

ANNO UNDECIMO & DUODECIMO

VICTORIÆ REGINÆ.

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CAP. XCVIII.

An Act to amend the Law for the Trial of Election Petitions. [4th *September* 1848.]

WHEREAS it is expedient to amend the Law for the Trial of Election Petitions: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That an Act passed in the Eighth Year of the Reign of Her present Majesty, intituled *An Act to amend the Law for the Trial of controverted Elections of Members to serve in Parliament*, shall be repealed, except as to any Act done or any Proceeding incident to any Election Petition presented under the said recited Act, all which Acts and Proceedings shall have effect, and shall, save as herein-after specially provided, be continued and completed as if this Act had not passed: Provided always, that this Enactment shall not revive an Act passed in the Ninth Year of the Reign of King *George* the Fourth, intituled *An Act to consolidate and amend the Laws relating to the Trial of controverted Elections or Returns of Members to serve in Parliament*, repealed by the said Act, nor shall it revive so much of an Act passed in the Forty-second Year of the Reign of King *George* the Third, intituled *An Act for regulating the Trial of controverted Elections or Returns of Members to serve in the United Parliament for* Ireland, nor so much of an Act passed in the Forty-seventh Year of

7 & 8 Vict. c. 103. repealed, except as to Acts done, &c.

Repeal of 7 & 8 Vict. c. 103. not to revive 9 G. 4. c. 22. and certain Parts of 42 G. 3. c. 106. and 47 G. 3. c. 14.

of the Reign of King *George* the Third, 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 requires the Parties appearing before any Select Committee to interchange before the said Committee Lists of the Votes and Names of Voters to which either of the Parties intends to object, and Statements in Writing respecting the Matters which either of the said Parties mean to insist upon, contend for, or to object to, or as provides that no Witness shall be called or examined to anything not specified in such Lists or Statements, also repealed by the firstly-recited Act.

Reception of Petitions.

What shall be deemed Election Petitions.

II. And be it enacted, That every Petition presented to the House of Commons within the Time from Time to Time limited by the House for receiving Election Petitions, and complaining of an undue Election or Return of a Member to serve in Parliament, or complaining that no Return has been made according to the Requisition of any Writ issued for the Election of a Member to serve in Parliament, or complaining of the special Matters contained in any such Return, and which Petition shall be subscribed by some Person who voted or had a Right to vote at the Election to which the same relates, or by some Person claiming to have had a Right to be returned or elected thereat, or alleging himself to have been a Candidate at the Election, shall be deemed an Election Petition.

Before Petition presented Recognizances to be entered into.

III. And be it enacted, That before any Election Petition shall be presented to the House a Recognizance shall be entered into by One, Two, Three, or Four Persons, as Sureties for the Person subscribing such Petition, for the Sum of One thousand Pounds, in One Sum, or in several Sums of not less than Two hundred and fifty Pounds each, for the Payment of all Costs and Expenses which under the Provisions herein-after contained shall become payable by the Person subscribing the Petition to any Witness summoned in his Behalf, or to the sitting Member or other the Party complained of in such Petition, or to any Party who may be admitted to defend such Petition, as herein-after provided.

Persons entering into Recognizances to make Affidavits of Sufficiency.

IV. And be it enacted, That every Person who enters into any such Recognizance shall testify upon Oath in Writing to be sworn at the Time of entering into the said Recognizance, and before the same Person by whom his Recognizance is taken, that he is seised or possessed of Real or Personal Estate (or both), above what will satisfy his Debts, of the clear Value of the Sum for which he is bound by his said Recognizance; and every such Affidavit shall be annexed to the Recognizance.

Form of Recognizance, as set forth in Schedule.

V. And be it enacted, That in every such Recognizance shall be mentioned the Names and usual Places of Residence or Business of the Persons becoming Sureties as aforesaid, with such other Description of the Sureties as may be sufficient to identify them easily; and such Recognizance may be in the Form or to the Effect set forth in the Schedule to this Act, with such Alteration as may be necessary to adapt such Form to the Circumstances of each Case.

VI. And

Reception of Petitions.

Persons signing Election Petition may pay Money into the Bank, instead of finding Security.

VI. And be it enacted, That any Person by whom an Election Petition is signed may, instead of procuring a Recognizance for the full Amount of the Sum herein-before required, pay into the Bank of *England*, to the Account of the Speaker and the Examiner of Recognizances, as Trustees for the like Purposes for which the Recognizance is herein-before required, any Amount of Money which he thinks fit, not being less than Two hundred and fifty Pounds; and in such Case the Person by whom the Petition is signed shall be required to find Sureties for so much only of the Sum of One thousand Pounds as the Sum paid into the Bank falls short of that Sum; and no Money shall be deemed for the Purposes of this Act to be paid into the Bank of *England* until a Bank Receipt or Certificate for the same is procured, and delivered to the Examiner of Recognizances.

No Petition to be received unless endorsed by the Examiner of Recognizances.

VII. And be it enacted, That no Election Petition shall be received unless at the Time it is presented to the House it be endorsed by a Certificate under the Hand of the Examiner of Recognizances, that the Recognizance herein-before required has been entered into and received by him, with the Affidavit thereunto annexed, and, if the Recognizance have not been taken for the whole Amount, that a Bank Receipt or Certificate for so much Money as the Recognizance falls short of One thousand Pounds has been delivered to him, as herein-before required.

How Petitions may be withdrawn.

