ANNO QUADRAGESIMO SECUNDO

# GEORGII III. REGIS.

***

tions or Returns of Members to ſerve in Parliament for any County, Stewartry, City, Borough, Cinque Port, Town, or Place, in any Part of the ſaid United Kingdom, or of the Omiſſion or Inſufficiency of any ſuch Returns, or from any Perſon or Perſons deſiring to oppoſe any ſuch Right of Election, or of chooſing, nominating, or appointing Returning Officers, in as full and ample a Manner as if the ſame Rules, Regulations, Authorities, and Powers were herein repeated, and particularly and ſpecifically enacted, concerning the ſame Petitions, and the Trial and Determination thereof; except ſo far as the ſame are altered in and by this preſent Act.

Petitions for Places in *Ireland* ſhall not be proceeded on, unleſs they ſtate all the Matters concerning which the Petitioners intend to examine Witneſſes.

II. And be it further enacted, That no Petition complaining of any undue Election or Return for any County, City, Borough, Town, or Place, in that Part of the United Kingdom called *Ireland*, or of the Omiſſion or Inſufficiency of any ſuch Return, or from any Perſon or Perſons deſiring to oppoſe any Right of Election, or of chooſing, nominating, or appointing Returning Officers in or for any ſuch County, City, Borough, Town or Place, ſhall be proceeded upon by the Houſe of Commons, unleſs the ſame ſhall ſtate all and every the ſeveral Matters and Things, of and concerning which the Petitioner or Petitioners preſenting the ſame is or are deſirous of complaining, and to which he or they purpoſe or intend to call and examine Witneſſes; and that no Witneſs or Witneſſes ſhall be called or examined by or on the Behalf of ſuch Petitioner or Petitioners, either by or before the Select Committee of the Houſe of Commons to be choſen for the Trial and Determination of the Merits of ſuch Petition, or by or before the Commiſſioners to be choſen and appointed in Manner herein mentioned, to any Matter or Thing not contained or ſet forth in ſuch Petition, or in the Liſts and Statements herein mentioned.

Parties ſhall, before any other Buſineſs is proceeded on, interchange Liſts of objectionable Votes, and Statements of Matters intended to be inſiſted on.

III. And be it further enacted, That all the Parties appearing before any Select Committee to be choſen for the Trial and Determination of the Merits of any ſuch Petition, ſhall immediately after a Chairman ſhall have been choſen by the ſaid Committee, and before any other Buſineſs ſhall be proceeded upon by the ſaid Parties, or either of them, before the ſaid Committee, interchange with and among each other, Liſts of all ſuch Votes, and of the Names of all ſuch Voters, to which either of the ſaid Parties purpoſe and intend to object; and that the ſaid Parties ſhall alſo interchange with and among each other, Statements in Writing of all Particulars reſpecting any Right of voting, or of chooſing or nominating a Returning Officer, and reſpecting all ſuch other Matters and Things whatever, as either of the ſaid Parties mean to inſiſt upon, or to contend for, or to object to; and that no Witneſs or Witneſſes ſhall be called or examined by or on Behalf of either of the ſaid Parties, before the ſaid Select Committee, or before the ſaid Commiſſioners, or either of them, to any Matter or Thing not ſpecified and contained in the ſaid Liſts or Statements reſpectively, or in the Petition complaining of the Election or Return in Queſtion, as herein mentioned and provided.

Whenever it ſhall appear to a Select Committee that any Petition complaining of any undue

IV. And, for avoiding the Inconveniencies and Expence which may in certain Caſes ariſe, by reaſon of Witneſſes being brought from *Ireland* to be perſonally examined before Committees of the Houſe of Commons; be it enacted, That whenever a Select Committee of the Houſe of Commons ſhall at any Time hereafter be appointed for the Trial and Determination

mination of any Petition complaining of an undue Election or Return of Members to ſerve in Parliament for any County, City, Borough, Town, or Place, in that Part of the United Kingdom called *Ireland*, or complaining of the Omiſſion or Inſufficiency of any ſuch Return, or from any Perſon or Perſons deſiring to oppoſe any Right of Election, or any Right of chooſing a Returning Officer or Returning Officers, in or for ſuch County, City, Borough, Town, or Place, upon its appearing to the ſaid Committee, from the Nature of the Caſe, and the Number of Witneſſes to be examined relative to any particular Allegation or Allegations in the ſaid Petition, that the ſame cannot be effectually enquired into before ſuch Committee, without great Expence and Inconvenience to the Parties, or either of them, it ſhall and may be lawful to and for the ſaid Select Committee, upon Application of any of the Parties before the ſaid Select Committee, at any Period during the Courſe of their Proceedings upon ſuch Petition, to make an Order for the Nomination and Appointment of Commiſſioners, in Manner herein directed.

Election for *Ireland* cannot be effectually enquired into before them without great Expence they may, on Application of the Parties, make an Order for the Appointment of Commiſſioners.

V. Provided always, and be it further enacted, That no Commiſſion as aforeſaid ſhall iſſue under this Act, except the Party or Parties intending to apply for the ſame ſhall ſerve a Notice on the oppoſite Party or Parties as ſoon as the Petition in Queſtion ſhall be preſented to the Houſe of Commons, of his Intention to apply to the Select Committee for ſuch Commiſſion as aforeſaid.

