

ANNO NONO

GEORGII IV. REGIS.

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CAP. XXII.

An Act to consolidate and amend the Laws relating to the Trial of controverted Elections or Returns of Members to serve in Parliament.

[23d *May* 1828.]

WHEREAS great Benefit has been found to arise from the Regulations of an Act passed in the Tenth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to regulate the Trials of controverted Elections or Returns of Members to serve in Parliament:* And whereas several Acts have subsequently been passed to amend and extend the same: And whereas it is expedient to consolidate, and in some respects to amend and simplify, the Laws relating thereto; 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 the said Act passed in the Tenth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to regulate the Trials of controverted Elections or Returns of Members to serve in Parliament;* also an Act passed in the Eleventh Year of the Reign of His late 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;'* also an Act passed in the Fourteenth Year of the Reign of His late Majesty, intituled *An Act for making perpetual Two Acts passed in the Tenth and Eleventh Years of the Reign of His present Majesty, for regulating the Trials of controverted Elections*

10 G. 3. c. 16.

Repeal of 10 G. 3. c. 16.

11 G. 3. c. 42.

14 G. 3. c. 15.

Elections or Returns of Members to serve in Parliament; also so much of an Act passed in the Twenty-fifth Year of the Reign of His late 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,* as relates to the Appointment of a Select Committee to take into Consideration the Petition of any Person claiming to have had a Right to vote, or to have been entitled to have been declared duly elected, where no Return has been made to any Writ issued for the electing of any Member or Members to serve in Parliament, on or before the Day on which such Writ is made returnable, or within Fifty-two Days after the Day on which such Writ bears Date, if such Writ be issued during any Session or Prorogation of Parliament, or where the Return be not according to the Requisition of the Writ, but contains special Matters only concerning the Election; also to the Notices to be given of the Meeting of such Committees, and to the Manner in which the Trials of such Petitions are to be regulated, and the Mode in which Parties entitled to be returned may proceed against any Sheriff or Returning Officer, in case a Select Committee shall have determined that such Sheriff or Returning Officer had wilfully delayed or neglected or refused to make such Return; also an Act passed in the Twenty-eighth Year of the Reign of His late Majesty, intituled *An Act for the further Regulation of the Trials of controverted Elections or Returns of Members to serve in Parliament,* except in so far as the same relates to the Repeal of so much of an Act passed in the Second Year of the Reign of His Majesty King *George* the Second, intituled *An Act for the more effectual preventing Bribery and Corruption in the Election of Members to serve in Parliament,* as enacts that such Votes shall be deemed legal which have been so declared by the last Determination in the House of Commons, and that such last Determination concerning any County, City, Borough, or Place, shall be final; also an Act passed in the Thirty-second Year of the Reign of His late Majesty, intituled *An Act to extend the Provisions of certain Acts of Parliament made to regulate the Trials of controverted Elections or Returns of Members to serve in Parliament;* also an Act passed in the Thirty-fourth Year of the Reign of His late Majesty, intituled *An Act to explain so much of an Act made in the Twenty-eighth Year of His present Majesty's Reign, intituled 'An Act for the further Regulation of 'the Trials of controverted Elections or Returns of Members to serve in 'Parliament,' as relates to the Time of presenting certain renewed Petitions, and taking the same into Consideration;* also an Act passed in the Thirty-sixth Year of the Reign of His late Majesty, intituled *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;* also an Act passed in the Forty-second Year of the Reign of His late Majesty, intituled *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;* also an Act passed in the Forty-seventh Year of the Reign of His late Majesty, intituled *An Act to revive and make perpetual,*

Part of 25 G. 3. c. 84.

Part of 28 G. 3. c. 52.

32 G. 3. c. 1.

34 G. 3. c. 83.

36 G. 3. c. 59.

42 G. 3. c. 84.

47 G. 3. c. 1.

petual, and to amend, an Act made in the Forty-second Year of His present Majesty, 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; also so much of an Act passed in the Forty-seventh Year of the Reign of His late Majesty, intituled *An Act to amend several Acts for regulating the Trial of controverted Elections or Returns of Members to serve in Parliament, so far as the same relate to* Ireland, as enacts, that the Order for taking into Consideration any Petition relative to the Trial of any controverted Election or Return in *Ireland* shall not be discharged until the Expiration of Twenty-eight Days after such Petition shall have been presented to the House of Commons, by reason that the Recognizance required by an Act made in the Twenty-eighth Year of His late Majesty's Reign, intituled *An Act for the further Regulation of the Trials of controverted Elections or Returns of Members to serve in Parliament*, was not received by the Speaker under the Provisions of the said recited Act; also an Act passed in the Fifty-third Year of the Reign of His late Majesty, intituled *An Act for amending and rendering more effectual the Laws for the Trials of controverted Elections and Returns of Members to serve in Parliament;* be hereby repealed.

Part of 47 G. 3. c. 14.

53 G. 3. c. 71.

II. And be it enacted, That whenever a Petition complaining of an undue Election or Return of a Member or Members to serve in Parliament (or complaining that no Return has been made to any Writ issued for the Election of any Member or Members to serve in Parliament on or before the Day on which such Writ is made returnable, or if such Writ be issued during any Session or Prorogation of Parliament, that no Return has been made to the same within Fifty-two Days after the Day on which such Writ bears Date, or that any Return is not according to the Requisition of the Writ, or complaining of the special Matters contained in any such Return,) shall be presented to the House of Commons within such Time as shall be from Time to Time limited by the House, a Day and Hour shall be appointed by the said House for taking the same into Consideration, and Notice thereof in Writing shall be forthwith given by the Speaker to all Parties so petitioning, and to the sitting Members, and to any Parties who may have petitioned to be permitted to defend any such Election or Return, and where no Return has been made, or the special Matter of the Return, or the Conduct of any Returning Officer, is complained of, to the Returning Officer or Officers, accompanied with an Order to the Parties to attend the House at the Time appointed, by themselves, their Counsel or Agent.

Upon Complaint made to the House of Commons of an undue Election or Return, or that no Return has been made, a Time to be fixed for considering thereof, and Notice given.

III. And be it enacted, That the House may alter the Day and Hour so appointed for taking any such Petition into Consideration, and appoint some subsequent Day and Hour for the same, as Occasion shall require, giving to the respective Parties the like Notice of such Alteration, accompanied with an Order to attend on such subsequent Day and Hour as aforesaid; and if within One Hour after the Time fixed in the Manner herein-after directed for calling in the respective Parties, their Counsel or Agents, for the Purpose of proceeding to the Appointment of a Select Committee, the Petitioner or

House may alter the Time, giving the like Notice and Order.

If Petitioners do not attend at the Time required, the Order to be discharged.

or Petitioners, or some one or more of them who shall have signed any such Petition, shall not appear, by himself or themselves, or by his or their Counsel or Agents, the Order for taking such Petition into Consideration shall thereupon be discharged, and such Petition shall not be any further proceeded upon.

No Petition to be proceeded upon, unless subscribed as herein mentioned.

IV. And be it enacted, That no such Petition shall be proceeded upon, unless the same, at the Time it is presented to the House, shall be subscribed by some Person or Persons claiming therein to have had a Right to vote at the Election to which the same shall relate, or to have had a Right to be returned as duly elected thereat, or alleging himself or themselves to have been a Candidate or Candidates at such Election, or claiming therein to have had a Right to vote at the Election of any Delegate or Commissioner for choosing a Burgess for any District of Burghs in that Part of *Great Britain* called *Scotland* to which the same shall relate.

Recognizances to be entered into by Petitioners, and Sureties, to pay Costs.