VIII. And be it enacted, That the Petitioner may, at any Time after the Presentation thereof, withdraw the same, upon giving Notice in Writing under his Hand, or under the Hand of his Agent, to the Speaker, and also to the sitting Member or his Agent, and also to any Party who may have been admitted to oppose the Prayer of such Petition, that it is not intended to proceed with the Petition; and in such Case the Petitioner shall be liable to the Payment of such Costs and Expenses as have been incurred by the sitting Member or other Party complained of in such Petition, and also by any Party admitted to oppose the Prayer of such Petition, to be taxed as herein-after provided.

Examiner of Recognizances.

Speaker to appoint Examiner of Recognizances.

IX. And be it enacted, That the Speaker of the House of Commons shall appoint a fit Person to be Examiner of Recognizances; and every Person so appointed shall hold his Office during the Pleasure of the Speaker, and shall execute the Duties of his Office conformably to such Directions as he may from Time to Time receive from the Speaker.

In case of Illness, &c. of Examiner of Recognizances, Speaker to appoint a fit Person to perform the Duties.

X. And be it enacted, That in case of the Illness, temporary Disability, or unavoidable Absence of the Examiner of Recognizances, the Speaker may appoint a fit Person to perform the Duties of Examiner of Recognizances during such Illness, Disability, or Absence; and throughout this Act the Expression "Examiner of Recognizances" shall be deemed to include and apply to the Person so appointed, and for the Time being performing such Duties.

XI. And

Entering into Recognizances.

How Recognizances are to be entered into.

XI. And be it enacted, That every Recognizance herein-before required shall be entered into, and every Affidavit herein-before required shall be sworn, before the Examiner of Recognizances or a Justice of the Peace, and the said Examiner, and also every Justice of the Peace, is hereby empowered to take the same; and every such Recognizance and Affidavit taken before a Justice, being duly certified under the Hand of such Justice, shall be delivered to the Examiner of Recognizances.

Names of Sureties, &c. to be kept in Office of Examiner of Recognizances, and to be open to Inspection.

XII. And be it enacted, That on or before the Day when any such Petition is presented to the House the Names and Descriptions of the Sureties, when there are Sureties, as set forth in the Recognizance, shall be entered in a Book to be kept by the Examiner of Recognizances in his Office; and the said Book, and also the Recognizance and Affidavits, and the Bank Receipt for any Money paid into the Bank of *England*, shall be open to the Inspection of all Parties concerned.

Recognizance may be objected to for Invalidity, or for Insufficiency of Sureties.

XIII. And be it enacted, That any sitting Member petitioned against, or any Electors petitioning and admitted Parties to defend the Election or Return, may object to any such Recognizance on the Ground that the same is invalid, or that the same was not duly entered into or received by the Examiner of Recognizances, with the Affidavit thereunto annexed as herein-before required, or on the Ground that the Sureties or any of them are insufficient, or that a Surety is dead, or that he cannot be found or ascertained from the Want of a sufficient Description in the Recognizance, or that a Person named in the Recognizance has not duly acknowledged the same; provided that the Ground of Objection shall be stated in Writing under the Hand of the objecting Party or his Agent, and shall be delivered to the Examiner of Recognizances within Ten Days or not later than Twelve of the Clock at Noon of the Eleventh Day after the Presentation of the Petition, if the Surety objected to reside in *England*, or within Fourteen Days or not later than Twelve of the Clock at Noon of the Fifteenth Day after the Presentation of the Petition if the Surety objected to reside in *Scotland* or *Ireland*: Provided also, that if either such Eleventh or such Fifteenth Day happen to be a *Sunday*, *Good Friday*, or *Christmas Day*, it shall be sufficient if such Notice of Objection be delivered to the Examiner of Recognizances not later than Twelve of the Clock at Noon of the following Day.

Notice of Objections to be published in the Office of the Examiner, and Copies may be taken.

XIV. And be it enacted, That as soon as any such Statement of Objection is received by the Examiner of Recognizances he shall put up an Acknowledgment thereof in some conspicuous Part of his Office, and shall appoint a Day for hearing such Objections, not less than Three nor more than Five Days from the Day on which he received such Statement; and the Petitioner and his Agent shall be allowed to examine and take Copies of every such Objection.

Examiner of Recognizances to decide on the Objections.

XV. And be it enacted, That at the Time appointed the Examiner of Recognizances shall inquire into the alleged Objections, on the Grounds stated in the Notice of Objection, but not on any other Ground;

Entering into Recognizances.

Ground; and for the Purpose of such Inquiry the Examiner of Recognizances may examine upon Oath any Persons tendered by either Party for Examination by him, and may also receive in Evidence any Affidavit relating to the Matter in dispute before him, sworn before him, or before any Master of the High Court of Chancery or Justice of the Peace, each of whom is hereby authorized to take and certify such Affidavit; and the Examiner of Recognizances may, if he think fit, adjourn the said Inquiry from Time to Time until he decide on the Validity of such Objection, and he may, if he think fit, award Costs to be paid by either Party to the other, which Costs shall be taxed and recovered as herein-after provided for the Costs and Expenses of prosecuting or opposing Election Petitions; and the Decision of the Examiner of Recognizances shall be final and conclusive against all Parties.

In case of Death of a Surety, the Petitioner may pay the Money into the Bank.