But no Commiſſion ſhall iſſue unleſs Notice be given to the Party on preſenting the Petition of Intention to apply for it.

VI. Provided always, and be it further enacted, That if the ſaid Committee ſhall not think it neceſſary to make ſuch Order, or to appoint ſuch Commiſſioners as aforeſaid, then and in ſuch Caſe the ſaid Committee ſhall proceed to try the Merits of the ſaid Petition, in the ſame Manner as the Merits on Petitions reſpecting controverted Elections are tried for that Part of the United Kingdom called *Great Britain*.

If no Commiſſioners be neceſſary, Committee may try the Merits of the Petition.

VII. And be it further enacted, That whenever the ſaid Committee ſhall think fit to make an Order for the Appointment of Commiſſioners as aforeſaid, ſuch Commiſſioners ſhall be appointed in Manner herein mentioned; that is to ſay, on the next Sitting Day after the ſaid Order ſhall have been made by the ſaid Committee, at the Time previouſly appointed by the ſaid Committee, in the Preſence of the ſaid Committee, and alſo in the Preſence of the ſaid Petitioners, their Counſel or Agents, and of the Sitting Members, their Counſel or Agents, and alſo in the Preſence of all Parties before the Houſe on diſtinct Intereſts, or complaining or complained of on different Grounds, or whoſe Right to be elected or returned may be affected by the Determination of the ſaid Select Committee, or their ſeveral and reſpective Counſel or Agents, (or in the Preſence of ſuch of the ſaid Parties, their Counſel or Agents, as ſhall then and there attend), the Names of Three Barriſters, each being of Six Years ſtanding at the Bar at the leaſt, and each of them having conſented under their Hands and Seals to become Commiſſioners on being appointed in Manner herein mentioned, (and not having voted at the Election in Queſtion for the County, City, Borough, Town, or Place, reſpecting which the Election or Return complained of, or other ſubject Matter of the Petition in Queſtion, aroſe or happened, and not being, nor having been at the Time of the Election in Queſtion, Sheriff of the County, or Returning Officer of the City, Borough, Town, or Place, in or for which the ſaid Election, Return, or other Matter of the Petition in Queſtion, aroſe or happened, nor having been Counſel at ſuch

Regulations for the Appointment of Commiſſioners.

ſuch Election), ſhall be delivered to the Chairman of the ſaid Committee, by or on Behalf of each and every the ſaid diſtinct Parties, or by or on Behalf of ſuch of them as ſhall then and there attend by themſelves, their Counſel or Agents; and a Liſt of the whole of ſuch Names ſhall forthwith be made; and thereupon the ſaid Parties, their Counſel or Agents, beginning on the Part of the ſaid Petitioners, ſhall, in the Preſence of the ſaid Committee, proceed alternately to ſtrike off the Name of One of the ſaid Barriſters contained in the ſaid Liſt, until the Number ſhall be reduced to Two; which ſaid Two Barriſters, together with the Chairman, who ſhall alſo be a Barriſter of like ſtanding, and who ſhall be named and appointed in Manner herein mentioned, ſhall be Commiſſioners for the Purpoſe of examining all ſuch Matters and Things as ſhall be referred to them by the ſaid Select Committee in Manner aforeſaid, and as ſhall be ſpecially aſſigned and limited in the Order of the ſaid Committee, for that Purpoſe made as aforeſaid.

After the Appointment of Commiſſioners a Chairman ſhall be appointed in Manner herein directed.

VIII. And be it further enacted, That immediately after the Appointment of the ſaid Two Commiſſioners in Manner aforeſaid, and before the ſaid Committee ſhall adjourn, a Third Commiſſioner, for the Purpoſes aforeſaid, and who ſhall be the Chairman of the ſaid Commiſſion, ſhall be appointed in Manner following (that is to ſay), if all the Parties intereſted ſhall agree among themſelves in nominating and appointing any One ſuch Barriſter, who ſhall have conſented to ſuch Appointment under his Hand and Seal, then ſuch Barriſter ſo nominated and conſenting, ſhall be and he is hereby appointed to be a Third Commiſſioner and Chairman of the ſaid Commiſſioners; but in caſe the ſeveral Parties ſhall not agree amongſt themſelves in the Appointment of ſuch Chairman as aforeſaid, then it ſhall be lawful for the ſaid Select Committee to nominate any Barriſter of like ſtanding in Manner herein mentioned.

The Clerk of the Crown in *Ireland* ſhall at the Commencement of every Seſſion tranſmit to the Speaker a Liſt of Barriſters, from which the Committee ſhall appoint a Chairman.

IX. And, in order to enable the ſaid Select Committee to appoint ſuch Chairman as aforeſaid, be it enacted, That the Clerk of the Crown in *Ireland* or his Deputy ſhall, at the Commencement of every Seſſion of Parliament, ſend over to the Speaker of the Houſe of Commons of the United Parliament, a Liſt of all ſuch Barriſters, of not leſs than Six Years ſtanding, who ſhall have conſented under their Hands and Seals to act either as Commiſſioners or as Chairman to the Commiſſioners for the Purpoſes of this Act, in caſe they or any of them ſhall be appointed in Manner herein mentioned, out of which Liſt the ſaid Select Committee are hereby directed to appoint One other Commiſſioner who ſhall act as Chairman to the ſaid Commiſſioners; provided, that no Barriſter, whoſe Name ſhall have been previouſly ſtruck off the Liſt by any of the Parties before the ſaid Select Committee, ſhall be appointed to act as Chairman to the ſaid Commiſſioners.