V. And be it enacted, That no Proceeding shall be had upon any such Petition, unless the Person or Persons subscribing the same, or some one or more of them, shall, within Fourteen Days after the same shall have been presented to the House, or within such further Time as shall be limited by the House, personally enter into a Recognizance to our Sovereign Lord the King, according to the Form hereunto annexed, in the Sum of One thousand Pounds, with Two sufficient Sureties in the Sum of Five hundred Pounds each, or Four sufficient Sureties in the Sum of Two hundred and fifty Pounds each, for the Payment of all Costs, Expences, and Fees which shall become due to any Witness summoned in behalf of the Person or Persons so subscribing such Petition, or to any Clerk or Officer of the House, upon the Trial of such Petition, or to any Party who shall appear before the House, or any Committee of the House, in opposition to such Petition, in case such Person or Persons shall fail to appear before the House at such Time or Times as shall be fixed by the House for taking such Petition into Consideration; or in case such Petition shall be withdrawn by the Permission of the House; or in case such Committee shall report to the House, that such Petition appears to them to be frivolous or vexatious; and if at the Expiration of the said Fourteen Days such Recognizance shall not have been entered into, or shall not have been received by the Speaker of the House of Commons, or the Time for entering into or receiving such Recognizance shall not previously have been enlarged, the Speaker shall report the same to the House, and the Order for taking such Petition into Consideration shall thereupon be discharged, unless upon special Report of the Examiners into the Sufficiency of the Sureties, or upon Matter specially stated and verified upon Oath to the Satisfaction of the House, the House shall see cause, either to enlarge the Time for entering into such Recognizance, or to allow the Names of any such Sureties to be changed; and whenever such Time shall be so enlarged, or Name of any such Surety shall be changed, the Order for taking such Petition into Consideration shall, if necessary, be postponed, so that no such Petition shall be taken into Consideration till after such Recognizance shall have been entered into and received by the Speaker; Provided always,

always, that the Time for entering into such Recognizance shall not be enlarged more than once, or for any Number of Days exceeding Thirty, nor the Name of any proposed Surety be more than once changed.

Names of Sureties to be delivered to the Clerk of the House of Commons.

VI. And be it enacted, That on the Day when any such Petition shall be presented, or on the next Day at furthest, the Petitioner or Petitioners shall deliver or cause to be delivered, in Writing, to the Clerk of the House of Commons, the Names, together with the Additions and usual Places of Residence, of the Persons who are proposed to become such Sureties, which Names shall be entered in a Book to be kept by the said Clerk in his Office, open to the Inspection of all Parties concerned.

Recognizances to be entered into before the Speaker, and the Sufficiency of Sureties to be allowed by him, on the Report of the Persons herein mentioned.

VII. And be it enacted, That the said Recognizances shall be entered into before the Speaker of the House of Commons, who is hereby authorized and empowered to take the same; and the Sufficiency of the Sureties named therein shall be judged of and allowed by the said Speaker, on the Report of Two Persons appointed by him to examine the same, of which Two Persons the Clerk or one of the Clerks Assistant of the House of Commons shall always be one, and one of the following Officers, not being a Member of the said House, shall be the other; (that is to say), Masters of the High Court of Chancery, Clerks in the Court of King's Bench, Prothonotaries in the Court of Common Pleas, and Clerks in the Court of Exchequer; and the said Persons so appointed are hereby authorized and required to examine the same, and to report their Judgment thereupon, and are also hereby authorized to demand and receive such Fees for such Examination and Report as shall be from Time to Time fixed by any Resolution of the House of Commons: Provided always, that Seven clear Days at the least shall intervene between the Day on which the Names shall have been delivered in and entered in a Book kept in the Office of the Clerk as aforesaid and the Day on which the Sufficiency of the Sureties shall be examined, as herein-before directed.

Seven Days to be allowed before the Sureties are examined.

Parties or Sureties living more than 40 Miles from London may enter into Recognizances before a Justice.

VIII. And be it enacted, That if the Party or Parties who are to enter into such Recognizance, or his or their Sureties, or either of them, shall reside at a greater Distance from *London* than Forty Miles, it shall and may be lawful for such Party or Surety respectively to enter into such Recognizance before any of His Majesty's Justices of the Peace; and His Majesty's Justices of the Peace, or any of them, is and are hereby authorized and empowered to take the same; and such Recognizance, being duly certified under the Hand of such Justice, and being transmitted to the Speaker of the House of Commons, shall have the same Force and Effect as if the same had been entered into before the said Speaker: Provided also, that it shall and may be lawful for the Persons to whom it is referred by the Speaker to examine the Sufficiency of the Sureties, to receive in Evidence in their said Examination any Affidavits relating thereto which shall be sworn before any such Persons, or any Master of the High Court of Chancery, or before any of His Majesty's Justices of the Peace, who are hereby each of them respectively authorized to administer such Oath, and to certify such Affidavit under his Hand.

Evidence as to Sufficiency of Sureties.

In what Cases Petitions may be withdrawn.

IX. And be it enacted, That the House of Commons shall not permit any such Petition to be withdrawn, except so far as the same may relate to the Election or Return of any Member who shall, since the same shall have been presented, have vacated his Seat by Death or in any other Manner, or in consequence of some Matter which shall have arisen since the same was presented, and which shall be specially stated and verified upon Oath to the Satisfaction of the House.

Voters, upon Petition, may become a Party to oppose or defend the Return.

X. And be it enacted, That it shall and may be lawful, at any Time within Fourteen Days after the Day on which any such Petition shall have been presented, for any Person or Persons claiming to have had a Right to vote at the Election, or at the Election of Delegates or Commissioners for making such Election, to which the same shall relate, to petition the House of Commons, praying to be admitted as a Party or Parties to defend such Return, or to oppose the Prayer of such Petition, and such Person or Persons shall thereupon be admitted as a Party or Parties, together with the sitting Member, and shall be considered as such to all Intents and Purposes whatever.

Where the Seat becomes vacant, or the sitting Member declines to defend his Return before the Petition is taken into Consideration, Notice to be sent by the Speaker to the Returning Officer of the Place to which the Petition relates.

XI. And be it enacted, That if at any Time before the Day appointed for taking any such Petition into Consideration the Speaker of the House of Commons shall be informed, by a Certificate in Writing subscribed by Two of the Members of the said House, of the Death of any sitting Member whose Election or Return is complained of in such Petition, or of the Death of any Member returned upon a double Return whose Election or Return is complained of in such Petition, or that a Writ of Summons has been issued under the Great Seal of *Great Britain* to summon any such Member to Parliament as a Peer of *Great Britain*; or if the House of Commons shall have resolved that the Seat of any such Member is by Law become vacant; or if the House of Commons shall be informed, by a Declaration in Writing, subscribed by any such Member, and delivered in at the Table of the House within Fourteen Days after the Day on which any such Petition shall have been presented, that it is not the Intention of such Member to defend his Election or Return; in every such Case Notice thereof shall immediately be sent by the Speaker to the Sheriff or other Returning Officer for the County, City, Borough, District of Burghs, Port, or Place to which such Petition shall relate; and such Sheriff or other Returning Officer shall cause a true Copy of the same to be affixed on the Doors of the County Hall or Town Hall, or of the Parish Church nearest to the Place where such Election has usually been held; and such Notice shall also be inserted by Order of the Speaker in one of the Two next *London* Gazettes; and the Order for taking such Petition into Consideration shall, if necessary, be adjourned, so that at the least Thirty Days may intervene between the Day on which such Notice shall be inserted in the said Gazette and the Day on which such Petition shall be taken into Consideration.

Notice to be affixed on the Doors of the County Hall, &c. and inserted in the London Gazette; and Consideration of the Petition adjourned.

Within 30 Days after Notice, Voters, &c. may be ad-

XII. And be it enacted, That it shall and may be lawful, at any Time within Thirty Days after the Day on which such Notice shall have been inserted in the said Gazette, for any Person or Persons claiming to have had a Right to vote at such Election, or at the

Election of Delegates or Commissioners for making such Election, to petition the House, praying to be admitted as a Party or Parties in the Room of such Member; and such Person or Persons shall thereupon be so admitted as a Party or Parties, and shall be considered as such, to all Intents and Purposes whatever.

mitted as Parties to defend the Return.

