5).

(1.) **Additional lodgings.]** Lodgings occupied by a person in any year or two successive years shall not be deemed to be different lodgings by reason only that in that year or in either of those years he has occupied some other rooms or place in addition to his original lodgings (*ibid.* s. 6 (1)).

(2.) **Successive lodgings in the same house.]** For the purpose of qualifying a lodger to vote, the occupation to immediate succession of different lodgings of the requisite value in the same house shall have the same effect as continued occupation of the same lodgings (*ibid.* s. 6 (2)).

(3.) **Joint occupation of lodgings.]** Where lodgings are jointly occupied by more than one lodger, and the clear yearly value of the lodgings if let unfurnished is of an amount which when divided by the number of the lodgers gives a sum of not less than 10*l.* for each lodger, then each lodger, if otherwise qualified and subject to the conditions of the Representation of the People Act, 1867, shall be entitled to be registered, and when registered to vote as a lodger, provided that not more than two persons being such joint lodgers shall be entitled to be registered in respect of such lodgings (*ibid.* s. 6 (3)).

Residence by lodger.] A. being employed to attend upon a gentleman, lodgings were taken for him in the same house as the gentleman, in which he might and did usually sleep, but he was not bound by his agreement to do so. A. had also lodgings in the borough of C., where his wife and children resided, and in

which he could sleep at any time, and did in fact sleep at least once a week:—*Held*, that A. resided in the lodgings in the borough of C. within the meaning of 30 & 31 *Vict. c. 102, s. 4*, sub-sect. 3, and was entitled to vote as a lodger for the borough of C. *Taylor v. St. Mary Abbott's, Kensington*, L. R. 6 C. P. 309; 23 L. T. (N.S.) 493.

B. had duly occupied in the same borough during the twelve months required by section 4 of 30 & 31 *Vict. c. 102*, as separate and sole tenant under a yearly tenancy in the same lodgings, such lodgings being part of one and the same dwelling-house, and of the yearly value if let unfurnished of more than 10*l.* He had also during the whole of this period occupied a house in the county, where he kept an establishment of servants all the year round, and where he had resided during such portions of the year as he was not in London. B. when in London resided in the said lodging, and during the period of twelve months in respect of which he claimed he had actually resided at the lodgings on six different occasions, amounting in the aggregate to nine weeks:—*Held*, that B. had resided at these lodgings during the whole of the twelve months within the meaning of section 4. *Bond, app., v. St. George's, Hanover Square, resp.*, 23 L. T. (N.S.) 494; L. R. 6 C. P. 312.

Lodger occupying rooms in a college at Oxford or Cambridge.] A set of rooms in a college at Oxford or Cambridge is a dwelling-house within the meaning of the Representation of the People Act, 1867, and the occupier is therefore not entitled to vote for the borough as a lodger in respect of such rooms. The 78th section of 2 *Will. 4, c. 45*, which prohibits any person from voting for the borough of Oxford or Cambridge in respect of the occupation of chambers or premises in any college applies to the new franchise created by the Representation of the People Act, 1867. *Barnes v. Peters; Perowne v. Peters; Bakewell v. Peters*, L. R. 4 C. P. 539.

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Lodgings—Clear yearly value defined.] The lodging may consist of one or more rooms ; and the “clear yearly value” means not *rental* but *clear yearly value*, as construed in the case of the 10*l*. franchise under section 27 of the Reform Act of 1832. That Act contains no definition of the term “clear yearly value ;” but in *Cogan v. Lockett*, 2 C. B. 182, 1 Lutw. 447, it was held that the proper criterion of value is the price which the premises would fetch if *bond fide* let, the tenant bearing the ordinary burdens incidental to the occupation, *i.e.*, “what a tenant would give for the house over and above the ordinary burdens to which he would be liable if he took it subject to such burdens;” and per ERLE, J., it should be ascertained “what the premises would let for under ordinary circumstances, deducting such charges as a tenant would ordinarily pay.”

In *Colville v. Wood*, 2 C. B. 210, the Common Pleas determined shortly afterwards that repairs and insurances cannot be deducted in ascertaining clear yearly value.

In consequence of these two decisions the expression “clear yearly value” has generally been considered to have the same meaning as that usually attached to the term “gross estimated rental” found in the schedule to the Parochial Assessment Act, *viz.*, the rent at which the property might be expected to be let from year to year, free of tenant’s rates and taxes and tithe commutation rentcharge, *the tenant taking these burdens* upon himself, and without making any deduction for repairs and insurance.

The Union Assessment Committee Act, 1862, s. 15, has supplied the defect in the Parochial Assessment Act of 1836, by defining “gross estimated rental” to be “the rent at which the hereditaments might reasonably be expected to let from year to year, *free* of all usual tenant rates and taxes and tithe commutation rentcharge, if any.”

The distinction between gross estimated rental and rateable value is, that in ascertaining the latter the probable average annual cost of the repairs and insurance has to be deducted.

Questions may arise under this section as to what constitutes residing in the lodgings, and what term of absence, and under what circumstances, would constitute a break in the residence, so as to disentitle the lodger to be registered. There must, it is clear, be a *bond fide* residence, and not merely a colourable residence, so as to manufacture lodger votes in several different boroughs for the same person. If the lodgings are *bond fide* taken in a dwelling-house for the purpose of residence, mere temporary absence for the purpose of business or pleasure would not interrupt the continuity of the residence so long as the lodger retained his dominion over the lodgings. If, however, he once relinquish his right to return to the lodgings, however short the period of such relinquishment may be, the continuity of the residence would be broken, and the right of the lodger to be registered lost, until he has completed another year's continuous residence in the same or other lodgings in the borough. BAYLEY, J., in *Re v. North Curry*, 4 B. & C. 953, said, with reference to a question before the court, under 43 Eliz. c. 2, "the question is, what is the meaning of the word '*resides*?' I take it that that word, where there is nothing to show that it is used in a more extensive sense, denotes the place where an individual eats, drinks, and sleeps, or where his family or his servants eat, drink, and sleep."

Further upon the subject of residence, and what constitutes a break of residence, with reference to the Poor Removal Act, 9 & 10 Vict. c. 66, s. 1, see the cases decided upon the construction of that Act in "Glen's Poor Law Statutes," vol. 2.

Claims of lodgers.] The claim of every person desirous of being registered as a voter for a member or members to serve for any borough in respect of the occupation of lodgings shall be in the Form (1.), Schedule (G.), or to the like effect, and shall have annexed thereto a declaration in the form and be certified in the manner in the schedule mentioned, or as near thereto as circumstances admit; and every such claim shall, after the 15th day of July and on or before the 25th day of August in any year

be delivered to the overseers of the parish in which such lodgings shall be situate, and the particulars of such claim shall be duly published by such overseers on or before the 1st September next ensuing in a separate list, according to the Form (2.), Schedule (G.) of the Act.

Now by 41 & 42 Vict. c. 26, Schedule, the following is in the form of Claim of Lodger :—

To the overseers of the Parish [*or Township*] of .

I claim to have my name inserted in the list of persons entitled to vote at the election of a member [*or members*] to serve in parliament for the parliamentary borough of , in respect of the qualification named below.

Name of Claimant in full, Surname being first.	Description of Rooms occupied, and whether Furnished or not.	Street, Lane or other Place, and Number (if any) of house in which Lodgings situate.	Amount of Rent paid.	Name and Address of Landlord or other Person to whom Rent is paid.
Stevens, John William.	Two rooms first floor, furnished.	51, Brick Street.	16s. a week.	William Johnson, High Street..

I hereby declare that I have during the twelve calendar months immediately preceding the fifteenth day of July in this year occupied as sole tenant [*or as joint tenant with*], and resided in the above-mentioned lodgings, and that those lodgings are of a clear yearly value, if let unfurnished, of ten [*or twenty*] pounds or upwards † and I hereby declare that I am on the register of parliamentary voters for the said parliamentary borough in respect of the same lodgings as above mentioned, and I desire to have my name inserted in the list of lodger voters published on or before the first day of August.†

Dated the day of 18 .

(Signed) A. B. (the Claimant).

I, the undersigned, hereby declare that I have witnessed the above signature of the above-named [*here state name of claimant*] at the date stated above, and that I believe the above claim to be correct.

Dated the day of 18 .

(Signed) C. D., of

[*state residence and calling of witness*].

Omit the words between crosses if they are not applicable.

Note.—If the claim is in respect of different rooms successively occupied as lodgings in the same house, the notice of claim must specify each room, or set of rooms so occupied. If the claimant is on the register in respect of the same lodgings, and desires to have his name inserted in the list of lodger voters published on or before the first day of August, he must send in his claim on or before the twenty-fifth day of July. In any other case he must send it in after the last day of July, and on or before the twenty-fifth day of August. If there are two joint lodgers, the yearly value of the lodgings must be twenty pounds or upwards.

Declaration of lodger to be prima facie evidence.] In the case of a person claiming to vote as a lodger, the declaration annexed to his notice of claim shall, for the purposes of revision, be *prima facie* evidence of his qualification (41 & 42 Vict. c. 26, s. 23).

List of Claimants in respect of Lodgings, to be published by the Overseers.

The following persons claim to have their names inserted in the list of persons entitled to vote in the election of a member [or members] for the city [or borough] of _____.

Christian name and surname of each claimant at full length.	Profession, trade or	Description of lodgings.	Description of house in which lodgings situate, with No. (if any) and name of street.	Name, description, and residence of landlord or other person to whom rent paid.

Signed

} Overseers.

So much of section 18 of 6 Vict. c. 18, as relates to the manner of publishing lists of claimants, and to the delivery of copies thereof to persons requiring the same, shall apply to every such claim and list; and all the provisions of the 38th and 39th sections of the same Act with respect to the proof of the claims of persons omitted from the list of voters, and to objections thereto, and to the hearing thereof, shall, and so far as the same are applicable, apply to claims, objections, and to the hearing thereof under this section (30 & 31 Vict. c. 102, s. 30).