But when the Parties nominate Three Commiſſioners and deliver in the Liſt of their Names to the Committee, the Commiſſioners ſhall appoint their Chairman.

X. Provided always, and be it further enacted, That if all the ſaid Parties intereſted in ſuch Petition ſhall agree in nominating any Three ſuch Barriſters to be Commiſſioners as aforeſaid, and ſhall deliver to the Chairman of the Select Committee, a Liſt of Three ſuch Barriſters ſo agreed upon, and conſenting to act as aforeſaid, ſuch Liſt being ſigned by all the ſaid Parties, ſuch Three Perſons ſhall be and become Commiſſioners for the Purpoſes aforeſaid, as if they had been appointed in Manner herein mentioned; and in ſuch Caſe the ſaid Commiſſioners ſhall appoint One of themſelves to be their Chairman.



XI. And

When more than Two Parties appear on distinct Interests, the Parties shall not be permitted to give in List of Barristers, *etc.*

XI. And be it enacted, That when more than Two Parties appear before the House upon distinct and separate Interests at the striking of the Select Committee, if it shall appear that the said several Parties are actually distinct and separate, and that there is no Collusion between them, that then and in such Case none of the Parties shall be permitted to give in any List of Barristers to the said Select Committee for the Purposes of appointing Commissioners as aforesaid, but that the said Select Committee shall, out of the List of Barristers so returned by the Clerk of the Crown or his Deputy, appoint the Three Commissioners, and nominate which of the Three shall act as Chairman.

If within One Hour after the Time fixed by the Select Committee, the Petitioner does not appear, *etc.* he shall be declared to have made Default in Recognizance.

XII. Provided also, and be it further enacted, That if within One Hour after the Time fixed by the said Committee for the Appointment of Commissioners in pursuance of this Act, the Petitioner or Petitioners shall not appear either by themselves, their Counsel or Agents, before the said Committee, or shall not give in any Lists of Names in Manner aforesaid, then and in such Case the said Committee shall not proceed to the Appointment of such Commissioners, so far as respects such Petitioner or Petitioners so making Default, but shall forthwith report to the House that such Petition in such respect as aforesaid was not proceeded upon before the said Committee, and the Petitioner or Petitioners so neglecting to appear shall be held to have made Default in the Recognizance or Recognizances entered into by him or them on the presenting of such Petition.

Party opposing Petition not attending or waving his Right in striking off Names from the List for the Purpose of appointing Commissioners, the Chairman of the Committee shall do it.

XIII. And be it further enacted, That if within One Hour after the Time fixed by the said Committee for proceeding to the Appointment of Commissioners as aforesaid, the Sitting Member or Sitting Members, or any other Party or Parties opposing the Petition, shall not appear before the said Committee, by himself or themselves, or by his or their Counsel or Agents, or shall not give in any List of Names in Manner aforesaid, for the Purpose of appointing Commissioners and of reducing the List of such Names as shall be delivered by or on Behalf of any Party or Parties appearing before the said Select Committee as aforesaid, the Place of a Party opposing the Petition shall be supplied by the Chairman of the Committee, who shall accordingly, as often as it shall come to his Turn as supplying the Place of the Party opposing the Petition to strike out a Name, put all the then remaining Names into a Glass, and draw One out, which Name shall be struck off the said List; and the same Method of reducing the said List to the Number of Two, shall be followed whenever any Party shall waive his Right of striking off Names from the said List.

Chairman of Committee shall issue his Warrant to each of the Commissioners to repair on a certain Day to the Place where the Matter of Complaint arose.

Penalty of 500*l.* for disobeying the Warrant.

XIV. And be it further enacted, That when and as soon as the said Commissioners shall be appointed in Manner aforesaid, the Chairman of the said Select Committee shall issue a Warrant under his Hand and Seal, directed to each of the Commissioners so appointed, commanding the said Commissioners and each of them, under the Penalty of Five hundred Pounds, to repair to the City, Borough, Town, or Place, in or for which the Election or Return complained of, or other Subject Matter of the Petition arose or happened, on a Day certain to be named in the said Warrant, and which Day shall not be less than Fourteen Days nor more than Twenty-one Days distant from the Day on which the said Commissioners were appointed in Manner aforesaid; and in case any of the said Commissioners shall neglect or refuse to obey the Injunction of the said

Warrant, he or they ſo neglecting or refuſing, ſhall accordingly forfeit the Sum of Five hundred Pounds, and the ſaid Chairman of the ſaid Committee ſhall addreſs to the Chairman of the ſaid Commiſſioners, a true Copy of the Petition which ſhall have been referred to the ſaid Committee, and of the ſaid Liſts and diſputed Votes and Statements of the ſeveral Parties which ſhall have been delivered before the ſaid Committee, together with a true Copy of the Order made by the ſaid Committee, ſpecially aſſigning and limiting the Facts or Allegations, Matters, and Things reſpecting which the ſaid Commiſſioners are required and directed to examine Evidence, and to report the ſame, together with all ſuch other Documents and Papers as the ſaid Select Committee ſhall think proper; all which Warrants, Petitions, Orders, and Papers ſhall be conveyed to the Clerk of the Crown in *Ireland*, or his Deputy, and by him or his Deputy tranſmitted to the ſeveral Parties, in the Method uſed in conveying Writs in that Part of the United Kingdom called *Great Britain*; and the ſaid Chairman of the ſaid Select Committee ſhall alſo tranſmit a Copy of his Warrant, but not of the ſeveral other Papers, to the Printer of the *Dublin Gazette*, to be inſerted in the next Number of the ſaid *Gazette* which ſhall be publiſhed after the Receipt of the Copy of the ſaid Warrant, by the ſaid Printer.

