ANNO QUADRAGESIMO SECUNDO

GEORGII III. REGIS.

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CAP. LXXXIV.

An Act for the further Regulation of the Trials of controverted Elections, or Returns of Members to ſerve in Parliament; and for expediting the Proceedings relating thereto. [22d *June* 1802.]

WHEREAS by an Act of Parliament, 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*, certain Regulations were eſtabliſhed, for a Time therein limited, for the Trials of controverted Elections, or Returns of Members to ſerve in Parliament: And whereas by an Act, paſſed in the Eleventh Year of the Reign of His preſent Majeſty, intituled, *An Act to explain and amend an Act, made in the laſt Seſſion of Parliament, intituled, ‘ An Act to regulate the Trials of controverted Elections, or Returns of Members to ſerve in Parliament,’* further Regulations were made therein: And whereas the Proviſions of the ſaid Acts were, by an Act paſſed in the Fourteenth Year of the Reign of His preſent Majeſty, continued and made perpetual: 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*

10 Geo. 3. c. 16.

11 Geo. 3. c. 42.

14 Geo. 3. c. 15.

25 Geo. 3. c. 84.

may arise for Want of Returns being made of Members to serve in Parliament, the Provisions of the said Acts were extended, in the Manner therein mentioned, to Petitions complaining that no Return had been made to a Writ issued for the Election of a Member or Members to serve in Parliament, within the Times limited in the said Act, or that such Return was not a Return of a Member or Members, according to the Requisition of the Writ: And whereas by an Act, passed 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*, certain other Regulations were made for the Execution of the above recited Acts, and for discouraging Persons from presenting frivolous or vexatious Petitions, or setting up frivolous or vexatious Defences, in any of the Cases to which the said Acts relate, and for the final Decision of Questions respecting the Rights of voting at such Elections, or of nominating or appointing the Returning Officer or Returning Officers who are to preside thereat: And whereas it is expedient that further Regulations should be made for giving Dispatch to the Execution of certain Parts of the said several Acts; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, from and after this present Session of Parliament, where Two or more Petitions under and by virtue of the said recited Acts, or any of them, are to be taken into Consideration by the House of Commons, on the same Day, it shall and may be lawful, after summoning the Members, and counting the House, in the Manner directed by the said recited Acts, to order all the Petitioners and other Parties, by themselves, their Counsel or Agents, to attend within the House at the same Time, before the Door shall be locked, and after the List of Forty-nine Names of the Members present hath been drawn by Lot, and completed, in order to form the First Committee, according to the Directions of the said recited Acts, it shall and may be lawful to proceed forthwith, and before the Door of the House shall be opened, except for the Purposes herein-after mentioned, to draw by Lot, and complete in like Manner, out of the same Boxes or Glasses, another List of Forty-nine Names of the remaining Members present, in order to form the Second Committee, according to the said Directions; and in the same Manner to draw by Lot, and complete, successive Lists of Forty-nine Names of the remaining Members present, in order to form the Third and Fourth, or such other Number of Committees as may be requisite for the Trial of such Petitions; and the Select Committees for the Trial and Determination of such Petitions, and the Nominees thereto, shall then severally be appointed according to the Rules, Directions, and Regulations of the said recited Acts, in like Manner as if only One List of Forty-nine Names had then been formed.

28 Geo. 3. c. 52.

Where Two or more Petitions are to be taken into Consideration on the same Day Petitioners may be ordered to attend, and after the List of 49 Members hath been ballotted to form the First Committee, the House shall immediately form the Second and such other Number of Committees as may be requisite; and the Select Committees shall then be severally appointed.

II. Provided always, That it shall not nor may be lawful to proceed, in Manner aforesaid, to form successive Lists, in order to form more than One of such Committees, unless One hundred and twenty Members shall be present in the House at the Time of counting the same; nor to form successive Lists in order to form more than Two such Committees, unless Two hundred Members shall then be present in the House; nor to form successive Lists, in order to form more than Three such Committees,

But the House shall not proceed to form more than One Committee unless the Numbers herein specified be present.

Committees, unleſs Two hundred and ſeventy Members ſhall then be preſent in the Houſe; nor to form ſucceſſive Liſts, in order to form more than Four ſuch Committees, unleſs Three hundred and ſixty Members ſhall then be preſent in the Houſe; nor to form ſucceſſive Liſts, in order to form more than Five ſuch Committees, unleſs Four hundred and ſixty Members ſhall then be preſent in the Houſe.

The Name of any Member drawn who is excuſed for ſome Reaſon which applies ſpecially to One Petition may be put into the Box and drawn again.