Claim by lodger retaining same lodgings in successive years.]
Where a person is entered in respect of lodgings on the register of voters for the time being in force, and desires to be entered on the next register in respect of the same lodgings, he may claim to be so entered by sending notice of his claim to the overseers of the parish in which his lodgings are situate on or before the twenty-fifth day of July (41 & 42 Vict. c. 26, s. 22).

The overseers shall on or before the last day of July make out a list of all persons so claiming, and if they have reasonable cause to believe that any person whose name is entered on the list is not entitled to be registered or is dead, shall add in the margin of the list opposite his name the words "objected to" or "dead," as the case may be (*ib.*)

The lists so made out shall be signed, published, and otherwise dealt with in the same manner as the alphabetical lists mentioned in section 13 of the Parliamentary Registration Act of 1843, and shall for the purposes of the Parliamentary Registration Acts be deemed to be lists of voters, and the provisions of the Parliamentary Registration Acts as to objections shall apply to such lists, and the persons against whose names the overseers have so written the words "objected to" or "dead" shall be deemed to be duly objected to (*ib.*)

A lodger will be on precisely the same footing as one whose name has been omitted from the original list prepared by the

overseers. He will have to make his claim, and to appear before the revising barrister every year, because he may then and there be objected to.

For the purposes of the Representation of the People Act, 1867, the term "dwelling-house" shall include any part of a house where that part is separately occupied as a dwelling, and the term "lodgings" shall include any apartments or place of residence, whether furnished or unfurnished, in a dwelling-house.

Lodgings occupied by a person in any year or two successive years shall not be deemed to be different lodgings by reason only that in that year or in either of those years he has occupied some other rooms or place in addition to his original lodgings.

For the purpose of qualifying a lodger to vote, the occupation in immediate succession of different lodgings of the requisite value in the same house shall have the same effect as continued occupation of the same lodgings.

Where lodgings are jointly occupied by more than one lodger, and the clear yearly value of the lodgings if let unfurnished is of an amount which when divided by the number of the lodgers gives a sum of not less than ten pounds for each lodger, then each lodger, if otherwise qualified and subject to the conditions of the Representation of the People Act, 1867, shall be entitled to be registered, and when registered to vote as a lodger, provided that not more than two persons being such joint lodgers shall be entitled to be registered in respect of such lodgings.

Where a person is entered in respect of lodgings on the register of voters for the time being in force, and desires to be entered on the next register in respect of the same lodgings, he may claim to be so entered by sending notice of his claim to the overseers of the parish in which his lodgings are situate on or before the twenty-fifth day of July.

The overseers shall on or before the last day of July make out a list of all persons so claiming, and if they have reasonable cause to believe that any person whose name is entered on the list is not entitled to be registered or is dead, shall add in the margin of the list opposite his name the words "objected to" or "dead," as the case may be.

The lists so made out shall be signed, published, and otherwise dealt with in the same manner as the alphabetical lists mentioned in section thirteen of the Parliamentary Registration Act, 1843, and shall for the purposes of the Parliamentary Registration Acts be deemed to be lists of voters, and the provisions of the Parliamentary Registration Acts as to objections shall apply to such lists, and the persons against whose names the overseers have so written the words "objected to" or "dead" shall be deemed to be duly objected to.

In the case of a person claiming to vote as a lodger, the declaration annexed to his notice of claim shall, for the purposes of revision, be *prima facie* evidence of his qualification.

3. *Tenure of house by office or service not to invalidate vote.*] Where a man himself inhabits any dwelling-house by virtue of any office, service, or employment, and the dwelling-house is not inhabited by any person under whom such man serves in such office, service, or employment, he shall be deemed for the purposes of this Act and of the Representation of the People Acts to be an inhabitant occupier of such dwelling-house as a tenant.

This section will enable outdoor and other servants who inhabit or reside in separate dwelling-houses belonging to or rented

by their masters to acquire the parliamentary household qualification or franchise which they could not do under the former Acts.

When the occupation was simply that of servants, as for instance, gardeners, gamekeepers and others who lived in houses belonging to or rented by their masters in consideration of their employment, and for which rent was not paid by the servant, the occupation was that of the masters and not of the servants.

Prohibition of Multiplication of Votes.

4. *Restriction of fagot votes.*] Subject to the saving in this Act for existing voters, the following provisions shall have effect with reference to elections :

- (1.) A man shall not be entitled to be registered as a voter in respect of the ownership of any rentcharge except the owner of the whole of the tithe rentcharge of a rectory, vicarage, chapelry, or benefice to which an apportionment of tithe rentcharge shall have been made in respect of any portion of tithes.
- (2.) Where two or more men are owners either as joint tenants or as tenants in common of an estate in any land or tenement, one of such men, but not more than one, shall, if his interest is sufficient to confer on him a qualification as a voter in respect of the ownership of such estate, be entitled (in the like cases and subject to the like conditions

as if he were the sole owner) to be registered as a voter, and when registered to vote at an election.

Provided that where such owners have derived their interest by descent, succession, marriage, marriage settlement, or will, or where they occupy the land or tenement, and are *bond fide* engaged as partners carrying on trade or business thereon, each of such owners whose interest is sufficient to confer on him a qualification as a voter shall be entitled (in the like cases and subject to the like conditions as if he were sole owner) to be registered as a voter in respect of such ownership, and when registered to vote at an election, and the value of the interest of each such owner where not otherwise legally defined shall be ascertained by the division of the total value of the land or tenement equally among the whole of such owners.

Existing voters in this section mentioned will be those whose names appear in the registers in force on the date of the passing of the Act, that is, the 6th December, 1884.

Sub-section (2) applies to the property qualification or franchise, with regard to which it is enacted by the Representation of the People Act, 1867, sect. 5 :—Every man shall, in and after the year one thousand eight hundred and sixty-eight, be entitled to be

registered as a voter, and, when registered, to vote for a member or members to serve in Parliament for a county who is qualified as follows; (that is to say,)

1. Is of full age, and not subject to any legal incapacity, and is seised at law or in equity of any lands or tenements of freehold, copyhold, or any other tenure whatever, for his own life, or for the life of another, or for any lives whatsoever, or for any larger estate of the clear yearly value of not less than five pounds over and above all rents and charges payable out of or in respect of the same, or who is entitled, either as lessee or assignee, to any lands or tenements of freehold or of any other tenure whatever, for the unexpired residue, whatever it may be, of any term originally created for a period of not less than sixty years (whether determinable on a life or lives or not), of the clear yearly value of not less than five pounds over and above all rents and charges payable out of or in respect of the same :

Provided that no person shall be registered as a voter under this section unless he has complied with the provisions of the twenty-sixth section of the Act of the second year of the reign of His Majesty William the Fourth, chapter forty-five, that is to say, unless he shall have been in the actual possession of the lands or tenements, or in the receipt of the rents and profits thereof for his own use for six calendar months ; and no person shall be registered in any year in respect of lands or tenements held by him as lessee or assignee, or as occupier and tenant, unless he shall have been in the actual possession thereof or in the receipt of the rents and profits for his own use as the case may require for twelve calendar months next previous to the 15th day of July in such year. Where any lands or tenements which would otherwise entitle the same holder or occupier thereof to vote at any election, shall come to any person within the respective periods of six or twelve months, by descent, succession, marriage, marriage

settlement, devise, or promotion to any benefice in a church, or by promotion to any office, such person shall be entitled thereof to have his name inserted as a voter in the election of a knight or knights of the shire in the lists then next to be made and upon his being duly registered to vote in such election.

"Actual possession" is the actual receipt of the rent itself, or some part of it, or something in lieu of it; and although by reason of the terms of a grant made in the month of January in the year of claim no payment was due till after the last day of July in that year, the grantee was not entitled to be registered (*Murray v. Thornley*, 15 L. J. C. P. 155. On the same point see also *Hayden v. Tiverton*, 16 L. J. C. P. 88). It would, however, be different where the rentcharge is by a conveyance operating under the Statute of Uses (27 Hen. 8, c. 10, s. 1). *Heelis v. Blain*, 34 L. J. C. P. 88; and *Hadfield's Case*, L. R. 8 C. P. 306. As to what deeds operate at common law and what under the Statute of Uses see *Ormes' Case*, L. R. 8 C. P. 281.

The following are the clauses of the Reform Act of 1832, (2 Will. 4, c. 45), with regard to county voters:—

Section 18. No person shall be entitled to vote in the election of a knight or knights of the shire to serve in any future Parliament, or in the election of a member or members to serve in any future Parliament for any city or town being a county of itself, in respect of any freehold lands or tenements whereof such person may be seised for his own life, or for the life of another, or for any lives whatsoever, except such person shall be in the actual and *bond fide* occupation of such lands or tenements, or except the same shall have come to such person by marriage, marriage settlement, devise, or promotion to any benefice or to any office, or except the same shall be of the clear yearly value of not less than *ten* pounds above all rents and charges payable out of or in respect of the same; any statute or usage to the contrary notwithstanding: Provided always, that nothing in this Act contained shall prevent

any person now seised for his own life, or for the life of another, or for any lives whatsoever, of any freehold lands or tenements in respect of which he now has, or but for the passing of this Act might acquire, the right of voting in such respective elections, from retaining or acquiring, so long as he shall be so seised of the same lands or tenements, such right of voting in respect thereof, if duly registered according to the respective provisions herein after contained.

Section 19. Every male person of full age, and not subject to any legal incapacity, who shall be seised at law, or in equity of any lands or tenements of copyhold or any other tenure whatever except freehold, for his own life, or for the life of another, or for any lives whatsoever, or for any larger estate, of the clear yearly value of not less than *ten* pounds over and above all rents and charges payable out of or in respect of the same, shall be entitled to vote in the election of a knight or knights of the shire to serve in any future Parliament for the county, or for the riding, parts, or division of the county, in which lands or tenements shall be respectively situate.