A Copy of the Petition, Liſt of diſputed Votes, and Statements of the Parties, and a Copy of the Order of the Committee limiting Facts, ſhall be addreſſed to the Chairman of the Commiſſioners, and tranſmitted to the Clerk of the Crown, who ſhall tranſmit the ſame to the Parties.

After Completion of theſe Proceedings, the Chairman of the Committee ſhall report to the Houſe, and adjourn until the Speaker ſhall by Warrant re-aſſemble them.

XV. And be it further enacted, That, immediately after the Completion of the Proceedings aforeſaid, the ſaid Chairman of the ſaid Select Committee ſhall thereupon report the Proceedings of the ſaid Committee to the Houſe, and ſhall aſk Permiſſion of the Houſe for the ſaid Committee to adjourn, until ſuch Time as the Speaker ſhall, by his Warrant, in Manner herein mentioned, direct the ſaid Committee to re-aſſemble; and upon ſuch Permiſſion being granted, it ſhall and may be lawful for the ſaid Committee to adjourn accordingly; any Act or Acts of Parliament now in force to the contrary thereof in anywiſe notwithſtanding: Provided always, that whenever any Select Committee ſhall report to the Houſe in Manner aforeſaid, they ſhall ſtate in their Report that they have gone through all the other Parts of the ſaid Petition, except what have been ſpecially referred to the Commiſſioners in *Ireland* herein mentioned.

The Committee ſhall not be diſſolved on Account of the Death or Abſence of Members, except reduced to Nine.

XVI. And be it further enacted, That in all Caſes of the Trial of Petitions on controverted Elections for any County, City, Borough, Town, or Place, in that Part of the United Kingdom called *Ireland*, the Select Committee for the Trial of ſuch Petition ſhall not be diſſolved on Account of the Death or Abſence of any Number of the Members thereof, except the Number of the ſaid Committee ſhall be reduced to leſs than Nine; any Act or Acts of Parliament now in force, or any Law, Uſage, or Cuſtom to the contrary thereof in anywiſe notwithſtanding.

Commiſſioners ſhall open their Court, and take the following Oath.

XVII. And be it further enacted, That, on the Day and at the Place appointed, between the Hours of Ten in the Forenoon and Four in the Afternoon, the ſaid Commiſſioners and Chairman ſhall meet and open their Court, or commence their Proceedings, by reading the Warrant of the ſaid Chairman of the ſaid Select Committee, and alſo the Copy of the Petition annexed to the ſaid Warrant, and alſo the Copies of all other Papers tranſmitted by the ſaid Chairman; and the ſaid Commiſſioners ſhall, before further proceeding on the Buſineſs of their ſaid Commiſſion, take and ſubſcribe the following Oath; that is to ſay;



'I *A. B.*

'I *A. B.* do ſwear, That I will, without Favour, Affection, or Malice, and according to the beſt of my Skill and Knowledge, well and truly try and examine all ſuch Matters and Things as ſhall be brought before me by virtue of a Warrant, dated the Day of under the Hand and Seal of the Chairman of the Select Committee of the Houſe of Commons, on a Petition from [*here ſtate the Name or Names of the Petitioner or Petitioners, and of the Place to which the Petition relates*]; and that I will in all Things, well and truly perform the Duty of a Commiſſioner appointed to try the ſaid Matters and Things, according to the Rules, Regulations, and Directions contained in an Act, paſſed in the Forty-ſecond Year of the Reign of King *George* the Third, intituled, [*here ſet forth the Title of this Act.*]

'So help me GOD.'

Which Oath the ſaid Chairman of the ſaid Commiſſioners, having firſt taken and ſubſcribed the ſame in the Preſence of the reſt of the ſaid Commiſſioners, is hereby authorized and empowered to adminiſter to the other and others of them the ſaid Commiſſioners; and if any Perſon ſhall act as a Commiſſioner in the Execution of this Act, not being qualified by his Degree as a Barriſter, every ſuch Perſon ſhall for ſuch Offence forfeit and pay the Sum of Five hundred Pounds, and the ſaid Commiſſioners ſhall ſit every Day (*Sundays*, *Chriſtmas Day*, and *Good Friday*, only excepted), from the Hour of Ten in the Morning till Four in the Afternoon, and ſhall never adjourn for a longer Time than Twenty-four Hours except in caſe of the Death or continued Abſence of any of the ſaid Commiſſioners as herein provided, unleſs *Sunday*, *Chriſtmas Day*, or *Good Friday*, ſhall intervene; and in caſe of ſuch Intervention, every Meeting, Sitting, or Adjournment, ſhall be within Twenty-four Hours from the Time of appointing or fixing the ſame, excluſive of ſuch *Sunday*, *Chriſtmas Day*, or *Good Friday*.