XIII. And be it enacted, That whenever the Member whose Election or Return is so complained of in such Petition shall have given such Notice as aforesaid, of his Intention not to defend the same, he shall not be admitted to appear or act as a Party against such Petition in any subsequent Proceedings thereupon; and he shall also be restrained from sitting in the House of Commons, or voting on any Question, until such Petition shall have been decided upon.

Members having given Notice of their Intention not to defend, shall not be admitted as Parties.

XIV. And be it enacted, That in all Cases of controverted Elections or Returns of Members to serve in Parliament for *Great Britain*, all the Parties complaining of or defending such Elections or Returns shall, by themselves or their Agents, deliver in to the Clerk of the House of Commons Lists of the Votes intended to be objected to, to be by the said Clerk kept in his Office, open to the Inspection of all Parties concerned, giving in the said Lists the several Heads of Objections, and distinguishing the same against the Names of the Voters excepted to; and that such Lists shall be so delivered in, upon all controverted Elections and Returns for *Scotland*, or for any County in *England* or *Wales*, Ten Days at least before the Day appointed for the Consideration of the Petition complaining of such Election or Return; and upon all other controverted Elections or Returns for *England* or *Wales*, Five Days at least before the Day appointed for the Consideration of such Petition: Provided always, that if the Consideration of any such Petition shall be postponed by Order of the House during the same Session, or shall be renewed at the Commencement of another Session, it shall be sufficient if such Lists shall be so delivered within such Periods as are hereby directed before the Committees for the Trial of such Petitions shall be actually appointed; or if any Person or Persons shall have been admitted as aforesaid to defend the Return in the Room of any sitting Member or Members returned in a Double Return, who before such Petition is taken into Consideration shall have died, or been called by Writ of Summons to Parliament as a Peer of *Great Britain*, or whose Seat shall have become vacant by Law, or who shall in the Manner aforesaid have declared his Intention not to defend his Election or Return, then it shall be sufficient if such Lists shall be so delivered within such Periods as are herein-before directed before the Time to which the taking such Petition into Consideration shall be adjourned.

Lists of Votes intended to be objected to, to be delivered to the Clerk of the House of Commons.

XV. And be it enacted, That no Evidence shall be adduced before the Select Committee appointed for the Trial of the Petition upon which such List shall have been delivered in, against the Validity of any Vote, upon any Head of Objection to such Voter other than one of the Heads so specified and particularized against him in such List as aforesaid; and if any Ground of Objection shall be stated against any Voter in such Lists, and no Evidence shall be produced before such Select Committee to substantiate such Objection, and if such Select

Evidence to be confined to Objections particularized in the Lists.

Select Committee shall be of opinion that such Objection was frivolous or vexatious, the said Committee shall report the same to the House of Commons, together with their Opinion on the other Matters relating to the said Petition, and the opposite Party shall in such Case be entitled to recover, from the Party or Parties by whom or on whose Behalf any such Objections were made, the full Costs and Expences incurred by reason of such frivolous or vexatious Objections, which Costs and Expences shall be ascertained and recovered in the same Manner and Form as is herein-after provided for the Recovery of Costs and Expences in Cases of frivolous or vexatious Petitions.

On Days appointed for taking Petitions into Consideration, House to proceed to the Order of the Day for that Purpose before any other Business, except as herein is excepted.

XVI. And be it enacted, That on the Day appointed for taking any such Petition into Consideration the House shall not proceed to any Business previous to the Reading of the Order of the Day for that Purpose, except to swear in any Member, or to receive any Report from any Select Committee appointed in pursuance of this Act, and to enter the same upon their Journals, and to give the necessary Orders and Directions thereupon; or to admit the Clerk of the Crown to alter or amend any Return, in pursuance of an Order made on a preceding Day or on that Day; or to attend His Majesty or His Majesty's Commissioners in the House of Lords, in consequence of any Message from His Majesty, or from His Majesty's Commissioners, signified to the House in the usual Manner; or to receive any Message or Messages from the Lords; or on Days appointed for the Trial of any Articles of Impeachment exhibited or to be exhibited by the Commons before the Lords in Parliament, to proceed to any Business that may be necessary for the Purpose of carrying on the Prosecution of such Impeachment.

Serjeant at Arms, before the Reading of the Order, to require the Attendance of Members. House to be counted, and if there are not 100 Members present, the House to adiourn, &c.

XVII. And be it enacted, That at the Time appointed for taking any such Petition into Consideration, and previous to the Reading of the Order of the Day for that Purpose, the Serjeant at Arms shall be directed to go with the Mace to the Places adjacent, and require the immediate Attendance of the Members on the Business of the House; and that after his Return the House shall be counted, and 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, (*Sunday*, *Christmas Day*, and *Good Friday* always excepted,) and the House shall not proceed to any other Business whatsoever, except as hereafter provided, but shall then adjourn to the said Day; and the Proceedings of all Committees, subsequent to such Notice from the said Serjeant, shall be void; and on the 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 of the Order of the Day to take such Petition into Consideration: Provided always, that if, after reading the Order of the Day for taking any such Petition into Consideration, on any Day immediately preceding *Christmas Day*, (or if *Christmas Day* falls on a *Monday*, on the preceding *Saturday*,) *Whitsunday*, or *Good Friday*, it shall be found that there are not One hundred Members present, or that the Number of Thirty-three Members, not set aside or excused, cannot be completed, it shall and may be lawful for the House, if they shall think fit, to direct that the said

said Order shall be adjourned for any Number of Days, and the House shall then immediately be adjourned to the Hour and Day to which such Order shall be so adjourned.

If 100 Members are present, the Parties, &c. to be ordered to the Bar.

XVIII. And be it enacted, That if after summoning the Members, and counting the House, as aforesaid, One hundred Members shall be found to be present, the Parties, their Counsel or Agents, shall be ordered to attend at the Bar, and then the Door of the House shall be locked, and no Member shall be suffered to enter into or depart from the House until the Parties, their Counsel or Agents, shall be directed to withdraw, as herein-after is mentioned; and when the Door shall be locked as aforesaid, the Order of the Day shall be read, and the Names of all the Members of the House, written on distinct Pieces of Paper, being all as near as may be of equal Size, and folded up in the same Manner, shall be put into Six Glasses, to be placed on the Table for that Purpose; and then the Clerk or Clerk Assistant attending the House shall publicly draw out of the said Six Glasses the said Pieces of Paper, and deliver the same to the Speaker, to be by him read to the House, and so shall continue to do until Thirty-three Names of the Members present be drawn: Provided always, that the Names of all the Members so written and folded up shall, previous to the Time appointed for taking any such Petition into Consideration, be prepared by the said Clerk or Clerk Assistant, and by him put into a Box in the Presence of the Speaker, together with an Attestation, signed by the said Clerk or Clerk Assistant, purporting that the Names of all the Members were by him put therein the Day of in the Year , which said Box the Speaker shall seal or cause to be sealed, in his Presence, with his own Seal, and to the Outside thereof shall annex or cause to be annexed an Attestation, signed by himself, purporting that the said Box was, on the Day of in the Year , made up in his Presence, in the Manner directed by this Act; and that as soon as the Parties shall be withdrawn as aforesaid, and before the House shall enter on any other Business, any Member may require that the Names of all the Members which remain undrawn shall be drawn and read aloud by the said Clerk or Clerk Assistant.

Names of Members to be put in Six Boxes or Glasses, and drawn out alternately, and read by the Speaker, till 33 be drawn, &c.

Previous to taking a Petition into Consideration, the Names of Members to be put into a Box, &c.

How to proceed where Two or more Petitions are ordered to be taken into Consideration on the same Day.