Section 20. Every male person of full age, and not subject to legal incapacity, who shall be entitled, either as a lessee or assignee, to any lands or tenements, whether of freehold or of any other tenure whatever, for the unexpired residue, whatever it may be, of any term originally created for a period of not less than sixty years (whether determinable on a life or lives, or not), of the clear yearly value of not less than *ten* pounds over and above all rents and charges payable out of or in respect of the same, or for the unexpired residue, whatever it may be, of any term originally created for a period of not less than twenty years (whether determinable on a life or lives, or not), of the clear yearly value of not less than *fifty* pounds over and above all rents and charges payable out of or in respect of the same, or who shall occupy as tenant any lands or tenements for which he shall be *bond fide*

liable to a yearly rent of not less than *fifty* pounds, shall be entitled to a vote in the election of a knight or knights of the shire to serve in any future Parliament for the county, or for the riding, parts, or division of the county, in which such lands or tenements shall be respectively situate : Provided always, that no person, being only a sub-lessee, or the assignee of any underlease, shall have a right to vote in such election in respect of any such term of sixty years or twenty years as aforesaid, unless he shall be in the actual occupation of the premises.

Section 21. No public or parliamentary tax, nor any county rate, or parochial rate, shall be deemed to be any charge payable out of or in respect of any lands or tenements within the meaning of this Act.

Section 22. In order to entitle any person to vote in any election of a knight of the shire or other member to serve in any future Parliament, in respect of any messuages, lands, or tenements, whether freehold or otherwise, it shall not be necessary that the same shall be assessed to the land tax; any statute to the contrary notwithstanding.

Assimilation of Occupation Qualification.

5. *Assimilation of occupation qualification.*] Every man occupying any land or tenement in a county or borough in the United Kingdom of a clear yearly value of not less than ten pounds shall be entitled to be registered as a voter and when registered to vote at an election for such county or borough in respect of such occupation subject to the like conditions respectively as a man is, at the passing of this Act, entitled to be

registered as a voter and to vote at an election for such county in respect of the county occupation franchise, and at an election for such borough in respect of the borough occupation franchise.

At the passing of this Act the occupation franchise in counties was by section 6 of the Representation of the People Act, 1867, as follows:—

Every man shall, in and after the year one thousand eight hundred and sixty-eight, be entitled to be register as a voter, and, when registered, to vote for a member or members to serve in Parliament for a county, who is qualified as follows; (that is to say,)

1. Is of full age, and not subject to any legal incapacity; and
2. Is on the last day of July in any year, and has during the twelve months immediately preceding been the occupier as owner or tenant, of lands or tenements within the county of the rateable value of twelve pounds or upwards; and
3. Has during the time of such occupation been rated in respect to the premises so occupied by him to all rates (if any) made for the relief of the poor in respect of the said premises; and
4. Has on or before the twentieth day of July in the same year paid all poor rates that have become payable by him in respect of the said premises up to the preceding fifth day of January.

^c With regard to this section, see 48 Vict. c. 3, s. 12, *post*, p. 71.

The “rateable value” of the lands or tenements is not defined by the Act, but, being a question of fact, the revising barrister must decide it if in dispute (*Cogan v. Luckett*, 2 C. B. 182; 1

Lutw. 447); and further, an erroneous assessment, *i.e.*, at less than the franchise (rateable) value, would not affect the right to be registered if the premises are in fact of the requisite rateable value.

The rateable value as it appears in the valuation list of the parish would not be conclusive evidence of rateable value, although it would no doubt be accepted as a strong *prima facie* evidence of such value. By the Irish Act, 13 & 14 Vict. c. 69, s. 108, the entries of value in the rate books are made conclusive; but by the Scotch Act, 19 & 20 Vict. c. 58, s. 17, the valuation roll is made *prima facie* proof of value.

The words "lands or tenements" are the same as are used in the Reform Act, 1832, with respect to the 50*l.* occupation franchise under that Act.

The borough occupation franchise at the commencement of this Act is referred to *ante*, p. 16.

Supplemental Provisions.

6. *Voter not to vote for county in respect of occupation of property in borough.]* A man shall not by virtue of this Act be entitled to be registered as a voter or to vote at any election for a county in respect of the occupation of any dwelling-house, lodgings, land, or tenement, situate in a borough.

As to voting for a county in respect of property situated in a city or borough:—

By the Reform Act of 1832 the county franchise was conferred upon the following persons:—

1. Copyholders for life or lives, or any larger estate of any lands or tenements of the clear yearly value of not less than 10*l.*

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2. *Lessees* or *assignees* for the unexpired residue of a term of not less than 60 years of any lands or tenements of the yearly value of not less than 5*l.*
3. *Or*, for the unexpired residue of a term of not less than 20 years of lands or tenements of the clear yearly value of 50*l.*
4. Occupying tenants of any lands or tenements, for which the occupier shall be *bond fide* liable to a yearly rent of not less than 50*l.*

It was also provided by the same Act that no person shall vote at an election for a county or for any city or town, being a county of itself, in respect of any freehold lands or tenements *for life or for lives*, except,—

1. The property is in his actual and *bond fide* occupation; or
2. Should have come by marriage settlement, devise, or promotion to a benefice or office; or
3. Should be of the clear yearly value of 10*l.* (2 Will. 4, c. 45, s. 18).

With regard to freeholders, it was provided that no person shall vote for a county in respect of his estate or interest as a freeholder in any house, warehouse, counting-house, shop, or other building occupied by himself, with or without lands of such yearly value (*viz.* 10*l.*) as would confer upon him the right to vote for a borough (2 Will. 4, c. 45, s. 24).

But with regard to copyholders, leaseholders, and 50*l.* occupying tenants, the same Act provided that no person shall vote for a county in respect of his estate or interest as a copyholder, lessee, or assignee, or as such occupying tenant in respect of any premises which would confer either on him *or any other person* the right to vote for a borough (2 Will. 4, c. 45, s. 75).

The effect of these two sections was:—

1. That a freeholder seised in fee or for life or lives, and coming within one of the three exceptions before specified, might vote for a county in respect of any premises within a borough, whether in *his own* occupation or not, which were of the yearly value of 40s. and under 10*l.*

2. That a freeholder, whether seised in fee or for life, or for lives only, might vote for any premises in a borough of the yearly value of 10*l.* and upwards, provided they were not in his own occupation; or for property consisting of *and only* of the value of 10*l.* and upwards, even if it were in his own occupation; land alone, without any building upon it, being incapable of conferring the borough franchise.

3. That a copyholder, leaseholder, or 50*l.* occupying tenant was precluded from voting for a county in respect of any property within a borough, unless it consisted of land only; or, with respect to copyholders and leaseholders, unless the property consisted of separate holdings, each of a less yearly value than 10*l.*, but in the aggregate making up that amount.

By clause 5 of the Representation of the People Act, 1867, the following franchises were reduced from 10*l.* to 5*l.* yearly value:—

1. Freehold for life or for lives.
2. Copyhold for life or lives or for a larger estate.
3. Leasehold for the unexpired residue of any term of not less than 60 years.

And by section 6, the franchise was conferred upon occupiers of lands or tenements of the rateable value of 12*l.* or upwards.

By section 59, the restrictions contained in sections 24 and 25 of 2 Will. 4, c. 45, were extended to the provisions of the Representation of the People Act, 1867, which confer rights to vote for the county.

Under 2 Will. 4, c. 45, the franchise in boroughs was not limited to a house only, but it extended to a warehouse, counting-house, shop, or other building, with or without land. The Act of 1867 limited the borough qualification under 10*l.* to a *dwelling-house*.

Inasmuch, therefore, as the occupation of any kind of building, with or without land, of a less yearly value than 10*l.*, other than a *dwelling-house*, would not confer upon any person, either the owner or the occupier, the borough franchise, copyholders and leaseholders were entitled to vote for counties in respect of any premises, other than a dwelling-house of the yearly value of 5*l.*, and under 10*l.* in boroughs.

The principle of the Act of 1832 was, that whenever freehold premises conferred a borough qualification on the owner, he was not to be entitled to vote for the county; and that wherever premises of any other tenure than freehold conferred a borough qualification upon either the owner or any other person, the owner in like manner was precluded from voting for the county.

7. *Definition of household and lodger qualification and other franchises, and application of enactments relating thereto.*—(1.) In this Act the expression “a household qualification” means, as respects England and Ireland, the qualification enacted by the third section of the Representation of the People Act, 1867, and the enactments amending or affecting the same, and the said section and enactments, so far as they are

consistent with this Act, shall extend to counties in England and to counties and boroughs in Ireland.

(2.) In the construction of the said enactments, as amended and applied to Ireland, the following dates shall be substituted for the dates therein mentioned, that is to say, the twentieth day of July for the fifteenth day of July, the first day of July for the twentieth day of July, and the first day of January for the fifth day of January.

(3.) The expression "a lodger qualification" means the qualification enacted, as respects England, by the fourth section of the Representation of the People Act, 1867 (*a*), and the enactments amending or affecting the same, and as respects Ireland, by the fourth section of the Representation of the People (Ireland) Act, 1868, and the enactments amending or affecting the same, and the said section of the English Act of 1867, and the enactments amending or affecting the same, shall, so far as they are consistent with this Act, extend to counties in England, and the said section of the Irish Act of 1868, and the enactments amending or affecting the same, shall, so far as they are consistent with this Act, extend to counties in Ireland; and sections five and six and twenty-two and twenty-three

(*a*) See *ante*, p. 21.

of the Parliamentary and Municipal Registration Act, 1878, so far as they relate to lodgings, shall apply to Ireland, and for the purpose of such application the reference in the said section six to the Representation of the People Act, 1867, shall be deemed to be made to the Representation of the People (Ireland) Act, 1868, and in the said section twenty-two of the Parliamentary and Municipal Registration Act, 1878, the reference to section thirteen of the Parliamentary Registration Act, 1843, shall be construed to refer to the enactments of the Registration Acts in Ireland relating to the making out, signing, publishing, and otherwise dealing with the lists of voters, and the reference to the Parliamentary Registration Acts shall be construed to refer to the Registration Acts in Ireland, and the following dates shall be substituted in Ireland for the dates in that section mentioned, that is to say, the twentieth day of July for the last day of July, and the fourteenth day of July for the twenty-fifth day of July, and the word "overseers" shall be construed to refer in a county to the clerk of the peace, and in a borough to the town clerk.