Commiſſioner acting, not being qualified by his Degree as Barriſter, ſhall forfeit 500*l.*

Time of ſitting of the Court

XVIII And be it further enacted, That no One of the ſaid Commiſſioners ſhall be allowed to abſent himſelf from the ſaid daily Sittings and Meetings, except in Caſes of ſudden Accident or Neceſſity, or in caſe of Illneſs, and that ſuch Caſes of ſudden Accident or Neceſſity ſhall be made appear to the others of the ſaid Commiſſioners, by Facts ſpecially ſtated and verified upon Oath of the ſaid Commiſſioner ſo abſenting himſelf; and that ſuch Illneſs ſhall be certified to the others of the ſaid Commiſſioners on the Oath of a Phyſician; which Oaths ſhall be made before One of His Majeſty's Juſtices of the Peace; and that any Commiſſioner who ſhall ſo abſent himſelf without ſuch lawful Excuſe, ſhall for every Day on which he ſhall ſo abſent himſelf, forfeit and pay the Sum of Five hundred Pounds.

Commiſſioner abſenting himſelf, except in caſe of Illneſs, *etc.* ſhall forfeit 500*l.* for every Day.

XIX. And be it further enacted, That the ſaid Commiſſioners ſhall never ſit until all the ſaid Commiſſioners are met, except in Caſes where the Abſence of a Commiſſioner is verified upon Oath as aforeſaid, nor then, except by Conſent of all Parties in Manner herein mentioned; and in caſe the ſaid Commiſſioners, or ſuch Number as ſhall be ſo conſented to, (the ſaid Chairman being always One), ſhall not meet within One Hour after the Time to which the Meeting of the ſaid Commiſſioners ſhall have been adjourned, a further Adjournment ſhall be made in the Manner before directed, and ſo from Time to Time until all the ſaid Commiſſioners, or ſuch Number as ſhall be ſo conſented to in Manner herein mentioned, (the ſaid Chairman being always One), are aſſembled; and if the Number

Commiſſioners not to ſit unleſs the Whole are preſent, except in Caſes where the Abſence of a Commiſſioner is verified or Oath, nor then, except by Conſent of Parties.

Regulations to be obſerved in Caſe of

Death or Absence, in the Appointment of other Commissioners.

ber of the said Commissioners able to attend, shall at any Time by Death or otherwise be unavoidably reduced to less than Three, and shall so continue for the Space of Three Sitting Days, and no such Consent as hereinmentioned shall have been given, the Party by whom the Commissioner so dying or absenting himself was originally appointed shall nominate a Barrister, having consented in Manner before mentioned, to act as a Commissioner in his Place; and in case of the Death or continued Absence of the Chairman of the said Commissioners for the Space of Three Sitting Days, then the remaining Commissioners shall proceed to nominate One other such Barrister, having consented in Manner before mentioned, to be a new Commissioner and Chairman; but in case the remaining Commissioners cannot agree in the Appointment of a Chairman, then the Names of the remaining Commissioners shall be put into a Glass in open Court, in the Presence of the Parties, or such of them as shall attend, and the Commissioner whose Name is first drawn out shall nominate and appoint One such Barrister (having consented in Manner before mentioned), to be such Chairman; and the said remaining Commissioners shall give Notice of his Appointment to such Commissioner or Chairman so appointed, who shall thereupon, under the Penalty of Five hundred Pounds, repair to the Place of Meeting of the other Commissioners, on a Day certain to be named by the remaining Commissioners, and which Day shall not be more than Fourteen Days distant from the Day on which the said Commissioner or Chairman was appointed in Manner aforesaid; and all and every such Commissioner or Chairman so from Time Time to be appointed in the Place or Stead of any Commissioner or Chairman dying or absenting himself for the Time aforesaid, shall in all Respects have the same Power, Jurisdiction, and Authority, as the Commissioner in whose Place or Stead he shall have been appointed in Manner aforesaid, and shall proceed conjointly with the other Commissioners to complete the Purposes for which the said Commissioners were originally appointed.

But any Number of the Commissioners (the Chairman being always One), may act during the Absence or Death of any Commissioner, with Consent of Parties.

XX. Provided always, nevertheless, That notwithstanding any Thing herein contained to the contrary, any Number of the said Commissioners (the said Chairman being always One), may, during the Absence or after the Death of any other or others of the said Commissioners, execute all the Purposes of this Act, with the Consent of all Parties interested, and which Consent shall be especially entered on the Minutes of the Proceedings of the said Commissioners, and signed by the Parties, their Counsel or Agents respectively.

Commissioner prevented from attending on Account of Illness, *etc.* not liable to Penalty.

XXI. Provided always, and be it enacted, That if any Commissioner appointed by virtue of this Act shall be prevented from attending at the Day and Place appointed as aforesaid, by any sudden Accident, Necessity, or Illness, to be verified upon Oath in Manner herein directed with respect to the Absence of either of the said Commissioners, after proceeding on the said Commission, then and in such Case the Commissioner or Commissioners so prevented from attending by such sudden Accident, Necessity, or Illness, shall not be liable to the said Penalty of Five hundred Pounds; any Thing herein contained to the contrary notwithstanding.