XIX. And be it enacted, That when Two or more such Petitions are ordered to be taken into Consideration by the House on the same Day, it shall and may be lawful, after summoning the Members and counting the House, in the Manner herein-before directed, 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 the Thirty-three Names of the Members present hath been drawn by Lot and completed, in order to form the First Committee, as herein-before is directed, 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 Glasses, another List of Thirty-three 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 Thirty-three Names of the remaining Members present, in order to form a Third or Fourth Committee, according to the said Directions.

Number of Members to be present to form more than One Ballot.

XX. And be it enacted, That it shall not 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 One hundred and eighty Members shall then be present in the House; nor to form successive Lists, in order to form more than Three such Committees, unless Two hundred and forty Members shall then be present in the House.

Certain Members disqualified from serving on Committees.

XXI. And be it enacted, That if the Name of any Member who shall have given his Vote at the Election complained of as aforesaid, or who shall be a Petitioner complaining of an undue Election or Return, or against whose Return a Petition shall be then depending, or whose Return shall not have been brought in Fourteen Days, shall be drawn, his Name shall be set aside, and not be entered in the List of Names drawn.

Members above 60 Years of Age may be excused.

XXII. And be it enacted, That if the Name of any Member of Sixty Years of Age or upwards be drawn, he shall be excused from serving on any Select Committee to be appointed by virtue of this Act, if he require it, and verify the Cause of such Excuse upon Oath.

Or Members who have previously served on a Select Committee during the same Session.

XXIII. And be it enacted, That if the Name of any Member who has served on One such Select Committee during the same Session be drawn, he shall, if he require it, be excused from serving again in any such Select Committee, unless the House shall, before the Day appointed for taking the said Petition into Consideration, have resolved that the Number of Members who have not served on any such Select Committee in the same Session is insufficient to fulfil the Purposes of this Act respecting the Choice of such Select Committee.

As to Members whose Attendance has been excused.

XXIV. And be it enacted, That no Member who, after having been appointed to serve on any such Select Committee, shall, on account of Inability or Accident, have been excused from attending the same throughout, shall be deemed to have served on any such Committee.

If Members offer other Excuses, the Opinion of the House to be taken thereon.

XXV. And be it enacted, That if any other Member shall offer any other Excuse, the Substance of the Allegations shall be taken down by the said Clerk, in order that the same may afterwards be entered on the Journals, and the Opinion of the House shall then be taken thereon; and if the House shall resolve that the said Member ought not to be compelled to serve on such Select Committee, he also shall be excused from such Service: Provided always, that the said Member shall thereupon verify upon Oath the Allegations so taken down by the Clerk.

XXVI. And

XXVI. And be it enacted, 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 Glass from whence it has been taken, so that it might be again drawn by Lot upon any of the following Petitions.

Members excused for Reasons applying especially to One Petition may be re-drawn.

XXVII. And be it enacted, That instead of the Members so set aside and excused, the Name of other Members shall be drawn, who may, in like Manner, be set aside or excused, and others drawn to supply their Places, until the whole Number of Thirty-three Members not liable to be so set aside or excused shall be complete; and if the Number of Thirty-three Members, not set aside nor excused, cannot be completed, the House shall proceed in the Manner they are herein-before directed in case there be less than One hundred Members present at the Time prescribed for counting the House, and so from Day to Day, as often as the Case shall happen: Provided always, 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 herein-before is directed in case there be less than One hundred Members present at the Time prescribed for counting the House.

Instead of Members excused, others to be drawn.

If Number of 33 Members cannot be completed, House to adjourn.

But if One Committee has been formed, the House may proceed with other Business; and the Orders for the remaining Petitions may be adjourned.

XXVIII. And be it enacted, That as soon as Thirty-three Members shall have been so chosen by Lot, the House may proceed to take any other such Petition into Consideration as may have been appointed to be considered on that Day, and if there be none such, then the Doors of the House shall be opened, and the House may proceed upon any other Business.

When Lists are complete, the House to proceed to other Business.

XXIX. Provided always, and be it enacted, That if after counting the House in the Manner herein-before mentioned there be less than One hundred Members present, or if Thirty-three Members, not set aside or excused, cannot be completed, as herein-before is provided, the House shall not proceed upon any Business whatever, except to adjourn the Order of the Day for taking any such Petition into Consideration, in manner herein-before directed, or to proceed 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 the 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 to the House shall seem meet; and in case no

How to proceed where a List cannot be completed.

no Order of the Day for a Call of the House shall have been previously fixed for that Day, then 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 such Case to make such other Orders as to them shall seem expedient, for enforcing the Attendance of the Members upon the Business of the House, and that the House shall then adjourn to the same Day to which the Order or Orders for taking into Consideration any such Petition or Petitions 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 Thirty-three Members not set aside or 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.

Lists of the 33 Members to be given to the Parties who are to withdraw, and reduce the Number to Eleven.

XXX. And be it enacted, That as soon as the said Thirty-three Members shall have been so chosen by Lot, the Petitioners and sitting Member or Members, or any Party who may have been admitted to defend the Return, or to defend any Right of Election, and all the Parties, their Counsel or Agents, shall immediately withdraw, together with the Clerk appointed to attend the said Select Committee; which Clerk shall furnish a List of the Thirty-three Members to each of the Parties; and the Petitioners and sitting Member or Members, or such Party as may have been admitted as aforesaid to defend the Return or Right of Election, their Counsel or Agents, beginning on the Part of the Petitioners, shall alternately strike off One of the said Thirty-three Members, until the said Number shall be reduced to Eleven; and the said Clerk, within One Half Hour at furthest from the Time of the Parties withdrawing from the House, or if the Doors of the House shall at the Expiration of such Half Hour be closed, then immediately after they shall be opened, shall deliver in to the House the Names of the Eleven Members then remaining, and the said Eleven Members shall be sworn at the Table well and truly to try the Matter of the Petition referred to them, and a true Judgment to give according to the Evidence, and shall be deemed and taken to be a Select Committee legally appointed to try and determine the Merits of the Return or Election appointed by the House to be by them taken into Consideration, from and after the Time of any such Select Committee having been sworn at the Table; and the House shall order the said Select Committee to meet at a certain Time, to be fixed by the House, which shall be within Twenty-four Hours of the Appointment of the said Select Committee, unless a *Sunday*, *Christmas Day*, or *Good Friday* shall intervene; and the Place of their meeting and sitting shall be some convenient Room or Place adjacent to the House of Commons, properly prepared for that Purpose.

XXXI. And

Members chosen not to depart till Meeting of Committee is fixed.

XXXII. And be it enacted, That on the Parties withdrawing as aforesaid, the House shall continue sitting, and the said Thirty-three Members so chosen by Lot shall not depart the House till the Time for the Meeting of such Select Committee shall be fixed.

When several Petitions are taken into Consideration, Parties may reduce Lists between the Ballots, and Committee may leave.

XXXIII. And be it enacted, That if Two or more such Petitions are to be taken into Consideration on the same Day, it shall be lawful for the Parties, their Counsel or Agents, to withdraw from the House as soon as the List of Thirty-three 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 shall be sworn at the Table, and shall be at liberty forthwith to depart from the House.

If more than Two Parties on distinct Interests, each Party to strike off the Name of a Member from the 33 successively until reduced to Eleven.

XXXIV. And be it enacted, That if, on a Complaint by Petition of an undue Election or Return, there shall be more than Two Parties before the House on distinct Interests, or complaining or complained of upon distinct Grounds, whose Right to be elected or returned may be affected by the Determination of any such Select Committee, each of the said Parties shall successively strike off a Member from the Thirty-three Members chosen by Lot, until the same Number be reduced to Eleven, in the same Manner as is herein-before directed for the striking off of a Member by each Party, and the List of the Thirty-three Members chosen by Lot shall for this Purpose be given to all the said Parties, and the Order in which the said Parties shall so strike off the said Members shall be determined by Lot after they are withdrawn from the Bar, and in like Manner shall be determined the Order in which the Parties in Petitions complaining of the same Double Return shall strike off the said Members; and the Eleven Members remaining on the said reduced List shall be sworn at the Table, and be a Select Committee for the Purposes aforesaid.