(4.) The expression "a household qualification" means, as respects Scotland, the qualification enacted by the third section of the Representation of the People (Scotland) Act, 1868, and the enactments amending or

affecting the same, and the said section and enactments shall, so far as they are consistent with this Act, extend to counties in Scotland, and for the purpose of the said section and enactments the expression "dwelling-house" in Scotland means any house or part of a house occupied as a separate dwelling, and this definition of a dwelling-house shall be substituted for the definition contained in section fifty-nine of the Representation of the People (Scotland) Act, 1868.

(5.) The expression "a lodger qualification" means, as respects Scotland, the qualification enacted by the fourth section of the Representation of the People (Scotland) Act, 1868, and the enactments amending or affecting the same, and the said section and enactments, so far as they are consistent with this Act, shall extend to counties in Scotland.

(6.) The expression "county occupation franchise" means, as respects England, the franchise enacted by the sixth section of the Representation of the People Act, 1867 (see *ante*, p. 38); and, as respects Scotland, the franchise enacted by the sixth section of the Representation of the People (Scotland) Act, 1868; and, as respects Ireland, the franchise enacted by the first section of the Act of the session of the thirteenth and fourteenth years of the reign of Her present Majesty, chapter sixty-nine.

(7.) The expression "borough occupation franchise" means as respects England the franchise enacted by the twenty-seventh section of the Act of the session of the second and third years of the reign of King William the Fourth, chapter forty-five; and as respects Scotland, the franchise enacted by the eleventh section of the Act of the session of the second and third years of the reign of King William the Fourth, chapter sixty-five; and as respects Ireland the franchise enacted by section five of the Act of the session of the thirteenth and fourteenth years of the reign of Her present Majesty, chapter sixty-nine, and the third section of the Representation of the People (Ireland) Act, 1868.

The borough occupation franchise.—(1.) Occupiers of houses, warehouses, counting-houses, shops, &c., of not less than 10*l.* annual value.

- (a.) Every male of full age, and not subject to any legal incapacity,
- (b.) who is occupier,
- (c.) as owner or tenant,
- (d.) of any house, warehouse, counting-house, shop, or other building within the city or borough,
- (e.) being either separately or jointly with any land within such city or borough occupied therewith by him as owner or as tenant under the same landlord,
- (f.) of any tenure

- (g.) of the clear yearly value of not less than 10*l.*,
- (h.) and who has been in the occupation for twelve calendar months next previous to the last day of July in each year,
- (i.) and is rated to the poor rate (if any) in respect of premises occupied during the time of the required occupation.
- (2.) Inhabitant occupiers of dwelling-houses.
 - (a.) Every man of full age, and not subject to any legal incapacity,
 - (b.) who on the last day of July, and during the whole of the preceding twelve calendar months, has been
 - (c.) an inhabitant occupier, as owner or tenant,
 - (d.) of any dwelling-house
 - (e.) within the borough,
 - (f.) and who has during the time of such occupation
 - (g.) been rated as an ordinary occupier in respect of the premises so occupied by him within the borough
 - (h.) to all rates (if any) made for the relief of the poor in respect of such premises,
 - (i.) and has, on or before the 20th July in the same year, *bond fide* paid an equal amount in the pound to that payable by the ordinary occupiers in respect of all poor rates that have become payable by him in respect of the premises up to the preceding 31st December.
 - (j.) but no man is entitled to be registered (under 30 & 31 *Vict. c. 102*) as a voter by reason of his being a joint occupier of any dwelling-house.

The household qualification, as enacted by section 3 of the Representation of the People Act, 1867, will be found *ante*, p. 16 ; and the lodger qualification, *ante*, p. 21.

(8.) Any enactments amending or relating to the county occupation franchise or borough occupation franchise other than the sections in this Act in that behalf mentioned shall be deemed to be referred to in the definition of the county occupation franchise and the borough occupation franchise in this Act mentioned.

8. *Definition of "Representation of the People Acts" and "Registration Acts."*—(1.) In this Act the expression "the Representation of the People Acts" means the enactments for the time being in force in England, Scotland, and Ireland respectively relating to the representation of the people, inclusive of the Registration Acts as defined by this Act.

(2.) The expression "the Registration Acts" means the enactments for the time being in force in England, Scotland, and Ireland respectively, relating to the registration of persons entitled to vote at elections for counties and boroughs, inclusive of the Rating Acts as defined by this Act.

(3.) The expressions "the Representation of the People Acts" and "the Registration Acts" respectively, where used in this Act, shall be read distribu-

tively in reference to the three parts of the United Kingdom as meaning in the case of each part the enactments for the time being in force in that part.

(4.) All enactments of the Registration Acts which relate to the registration of persons entitled to vote in boroughs in England in respect of a household or a lodger qualification, and in boroughs in Ireland in respect of a lodger qualification, shall, with the necessary variations and with the necessary alterations of precepts, notices, lists, and other forms, extend to counties as well as to boroughs.

The following registration calendar for boroughs is extracted from "Glen's Parliamentary and Registration Manual:"—

On or before the 7th April registrars of births and deaths are to furnish to overseers returns of deaths for the three preceding months. 41 & 42 *Vict. c. 26, s. 11.*

On or before the 20th June the overseers are to publish a general notice as to payment of poor rates. 30 & 31 *Vict. c. 102, s. 28.*

On or before the 20th June, when any poor rate due on the 5th January from occupier in respect of premises capable of conferring franchise for a borough is unpaid on 1st June following, overseers to give notice to occupier thereof. 30 & 31 *Vict. c. 102, s. 28.*

On or before the 20th July voters to pay all poor rates which have become payable during the twelve calendar months next before the 5th January. 6 *Vict. c. 18, s. 11.*

50 *Representation of the People Act, 1884.*

On or before the 22nd July overseers are to make out a list of persons who have not paid on or before the 20th July all poor rates which shall have become payable before the 5th January then last past. 30 & 31 Vict. c. 102, s. 29.

On or before the 22nd July registrars of births and deaths are to furnish to overseers returns of deaths for the three preceding months. 41 & 42 Vict. c. 26, s. 11.

On or before the 1st August overseers to publish copies of lists of voters in cities and boroughs. 6 Vict. c. 18, s. 13.

From the 1st to 25th August claims to vote as lodgers to be delivered to overseers of parish in which the lodgings are situated. 30 & 31 Vict. c. 102, s. 30.

On or before the 25th August persons omitted from list of voters, and who shall claim as having been entitled on the 15th day of July to have his name inserted therein, and every person desirous of being registered for a different qualification than that for which his name appears in the list, to give notice of their claims to the overseers. 6 Vict. c. 18, s. 15.

On or before the 25th August a person objecting to the name of a person being on list of voters to give notice to overseers. 6 Vict. c. 18, s. 17.

On or before the 25th August a person objecting to the name of a freeman on list of voters to give notice to town clerk. 6 Vict. c. 18, s. 17.

On or before the 1st September particulars of claims of lodgers to be registered to be published by overseers. 30 & 31 Vict. c. 102, s. 30.

On or before the 15th September registrars of births and deaths are to furnish to overseers returns of deaths for the three preceding months. 41 & 42 *Vict. c. 26, s. 11.*

From 15th September to 31st October—Revising barristers to hold their courts between these dates, both inclusive. 6 *Vict. c. 18, s. 33.*

The town clerk at the opening of the court of the revising barrister is to deliver to him the list of voters made by him, and notices of claims and of objections, and answer upon oath, and produce documents, &c. 6 *Vict. c. 18, s. 35.*

Printed book containing lists of voters, when signed by town clerk, and given into custody of returning officer, to be the register of voters for the borough during the year commencing on the 1st day of January. 6 *Vict. c. 18, s. 49; 30 & 31 Vict. c. 102, s. 38.*

On or before the 7th January registrars of births and deaths are to furnish to overseers returns of deaths for the three preceding months. 41 & 42 *Vict. c. 26, s. 11.*

The town clerk, or other person having charge of the register of every city or borough, shall, within 21 days after the 1st February, transmit a printed copy of the same to the Secretary of State. 31 & 32 *Vict. c. 58, s. 37.*

(5.) All enactments of the Registration Acts which relate to the registration in counties and boroughs in Ireland of persons entitled to vote in respect of the county occupation franchise and the borough occupation franchise respectively, shall, with the necessary variations and with the necessary alterations of pre-

cepts, notices, lists, and other forms, extend respectively to the registration in counties and boroughs in Ireland of persons entitled to vote in respect of the household qualification conferred by this Act.

(6.) In Scotland all enactments of the Registration Acts which relate to the registration of persons entitled to vote in burghs, including the provisions relating to dates, shall, with the necessary variations, and with the necessary alterations of notices and other forms, extend and apply to counties as well as to burghs; and the enactments of the said Acts which relate to the registration of persons entitled to vote in counties shall, so far as inconsistent with the enactments so applied, be repealed: provided that in counties the valuation rolls, registers, and lists shall continue to be arranged in parishes as heretofore.

9. *Definition and application of Rating Acts.*]—

(1.) In this Act the expression “the Rating Acts” means the enactments for the time being in force in England, Scotland, and Ireland respectively, relating to the placing of the names of occupiers on the rate book, or other enactments relating to rating in so far as they are auxiliary to or deal with the registration of persons entitled to vote at elections; and the expression “the Rating Acts” where used in this Act shall

be read distributively in reference to the three parts of the United Kingdom as meaning in the case of each part the Acts for the time being in force in that part.