XVI. And be it enacted, That if any Surety die, and his Death be stated as a Ground of Objection before the End of the Time allowed for objecting to Recognizances, the Petitioner may pay into the Bank of *England*, on the Account of the Speaker and the Examiner of Recognizances, the Sum for which the deceased Surety was bound; and upon the Delivery of a Bank Receipt for such Sum to the Examiner of Recognizances within Three Days after the Day on which the Statement of such Objection was delivered to the Examiner of Recognizances, the Recognizances shall be deemed unobjectionable, if no other Ground of Objection thereto be stated within the Time before mentioned for stating Objections to Recognizances.

Examiner of Recognizances to report whether or not Recognizances are objectionable.

XVII. And be it enacted, That if the Examiner of Recognizances have received any Statement of Objection to the Recognizances to any such Election Petition, and have decided that such Recognizances are objectionable, he shall forthwith report to the Speaker that such Recognizances are objectionable; but if he shall have decided that such Recognizances are unobjectionable, or if he have not received any such Statement of Objection, then, as soon as the Time hereinbefore allowed for stating any such Objection has elapsed after the Presentation of the Petition, or as soon thereafter as he has decided upon the Statement of Objection, the Examiner of Recognizances shall report to the Speaker that the Recognizances to such Petition are unobjectionable; and every such Report shall be final and conclusive to all Intents and Purposes; and he shall make out a List of all Election Petitions on which he has reported to the Speaker that the Recognizances are unobjectionable, in which List the Petitions shall be arranged in the Order in which they are so reported upon; and a Copy of such List shall be kept in the Office of the Examiner of Recognizances, and shall be open to the Inspection of all Parties concerned.

Admission of Parties to defend.

Proceedings when the Seat becomes vacant, or the

XVIII. And be it enacted, That if at any Time before the Appointment of a Select Committee, as herein-after provided, to try any Election Petition, the Speaker of the House of Commons 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

sitting Member declines to defend his Return.

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 have resolved that the Seat of any such Member is by Law become vacant, or if the House be informed, by a Declaration in Writing subscribed by any such Member, and delivered to the Speaker within Fourteen Days after the Day on which any such Petition was 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 General Committee of Elections, and to the Members of the Chairmen's Panel, hereinafter mentioned, and also to the Sheriff or other Returning Officer for the County, City, Borough, District of Burghs, Port or Place, to which such Petition relates; and such Sheriff or other Returning Officer shall cause a true Copy of such Notice to be affixed on or near the Door 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 next Two *London* Gazettes, and shall be communicated by him to the House.

Voters may become a Party to oppose the Petition.

XIX. And be it enacted, That at any Time within Fourteen Days after the Day on which any Election Petition was presented, or within Twenty-one Days after the Day on which any Notice was inserted in the Gazette, to the Effect that the Seat is vacant, or that the Member returned will not defend his Election or Return, or if either of the said Periods expire during a Prorogation of Parliament, or during an Adjournment of the House of Commons for the *Easter* or *Christmas* Holidays, then, on or before the Second Day on which the House meets after such Prorogation or Adjournment, any Person who voted or had a Right to vote at the Election to which the Petition relates may petition the House of Commons, praying to be admitted as a Party to defend such Return, or to oppose the Prayer of such Petition; and such Person shall thereupon be admitted as a Party, together with the sitting Member, if he be then a Party against such Petition, or in the Room of such Member if he be not then a Party against the Petition; and every such Petition shall be referred by the House to the General Committee of Elections hereinafter mentioned.

Members having given Notice of their Intention not to defend, not to appear as Parties.

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

Double Return.

Provision for Cases of double Re-

XXI. And be it enacted, That if in the Case of an Election Petition complaining of a double Return the Member whose Return is complained of in such Petition have given Notice as aforesaid that it is not his Intention to defend his Return, and if no Party, within

the Period herein-before allowed for that Purpose, have been admitted to defend such Return, then, if there be no Election Petition complaining of the other Member returned on such double Return, it shall be lawful for the last-mentioned Member or other the Persons who subscribed the Petition complaining of such double Return to withdraw such Petition by Letter addressed to the Speaker; and thereupon the Order for referring such Petition to the General Committee of Elections shall be discharged, and the House shall give the necessary Directions for amending the said double Return, by taking off the File the Indenture by which the Person so declining to defend his Return was returned, or otherwise, as the Case may require.

turn where the Member complained of declines to defend his Return.

General Committee.

XXII. And be it enacted, That in the first Session of every Parliament, on the Day after the last Day allowed by the House of Commons for receiving Election Petitions, and in every subsequent Session, as soon as convenient after the Commencement of the Session, the Speaker shall by Warrant under his Hand appoint Six Members of the House who are willing to serve, and against whose Return no Petition is then depending, and none of whom is a Petitioner complaining of any Election or Return, to be Members of a Committee to be called "The General Committee of Elections;" and every such Warrant shall be laid on the Table of the House, and, if not disapproved by the House in the course of the Three next Days on which the House meets for the Despatch of Business, shall take effect as an Appointment of such General Committee.

At the Beginning of every Session the Speaker to appoint a General Committee.

XXIII. And be it enacted, That if the House disapprove any such Warrant the Speaker shall, on or before the Third Day on which the House meets after such Disapproval, lay upon the Table of the House a new Warrant for the Appointment of Six Members, qualified as aforesaid, and so from Time to Time until Six Members have been appointed by a Warrant not disapproved by the House.

If the House disapprove the first Appointment, a new Appointment to be made.

XXIV. And be it enacted, That the Disapproval of the Warrant may be either general in respect of the Constitution of the whole Committee, or special in respect of any Member named in the Warrant.

Disapproval may be general or special.