III. Provided always, That in caſe the Houſe ſhall proceed, in Manner aforeſaid, to form ſucceſſive Liſts, in order to form Two or more ſuch Committees, and any Member whoſe Name is drawn ſhall be excuſed for ſome Reaſon which applies ſpecially to any One Petition, the Name of ſuch Member ſhall be returned into the Box or Glaſs from whence it has been taken, ſo that it may be again drawn by Lot upon any of the following Petitions.

If the Name of any Member be declared One of the Two Nominees named by the Petitioners, *etc.* it ſhall be ſet aſide if the Member conſents.

IV. Provided alſo, and be it further enacted, That if upon drawing out the Name of any Member by Lot upon One of ſuch Petitions, the Petitioners or Sitting Members, or the Agents who ſhall have been ordered, under or by virtue of this Act, to attend within the Houſe upon any other Petition, ſhall declare, that ſuch Member is intended to be One of the Two Nominees nominated by them reſpectively; and if ſuch Member ſhall conſent to ſuch Nomination, the Name of ſuch Member ſo drawn ſhall be ſet aſide, and another Member ſhall be drawn to ſupply his Place, to complete the Number of Forty-nine to be drawn by Lot.

Liſts may be formed and Select Committees appointed on One or more Petitions, as far as the Houſe is enabled ſo to do by the Members preſent, and the remaining ſhall be adjourned.

V. Provided alſo, that if Two or more ſuch Petitions are to be taken into Conſideration on the ſame Day, and it ſhall happen, by Reaſon that a ſufficient Number of Members liable to ſerve are not preſent in the Houſe, that ſucceſſive Liſts cannot be formed, in Manner aforeſaid, upon all ſuch Petitions; yet the Houſe may nevertheleſs proceed to form the Liſt or Liſts, and appoint the Select Committee or Committees upon One or more of ſuch Petitions, as far as they are enabled ſo to do by the Number of Members preſent, and may, after ſuch Appointment, proceed to any other Buſineſs; and the Order or Orders for taking the remaining Petition or Petitions into Conſideration ſhall be adjourned, as directed by the ſaid recited Acts in Caſes where Petitions cannot be taken into Conſideration on the Day appointed for Want of a ſufficient Attendance.

Petitioners, *etc.* may withdraw as ſoon as the Ballot is over. Reduced Liſts may be returned between Two Ballots, and the Committee being ſworn may leave the Houſe.

VI. Provided always, and be it further enacted, That it ſhall be lawful for the Petitioners and other Parties, and their Counſel or Agents, to withdraw from the Houſe as ſoon as the Liſt of Forty-nine Names ſhall have been drawn, in order to form the Committee for the Trial of ſuch Petition reſpectively; and for the Clerk appointed to attend the ſaid Committee, to return the reduced Liſt in the Time intervening between any Two Ballots; and the Members remaining upon any of the ſaid reduced Liſts, together with the Two Members who ſhall be appointed as Nominees, ſhall be ſworn at the Table, and ſhall be at Liberty forthwith to depart from the Houſe.

When Complaint is made on different

VII. Provided alſo, and be it further enacted, That, when on a Complaint by a Petition of an undue Election or Return, there ſhall be more

Grounds the Committee ſhall not chooſe their Nominees till all the other Select Committees to be ballotted for on that Day ſhall be ſworn.

more than Two Parties before the Houſe on diſtinct Intereſts, or complaining or complained of upon different Grounds, the Thirteen Members returned to the Houſe by virtue of the aforeſaid Act paſſed in the Eleventh Year of His preſent Majeſty's Reign, ſhall not chooſe their Nominees until all the other Select Committees to be ballotted for on that Day ſhall have been ſworn: Provided alſo, that if Two or more Committees ſhall be appointed on the ſame Day, to decide on any Petition whereon there ſhall be more than Two Parties as aforeſaid before the Houſe, the Committee which ſhall have been firſt ballotted for ſhall have the Preference in the Choice of Members to ſerve as Nominees.

Committee firſt ballotted for ſhall have the Choice of Nominees.

Committees ſhall be attended by a Short-Hand Writer.

VIII. And be it further enacted, That every ſuch Committee appointed for the Trial and Determination of any Petition under and by virtue of the ſaid recited Acts, and of this Act, ſhall or may be attended by a Perſon well ſkilled in the Art of writing Short Hand, who ſhall be ſpecially appointed by the Clerk of the Houſe of Commons for the Time being, and ſworn by the Chairman faithfully and truly to take down, in Short Hand, the Evidence adduced before the ſaid Committee, and from Day to Day, as Occaſion may require, to tranſcribe or cauſe the ſame to be tranſcribed in Words at Length, for the Uſe of the ſaid Committee.

Continuance of Act.

IX. And be it further enacted, That this Act ſhall continue in force Two Years, and from thence till the End of the Seſſion of Parliament next after the Expiration of the ſaid Two Years, and no longer.

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