ANNO TRICESIMO SEXTO

Georgii III. Regis.

CAP. LIX.

An Act for the more effectual Execution of several Acts of Parliament, made for the Trials of controverted Elections, or Returns of Members to serve in Parliament. [26th *April* 1796.]

Preamble.

WHEREAS by an Act, passed in the Tenth Year of the Reign of His present Majesty, intituled, *An Act to regulate the Trials of controverted Elections, or Returns of Members to serve in Parliament*, it is enacted, That at the Time appointed for taking any Petition, complaining of an undue Election or Return of a Member or Members to serve in Parliament, into Consideration, and previous to the reading the Order of the Day for that Purpose, the House shall be counted, and that if there be less than One hundred Members present, the Order for taking such Petition into Consideration shall be immediately adjourned to a particular Hour on the following Day, as therein mentioned, and the House shall then adjourn to the said Day; and that on the said following Day the House shall proceed in the same Manner; and so from Day to Day till there be an Attendance of One hundred Members at the reading the Order of the Day to take such Petition into Consideration: And whereas by an Act, passed in the Eleventh Year of the Reign of His present Majesty, for explaining and amending the said Act, it is enacted, That if at the Time of drawing by Lot the Names of the Members, in Manner prescribed by the said former Act, the Number of Forty-nine Members, not set aside nor excused, cannot be completed, the House shall proceed in the Manner they are directed by the said former Act to proceed, in case there be less than One hundred Members present at the Time therein prescribed for counting the House; and so from Day to Day, as often as the Case shall happen: And whereas by an Act, passed in the Twenty-fifth Year of the Reign of His present Majesty, intituled, *An Act to limit the Duration of Polls and Scrutinies, and for making other Regulations touching the Election of Members to serve in Parliament for Places within* England *and* Wales, *and for* Berwick upon Tweed, *and also for removing Difficulties which may arise for Want of Returns being made of Members to serve in Parliament*; and by one other Act, made in the Twenty-eighth Year of the Reign of His present Majesty, intituled, *An Act for the further Regulation of the Trials of controverted Elections, or Returns of Members to serve in Parliament*, it is enacted, That Petitions complaining of the Omission, or of the Insufficiency of a Return to any Writ issued for the Election of any Member or Members to serve in Parliament, and also the Petitions of any Person or Persons desiring to oppose any Right of Election, or the Right of chusing, nominating, or appointing, any Returning Officer or Returning Officers, which shall have been deemed valid by the Determination of any Select Committee, shall be taken into Consideration, tried, and determined, in the same Manner as Petitions complaining of undue Elections and Returns are directed to be taken into Consi-

10 *Geo.* III, Cap. 16,

11 *Geo.* III, Cap. 42,

25 *Geo.* III, Cap. 84, and

28 *Geo.* III, Cap. 52, recited.

deration, tried, and determined, by the ſaid Acts paſſed in the Tenth and Eleventh Years of the Reign of His preſent Majeſty: And whereas it is expedient that further Proviſion ſhould be made for preventing Delay in the Appointment of any ſuch Select Committee, to be appointed for the Purpoſes aforeſaid, any or either of them: Be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That if, after counting of the Houſe in the Manner before mentioned, there be leſs than One hundred Members preſent, or if the Forty-nine Members, not ſet aſide nor excuſed, cannot be completed, it ſhall and may be lawful for the Houſe, (after the Order or Orders for taking any ſuch Petition or Petitions into Conſideration, ſhall have been adjourned to a particular Hour, on the following or ſuch other Day as in the ſaid Acts is directed), to proceed (in like Manner as they might have proceeded if there had been no Order or Orders for taking any ſuch Petition or Petitions into Conſideration on that Day) upon any Order of the Day for the Call of the Houſe, which ſhall have been previouſly fixed for that Day, and to direct that the Houſe, in purſuance of ſuch Order, be then called over, if they ſhall ſo think fit, or to direct that ſuch Order of the Day for a Call of the Houſe ſhall be adjourned to ſuch future Day as they ſhall appoint, and in either of ſuch Caſes to come to ſuch Reſolutions, and to make ſuch Orders relating thereto, as are uſually at any Time made in ſuch Caſes, or as to them ſhall ſeem meet; and in caſe no Order of the Day for a Call of the Houſe ſhall have been previouſly fixed for that Day, then that it ſhall and may be lawful for the Houſe to order that the Houſe ſhall be called over on ſuch future Day as they ſhall appoint, and to make ſuch Orders relating thereto as they ſhall think neceſſary, and in any Caſe to make ſuch other Orders as to them ſhall ſeem expedient for enforcing the Attendance of the Members on the Buſineſs of the Houſe; and that the Houſe ſhall then adjourn to the ſame Day to which ſuch Order or Orders ſhall have been adjourned, and ſo from Time to Time, as Occaſion ſhall require; and in caſe no ſuch Proceedings with reſpect to any Call of the Houſe, or other the Matters before mentioned ſhall take place, or if in the Courſe of thoſe Proceedings the Houſe ſhall be adjourned for want of Members, the Houſe ſhall be deemed and taken, and ſhall be declared to be adjourned to the ſame Day to which ſuch Order or Orders ſhall have been adjourned: Provided always, that in caſe the Forty-nine Members, not ſet aſide nor excuſed, cannot be completed, it ſhall not be lawful for the Houſe to proceed upon any of the Matters before mentioned, until the Door of the Houſe is unlocked, and the Parties, their Counſel and Agents, are withdrawn from the Bar.

If, after counting the Houſe, according to the firſt recited Act, there be not 100 Members preſent, or if 49, not ſet aſide nor excuſed, cannot be completed, the Houſe may proceed upon any Order of the Day for the Call of the Houſe, &c.;

but if ſuch 49 Members cannot be completed, the Houſe not to proceed until the Door is unlocked, and the Parties, &c. withdrawn.

II. Provided always, and be it enacted, That the Houſe ſhall not, on any Day when any ſuch Petition or Petitions ſhall be ordered to be taken into Conſideration, proceed to any other Buſineſs (other than ſuch as may, by virtue of any Act of Parliament, be proceeded on previous to the reading of the Order of the Day for taking any ſuch Petition or Petitions into Conſideration) until there be an Attendance of One hundred Members, or until the Number of Forty-nine Members, not ſet aſide nor excuſed, ſhall be completed, other than and except to the calling over of the Houſe, adjourning ſuch Call, or ordering a Call of the Houſe on a future Day, and making ſuch Orders relative thereto as they ſhall think fit, or ſuch other Orders as to them ſhall ſeem expedient for enforcing the Attendance of the Members on the Buſineſs of the Houſe, in the Manner before mentioned.

When Petitions are to be taken into Conſideration, the Houſe not to proceed to other Buſineſs until there be due Attendance, except calling over the Houſe, &c.

FINIS.