The following is the provision contained in the Assessed Rates Act relating to the placing of names of occupiers on the rate book in parishes in England (32 & 33 Vict. c. 41, s. 19):—

“The overseers in making out the poor rate shall, in every case, whether the rate is collected from the owner or occupier, or the owner is liable to the payment of the rate instead of the occupier, enter in the occupiers' column of the rate book the name of the occupier of every rateable hereditament, and such occupier shall be deemed to be duly rated for any qualification or franchise as aforesaid; and if any overseer negligently or wilfully and without reasonable cause omits the name of the occupier of any rateable hereditament from the rate, or negligently or wilfully misstates any name therein, such overseer shall for every such omission or misstatement be liable on summary conviction to a penalty not exceeding two pounds: provided, that any occupier whose name has been omitted shall, notwithstanding such omission and that no claim to be rated has been made by him, be entitled to every qualification and franchise depending upon rating, in the same manner as if his name had not been so omitted.”

See as to this sub-section, sub-sections (3) and (4), *post*, pp. 63, 64, enabling the overseers to obtain the names of persons who, other than the owner, is to be registered as a voter in respect of his being an inhabitant occupier of any dwelling-house.

The following are the now existing county franchises:

1. Property qualification.—Freehold, not less than 40s. annual value:—

(a.) Every male person of full age, and not subject to any legal incapacity (with regard to such persons, see *ante*, p. 17),

- (b.) beneficially entitled,
- (c.) as owner or mortgagee in possession, at law, or in equity, of lands or tenements,
- (d.) to an estate of inheritance of freehold tenure
- (e.) of the clear yearly value, over and above all rents and charges payable out of or in respect of the same,
- (f.) of not less than 40s. annual value,
- (g.) and who has been in the actual possession or receipt of the rents and profits for his own use for six calendar months next previous to the last day of July, unless the property be acquired within six months, by descent, transmission, marriage, marriage settlement, devise, promotion to any benefice in a church, or to any office:—

If in the case of the above franchise the interest in the estate be reduced by a mortgage to less than 40s., the freeholder will be disqualified from being put upon the register.

2. Property qualification.—Freehold estate for life or lives not less than 40s. annual value:—

- (a.) Every male person of full age, and not subject to any legal incapacity (see *ante*, p. 17),
- (b.) beneficially entitled,
- (c.) as owner or mortgagee in possession, at law or in equity,
- (d.) of lands or tenements,
- (e.) to an estate for life or lives, of freehold tenure,
- (f.) of the clear yearly value, over and above all rents and charges payable out of or in respect of the same,
- (g.) of not less than 40s. annual value,

- (h.) and who has been in the actual and *bond fide* occupation or receipt of the rents and profits for his own use for six calendar months next previous to the last day of July, unless the property be acquired within six months, by descent, succession, marriage, marriage settlement, devise, promotion to any benefice in a church, or to any office, provided the voter is in actual and *bond fide* occupation of lands and tenements, or the same have come to him by marriage, marriage settlement, devise, or promotion to any benefice, or to any office.

3. Property qualification. — Freehold, copyhold, or other tenure for life or lives, not less than 5*l.* annual value:—

- (a.) Every man of full age, and not subject to any legal incapacity (see *ante*, p. 17),
- (b.) who is seised at law or in equity of any lands or tenements,
- (c.) of freehold, copyhold, or any other tenure whatever,
- (d.) for his own life, or for the life of another, or for any lives whatsoever,
- (e.) or for any larger estate,
- (f.) of the clear yearly value of not less than 5*l.* over and above all rents and charges payable out of or in respect of the same,
- (g.) and who has been in the actual possession or receipt of the rents and profits thereof for his own use for twelve calendar months next previous to the last day of July, unless the property be acquired within six months, by descent, occupation, marriage, marriage settlement, devise, promotion to any benefice in a church, or to any office.

4. Property qualification.—Leasehold originally created for period not less than sixty years, and not less than 5*l.* annual value:—

- (a.) Every man of full age, and not subject to any legal incapacity (see *ante*, p. 17),
- (b.) who is entitled, either as lessee or assignee,
- (c.) to any lands or tenements,
- (d.) of freehold or any other tenure whatever,
- (e.) for the unexpired residue, whatever it may be,
- (f.) of any term originally created for a period of not less than sixty years (whether determinable upon a life or lives or not),
- (g.) of the clear yearly value of not less than 5*l.*, over and above all rents and charges payable out of or in respect of the same,
- (h.) and who has been in the actual possession or receipt of the rents and profits thereof for his own use for twelve calendar months next previous to the last day of July, unless the property be acquired within six months, by descent, succession, marriage, marriage settlement, devise, promotion to any benefice in a church, or to any office.

5. Property qualification.—Leasehold, originally created for period not less than twenty years, and not less than 50*l.* annual value:—

- (a.) Every male person of full age, and not subject to any legal incapacity (see *ante*, p. 17),
- (b.) who is lessee or assignee

- (c.) of lands or tenements,
- (d.) of any tenure, originally created for not less than twenty years
- (e.) of the clear yearly value, over and above all rents and charges payable out of or in respect of the same,
- (f.) of not less than 50*l.* annual value,
- (g.) and who has been in the actual possession or receipt of the rents and profits for his own use for twelve calendar months next previous to the last day of July, unless the property be acquired within six months, by descent, succession, marriage, marriage settlement, devise, promotion to any benefice in a church, or to any office.

No public or parliamentary tax, nor any county rate, or parochial rate, shall be deemed to be any charge payable out of or in respect of lands or tenements within the meaning of 2 Will. 4, c. 45.

In order to entitle any person to vote at any election of a knight of the shire, or other member to serve in any parliament in respect of any messuages, lands, or tenements, whether freehold or otherwise, it shall not be necessary that the same shall be assessed to the land tax.

6. Occupation franchise for voters in counties:—

- (a.) Every man who is of full age, and not subject to any legal incapacity (see *ante*, p. 17),
- (b.) who on the last day of July, and has during the twelve months immediately preceding been
- (c.) the occupier as owner or tenant
- (d.) of lands or tenements within the parish,

- (e.) of the rateable value of 10*l.* or upwards,
- (f.) and who has during the time of such occupation been rated in respect to the premises so occupied by him,
- (g.) to all rates (if any) made for the relief of the poor in respect of the premises,
- (h.) and who has, on or before the 20th July, paid all poor rates that have become payable by him in respect of the premises, up to the preceding 5th January.

The following are the now existing borough franchisees:—

1. Borough franchisees.—Occupiers of houses, warehouses, counting-houses, shops, &c., of not less than 10*l.* annual value.

- (a.) Every male of full age, and not subject to any legal incapacity (see *ante*, p. 17),
- (b.) who is occupier,
- (c.) as owner or tenant,
- (d.) of any house, warehouse, counting-house, shop, or other building within the city or borough,
- (e.) being either separately or jointly with any land within such city or borough occupied therewith by him as owner or as tenant under the same landlord,
- (f.) of any tenure,
- (g.) of the clear yearly value of not less than 10*l.*,
- (h.) and who has been in the occupation for twelve calendar months next previous to the last day of July in each year,
- (i.) and is rated to the poor rate (if any) in respect of premises occupied during the time of the required occupation.

2. Borough franchise.—Inhabitant occupiers of dwelling-houses:—

- (a.) Every man of full age, and not subject to any legal incapacity (with regard to such persons, see *ante*, p. 17),
- (b.) who on the last day of July, and during the whole of the preceding twelve calendar months, has been
- (c.) an inhabitant occupier, as owner or tenant,
- (d.) of any dwelling-house
- (e.) within the borough,
- (f.) and who has during the time of such occupation
- (g.) been rated as an ordinary occupier in respect of the premises so occupied by him within the borough,
- (h.) to all rates (if any) made for the relief of the poor in respect of such premises;
- (i.) and has, on or before the 20th July in the same year, *bond fide* paid an equal amount in the pound to that payable by the ordinary occupiers in respect of all poor rates that have become payable by him in respect of the premises up to the preceding 5th January. (As to the payment of rates by the owners on behalf of the occupier, see *ante*, p. 53.)
- (j.) but no man is entitled to be registered (under 30 & 31 *Vict. c. 102*) as a voter by reason of his being a joint, occupier of any dwelling-house.

In addition to the franchises conferred by 2 *Will. 4, c. 45, s. 27*, and 30 & 31 *Vict. c. 102, s. 3*, there are the following reserved rights:—

1st. Perpetual Ancient Personal Rights:—

1. Freeholders having estates of inheritance, and burgage tenants in cities or towns, being counties of themselves, in

which freeholders or burgage tenants had a right to vote either with or without superadded qualification at the time of the passing of the Reform Act, 1832.

2. Freeholders and burgage tenants, as above, having estates for life or lives of the value of 10*l.* per annum.
3. Freeholders and burgage tenants, as above, having estates for life or lives under the value of 10*l.* per annum, who ratify one of the following conditions :—
 - (a.) Actually and *bond fide* occupy the premises ;
 - (b.) who were seised of the same on the passing of the 2 Will. 4, c. 45, *i.e.*, 7th June, 1832 ;
 - (c.) have acquired the same since that date by marriage, marriage settlement, devise, or promotion to a benefice or office ;
4. Freemen and burgesses by servitude, and those claiming by birth through them, in other places than London ;
5. Freemen and liverymen in London ;
6. Freemen admitted or entitled to be admitted on the 1st March, 1831, and their lineal descendants.

2nd. Temporary Ancient Personal Rights of Voting :—

1. Freeholders and burgage tenants in ordinary burgh towns including those New Shoreham, Cricklade, Aylesbury, and East Retford, entitled to vote on the 31st March, 1831, or who had acquired the estate between that date and the passing of the 2 Will. 4, c. 45, *i.e.*, 7th June, 1832, by descent, marriage, marriage settlement, devise, or promotion to a benefice or office ;
2. Electors qualified as inhabitants, inhabitant householders, inhabitants paying scot and lot, and inhabitant pot wallers, *i.e.*, persons who furnish their own diet.