Regulations for the Trials of the Merits of Petitions where no opposing Party appears.

XXXV. And be it enacted, That if within One Hour after the Time appointed for taking any Petition complaining of an undue Election or Return, or Omission to make a Return, into Consideration, the sitting Member or sitting Members, or other Party opposing the Petition, shall not appear, by himself or themselves, or his or their Counsel or Agents, or if at the Time so appointed as aforesaid there shall be no Party before the House opposing such Petition, or any Petition touching a Right of Election, the House shall proceed to appoint a Select Committee to try the Merits of such Petition, in the following Manner; (that is to say,) that the Names of Thirty-three Members shall be drawn in the Manner herein-before prescribed; but in reducing the List of such Names to Eleven the Place of the Party opposing the Petition shall be supplied by the Clerk appointed to attend the said Committee, who shall, as often as it shall come to his Turn, as supplying the Place of such Party, strike out that Name which then shall be first on the said List.

Reducing Lists when any Party shall waive his Right.

XXXV. And be it enacted, That the same Method of reducing the List of Members drawn to Eleven shall be followed whenever any Party shall waive his Right of striking off Names from the said List.

Manner of proceeding when Returning Officers, who have been ordered to attend, shall appear;

XXXVI. And be it enacted, That if the Returning Officer or Officers by whom any Return ought to have been made or has been made shall attend the House when any Petition complaining of any undue Election or Return, or Omission to make a Return, is ordered to be taken into Consideration, in consequence of such Order and Notice as is herein-before described, and in case there shall be more Petitions than One presented on distinct Interests, or complaining upon different Grounds, the House shall determine, from the Nature of the Case, whether the Returning Officer or Officers, his or their Counsel or Agents, shall, together with such Petitioners, be entitled to strike off from the List of Members drawn by Lot, in the Manner herein-before directed in Cases where there shall be more than Two Parties before the House, or whether such List shall be reduced by the Parties severally presenting such Petitions only; and if such Officer or Officers cannot be found to be served with such Notice or Order, or being served, shall not appear, by himself or themselves, his or their Counsel or Agents, at the Day and Time appointed for taking such Petition into Consideration, the House may permit or authorize any Person to appear in the Stead of him or them, and in like Manner shall decide whether the Person so nominated or appointed to appear in the Place of such Returning Officer or Officers shall be entitled to strike off from the said List of Thirty-three Members so drawn by Lot as aforesaid, as it might do in case the Returning Officer or Officers had appeared.

when Returning Officers do not appear.

Committee to elect a Chairman.

XXXVII. And be it enacted, That every such Select Committee shall on their meeting elect a Chairman; and if in the Election of a Chairman there be an equal Number of Voices, the Member whose Name was first drawn in the House shall have a casting Voice; so likewise, in case there should ever be Occasion for electing a new Chairman, on the Death or necessary Absence of the Chairman first elected.

Committees to be attended by a Short-hand Writer.

XXXVIII. And be it enacted, That every such Committee 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 such 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 such Committee.

Committee empowered to send for and examine Persons, Papers, and Records.

XXXIX. And be it enacted, That every such Select Committee shall have Power to send for Persons, Papers, and Records, and to examine any Person who may have subscribed the Petition which such Select Committee shall have been appointed to try and determine, except it shall otherwise appear to such Committee that such Person is an interested Witness, and shall examine all the Witnesses who come

before them upon Oath; and if any Person summoned by such Select Committee, or by the Warrant of the Speaker of the House of Commons, shall disobey such Summons, or if any Witness before such Select Committee shall give false Evidence, or prevaricate, or shall otherwise misbehave in giving or refusing to give Evidence, the Chairman of such Select Committee, by their Directions, may at any Time during the Course of their Proceedings report the same to the House, for the Interposition of their Authority, or Censure, as the Case may require, and may by a Warrant under his Hand, directed to the Serjeant at Arms attending the House of Commons, or to his Deputy or Deputies, commit such Person (not being a Peer of the Realm or Lord of Parliament) to the Custody of the said Serjeant, without Bail or Mainprize, for any Time not exceeding Twenty-four Hours, if the House shall then be sitting, and if not, then for a Time not exceeding Twenty-four Hours after the Hour to which the House shall then be adjourned.

Witnesses misbehaving may be reported to the House, and committed to the Custody of the Serjeant at Arms.

XL. And be it enacted, That every such Select Committee shall try the Merits of the Return or Election, or both, and shall determine, by a Majority of Voices of such Select Committee, whether the Petitioners or the sitting Members, or either of them, be duly returned or elected, or whether the Election be void, or whether a new Writ ought to issue, which Determination shall be final between the Parties (except as is herein-after provided for) to all Intents and Purposes; and the House, on being informed thereof by the Chairman of the said Select Committee, shall order the same to be entered in their Journals, and give the necessary Directions for confirming or altering the Return, or for ordering a Return to be made, or for issuing a new Writ for a new Election, or for carrying the said Determination into Execution, as the Case may require; and every such Committee, at the same Time that they inform the House of their final Determination on the Merits of the Petition which they were sworn to try, shall also report to the House whether such Petition did or did not appear to them to be frivolous or vexatious; and in like Manner report with respect to every Party who shall have appeared before them in opposition to such Petition, whether the Opposition of such Party did or did not appear to them to be frivolous or vexatious; and if no Party shall have appeared before them in opposition to such Petition, they shall then report to the House whether such Election or Return, or such alleged Omission of a Return, as shall be complained of in such Petition, (according as the Case may be,) did or did not appear to them to be vexatious or corrupt.

Committee to decide, and to report their Decision to the House, &c.

Decision to be final, except in certain Cases.

Committee to report whether the Petition or Opposition to it is frivolous or vexatious, or whether the Return is vexatious or corrupt.

XLI. And be it enacted, That if any such Select Committee shall come to any Resolution other than the Determination above mentioned, they shall, if they think proper, report the same to the House for their Opinion, at the same Time that the Chairman of such Select Committee shall inform the House of such Determination; and the House may confirm or disagree with such Resolution, and make such Orders thereon as to them shall seem proper.

Committees may report their Determinations on other Matters to the House.

XLII. And be it enacted, That every such Select Committee shall sit every Day (*Sunday*, *Christmas Day*, and *Good Friday* only excepted), and

Committees not to adjourn for

more than 24 Hours, without Leave, &c.

and shall never adjourn for a longer Time than Twenty-four Hours, unless a *Sunday*, *Christmas Day*, or *Good Friday* intervene, and in such Case not for more than Twenty-four Hours, exclusive of such *Sunday*, *Christmas Day*, or *Good Friday*, without Leave first obtained from the House, upon Motion, and special Cause assigned for a longer Adjournment; and in case the House shall be sitting at the Time to which such Select Committee is adjourned, then the Business of the House shall be stayed, and a Motion shall be made for a further Adjournment, for any Time to be fixed by the House: Provided always, that if such Select Committee shall have occasion to apply or report to the House in relation to the Adjournment of such Select Committee, the Absence of the Members thereof, or the Non-attendance or Misbehaviour of Witnesses summoned to appear or appearing before them, and the House shall be then adjourned for more than Twenty-four Hours, such Select Committee may also adjourn to the Day appointed for the Meeting of the House.

Committee Man not to absent himself.

Committee not to sit until all be met.

On Failure of meeting within One Hour, Adjournment to be made.