XXV. And be it enacted, That the Speaker may, if he think fit, name in the second or any subsequent Warrant any of the Members named in any former Warrant whose Appointment has not been specially disapproved by the House as aforesaid.

Members not disapproved by the House may be again named in the Warrant.

XXVI. And be it enacted, That after the Appointment of the General Committee every Member appointed shall continue to be a Member of the Committee until the End of that Session of Parliament, or until he cease to be a Member of the House of Commons, or until he resign his Appointment (which he may do by Letter to the Speaker), or until the General Committee report that he is disabled by continued Illness from attending the Committee, or until the Committee be dissolved as herein-after provided.

For what Time the Appointment shall be.

XXVII. And

Vacancies in General Committee to be made known to the House, and Proceedings suspended.

XXVII. And be it enacted, That in every Case of Vacancy in the General Committee of Elections the Speaker, on the First Day on which the House meets after such Vacancy is known by him, shall make known the Vacancy to the House, and thereupon all Proceedings of the General Committee shall be suspended until the Vacancy is supplied as herein-after provided.

General Committee may be dissolved in certain Cases.

XXVIII. And be it enacted, That if the General Committee of Elections at any Time report to the House that, by reason of the continued Absence of more than Two of its Members, or by reason of irreconcileable Disagreement of Opinion, the said Committee is unable to proceed in the Discharge of its Duties, or if the House resolve that the General Committee of Elections be dissolved, the General Committee shall be thereby forthwith dissolved.

How Vacancies shall be supplied, and Re-appointments made.

XXIX. And be it enacted, That every Appointment to supply a Vacancy in the General Committee, and every Re-appointment of the General Committee after the Dissolution thereof, shall be made by the Speaker by Warrant under his Hand, laid upon the Table of the House on or before the Third Day on which the House meets after the Dissolution of the Committee or Notification of the Vacancy (as the Case may be); and the Warrant shall be subject to the Disapproval of the House in the like Manner as is herein-before provided in the Case of the first Warrant for the Appointment of the General Committee; and upon any Re-appointment of the General Committee the Speaker may, if he think fit, re-appoint any of the Members of the former Committee who are then willing and not disqualified to serve on it.

Speaker to fix the Time and Place of First Meeting of Committee.

General Committee to be sworn.

XXX. And be it enacted, That the Speaker shall appoint the Time and Place of the First Meeting of the General Committee of Elections, and the Committee shall meet at the Time and Place so appointed; but no Member shall act upon such Committee until he have been sworn at the Table of the House, by the Clerk, truly and faithfully to perform the Duties belonging to a Member of the said Committee, to the best of his Judgment and Ability, without Fear or Favour.

Members necessary to enable the Committee to act.

XXXI. And be it enacted, That no Business shall be transacted by the General Committee of Elections unless at the least Four Members thereof be then present together; and no Appointment of a Select Committee by the General Committee, to be made as herein-after provided, shall be of force unless at the least Four Members then present of the General Committee agree in the Appointment.

Committee to regulate their own Proceedings.

XXXII. And be it enacted, That, subject to the Provisions of this Act, the General Committee shall make Regulations for the Order and Manner of conducting the Business to be transacted by them.

Clerk to keep Minutes of Proceedings, to be laid before the House.

XXXIII. And be it enacted, That the General Committee shall be attended by One of the Committee Clerks of the House selected for that Purpose by the Clerk of the House, and such Committee Clerk shall make a Minute of all the Proceedings of the Committee, in such Form

Form and Manner as shall be from Time to Time directed by the Committee, and a Copy of the Minutes so kept shall be laid from Time to Time before the House of Commons.

General Committee.

XXXIV. And be it enacted, That if at the Time of the Dissolution or Suspension of the Proceedings of the General Committee of Elections there be any Business appointed to be transacted by such General Committee on any certain Day, the Speaker may adjourn the Transaction of such Business to such other Day as to him seems convenient.

During Suspension of Proceedings the Speaker may adjourn any Business before the General Committee.

Panels.

XXXV. And be it enacted, That every Member more than Sixty Years old shall be wholly excused from serving on Election Committees, provided that on or before the reading over of the Names of such excused Members as herein-after mentioned, or upon his afterwards becoming entitled to make such Claim, he claim to be excused, by declaring in his Place, or in Writing under his Hand delivered to the Clerk at the Table, that he is more than Sixty Years old; but no Member shall be so excused who does not claim to be excused before he is chosen to serve, as herein-after provided.

Members wholly excused from serving.

XXXVI. And be it enacted, That in the First Session of every Parliament, on the next Meeting of the House after the last Day allowed for receiving Election Petitions, and in every subsequent Session on the next Meeting of the House after the Speaker has laid on the Table his Warrant for the Appointment of the General Committee of Elections, the Clerk of the House shall read over the Names of all the Members who have so claimed to be excused.

Names of Members claiming to be excused to be called over.

XXXVII. And be it enacted, That every Member having Leave of Absence from the House shall be excused from serving on Election Committees during such Leave; and if any Member in his Place offer any other Excuse, either at the reading over of the said Names or at any other Time, the Substance of the Allegations shall be taken down by the Clerk, in order that the same may be afterwards entered on the Journals, and the Opinion of the House shall then be taken thereon; and if the House resolve that the said Member ought to be excused he shall be excused from serving on Election Committees for such Time as to the House seems fit, but no Member shall be so excused who does not claim to be excused before he is chosen to serve; and every Member who has served on One Election Committee, and who within Seven Days after such Committee has made its final Report to the House notifies to the Clerk of the General Committee his Claim to be excused from so serving again, shall be excused during the Remainder of the Session, unless the House at any Time resolve, upon the Report of the General Committee, that the Number of Members who have not so served is insufficient; but no Member shall be deemed to have served on an Election Committee who on account of Inability or Accident has been excused from attending the same throughout.