Commissioners may adjourn to any Place they may think necessary.

XXII. And be it further enacted, That it shall and may be lawful for the said Commissioners, from Time to Time, to adjourn to any Town within the County, in all Cases where it shall appear to them necessary so to do.



XXIII. And

XXIII. And be it further enacted, That the ſaid Chairman of the Commiſſion ſhall at all Times, by Warrant under his Hand and Seal, have Power to ſend for all Perſons, Papers, and Records; and the ſaid Commiſſioners ſhall examine all Witneſſes who ſhall come before them upon Oath, and ſhall examine all Matters referred to them, and ſhall in all Reſpects have the ſame Powers and Authorities for examining the ſaid Matters ſo referred to them, as Select Committees of the Houſe of Commons on controverted Elections have, for examining the Matters and Things referred to ſuch Select Committees; and the ſaid Commiſſioners ſhall appoint a Clerk, to take down in Writing, Minutes of all the Proceedings of them the ſaid Commiſſioners, and of all ſuch Evidence as ſhall be given or produced before them, in as accurate a Manner as the ſame can poſſibly be done, and ſhall proceed in examining all and every Witneſs or Witneſſes who ſhall come before them, and in ſcrutinizing the Rights of any Voter or Voters, and in all other Matters and Things whatſoever referred to them, in the ſame Courſe and Manner, and according to the ſame Rules, as Select Committees of the Houſe of Commons on controverted Elections ought and are empowered to proceed in like Caſes; and the Clerk appointed by the ſaid Commiſſioners ſhall from Time to Time make, or cauſe to be made, true Copies of the Minutes of all Proceedings before the ſaid Commiſſioners, and of all ſuch Evidence as ſhall be given or produced before them, and ſhall give One ſuch Copy to each of the Parties intereſted, or his or their Agent, or to ſuch of them as ſhall demand the ſame, on being paid for each Sheet of the ſaid Copy, conſiſting of Seventy-two Words, the Sum of Sixpence; and within Ten Days after the Evidence before the ſaid Commiſſioners ſhall be cloſed touching the Matters and Things referred to them, the ſaid Commiſſioners ſhall cauſe Two Copies of the Minutes of all their Proceedings to be made, and ſhall examine the ſame with the ſaid Minutes, and ſhall ſign and ſeal the ſaid Copies; and ſhall tranſmit by their Clerk, One of the ſaid Copies to the Clerk of the Crown for *Ireland*, or his Deputy, at the Crown Office in *Dublin*; and the other of the ſaid Copies to the Speaker of the Houſe of Commons of the Parliament of the ſaid United Kingdom, who ſhall accordingly communicate the ſame to the ſaid Houſe, and upon the Tranſmiſſion of the ſaid Copies, the ſaid Commiſſioners ſhall adjourn in order to receive ſuch further Orders from the Select Committee upon the Petition in Queſtion, as ſuch Committee may from Time to Time think requiſite and neceſſary.

Commiſſioners ſhall have Power to ſend for Perſons, Papers, and Records, and ſhall examine all Matters referred to them, in like Manner as Select Committees; and ſhall appoint a Clerk to take down Minutes of their Proceedings, and within 10 Days after the Evidence is cloſed, ſhall tranſmit One Copy to the Clerk of the Crown for *Ireland*, and another to the Speaker.

XXIV. And be it further enacted, That the ſaid Commiſſioners ſhall not permit or ſuffer any Barriſter or Counſel to plead before them, or to examine or croſs-examine any of the Witneſſes; but that the ſaid Commiſſioners ſhall themſelves examine and croſs-examine all the Witneſſes that ſhall be produced before them.

No Counſel ſhall plead before them, or examine Witneſſes.

XXV. Provided always, and be it further enacted, That in caſe at any Time in the Courſe of the ſaid Proceedings before the ſaid Commiſſioners, any of the ſaid Parties ſhall tender or offer to produce to the ſaid Commiſſioners any Witneſs or Evidence to, of, or concerning any Matter or Thing whatſoever in Iſſue before the ſaid Commiſſioners, which Witneſs or Evidence the ſaid Commiſſioners, or a Majority of them, ſhall be of Opinion ought not to be examined, heard, or received, the ſaid Commiſſioners ſhall ſtate in Writing the Reaſons and Grounds upon which they have rejected the ſaid Evidence, and enter the ſame upon their Proceedings;

Commiſſioners ſhall ſtate their Reaſons in Writing for rejecting any Evidence that may be tendered; but ſuch Evidence ſhall be taken down by the Clerk, and with a