XLIII. And be it enacted, That no Member of any such Select Committee shall be allowed to absent himself from the same without Leave obtained from the House, or an Excuse allowed by the House at the next Sitting thereof, on special Cause shewn and verified upon Oath; and such Select Committee shall never sit until all the Members to whom such Leave has not been granted, nor Excuse allowed, are met; and in case they shall not all meet within One Hour after the Time to which such Select Committee shall have been adjourned, a further Adjournment shall be made, in the Manner as before directed, and reported, with the Cause thereof, to the House.

Chairman to report Absentees, who are to be directed to attend, &c.

XLIV. And be it enacted, That the Chairman of every such Select Committee shall at the next Meeting of the House always report the Name of every Member thereof who shall have been absent therefrom without such Leave or Excuse as aforesaid, and such Member shall be directed to attend the House at the next Sitting thereof, and shall then be ordered to be taken into the Custody of the Serjeant at Arms attending the House, for such Neglect of his Duty, and otherwise punished or censured, at the Discretion of the House, unless it shall appear to the House, by Facts specially stated and verified upon Oath, that such Member was, by a sudden Accident, or by Necessity, prevented from attending the said Select Committee.

If more than Two Members be absent, Committee to adjourn.

XLV. And be it enacted, That if more than Two Members of any such Select Committee shall on any Account be absent therefrom, such Select Committee shall adjourn in the Manner herein-before directed, and so from Time to Time, until Nine Members are assembled, except as is hereafter provided.

If any Committee is reduced to less than Nine by the Non-attendance of its Members,

XLVI. And be it enacted, That in case the Number of Members able to attend any such Select Committee shall, by Death or otherwise, be unavoidably reduced to less than Nine, and shall so continue for the Space of Three sitting Days, such Select Committee shall be dissolved, and another chosen to try and determine the Matter of such Petition

Petition in manner aforesaid; and all the Proceedings of such former Select Committee shall be void and of no Effect: Provided always, that whenever any such Committee shall have sat for Business Fourteen Days, not including those Days on which they shall have adjourned on account of the Absence of any Member, nor including *Sunday*, *Christmas Day*, or *Good Friday*, it shall and may be lawful for them to proceed to Business, if a Number of Members not less than Eight be present; and in such Case the Committee shall not be dissolved by reason of the Absence of the Members, unless the Number of Members able to attend the same shall, by Death or otherwise, be unavoidably reduced to less than Eight, and shall so continue for the Space of Three sitting Days; and whenever any such Committee shall in like Manner have sat for Business Twenty-five Days, or shall have directed any Commission to be issued for the Examination of Evidence in *Ireland*, under the Provisions of an Act passed in the Forty-second Year of the Reign of His late Majesty, and intituled *An Act for regulating the Trial of controverted Elections or Returns of Members to serve in the United Parliament for* Ireland, it shall and may be lawful for them to proceed to Business, if a Number of Members not less than Seven be present; and in such Case the Committee shall not be dissolved by reason of the Absence of the Members, unless the Number of Members able to attend the same shall, by Death or otherwise, be unavoidably reduced to less than Seven, and shall so continue for the Space of Three sitting Days.

it shall be dissolved, except as herein mentioned.

42 G. 3. c. 106.

XLVII. And be it enacted, That whenever any such Select Committee shall think it necessary to deliberate among themselves upon any Question which shall arise in the Course of the Trial, or upon the Determination thereof, or upon any Resolution concerning the Matter of the Petition referred to them as aforesaid, as soon as such Select Committee shall have heard the Evidence and Counsel on both Sides relative thereto, the Room or Place in which they shall sit shall be cleared, if they shall think proper, whilst the Members of such Committee consider thereof; and all such Questions, as well as such Determinations, and all other Resolutions, shall be by a Majority of Voices; and if the Voices shall be equal, including the Voice of such Chairman, the Chairman shall have a casting Voice.

When Committee is deliberating, the Room to be cleared, &c.

XLVIII. And be it enacted, That no Determination shall be made by any such Committee on any Question whatsoever, save and except such as may arise in consequence of the Absence of any Member, unless the Number of Members herein-before required be present: Provided always, that no Member shall be entitled to vote on the Determination of any Question, who has not attended during every Sitting of such Committee, except such at which the Committee shall have met and adjourned in manner herein-before directed, in consequence of the Absence of such Member.

No Determination to be made by any Committee unless the requisite Number of Members are present.

XLIX. And be it enacted, That the Oaths by this Act directed to be taken in the House shall be administered by the said Clerk or Clerk Assistant, and that the Oaths directed by this Act to be taken before any Select Committee shall be administered by the Clerk

How Oaths are to be administered, &c.

attending such Select Committee; and that all Persons who shall be guilty of wilful and corrupt Perjury in any Evidence which they shall give before the House or such Committee, in consequence of the Oath which they shall have taken by the Direction of this Act, shall on Conviction thereof incur and suffer the like Pains and Penalties to which any other Person convicted of wilful and corrupt Perjury is liable by the Laws and Statutes of this Realm.

When the Merits of a Petition depend on Questions respecting the Right of Election, &c. Committee to require Statements in Writing of such Rights, and to report thereon, &c.

L. And be it enacted, That whenever any Committee appointed to try the Merits of any such Petition as aforesaid shall be of Opinion that the Merits of such Petition do wholly or in part depend on any Question or Questions which shall be before them respecting the Right of Election for the County, City, Borough, District of Burghs, Port, or other Place to which such Petition shall relate, or respecting the Right of choosing, nominating, or appointing the Returning Officer or Returning Officers who is or are to make Return of such Election, the said Committee in such Case shall require the Counsel or Agents for the several Parties, or if there shall be none such before them, shall then require the Parties themselves, to deliver to the Clerk of such Committee Statements in Writing of the Right of Election, or of choosing, nominating, or appointing Returning Officers, for which they respectively contend; and the Committee shall come to distinct Resolutions on such Statements, and shall, at the same Time that they report to the House their final Determination on the Merits of such Petition, also report to the House such Statement or Statements, together with their Judgment with respect thereto; and such Report shall thereupon be entered in the Journals of the House, and Notice thereof shall be sent by the Speaker to the Sheriff or other Returning Officer of the Place to which the same shall relate, and a true Copy of such Notice shall, by such Sheriff or other Returning Officer, be forthwith affixed to the Doors of the County Hall or Town Hall, or of the Parish Church nearest to the Place where such Election has usually been held, and such Notice shall also be inserted, by Order of the Speaker, in One of the Two next *London* Gazettes.

Petitions of Appeal may be presented to the House within Six Months after a Report has been made on any Right of Election, &c.

LI. And be it enacted, That whenever any such Report with respect to such Rights, any or either of them, shall be made to the House, it shall and may be lawful for any Person or Persons, within Six Months next after the Day on which such Report shall have been made to the House, or in case such Six Months shall end between the Time when the present or any future Parliament shall be dissolved or shall expire and the Day on which the next Parliament shall meet, or in case such Six Months shall expire during any Recess, either by the Prorogation of Parliament or by the Adjournment of the House of Commons for Fourteen Days intervening between the Day of Adjournment and the Day to which the House shall be so adjourned, then within Fourteen Days next after the first Day of the next Parliament, or of the next Session of the same Parliament, or of the next Meeting of the House of Commons, as the Case may be, to petition the House to be admitted as a Party or Parties to oppose those Rights, any or either of them, which shall have been deemed valid in the Judgment of such Committee; and

that such Petition, when presented, shall be ordered by the House to lay on the Table till such Six Months, or such Fourteen Days as aforesaid, shall be expired; and that within Twenty-one sitting Days after the Expiration of such Six Months, or Fourteen Days, a Day and Hour shall be appointed by the House for taking the same into Consideration, so that the Space of Fourteen Days at the least shall always intervene between the Day on which such Order shall be made and the Day appointed by the House for taking the same into Consideration; and such Day and Hour may from Time to Time be altered as to the House shall seem fit; and Notices of such Day and Hour, and of such Alteration thereof, shall be sent to the several Persons who have petitioned the House respecting such Rights, in like Manner as is done in other Cases: Provided always, that if no such Petition shall be so presented within the Times above limited for presenting the same, the said Judgment of such Committee on such Question or Questions shall be held and taken to be final and conclusive in all subsequent Elections of Members of Parliament for that Place to which the same shall relate, and to all Intents and Purposes whatsoever; any Usage to the contrary notwithstanding.