Members temporarily excused from serving.

XXXVIII. And be it enacted, That every Member who is a Petitioner complaining of an undue Election or Return, or against whose

Members temporarily disqualified from serving.

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whose Return a Petition is depending, shall be disqualified to serve on Election Committees during the Continuance of such Ground of Disqualification.

A corrected List, distinguishing the excused or disqualified Members, to be printed, and distributed with the Votes.

XXXIX. And be it enacted, That the Clerk of the House of Commons shall make out an alphabetical List of all the Members, omitting the Names of such Members as have claimed to be wholly excused from serving on Election Committees as aforesaid; and the Clerk shall also distinguish in such List the Name of every Member for the Time being excused or disqualified, and shall also note in the List every Cause of such temporary Excuse or Disqualification, and the Duration thereof; and such List shall be printed, and distributed with the Votes of the House, and the Names of all the Members so omitted shall be also printed, and distributed with the Votes.

List may be further corrected during Three Days.

XL. And be it enacted, That during Three Days next after the Day of the Distribution of such corrected List further Corrections may be made in such List by Leave of the Speaker, if it appear that any Name has been improperly left in or struck out of such List, or that there is any other Error in such List.

Selection of Members to serve as Chairmen of Election Committees.

XLI. And be it enacted, That the List so finally corrected shall be referred to the General Committee of Elections; and the General Committee shall thereupon select, in their Discretion, Six, Eight, Ten, or Twelve Members, whom they think duly qualified to serve as Chairmen of Election Committees; and the Members so selected shall be formed into a separate Panel, to be called the Chairmen's Panel, which shall be reported to the House; and while the Name of any Member is upon the Chairmen's Panel he shall not be liable or qualified to serve on an Election Committee otherwise than as Chairman; and every Member placed on the Chairmen's Panel shall be bound to continue upon it till the End of the Session, or until he sooner cease to be a Member of the House, or until, by Leave of the House, he be discharged from continuing upon the Chairmen's Panel: Provided always, that every Member of the Chairmen's Panel who has served on One or more Election Committees, and who notifies to the Clerk of the General Committee of Elections his Claim to be discharged from continuing upon the Chairmen's Panel, shall be so discharged accordingly; and every such Member shall be excused from serving upon any Election Committee, either as Chairman or otherwise, during the Remainder of the Session; but no Member of the Chairmen's Panel shall be deemed to have served on an Election Committee who on account of Inability or Accident has been excused from attending the same throughout.

List to be divided into Five Panels.

XLII. And be it enacted, That after the Chairmen's Panel has been so as aforesaid selected, the General Committee shall divide the Members then remaining on such List into Five Panels, in such Manner as to them seems most convenient, but so nevertheless that each Panel may contain as nearly as may be the same Number of Members, and they shall report to the House the Division so made by them; and the Clerk shall decide by Lot at the Table the Order of

Panels.

of the Panels as settled by the General Committee, and shall distinguish each of them by a Number denoting the Order in which they were drawn; and the Panels shall then be returned to the General Committee of Elections, and shall be the Panels from which Members shall be chosen to serve on Election Committees.

General Committee to correct the Panels from Time to Time.

XLIII. And be it enacted, That the General Committee of Elections shall correct the said Panels from Time to Time by striking out of them the Name of every Member who ceases to be a Member of the House, or who from Time to Time becomes entitled and claims as aforesaid to be wholly excused from serving on Election Committees, and by inserting in One of the Panels to be chosen by the General Committee, at their Discretion, the Name of every new Member of the House not entitled and not having claimed as aforesaid to be wholly excused, and shall also from Time to Time distinguish in the Manner aforesaid in the said Panels the Names of the Members for the Time being excused or disqualified for any of the Reasons aforesaid; and the General Committee shall, as often as they think fit, report to the House the Panels as corrected; and as often as the General Committee reports the said Panels to the House they shall be printed, and distributed with the Votes.

Power to transfer to another Panel the Names of Members obtaining Leave of Absence.

XLIV. And be it enacted, That when Leave of Absence for a limited Time has been granted by the House to any Member, the General Committee of Elections may transfer the Name of such Member from the Panel in which it has been placed to some other Panel subsequent in Rotation, if they think fit so to do, having regard to the Length of Time for which such Leave of Absence has been granted, and to the Number of Select Committees then about to be appointed.

For supplying Vacancies, and increasing the Chairmen's Panel.

XLV. And be it enacted, That whenever any Member of the Chairmen's Panel ceases to be a Member of the House, or is by Leave of the House discharged from continuing upon the Chairmen's Panel, or is so discharged by reason of Service under the Provision herein-before contained, the General Committee shall forthwith select another Member to be placed upon the Chairmen's Panel in his Room; and in case it at any Time appear to the General Committee that the Chairmen's Panel is too small, they may select Two, Four, or Six additional Members to place upon it, so nevertheless that the Chairmen's Panel shall not at any Time consist of more than Eighteen Members, without the Leave of the House first obtained.

Appointment of Select Committees.