(2.) In every part of the United Kingdom it shall be the duty of the overseers annually, in the months of

April and May, or one of them, to inquire or ascertain with respect to every hereditament which comprises any dwelling-house or dwelling-houses within the meaning of the Representation of the People Acts, whether any man, other than the owner or other person rated or liable to be rated in respect of such hereditament, is entitled to be registered as a voter in respect of his being an inhabitant occupier of any such dwelling-house, and to enter in the rate book the name of every man so entitled, and the situation or description of the dwelling-house in respect of which he is entitled, and for the purposes of such entry a separate column shall be added to the rate book.

This enactment may in large parishes involve the overseers in much trouble to ascertain the information required to be inserted in the rate book—namely, “any man,” other than the owner, or other person rated or liable to be rated in respect of the hereditament, who is entitled to be registered as a voter in respect of his being an occupier of the dwelling-house. As to an inhabitant occupier see section 3, *ante*, p. 31, and sub-sect. 8 of this section, *post*, p. 68.

The distinction between an occupier and a lodger is not affected by the Act. The lodger franchise, as stated *ante*, p. 21, in respect of which the overseers are to make out a separate list is—

- (a.) every man of full age, and not subject to any legal incapacity,
- (b.) who, as a lodger, has occupied in the borough separately and as sole tenant for the twelve months preceding the last day of July,

- (c.) the same lodgings being part of one and the same dwelling house,
- (d.) of a clear yearly value, if let unfurnished, of 10*l.* or upwards,
- (e.) and who has resided in such lodgings during the twelve months immediately preceding the last day of July ;
- (f.) and has claimed to be registered as a voter at the next ensuing registration of voters.

Further as to the lodger qualification, see *ante*, p. 21, and 41 & 42 Vict. c. 26, s. 6, *ante*, p. 22.

The qualification to vote for a borough member of parliament as a lodger and as a householder, is each separate and distinct, and they do not overlap each other. It is difficult to define what a lodger is, but it is not material whether he occupies furnished or unfurnished rooms, or has not some service rendered to him by the landlord. The main test is whether the landlord, or his servants, sleep in part of the same house, and exercise some control over it, and thus give only in effect the use of the passages and outer door to the person occupying such rooms.

As the recent statutes contemplate that both qualifications are to exist, the only mode of interpreting the Acts and reconciling them is to hold that a person may have a claim as a householder though he occupies only one or two rooms of a house, and though these are not structurally severed; but it is essential to the household franchise that the landlord shall not reside or sleep in the house, nor exercise acts of occupation concurrent with or superior to those of such claimant.

If the landlord has entirely left the house, and thus the occupier of one or more rooms has equal rights with occupiers of other rooms, then each of such occupiers may be entitled to vote as a

householder. (See *Bradley*, appellant, v. *Baylis*, respondent, 45 J. P. 847.)

By the Registration Act, 30 & 31 *Vict. c. 102, s. 29*, the overseers of every parish wholly or partly within a borough, on or before the 22nd July in every year, are to make out a list containing the name and place of abode of every person who shall not have paid, on or before the 20th July, all poor rates which shall have become payable from him in respect of any premises within the parish before the 5th January then last past, and the overseers are to keep the list, to be perused by any person, 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, during the first fourteen days after the 22nd July. Any overseer wilfully neglecting or refusing to make out such list, or to allow it to be perused, shall be deemed guilty of a breach of duty in the execution of the Registration Acts.

(3.) For the purpose of the execution of such duty, the overseers may serve on the person who is the occupier or rated or liable to be rated in respect of such hereditament, or on some agent of such person concerned in the management of such hereditament, the requisition specified in the Third Schedule to this Act requiring that the form in that notice be accurately filled up and returned to the overseers within twenty-one days after such service; and if any such person or agent on whom such requisition is served fails to comply therewith, he shall be liable on summary conviction to a fine not exceeding forty shillings, and any overseer who fails to perform his duty under this section shall be deemed guilty of a breach of duty in the execution

of the Registration Acts, and shall be liable to be fined accordingly a sum not exceeding forty shillings for each default.

The overseers need not serve the notice referred to in subsection 3 upon any inhabitant occupier unless they cannot otherwise obtain the required information.

(4.) The notice under this section may be served in manner provided by the Representation of the People Acts with respect to the service on occupiers of notice of non-payment of rates, and, where a body of persons, corporate or unincorporate, is rated, shall be served on the secretary or agent of such body of persons; and where the hereditament by reason of belonging to the Crown or otherwise is not rated, shall be served on the chief local officer having the superintendence or control of such hereditament.

By the Registration Act, 30 & 31 Vict. c. 102, s. 28, where any poor rate due on the 5th January from an occupier in respect of premises capable of conferring the franchise for a borough remains unpaid on the 1st June following, the overseers whose duty it may be to collect such rate shall, on or before the 20th June, unless such rate has previously been paid, or has been duly demanded by a demand note, give or cause to be given a notice in the form set forth in Sched. (E.) to the Act to every such occupier. The notice and demand note shall be deemed to be duly given if delivered to the occupier or left at his last or usual place of abode, or with some person on the premises in respect of which the rate is payable. Any overseer who shall wilfully withhold such notice, with

intent to keep the occupier off the list or register of voters for the borough, shall be deemed guilty of a breach of duty in the execution of the Registration Acts.

The notice to be given by the overseers (Sched. E.) is in the form following:—

To *A. B.*

City [*or Borough of*] —.

Take notice that you will not be entitled to have your name inserted in the List of Voters for this city [*or borough*] now about to be made in respect of the premises in your occupation in [*street or place*] unless you pay on or before the twentieth day of July next all the poor rates which have become due from you in respect of such premises up to the fifth day of January last, amounting to £ and if you omit to make such payment you will be incapable of being on the next register of voters for this city [*or borough*].

Dated the — day of June, 18—.

		<i>or</i>	<i>or</i>
<i>C. D.</i> }	Overseers,	<i>G. H.</i> {	<i>I. K.</i> Collector.
<i>E. F.</i> }		Assistant Overseer,	

By Article 3 of the General Order of the Poor Law Board, dated 18th January, 1867, (see "Glen's Poor Law Board Orders," ninth edition), "If the overseers think fit they may cause a demand note to be printed in the Rate Receipt Check Book, according to the form in the said schedule, which may be detached and left with the ratepayer, or at his address, when the payment of the rate is demanded, which demand note shall be numbered so as to correspond with the number of the receipt, and may show the particulars of the claims or the purposes for which the rate is made, if the overseers think proper to have the same inserted therein.

66 *Representation of the People Act, 1884.*

The demand note attached to the rate receipt is as follows:—

— Union. No. —. Parish of —.
Mr. —, — Street.

The Overseer of the Poor demands payment of the poor-rate, made the — day of —, 186—, and of the arrears of former rates as below now due from you.

	£	s.	d.
Amount of rate at — in the pound - - -	-	-	-
Arrears - - - - -	-	-	-
			<hr/>
Total - - -	-	-	-
			<hr/>

* Particulars of the rate, or purposes for which }
the above rate has been made, at — in the }
pound respectively. }

(Signed) _____.

* *State how much for relief of the poor, for county or borough rate, for highways, and other matters.*

(5.) In the application of this section to Scotland the expression rate book means the valuation roll, and where a man entered on the valuation roll by virtue of this section inhabits a dwelling-house by virtue of any office, service, or employment, there shall not be entered in the valuation roll any rent or value against the name of such man as applicable to such dwelling-house, nor shall any such man by reason of such entry become liable to be rated in respect of such dwelling-house.

(6.) The proviso in section two of the Act for the valuation of lands and heritages in Scotland passed in

the session of the seventeenth and eighteenth years of the reign of Her present Majesty, chapter ninety-one, and section fifteen of the Representation of the People (Scotland) Act, 1868, shall be repealed: Provided that in any county in Scotland the commissioners of supply or the parochial board of any parish, or any other rating authority entitled to impose assessments according to the valuation roll, may, if they think fit, levy such assessments in respect of lands and heritages separately let for a shorter period than one year or at a rent not amounting to four pounds per annum in the same manner and from the same persons as if the names of the tenants and occupiers of such lands and heritages were not inserted in the valuation roll.

(7.) In Ireland where the owner of a dwelling house is rated instead of the occupier, the occupier shall nevertheless be entitled to be registered as a voter, and to vote under the same conditions under which an occupier of a dwelling-house in England is entitled in pursuance of the Poor Rate Assessment and Collection Act, 1869, and the Acts amending the same, to be registered as a voter, and to vote where the owner is rated, and the enactments referred to in the First Schedule to this Act shall apply to Ireland accordingly, with the modifications in that schedule mentioned.

It will be seen that the "Modifications," *post*, p. 76, will apply to Ireland only.

The following are the applied enactments referred to in the First Schedule, *post*, p. 76.

7. Every payment of a rate by the occupier, notwithstanding the amount thereof, may be deducted from his rent as herein provided, and every payment of a rate by the owner, whether he is himself rated instead of the occupier, or has agreed with the occupier or with the overseers to pay such rate, and notwithstanding any allowance or deduction which the overseers are empowered to make from the rate, shall be deemed a payment of the full rate by the occupier for the purpose of any qualification or franchise which as regards rating depends upon the payment of the poor rate.

8. Where an owner who has undertaken, whether by agreement with the occupier or with the overseers, to pay the poor rates, or has otherwise become liable to pay the same, omits or neglects to pay any such rate, the occupier may pay the same and deduct the amount from the rent due or accruing due to the owner, and the receipt for such rate shall be a valid discharge of the rent to the extent of the rate so paid.

9. Every owner who agrees with the overseers to pay the poor rate, or who is rated or liable to be rated for any hereditament instead of the occupier, shall deliver to the overseers, from time to time, when required by them, in writing, a list containing the names of the actual occupiers of the hereditaments comprised in such agreement, or for which he is so rated or liable to be rated; and if any such owner wilfully omits to deliver such list when required to do so, or wilfully omits therefrom or misstates therein the name of any occupier, he shall for every such omission or misstatement be liable, on summary conviction, to a penalty not exceeding two pounds.