Notice of the Time fixed for taking Petitions into Consideration to be inserted in the Gazette, and sent to Returning Officers, &c.

LII. And be it enacted, That whenever a Day or Hour shall be appointed by the House for taking any such Petition into Consideration, Notice of such Day and Hour shall be inserted, by Order of the Speaker, in One of the Two next *London* Gazettes, and also shall be sent by him to the Sheriff or other Returning Officer for the Place to which such Petition shall relate; and a true Copy of such Notice shall, by the said Sheriff or other Returning Officer, be forthwith affixed to the Doors of the County Hall or Town Hall, or of the Parish Church nearest to the Place where such Election has usually been held.

Who may be admitted Parties to defend the Right of Election, &c.

LIII. And be it enacted, That it shall and may be lawful for any Person or Persons, at any Time before the Day so appointed for taking such Petition into Consideration, to petition the House to be admitted as a Party or Parties to defend such Right of Election, or of choosing, nominating, or appointing the Returning Officer or Officers; and such Person or Persons shall thereupon be so admitted, and shall be considered as such to all Intents and Purposes whatever.

Committees of Appeal, how to be appointed;

LIV. And be it enacted, That at the Hour appointed by the House for taking such Petition into Consideration the House shall proceed to appoint a Select Committee to try the Merits thereof, in the same Manner as Select Committees are herein-before by this Act directed to be appointed: Provided always, that if the Name of any Member shall be drawn who shall have served on the Select Committee whose Determination forms the Subject of Complaint in the Petition then about to be taken into Consideration, the Name of such Member shall not be entered in the List of Names drawn; and such Select Committee shall be sworn to try and determine the Merits of such Petition, so far as the same relate to any Question or Questions respecting the Right of Election for the Place to which the Petition shall relate, or respecting the Right of appointing, nomi-

their Determination to be final.

nominating, or choosing the Returning Officer or Returning Officers who are to make Return of such Election; and the Determination of such Committee on such Question or Questions shall be entered in the Journals of the House, and shall be held and taken to be final and conclusive in all subsequent Elections of Members of Parliament for that Place to which the same shall relate, and to all Intents and Purposes whatsoever; any Usage to the contrary notwithstanding.

Powers and Regulations given to other Election Committees to extend to Appeal Committees.

LV. And be it enacted, That all and every the Rules, Regulations, Authorities, or Powers prescribed and given by this Act to Select Committees for the Trial of controverted Elections or Returns, shall be in full Force and Effect with respect to Select Committees hereby appointed for the Trial of such Question or Questions of Right as aforesaid: Provided always, that the several Rules and Regulations herein-before mentioned, by which certain Persons are directed to enter into Recognizances, and by which certain Persons are made liable to the Payment of Costs, in the particular Manner and in the several Cases herein-before specified, shall not be construed to apply to the Case of any Petition presented to oppose or defend the Determination of any Select Committee on any Question or Questions respecting the Right of Election, or of choosing, nominating, or appointing a Returning Officer or Returning Officers.

Committees not dissolved by the Prorogation of Parliament, &c.

LVI. And be it enacted, That whenever it shall happen that Parliament shall be prorogued, after any Petition complaining of an undue Election or Return, or of the Omission to return, shall have been presented, but shall not have been taken into Consideration, the House shall, within Two Days after the next Meeting of Parliament, appoint a Day and Hour for taking the same into Consideration; and if the Parliament shall be prorogued while any Select Committee appointed under the Authority of this Act shall be sitting for the Trial of any such Petition as aforesaid, and before they shall have reported to the House their Determination thereon, such Committee shall not be dissolved by such Prorogation, but shall be thereby adjourned to Twelve of the Clock on the Day immediately following that on which Parliament shall meet again for the Dispatch of Business (*Sundays*, *Good Friday*, and *Christmas Day* always excepted); and all former Proceedings of such Committee shall remain and continue to be of the same Force and Effect as if Parliament had not been so prorogued; and such Committee shall meet on the Day and Hour to which it shall be so adjourned, and shall thenceforward continue to sit from Day to Day, in the Manner herein-before provided, until they shall have reported to the House their Determination on the Merits of such Petition.

Costs, when incurred by Petitioners, &c.

LVII. And be it enacted, That whenever any Committee appointed to consider the Merits of any Petition complaining of an undue Election or Return, or of the Omission to return any Member or Members to Parliament, shall report to the House with respect to any such Petition (except as is herein-before excepted), that the same appeared to them to be frivolous or vexatious, the Party or Parties, if any, who shall have appeared before the Committee in opposition to such Petition, shall be entitled to recover from the Person or Persons, or any of them,

them, who shall have signed such Petition, the full Costs and Expences which such Party or Parties shall have incurred in opposing the same, such Costs and Expences to be ascertained in the Manner herein-after directed.

Costs, when incurred by Parties opposing Petitions, &c.

LVIII. And be it enacted, That whenever such Committee shall report to the House, with respect to the Opposition made to such Petition by any Party or Parties who shall have appeared before them, that such Opposition appeared to be frivolous or vexatious, the Person or Persons who shall have signed such Petition shall be entitled to recover from such Party or Parties, or any of them, with respect to whom such Report shall be made, the full Costs and Expences which such Petitioner or Petitioners shall respectively have incurred in prosecuting their Petition, such Costs and Expences to be ascertained in the Manner herein-after directed.

Costs, when incurred where no Party appears to oppose a Petition, &c.

LIX. And be it enacted, That whenever no Party shall have appeared before any such Committee in opposition to such Petition, and such Committee shall report to the House, with respect to the Election or Return, or to the alleged Omission of a Return, or to the alleged Insufficiency of a Return, complained of in any such Petition, that the same appeared to them to be vexatious or corrupt, the Person or Persons who shall have signed such Petition shall be entitled to recover from the sitting Member or sitting Members (if any) whose Election or Return shall be complained of in such Petition (such sitting Member or sitting Members not having given Notice as aforesaid of his or their Intention not to defend the same), or from any other Person or Persons whom the House shall have admitted or directed to be made a Party or Parties to oppose such Petition, the full Costs and Expences which such Petitioner or Petitioners shall have incurred in prosecuting their Petition; such Costs and Expences to be ascertained in the Manner herein-after directed.

Costs, how to be ascertained.

LX. And be it enacted, That the Costs and Expences of prosecuting or opposing any Petition presented under the Provisions of this Act, and the Costs, Expences, and Fees which shall be due and payable to any Witness summoned to attend before such Committee, or to any Clerk or Officer of the House of Commons, upon the Trial of any such Petition, shall be ascertained in manner following; (that is to say), that on Application made to the Speaker of the House of Commons within Three Months after the Determination of the Merits of such Petition, by any such Petitioner, Party, Witness or Officer, as before mentioned, for ascertaining such Costs, Expences, or Fees, the Speaker shall direct the same to be taxed by Two Persons, of whom the Clerk or one of the Clerks Assistant of the House shall always be one, and One of the following Officers, not being a Member of the House, shall be the other; (that is to say), Masters in the High Court of Chancery, Clerks in the Court of King's Bench, Prothonotaries in the Court of Common Pleas, and Clerks in the Court of Exchequer; and the Persons so authorized and directed to tax such Costs, Expences, and Fees shall and they are hereby required to examine the same, and to report the Amount thereof, together with the Name of the Party liable to pay the same, to the

Speaker of the said House, who shall, upon Application made to him, deliver to the Party or Parties a Certificate, signed by himself, expressing the Amount of the Costs, Expences, and Fees allowed in such Report, together with the Name of the Party liable to pay the same; and the Persons so appointed to tax such Costs, Expences, and Fees, and report the Amount thereof, are hereby authorized to demand and receive for such Taxation and Report such Fees as shall be from Time to Time fixed by any Resolution of the House; and such Certificate so signed by the Speaker shall be conclusive Evidence of the Amount of such Demands, in all Cases and for all Purposes whatsoever; and the Witness, Officer, or Party claiming under the same shall, upon Payment thereof, give a Receipt at the Foot of such Certificate, which shall be a sufficient Discharge for the same.