Statement of the Purpoſe for which produced, ſhall be tranſmitted to the Select Committee, who ſhall report thereon to the Houſe

ceedings; and it ſhall and may be lawful to and for the Party tendering or offering to produce ſuch Witneſs or Evidence, to require of the ſaid Commiſſioners, that the ſaid Witneſs or Evidence ſhall be examined, heard, and received, by and before them; and the Teſtimony of ſuch Witneſs, or the Purport of ſuch Evidence, ſhall accordingly be taken down in Writing by the Clerk to the ſaid Commiſſioners ſeparately and apart from all other Evidence before the ſaid Commiſſioners, and a Copy thereof, with a Statement of the Purpoſe to or for which the ſaid Witneſs or Evidence was produced, and by whom the ſame was produced ſhall be ſigned and ſealed by the ſaid Commiſſioners, in the Nature of a Bill of Exceptions to Evidence, and the ſame ſhall be tranſmitted by the ſaid Commiſſioners, together with all the other Proceedings before them, in Manner herein mentioned; and if the Select Committee of the Houſe of Commons, to whom the Merits of the Petition in Queſtion ſhall be afterwards referred, in Manner herein mentioned, ſhall be of Opinion, that the tendering and offering of ſuch Witneſs or Evidence was frivolous or vexatious, or that the Teſtimony of ſuch Witneſs, or the Purport of ſuch Evidence was impertinent or irrelevant to the Matter in Iſſue before the ſaid Commiſſioners, the ſaid Committee ſhall report ſuch their Opinion to the Houſe, together with their Opinion on the other Matters relating to the ſaid Petition, and the Party who ſhall before the ſaid Commiſſioners have oppoſed the examining, hearing, or receiving of ſuch Witneſs or Evidence, ſhall be entitled to recover from the Perſon or Perſons who ſhall have produced ſuch Witneſs or Evidence, the full Coſts and Expences which ſuch Party or Parties ſhall have incurred in oppoſing the ſame, or by reaſon of the ſame being received in Manner aforeſaid; which Coſts and Expences ſhall be aſcertained and recovered in the ſame Manner and Form as are now provided by Law for the Recovery of Coſts and Expences in Caſes of frivolous or vexatious Petitions, or frivolous or vexatious Oppoſition to any Petition.

Within Two Days after the Copy of Proceedings of the Commiſſioners ſhall be received by the Speaker, he ſhall inſert in *The London Gazette* a Warrant directing the Select Committee to meet within a Month, who ſhall try and determine the Merits of the Petition on the Evidence before them, and may hear Counſel on the Effect of ſuch Evidence, and ſhall report their Opinion to the Houſe.

XXVI. And be it further enacted, That within Two Days after the Copy of the ſaid Proceedings before the ſaid Commiſſioners, ſhall be received by the Speaker of the Houſe of Commons, the ſaid Speaker ſhall inſert in *The London Gazette*, a Warrant ſigned by him, directing the Select Committee upon the Petition in Queſtion, to re-aſſemble and meet again within the Space of One Month from the Date of ſuch Warrant, provided Parliament ſhall be then ſitting, and in caſe Parliament ſhall not then be ſitting, to meet within One Month after the Commencement of the next Seſſion of Parliament; and that the ſaid Select Committee ſhall accordingly re-aſſemble and meet again, and ſhall take the ſaid Proceedings of the ſaid Commiſſioners into Conſideration, and ſhall proceed to try and determine the Merits of the ſaid Petition, in ſuch and the ſame Manner as Select Committees on controverted Elections are by the Laws now in force directed to proceed, try, and determine; ſave and except that the ſaid Committee ſhall not call for or receive any other or further Evidence, written or parole, reſpecting any Matters or Things which ſhall have been tried and examined by the ſaid Commiſſioners in Manner aforeſaid; but the ſaid Committee ſhall determine on all ſuch Matters and Things from the written Minutes of the Evidence, and Proceedings before the ſaid Commiſſioners, and the Certificates of the ſaid Commiſſioners ſo ſigned, ſealed, and tranſmitted as aforeſaid: Provided always, that the ſaid Committee ſhall and may be at Liberty to hear Counſel, as to the Effect of the ſaid Evidence, in like Manner as they may do reſpecting

reſpecting any other Matter in Queſtion before them; and that the ſaid Select Committee ſhall report their own Opinion to the Houſe, upon the whole Merits of the ſaid Election or other Matter of the ſaid Petition.

The Select Committee may direct further Warrants to the Commiſſioners, who ſhall re-aſſemble for the Purpoſes therein ſpecified.

XXVII. Provided always, and be it further enacted, That the ſaid Select Committee ſhall, (from Time to Time during the Continuance of the ſaid Committee, and at any Time before reporting their final Opinion to the Houſe on the Merits of the Petition in Queſtion), have full Power and Authority to direct any further or other Warrant to the ſaid Chairman of the Commiſſioners, under the Hand and Seal of the Chairman of the ſaid Committee, ordering and directing the ſaid Commiſſioners to re-aſſemble for ſuch Purpoſes as ſhall be in the ſaid Warrant ſpecified; and that ſuch and the like Proceedings ſhall be had upon ſuch further Warrant of the Chairman of the ſaid Committee, as are herein directed with reſpect to the ſaid Warrant of the Chairman of the ſaid Committee herein firſt mentioned.