10. Section twenty-eight of "The Representation of the People Act, 1867," with respect to notice to be given of rates in arrear,

shall apply to occupiers of premises capable of conferring the parliamentary franchise, although the owners of such premises have become liable for the rates assessed thereon under the provisions of this Act.

19. The overseers in making out the poor rate shall, in every case, whether the rate is collected from the owner or occupier, or the owner is liable to the payment of the rate instead of the occupier, enter in the occupiers' column of the rate book the name of the occupier of every rateable hereditament, and such occupier shall be deemed to be duly rated for any qualification or franchise as aforesaid; and if any overseer negligently or wilfully and without reasonable cause omits the name of the occupier of any rateable hereditament from the rate, or negligently or wilfully misstates any name therein, such overseer shall for every such omission or misstatement be liable, on summary conviction, to a penalty not exceeding two pounds; provided that any occupier whose name has been omitted shall, notwithstanding such omission, and that no claim to be rated has been made by him, be entitled to every qualification and franchise depending upon rating, in the same manner as if his name had not been so omitted.

20. The word "owner" shall mean any person receiving or claiming the rent of the hereditament for his own use, or receiving the same for the use of any corporation aggregate, or of any public company, or of any landlord or lessee who shall be a minor, a married woman, or insane, or for the use of any person for whom he is acting as agent.

41 & 42 *Vict. c. 26, s. 14.*] Whereas by section 19 of the Poor Rate Assessment and Collection Act, 1869, the overseers in making out the poor rate are required in every case, whether the rate is collected from the owner or occupier, or the owner is liable to the payment of the rate instead of the occupier, to enter in the occu-

piers' column of the rate book the name of the occupier of every rateable hereditament, and it is thereby declared that every such occupier shall be deemed to be duly rated for any qualification or franchise as therein mentioned ; and whereas doubts have been entertained as to the application of this enactment, and it is expedient to remove them : Be it therefore enacted that the recited enactment shall not be deemed to apply exclusively to cases where an agreement has been made under section 3 of the same Act, or where an order has been made under section 4 of the same Act, but shall be of general application.

42 *Vict. c. 10.*] 1. This Act may be cited as the Assessed Rates Act, 1879, and shall be construed as one with the Poor Rate Assessment and Collection Act, 1869, in this Act called the Principal Act.

2. Where by way of commission or abatement or deduction under the principal Act, or purporting or assumed to be under the principal Act, an allowance or deduction has, before the passing of this Act, been or shall hereafter be actually made, the same shall for the purpose of every qualification or franchise depending upon rating or upon payment of rates, be deemed to have been duly made in pursuance of every or any agreement, order, notice, or proceeding necessary for the validity thereof under the principal Act, and to have been and to be an allowance or deduction which the overseers were and are empowered to make from the rate under the principal Act ; and no qualification or franchise depending upon rating or upon payment of rates shall be defeated by reason of such allowance or deduction not having been made in pursuance of an agreement in writing, order in writing, or notice in writing, or by reason of the want or insufficiency of any agreement, order, notice, or proceeding necessary for the validity thereof under the principal Act, or by reason of any informality or defect in the making thereof ; provided always that this Act shall not relieve any overseers from any liability which they have

incurred or may incur by making an allowance or deduction otherwise than in pursuance of the provisions of the principal Act, or affect any remedy for the recovery of the amount of such allowance or deduction.

(8.) Both in England and Ireland where a man inhabits any dwelling-house by virtue of any office, service, or employment, and is deemed for the purposes of this Act and of the Representation of the People Acts to be an inhabitant occupier of such dwelling-house as a tenant, and another person is rated or liable to be rated for such dwelling-house, the rating of such other person shall for the purposes of this Act and of the Representation of the People Acts be deemed to be that of the inhabitant occupier ; and the several enactments of the Poor Rate Assessment and Collection Act, 1869, and other Acts amending the same referred to in the First Schedule to this Act shall for those purposes apply to such inhabitant occupier, and in the construction of those enactments the word "owner" shall be deemed to include a person actually rated or liable to be rated as aforesaid.

With regard to this sub-section, see section 3, *ante*, p. 31.

(9.) In any part of the United Kingdom where a man inhabits a dwelling-house in respect of which no person is rated by reason of such dwelling-house belonging to or being occupied on behalf of the Crown,

or by reason of any other ground of exemption, such person shall not be disentitled to be registered as a voter, and to vote by reason only that no one is rated in respect of such dwelling-house, and that no rates are paid in respect of the same, and it shall be the duty of the person making out the rate book or valuation roll to enter any such dwelling-house as last aforesaid in the rate book or valuation roll, together with the name of the inhabitant occupier thereof.

10. *Saving clause.*] Nothing in this Act shall deprive any person (who at the date of the passing of this Act is registered in respect of any qualification to vote for any county or borough) of his right to be from time to time registered and to vote for such county or borough in respect of such qualification in like manner as if this Act had not passed.

Provided that where a man is so registered in respect of the county or borough occupation franchise by virtue of a qualification which also qualifies him for the franchise under this Act, he shall be entitled to be registered in respect of such latter franchise only.

Nothing in this Act shall confer on any man who is subject to any legal incapacity to be registered as a voter or to vote, any right to be registered as a voter or to vote.

11. *Construction of Act.*] This Act, so far as may be consistently with the tenor thereof, shall be construed as one with the Representation of the People Acts as defined by this Act; and the expressions "election," "county," and "borough," and other expressions in this Act and in the enactments applied by this Act, shall have the same meaning as in the said Acts.

Provided that in this Act and the said enactments—

The expression "overseers" includes assessors, guardians, clerks of unions, or other persons by whatever name known, who perform duties in relation to rating or to the registration of voters similar to those performed in relation to such matters by overseers in England.

The expression "rentcharge" includes a fee farm rent, a feu duty in Scotland, a rent seck, a chief rent, a rent of assize, and any rent or annuity granted out of land.

The expression "land or tenement" includes any part of a house separately occupied for the purpose of any trade, business, or profession, and that expression, and also the expression "hereditament," when used in this Act, in Scotland includes "lands and heritages."

The expressions "joint tenants" and "tenants in common" shall include "pro indiviso proprietors."

The expression "clear yearly value" as applied to any land or tenement means in Scotland the annual value as appearing in the valuation roll, and in Ireland the net annual value at which the occupier of such land or tenement was rated under the last rate for the time being, under the Act of the session of the first and second years of the reign of Her present Majesty, chapter fifty-six, or any Acts amending the same.

12. *Repeal of certain superseded sections.*] Wherea the franchises conferred by this Act are in substitution for the franchises conferred by the enactments mentioned in the first and second parts of the Second Schedule hereto, be it enacted that the Acts mentioned in the first part of the said Second Schedule shall be repealed to the extent in the third column of that part of the said schedule mentioned except in so far as relates to the rights of persons saved by this Act; and the Acts mentioned in the second part of the said Second Schedule shall be repealed to the extent in the third column of that part of the said schedule mentioned except in so far as relates to the rights of persons saved by this Act and except in so far as the enactments so repealed contain conditions made applicable by this Act to any franchise enacted by this Act.

13. *Commencement of Act.*] This Act shall commence and come into operation on the first day of January one thousand eight hundred and eighty-five: Provided that the register of voters in any county or borough in Scotland made in the last-mentioned year shall not come into force until the first day of January one thousand eight hundred and eighty-six, and until that day the previous register of voters shall continue in force.

FIRST SCHEDULE.

ENACTMENTS APPLIED TO IRELAND.

Session and Chapter.	Title.	Enactments applied.
32 & 33 Vict. c. 41.	The Poor Rate Assessment and Collection Act, 1869.	Section seven ; section eight ; section nine ; section ten, and the enactment of the Representation of the People Act, 1867, therein referred to ; section nineteen ; section twenty, so far as regards the definition of the word "owner."
41 & 42 Vict. c. 26.	The Parliamentary and Municipal Registration Act, 1878.	Section fourteen.
42 & 43 Vict. c. 10.	The Assessed Rates Act, 1879.	The whole Act.

MODIFICATIONS.

Any penalty recoverable on summary conviction may be recovered in accordance with the law relating to summary conviction in Ireland.

In the above-mentioned enactment of the Representation of the People Act, 1867, the thirty-first day of December shall be substituted for the fifth day of January, the first day of May for the first day of June, and the twentieth day of May for the twentieth day of June.

SECOND SCHEDULE.

PART I.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
2 & 3 Will. 4, c. 45.	An Act to amend the Representation of the People in England and Wales.	Section twenty, the words "or who shall occupy as tenant any lands or tenements for which he shall be <i>bonâ fide</i> liable to a yearly rent of not less than fifty pounds."
2 & 3 Will. 4, c. 65.	An Act to amend the Representation of the People in Scotland.	Section nine, the words "or where such tenant shall, for the foresaid period of twelve months, have been in the actual personal occupancy of any such subject, where the yearly rent is not less than fifty pounds, or where the tenant, whatever the rent may be, has truly paid for his interest in such subject a price, <i>grassum</i> , or consideration of not less than three hundred pounds."

PART II.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
2 & 3 Will. 4, c. 45.	An Act to amend the Representation of the People in England and Wales.	Section twenty-seven.
2 & 3 Will. 4, c. 65.	An Act to amend the Representation of the People in Scotland.	Section eleven, from the beginning of the section to the words "sixth day of April then next preceding" inclusive.

SECOND SCHEDULE—PART II.—*continued.*

Session and Chapter.	Title or Short Title.	Extent of Repeal.
13 & 14 Vict. c. 69.	An Act to amend the Laws which regulate the Qualification and Registration of Parliamentary Voters in Ireland, and to alter the Law for rating Immediate Lessors of Premises to the Poor Rate in certain Boroughs.	Sections one and five.
30 & 31 Vict. c. 102.	The Representation of the People Act, 1867.	Section six.
31 & 32 Vict. c. 48.	The Representation of the People (Scotland) Act, 1868.	Section six.
31 & 32 Vict. c. 49.	The Representation of the People (Ireland) Act, 1868.	Section three.