Election Petitions to be referred to the General Committee;

XLVI. And be it enacted, That all Election Petitions received by the House shall be referred by the House to the General Committee of Elections, for the Purpose of choosing Select Committees, as herein-after provided, to try such Petitions; and the Speaker shall communicate to the House and to the General Committee every Report by the Examiner of Recognizances to him concerning the Recognizances to any Election Petition; and in every Case in which any Election Petition is withdrawn, or the Examiner of Recognizances reports to the Speaker that the Recognizances are objectionable, the Order for referring such Petition to the General Committee of Elections

who shall make out a List of the same.

tions shall be discharged, and no further Proceeding shall be had upon such Petition; and the General Committee shall make out a List of all Election Petitions in which the Examiner of Recognizances has reported to the Speaker that the Recognizances are unobjectionable, and in which the Proceedings are not suspended, in which List the Petitions shall be arranged in the Order in which they were so reported upon; and in every Case in which the Proceedings in any Petition inserted in such List are afterwards suspended the Petition shall be struck out of the List, and shall be again inserted at the Bottom of the List at the End of such Suspension of Proceedings.

Where Notice of Vacancy, or that the sitting Member declines to defend his Return, is received by the General Committee, Proceedings to be suspended.

XLVII. And be it enacted, That when Notice of the Death or Vacancy of the Seat of any Member petitioned against, or that it is not the Intention of such Member to defend his Election or Return, is given to the General Committee of Elections by the Speaker, as herein-before provided, the General Committee shall suspend their Proceedings in the Matter of the Petition referred to in such Notice, until Twenty-one Days after the Day on which Notice of such Death or Vacancy, or Intention not to defend, has been inserted in the Gazette, under the Provision herein-before contained, unless the Petition of some Person claiming to be admitted as a Party in the Room of such Member be sooner referred to them.

Provision for Cases where more than One Petition.

XLVIII. And be it enacted, That when more than One Election Petition relating to the same Election or Return are referred to the General Committee of Elections, they shall suspend their Proceedings in the Matter of all such Petitions until the Report of the Examiner of Recognizances upon each of such Petitions, or such of them as have not been withdrawn, is received by them; and upon Receipt of the last of such Reports they shall place such Petitions at the Bottom of the then List of Election Petitions, bracketed together, and such Petitions shall afterwards be dealt with as One Petition.

Committees to be chosen for Petitions according to their Order in the List.

XLIX. And be it enacted, That the General Committee of Elections shall choose the Committees to try the Election Petitions standing in the said List of Petitions in the Order in which such Petitions stand in such List, and they shall from Time to Time determine how many Committees shall be chosen in each Week for trying such Petitions, and the Days on which they will meet for choosing such Committees, having regard to the Number of Select Committees which may then be sitting for the Trial of Election Petitions, and to the whole Number of such Committees then to be appointed, and they shall report to the House from Time to Time the Days appointed by them for choosing such Committees.

Committees to be appointed for Petitions standing over on a Prorogation of Parliament.

L. And be it enacted, That if Parliament is prorogued after any Election Petition has been presented, but before the Appointment of a Select Committee to try such Petition, the General Committee of Elections appointed in the following Session shall, within Two Days after their First Meeting, in case the Sureties have been then reported unobjectionable, appoint a Day and Hour for selecting a Committee to try the Petition so standing over as aforesaid: Provided always, that if the Number of Petitions so standing over be so great that the Times

Times for selecting Committees to try the whole thereof cannot, in the Judgment of the General Committee, be conveniently appointed within Two Days after their First Meeting, the said General Committee shall, within Two Days after their First Meeting, appoint the Times for selecting Committees to try so many of the said Petitions as the said General Committee deems convenient, and shall afterwards, from Time to Time, as soon as conveniently may be, appoint the Times for selecting the Committees to try the Remainder of such Petitions,

Appointment of Select Committees.

LI. And be it enacted, That Notice of the Time and Place at which the Committee will be chosen to try any Election Petition shall be published with the Votes, not less than Fourteen Days before the Day on which such Committee is appointed to be chosen; and in case the Conduct of the Returning Officer is complained of, such Notice shall be sent to him through the Post, not less than Fourteen Days before the Day on which such Committee is appointed to be chosen; and every such Notice shall direct all Parties interested to attend the General Committee of Elections, by themselves or their Agents, at the Time and Place appointed for choosing the Select Committee; and if (after any such Notice has been published with the Votes, or sent to the Returning Officer as aforesaid,) the Proceedings in the Matter of such Petition become suspended, Notice of such Suspension shall be immediately published with the Votes; and in case the Conduct of the Returning Officer is complained of, such Notice shall be sent to him through the Post.

Notice of Time, &c. when any Committee will be chosen shall be published with the Votes.

Notice of Suspension of Proceedings to be published; and sent to Returning Officer by Post.

LII. Provided always, and be it enacted, That if Notice of the Death or Vacancy of the Seat of any Member petitioned against, or that it is not the Intention of such Member to defend his Election or Return, have been inserted in the Gazette, by Order of the Speaker, as herein-before provided, and no Party has been admitted to defend such Election or Return, then, if the Conduct of the Returning Officer is not complained of in such Petition, it shall not be necessary to insert such Petition at the Bottom of the then List of Petitions, but the General Committee of Elections shall meet for choosing the Select Committee to try such Petition as soon as conveniently may be after the Expiration of the Time allowed for Parties to come in to defend such Election or Return, and not less than One Day's Notice of the Time and Place appointed for choosing such Committee shall be given in the Votes; and in such Case it shall not be necessary to deliver to the Clerk of the General Committee of Elections a List of the Voters intended to be objected to, as herein-after is required in other Cases.