Penalty on Perſons making falſe Oaths before the Commiſſioners, *etc.*

XXVIII. And be it further enacted, That all and every Perſon and Perſons who ſhall wilfully give falſe Evidence, or make any falſe Oath or Affidavit before the ſaid Commiſſioners, or before any Juſtice of the Peace, touching any Matter or Thing provided for by this Act, ſhall be proſecuted and indicted for the ſame; and ſuch Perſon or Perſons being convicted thereof, ſhall be ſent to ſome Houſe of Correction for a Time not exceeding Seven Years, there to be kept to hard Labour during all the ſaid Time, or otherwiſe to be tranſported to ſome of His Majeſty's Plantations beyond the Seas, for a Term not exceeding Seven Years, as the Court ſhall deem moſt proper; and that it ſhall and may be lawful for the Chairman of the ſaid Commiſſioners, and he is hereby authorized and empowered, by Warrant under his Hand and Seal, directed to any One or more Conſtable or Conſtables, or to any other Perſon or Perſons ſpecially appointed by ſuch Chairman, to ſummon and require the Attendance of any Witneſs or Witneſſes, or other Perſon or Perſons, before the ſaid Commiſſioners, at the Day and Place to be mentioned in the ſaid Warrant.

Witneſſes neglecting their Duty, or Perſons miſbehaving before the Commiſſioners, may be committed by the Chairman.

XXIX. And be it further enacted, That if any Perſon ſo ſummoned as a Witneſs as aforeſaid, ſhall neglect or refuſe to attend, without lawful Excuſe, to be determined by the ſaid Commiſſioners; or if any Witneſs before ſuch Commiſſioners ſhall prevaricate or ſhall otherwiſe miſbehave in giving or refuſing to give Evidence, or if any Perſon ſhall be guilty of any Contempt or Miſbehaviour whatſoever of or towards the ſaid Commiſſioners, while ſitting and acting in the Execution of their ſaid Commiſſion, the ſaid Chairman of the ſaid Commiſſioners ſhall, and he is hereby empowered, by a Warrant under his Hand and Seal, and directed to the Gaoler of the Common Gaol of the County or Place in which the ſaid Commiſſioners ſhall ſit, to commit ſuch Perſon (not being a Peer of the Realm or a Lord of Parliament), to the Cuſtody of the ſaid Gaoler, without Bail or Mainprize, for any Time not exceeding Six Calendar Months.

In caſe it be neceſſary to ſummon a Member of Parliament,

XXX. And be it enacted, That in caſe it ſhall be requiſite to ſummon any Member of Parliament to give Evidence before the ſaid Commiſſioners, who ſhall be then attending his Duty in Parliament, that in ſuch

the Chairman of the Commiſſioners ſhall certify the ſame to the Speaker.

ſuch Caſe the Chairman of the Commiſſioners ſhall certify the ſame to the Speaker of the Houſe of Commons, who ſhall report the ſame to the Houſe.

Allowances to be made the Commiſſioners and their Clerk.

XXXI. And be it further enacted, That each of the ſaid Commiſſioners ſo to be appointed in Manner aforeſaid, ſhall, immediately after the Select Committee on the Petition in Queſtion ſhall have made the final Report to the Houſe on the Merits of the ſaid Petition, be entitled to demand and receive from the Lords Commiſſioners of the Treaſury in *Dublin*, the Sum of Two hundred Pounds, for his Attendance upon the Execution of the ſaid Commiſſion, together with the Sum of One Guinea for every Day which ſuch Commiſſioner ſhall have been, or ſhall be neceſſarily engaged on the ſaid Commiſſion, and alſo his travelling Expences, at the Rate of One Shilling and Sixpence for every Mile which ſuch Commiſſioner ſhall have travelled from or to his uſual Place of Abode, in his Attendance on the Execution of ſuch Commiſſion; and that the Clerk to the ſaid Commiſſioners ſhall alſo, upon his tranſmitting the ſaid Copies in Manner aforeſaid, be entitled to demand and receive from the Lords Commiſſioners of the Treaſury in *Dublin*, ſuch Sum or Sums for his Attendance on the Execution of the ſaid Commiſſion, as the ſaid Commiſſioners ſhall under their Hands certify to be reaſonable, not exceeding the Amount of Two Guineas for each Day of his Attendance on the Execution of the ſaid Commiſſion, together with ſuch Sum for the Copies of the Evidence tranſmitted to the Clerk of the Crown in *Ireland*, and the Speaker of the Houſe, in Manner aforeſaid, as the ſaid Commiſſioners ſhall think fit, not exceeding the Sum of Sixpence for every Sheet, conſiſting of Seventy-two Words, the ſaid Copies ſhall contain.

Penalties may be ſued for in any Court of Record in *Ireland*.

XXXII. And be it further enacted, That all pecuniary Penalties in and by this Act impoſed ſhall and may be recovered, with full Coſts of Suit, by any Perſon or Perſons who ſhall ſue for the ſame by Action of Debt in any Court of Record in that Part of the United Kingdom called *Ireland*; in which Action it ſhall be ſufficient for the Plaintiff or Plaintiffs to declare that the Defendant or Defendants is or are indebted to him or them (to the Amount of the Penalty ſued for), by virtue of this Act; and in which Action no Eſſoign, Privilege, Protection, or Wager of Law, ſhall be allowed, nor more than One Imparlance.

Limitation of Actions.

XXXIII. Provided always, and be it further enacted, That every Indictment, Information, or Action, for any Offence againſt this Act, or any Forfeiture incurred under the ſame, ſhall be found, filed, or commenced within One Year after the Commiſſion of the Fact on which ſuch Indictment, Information, or Action ſhall be grounded, or within Six Months after the Concluſion of the Proceedings in the Houſe of Commons relating to the Petition on the Trial of which ſuch Fact ſhall have ariſen.

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