THIRD SCHEDULE.

FORM OF REQUISITION BY OVERSEERS REQUIRING NAMES
OF INHABITANT OCCUPIERS.To *E. F.*

You are hereby required to fill up accurately the under-written form.

If this form is not returned to [us], accurately filled up, within twenty-one days after the service hereof, you will be liable, under the Representation of the People Act, 1884, to a penalty not exceeding forty shillings.

Dated this day of , 18 .

*A. B.**C. D.*

Overseers [or assistant overseer] for the parish of .

FORM OF RETURN.

1. Property in respect of which the Person making the Return is rated [or liable to be rated, or occupier.]	2. Situation or Description of every Dwelling-house, as defined by the Representation of the People Acts, forming part of the Property in First Column.	3. Surname and other Name of every Man who was on the fifteenth [or in English Counties or in Scotch Counties or Boroughs last, or in Irish Counties or Boroughs twentieth] day of July last, and has been up to the date of the Return an Inhabitant Occupier of any Dwelling-house in the Second Column.

I declare that the above is a true and complete return.

(Signed) *E. F.*

Dated the day of , 18 .



INSTRUCTIONAL LETTER OF THE LOCAL GOVERNMENT BOARD.

REPRESENTATION OF THE PEOPLE ACT, 1884.

(48 VICT. c. 3.)

LOCAL GOVERNMENT BOARD,
WHITEHALL, S.W., *7th February, 1885.*

GENTLEMEN,

I am directed by the Local Government Board to draw your attention to certain provisions of the Representation of the People Act, 1884 (48 Vict. c. 3), which have reference to the duties of overseers of the poor in connexion with the entry in the rate book of particulars relating to men entitled to be registered as voters in respect of their being inhabitant occupiers of dwelling-houses within the meaning of the Representation of the People Acts.

Sub-section 2 of section 9 of the Act of 1884 is in these terms :—

“In every part of the United Kingdom, it shall be the duty of the overseers annually, in the months of April

and May, or one of them, to inquire or ascertain with respect to every hereditament which comprises any dwelling-house or dwelling-houses within the meaning of the Representation of the People Acts, whether any man, other than the owner or other person rated or liable to be rated in respect of such hereditament, is entitled to be registered as a voter in respect of his being an inhabitant occupier of any such dwelling-house, and to enter in the rate book the name of every man so entitled, and the situation or description of the dwelling-house in respect of which he is entitled, and for the purposes of such entry a separate column shall be added to the rate book."

With regard to this enactment, it may be pointed out that for the purposes of the Representation of the People Acts, the expression "dwelling-house," according to the definition in section 5 of the Parliamentary and Municipal Registration Act, 1878, includes "any part of a house where that part is separately occupied as a dwelling." It may also be observed that the provisions above quoted clearly indicate that it is incumbent upon the overseers, where the information in their possession is not sufficient to enable them to make their requisite entries in the rate book, to take the necessary steps to obtain the particulars needed for this purpose. If the overseers cannot otherwise ascertain these parti-

culars, it becomes their duty to inquire; and by sub-section 3 of section 9 it is provided that "the overseers may serve on the person who is the occupier, or rated or liable to be rated in respect of such hereditament" [*i.e.*, a hereditament which comprises any dwelling-house or dwelling-houses within the meaning of the Representation of the People Acts], "or on some agent of such persons concerned in the management of such hereditament, the requisition specified in the Third Schedule to this Act requiring that the form in that notice be accurately filled up and returned to the overseers within twenty-one days after such service." The sub-section further enacts that "any overseer who fails to perform his duty under this section shall be deemed guilty of a breach of duty in the execution of the Registration Acts, and shall be liable to be fined accordingly a sum not exceeding forty shillings for each default."

The enactment contained in sub-section 2 refers to cases where the man entitled to be registered is "other than the owner or other person rated or liable to be rated" in respect of the hereditament. For cases where no person is rated for the qualifying premises in consequence of some ground of exemption being applicable to the premises, provision is made in sub-section 9. That sub-section enacts as follows:—

“In any part of the United Kingdom where a man inhabits a dwelling-house in respect of which no person is rated by reason of such dwelling-house belonging to or being occupied on behalf of the Crown, or by reason of any other ground of exemption, such person shall not be disentitled to be registered as a voter, and to vote by reason only that no one is rated in respect of such dwelling-house, and that no rates are paid in respect of the same, and it shall be the duty of the persons making out the rate book to enter any such dwelling-house as last aforesaid in the rate book together with the name of the inhabitant occupier thereof.”

With regard to the entry in the rate book of the particulars required by the enactments referred to, the Board direct me to state that there will be an obvious convenience in the adoption by the overseers of a uniform practice in this matter, and that the Board would suggest that the separate column in which the particulars are to be entered should be added immediately after the last column in the present form of rate book, *i.e.*, after the last column relating to the collection of the rate.

The Board in the form appended show the headings which they recommend should be adopted for the column to be added to the rate book.

As the overseers are aware, it does not devolve on the Board to advise on questions which arise as to the construction of the Acts relating to the Representation of the People. The Board, however, have thought it right to make the suggestions contained in this communication with regard to the additional column in the rate book, as the present form of rate book is prescribed by their regulations.

I am, Gentlemen,

Your obedient Servant,

HUGH OWEN, *Secretary.*

To the Overseers of the Poor.

NAME of every man, other than the Owner or other Person rated or liable to be rated in respect of a Hereditament comprising a dwelling-house or dwelling houses within the meaning of the Representation of the People Acts, who is entitled to be registered as a voter in respect of his being an Inhabitant Occupier of any such dwelling-house; and

NAME of every Man being an Inhabitant Occupier of a dwelling-house in respect of which no Person is rated by reason of such dwelling-house belonging to or being occupied on behalf of the Crown, or by reason of any other ground of exemption;

and

SITUATION or Description of the Dwelling-house.

NAME OF MAN.	Situation or Description of Dwelling-house.

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OVERSEERS' AND COLLECTORS' BOOKS

(SCHEDULE A.),

PUBLISHED BY

SHAW & SONS, FETTER LANE & CRANE COURT, E.C.

		DESCRIPTION.			
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		<i>Roberts' Exemplification of Overseers' Accounts</i>	- - - - -	1	6
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		" " " "	- - - 2 "	6	0
3		Balance Sheet of Overseers' Receipts and Payments	- - - 1 "	1	6
		In Book	- - - - -	5	0
3a		Ditto Foolscap	- - - - - per quire	1	6
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4a		The Rate Receipt Check Book, with Demand Note. See Poor Rate Receipts.			
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4c		Rate Receipt Book for Collection by Instalments	- - -		
5		General Receipt Check Book	- - - - - 200 each	1	0
		" " "	- - - - - 100 "	0	9
		" " "	- - - - - 50 "	0	6
6		Terrier of Parish Lands, 15 in. by 9½, half-bound	- - - - -	4	0
		" " 9½ in. by 6½, "	- - - - -	2	6
		" " in sheets	- - - - - per quire	1	6
7		Inventory of Stock, Monies, and Effects, 15 in. by 9½, half-bound	- - - - -	4	0
		" " " 9½ in. by 6½, "	- - - - -	2	6
		" " " in sheets, "	- - - - - per quire	1	6
6 & 7		Terrier and Inventory bound together, 15 in. by 9½, 2 qr. books	- - - - -	6	6
		" " smaller size, 9½ in. by 6½, "	- - - - -	4	6
8		Collecting and Deposit Book, leather, limp, 6½ in. by 10, pocket size	- - - - - 1 quire	3	0
		" " " "	- - - - - 2 "	4	0
		" " " "	- - - - - 3 "	5	0
8a		" " " 13 in. by 10	- - - - - 1 "	4	3
		" " " "	- - - - - 2 "	6	0
		" " " "	- - - - - 3 "	7	6

SHAW AND SONS.

OVERSEERS' AND COLLECTORS' BOOKS—continued.

DESCRIPTION.

							s. d.
9	Collector's Monthly Statement, fcap. folio	-	-	-	per quire	1	6
	" " " in book	-	-	-	1 "	4	6
	" " " "	-	-	-	2 "	6	0
	" " " "	-	-	-	3 "	7	6
9a	Ditto, oblong folio	-	-	-	per "	1	6
10	Collector's Unpaid Rates Statement	-	-	-	per "	1	6
	" " " in book	-	-	-	1 "	4	6
	" " " "	-	-	-	2 "	6	0
	" " " "	-	-	-	3 "	7	6
10a	Overseers' Notice of Deposit of Books previous to Audit,				per "	1	0

Forms under the Assessed Rates Act, 1869.

1	Notice of Vestry Meeting	-	-	-	-	per quire	3	0
1a	Notice of having adopted Act	-	-	-	-	"	3	0
2	Agreement of Owner to pay Poor Rate and be allowed a commission	-	-	-	-	"	3	0
3	Notice of Owner to Overseer that he is willing to be rated for a term in respect of one or more rateable hereditaments	-	-	-	-	"	3	0
4	Notice to Owners rated to give to Overseers list of Occupiers of Premises	-	-	-	-	"	3	0

SHAW'S POOR RATE DISCOUNT TABLES,

Showing at a glance the Amount of Rates on Assessments varying from 10s. to £100, and the net amount of such Rates, with the Discount at 15, 25, and 30 per cent. respectively, deducted. In 24 Tables of from 1d. to 2s. in the Pound. Fourth Edition. Price 2s. 6d., Cloth Boards.

These Tables are dedicated to GEORGE BARNES, Esq., Auditor of the Berkshire and Hampshire Audit District, at whose suggestion they were compiled.

Fetter Lane and Crane Court, E.C.