Provision for Cases where the sitting Member does not defend, and no Party has been admitted to defend.

LIII. And be it enacted, That the General Committee of Elections may change the Day and Hour appointed by them for choosing a Select Committee to try any Election Petition, and appoint some subsequent Day and Hour for the same, if in their Judgment it be expedient so to do, giving Notice in the Votes of the Day and Hour so subsequently appointed; and in every Case in which any such Change is made by them they shall forthwith report the same to the House, with their Reasons for making such Change.

General Committee empowered to change the Day for choosing Election Committee.

Appointment of Select Committees.

Notice of Petitions and Panels.

LIV. And be it enacted, That Notice shall be published with the Votes of the Petitions appointed for each Week, and of the Panel from which Committees will be chosen to try such Petitions, and each Panel shall serve for a Week, beginning with the Panel first drawn, and continuing by Rotation in the Order in which they were drawn, and not reckoning those Weeks in which no Select Committee is appointed to be chosen.

Lists of Voters intended to be objected to shall be delivered to the Clerk of the General Committee.

LV. And be it enacted, That the Parties complaining of or defending the Election or Return complained of in any Election Petition shall, except in the Case herein-before provided for, by themselves or their Agents, deliver in to the Clerk of the General Committee Lists of the Voters intended to be objected to, giving in the said Lists the several Heads of Objection, and distinguishing the same against the Names of the Voters excepted to, not later than Six of the Clock in the Afternoon on the Sixth Day next before the Day appointed for choosing the Committee to try the Petition complaining of such Election or Return; and the said Clerk shall keep the Lists so delivered to him in his Office open to the Inspection of all Parties concerned.

Committee for trying Petitions to be chosen.

LVI. And be it enacted, That the General Committee shall meet at the Time and Place appointed for choosing the Committee to try any Election Petition, and shall choose from the Panel in Service Four Members, not being then excused or disqualified for any of the Causes aforesaid, and not specially disqualified for being appointed on the Committee to try such Petition for any of the following Causes; (that is to say,) by reason of having voted at the Election, or by reason of being the Party on whose Behalf the Seat is claimed, or related to him or to the sitting Member by Kindred or Affinity in the First or Second Degree according to the Canon Law.

In case General Committee do not agree in choosing a Committee to try the Petition, they shall adjourn.

LVII. And be it enacted, That if at the least Four Members then present of the General Committee of Elections do not agree in choosing a Committee to try any Election Petition the General Committee shall adjourn the choosing of that Committee, and of the remaining Committees appointed to be chosen on the same Day, to the following Day, and the Parties shall be directed to attend on the following Day, or if such following Day happen during an Adjournment of the House, then on the Day to which the House stands adjourned, and so from Day to Day until all such Committees are chosen, or until the General Committee of Elections is dissolved, as herein-before provided; and the General Committee shall not in any Case proceed to choose a Committee to try an Election Petition until they have chosen a Committee to try every other Election Petition standing higher in the List aforesaid, the Order for referring which has not been then discharged, except in the Case where the Day originally appointed for choosing a Committee has been changed under the Provision herein-before contained.

Chairman to be chosen by the Members on the Chair-

LVIII. And be it enacted, That on the Day appointed by the General Committee to choose an Election Committee the Members upon the Chairmen's Panel shall select One of such Members to act

as the Chairman of such Election Committee, and when they have been informed by the General Committee that Four Members of such Election Committee have been chosen they shall communicate the Name of the Member so selected by them to the General Committee; but no Member shall be so selected who would be disqualified from serving on such Committee if not upon the Chairmen's Panel: Provided always, that if, with reference to any Petition for trying which they are about to appoint a Chairman, the Members of the Chairmen's Panel receive Notice from the Speaker, under the Provision herein-before contained, of the Death or Vacancy of the Seat of the sitting Member petitioned against in such Petition, or that it is not his Intention to defend his Seat, they shall suspend their Proceedings with regard to the Appointment of a Chairman to try such Petition until the Day appointed by the General Committee of Elections for selecting a Committee to try such Petition.

men's Panel, and his Name communicated to the General Committee.

LIX. And be it enacted, That the Members upon the Chairmen's Panel may from Time to Time make such Regulations as they find convenient for securing the Appointment or Selection of Chairmen of Election Committees, and for distributing the Duties of Chairmen among all of them.

Members upon Chairmen's Panel to make Regulations.

LX. And be it enacted, That as soon as the General Committee of Elections has chosen Four Members of a Committee to try any Election Petition, and has received from the Members of the Chairmen's Panel the Name of a Chairman to serve on such Committee, the Parties in attendance shall be called in, and the Names of the Members so chosen and of the Chairman shall be read over to them.

When Committee chosen, the Parties to be called in to hear the Names read over.

LXI. And be it enacted, That after hearing the said Names the Parties present shall be directed to withdraw, and the General Committee may proceed to choose another Committee to try the next Petition appointed for that Day, and so on until all the Committees appointed to be chosen on that Day are chosen, or until the choosing of any Committee is adjourned as aforesaid; and after any such Adjournment the General Committee shall not transact any more Business on that Day, except with regard to those Petitions for trying which Committees have been previously chosen.

General Committee to proceed in order with all the Petitions appointed for that Day.