Costs to be taxed.

LXI. And be it enacted, That in all Cases the Persons herein-before authorized and directed by the Speaker of the House of Commons to tax such Costs and Expences shall allow all reasonable Costs as between Attorney and Client.

Persons appointed to tax Costs empowered to take Affidavits.

LXII. And be it enacted, That each of the Persons so authorized as aforesaid by the Speaker of the House of Commons to tax such Costs, Expences, or Fees, and also any Master of the High Court of Chancery, or any of His Majesty's Justices of the Peace, shall be, and they and each of them are hereby authorized and empowered to take any Affidavit relative to such Costs, Expences, or Fees, or the Taxation or Nonpayment thereof, and to administer the Oath for taking such Affidavit; and all and every Person convicted of wilfully false swearing in any Affidavit authorized to be made by this Act, shall be deemed guilty of and suffer the Penalties on Persons convicted of wilful and corrupt Perjury.

Costs, how to be recovered.

LXIII. And be it enacted, That it shall and may be lawful for the Party or Parties entitled to such Costs and Expences, or for his, her, or their Executors or Administrators, to demand the whole Amount thereof, so certified as above, from any one or more of the Persons respectively who are herein-before made liable to the Payment thereof in the several Cases herein-before mentioned, and in case of Non-payment thereof to recover the same by Action of Debt in any of His Majesty's Courts of Record at *Westminster*, 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 in the Sum to which the Costs and Expences, ascertained in manner aforesaid, shall amount, by virtue of this Act; and the Certificate of such Amount, so signed as aforesaid by the Speaker, shall have the Force and Effect of a Warrant to confess Judgment; and the Court in which such Action shall be commenced shall, upon Motion, and on the Production of such Certificate, enter up Judgment in favour of the Plaintiff or Plaintiffs named in such Certificate, for the Sum specified therein to be due from the Defendant or Defendants in such Action, in like Manner as if the said Defendant or Defendants had signed a Warrant to confess Judgment in the said Action to that Amount.

Speaker's Certificate to have the Effect of a Warrant to confess Judgment.

LXIV. And

Persons paying Costs may recover a Proportion thereof from other Persons liable thereto.

LXIV. And be it enacted, That in every Case where the Amount of such Costs and Expences shall have been so recovered from any Person or Persons, it shall and may be lawful for such Person or Persons to recover, in like Manner, from the other Persons, or any of them, (if such there shall be,) who are liable to the Payment of the same Costs and Expences, a proportionable Share thereof, according to the Number of Persons so liable.

Recognizances, when to be estreated, &c.

LXV. And be it enacted, That if any Petitioner or Petitioners who shall have entered into such Recognizance as aforesaid shall neglect or refuse, for the Space of Seven Days after Demand, to pay to any Witness who shall have been summoned on his or their Behalf, before the House or such Select Committee, on the Trial of such Petition, the Sums so certified as aforesaid by the Speaker to be due to such Witness, together with the further Sum of Forty Shillings *per Diem* for every Day during which such Petitioner or Petitioners shall delay to satisfy the same; or if such Petitioner or Petitioners shall neglect or refuse, for the Space of Six Months after Demand, to pay to any Officer of the House, or to any Party who shall appear in opposition to the said Petition, the Sum so certified by the Speaker as aforesaid to be due to such Officer or Party, for their Fees, Costs, or Expences, and that such Neglect or Refusal shall be proved to the Speaker's Satisfaction, by Affidavit sworn before any Master of the High Court of Chancery (and such Master is hereby authorized to administer such Oath, and is authorized and required to certify such Affidavit under his Hand), in every such Case such Person or Persons shall be held to have made Default in his or their said Recognizance; and the Speaker of the House of Commons shall thereupon certify such Recognizance into the Court of Exchequer, and shall also certify that such Person or Persons have made Default therein; and such Certificate shall be conclusive Evidence of such Default; and the Recognizance, being so certified, shall have the same Effect as if the same were estreated from a Court of Law: Provided always, that such Recognizance and Certificate shall in every such Case be delivered by the Clerk or One of the Clerks Assistant of the House of Commons into the Hands of the Lord Chief Baron of the Exchequer, or of One of the Barons of the Exchequer, or of such Officer as shall be appointed by the said Court to receive the same.

Returning Officer may be sued for neglecting to return any Persons duly elected.

LXVI. And be it enacted, That if any Sheriff or other Returning Officer or Officers shall wilfully delay, neglect, or refuse duly to return any Person who ought to be returned to serve in Parliament for any County, City, Borough, District of Burghs, Port, or Place within *Great Britain*, every such Person may, in case it shall have been determined by a Select Committee appointed in the Manner herein-before directed, that such Person was entitled to have been returned, sue the Sheriff or other Officer or Officers having so wilfully delayed, neglected, or refused duly to make such Return at his Election, in any of His Majesty's Courts of Record at *Westminster*, or of his Court of Session in *Scotland*, and shall recover Double the Damages he shall sustain by reason thereof, together with full Costs of Suit, provided such Action is commenced within One Year after the Commission of the Act on which it is grounded, or within Six Months

Months after the Conclusion of any Proceedings in the House of Commons relating to such Election.

Commencement of Act.

LXVII. And be it enacted, That this Act shall commence and take Effect from and after the last Day of the present Session of Parliament.

Form of Recognizance referred to in this Act.

BE it remembered, That on the Day of in the Year of our Lord before me *A. B.* (Speaker of the House of Commons) *or* (One of His Majesty's Justices of the Peace for the County of) came *C. D.*, *E. F.*, & *J. G.* (*H. K.* & *L. M.*) and severally acknowledged themselves to owe to our Sovereign Lord the King the following Sums; that is to say, the said *C. D.* the Sum of One thousand Pounds, and (the said *E. F.* and the said *J. G.* the Sum of Five hundred Pounds each,) [*or, in case there should be Four Sureties,* the said *E. F.*, *J. G.*, *H. K.*, & *L. M.* the Sum of Two hundred and fifty Pounds each]; to be levied on their respective Goods and Chattels, Lands and Tenements, to the Use of our said Sovereign Lord the King, His Heirs and Successors, in case the said *C. D.* shall fail in performing the Condition hereunto annexed:

The Condition of this Recognizance is, That if the said *C. D.* shall well and truly pay all Costs and Expences and Fees which shall be due and payable from the said *C. D.* to any Witness who shall be summoned to give Evidence in his Behalf, or to any Clerk or Officer of the House of Commons, upon the Trial of the Petition signed by the said *C. D.* (complaining of an undue Election or Return for the [*here state the Place*], *or* (complaining that no Return has been made for the said within the Time limited by Act of Parliament), *or* (complaining that the Return made for the said . is not a Return of a Member or Members, according to the Requisition of the Writ); and if the said *C. D.* shall also well and truly pay the Costs and Expences of the Party who shall appear before the House in opposition to the said Petition, in case the said *C. D.* shall fail to appear before the House at such Time or Times as shall be fixed by the House for taking such Petition into Consideration; or in case the said *C. D.* shall withdraw his said Petition by the Permission of the House; or in case the Select Committee appointed by the House to try the Matter of the said Petition shall report to the House that the said Petition appears to them to be frivolous or vexatious; then this Recognizance to be void, otherwise to be of full Force and Effect.

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