LXII. And be it enacted, That within One Half Hour at furthest from the Time when the Parties to any Election Petition have withdrawn, or if the Parties to any other Election Petition be then before the General Committee of Elections, then, after such other Parties have withdrawn, the Parties in attendance shall be again called before the General Committee in the same Order in which they were directed to withdraw; and the Petitioners and sitting Member, or such Party as may have been admitted as aforesaid to defend the Return or Election, or their Agents, beginning on the Part of the Petitioners, may object to all or any of the Members chosen, or to the Chairman, as being then disqualified or excused for any of the Reasons aforesaid from serving on the Committee for the Trial of that Election Petition, but not for any other Reason.

Within a certain Time Parties may object to Members on account of Disqualification.

LXIII. And

Appointment of Select Committees.

If General Committee allow the Disqualification, a new Committee to be chosen.

LXIII. And be it enacted, That if at the least Four Members then present of the General Committee be satisfied that any Member so objected to is then disqualified or excused for any of the Reasons aforesaid, the Parties present shall be again directed to withdraw, and the General Committee shall proceed to choose from the same Panel another Committee to try that Petition; or if the Member to whom any such Objection is substantiated be the Chairman, they shall send back his Name to the Members on the Chairmen's Panel, and the Members on the Chairmen's Panel shall proceed to choose another Chairman to try that Petition, and shall communicate his Name to the General Committee, and so as often as the Case requires.

In the new Committee, Members not before objected to may be included.

LXIV. And be it enacted, That in the Second or any following Committee the General Committee may, if they think fit, include any of the Members previously chosen by them to whom no Objection has been substantiated; and no Party shall be allowed to object to any Member included in the Second or any following Committee who was not objected to when included in the Committee first chosen to try that Petition.

When Committee chosen, Notice to be sent to every Member thereof.

LXV. And be it enacted, That when Four Members and a Chairman have been chosen, to none of whom any Objection has been substantiated, the Clerk of the General Committee of Elections shall give Notice thereof in Writing to each of the Members so chosen; and with every such Notice shall be sent a Notice of the general and special Grounds of Disqualification and Excuse from serving hereinbefore mentioned, and of the Time and Place when and where the General Committee will meet on the following Day; and Notice of the Time and Place of such Meeting shall be published with the Votes.

If any Member chosen proves a Disqualification, another Committee to be chosen

LXVI. And be it enacted, That the General Committee shall meet on the following Day at the Time and Place mentioned in such Notice as last aforesaid; and if any such Member then and there prove, to the Satisfaction of at least Four Members then present of the General Committee, that for any of the Reasons aforesaid he is disqualified or excused from serving on the Committee for which he has been so chosen, or if any such Member prove, to the Satisfaction of at least Four Members then present of the General Committee, that there are any Circumstances in his Case which render him ineligible to serve on such Select Committee, such Circumstances having regard, not to his own Convenience, but solely to the impartial Character of the Tribunal, the General Committee shall proceed to choose a new Committee to try that Petition, in like Manner as if that Member had been objected to by any Party to the Petition; and if within the Space of One Quarter of an Hour after the Time mentioned in the Notice no Member so appear, or if any Member so appearing do not prove his Disqualification or Excuse, to the Satisfaction of at least Four Members then present of the General Committee, the Select Committee shall be taken to be appointed.

Select Committee to be reported to the House.

LXVII. And be it enacted, That at the Meeting of the House of Commons for the Despatch of Business next after any such Select Committee has been appointed the General Committee of Elections shall

shall report to the House the Names of the Select Committee appointed, and shall annex to such Report all Petitions referred to them by the House which relate to the Return or Election of which such Select Committee is appointed to try the Merits, and all Lists of Voters which shall have been delivered to them by either Party, and such Report shall be published with the Votes.

Appointment of Select Committees.

LXVIII. And be it enacted, That at or before Four of the Clock on the next Day on which the House meets for the Despatch of Business after such Report the Five Members chosen to be the Select Committee shall attend in their Places, and shall before departing the House be sworn at the Table by the Clerk well and truly to try the Matter of the Petitions referred to them, and a true Judgment to give according to the Evidence, and shall be taken to be a Select Committee legally appointed to try and determine the Merits of the Return or Election so referred to them by the House, and the Legality of such Appointment shall not be called in question on any Ground whatever; and the Member so appointed from the Chairmen's Panel shall be the Chairman of such Committee; and they shall not depart the House until the Time for the meeting of such Committee is fixed by the House, as herein-after provided.

Members of Select Committee to be sworn.

LXIX. And be it enacted, That if any Member of the said Select Committee do not attend in his Place within One Hour after Four of the Clock on the Day appointed for swearing the said Committee (provided the House sits so long, or if not, then within the like Time on the following Day of sitting), or if, after attending, any Member depart the House before the said Committee is sworn, unless the Committee be discharged, or the swearing of the said Committee be adjourned, as herein-after provided, he shall be ordered to be taken into the Custody of the Serjeant at Arms attending the House, for such Neglect of his Duty, and shall be otherwise punished or censured, at the Discretion of the House, unless it 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 House.

Members of Committee not present within One Hour after Four o'Clock to be taken into Custody by the Serjeant at Arms.

LXX. And be it enacted, That if any such absent Member be not brought into the House within Three Hours after Four of the Clock on the Day first appointed for swearing the said Committee (provided the House sits so long, or if not, then within the like Time on the following Day of sitting), and if no sufficient Cause be shown to the House before its rising whereon the House dispenses with the Attendance of such absent Member, the swearing of the Committee shall be adjourned to the next Meeting of the House; and all the Members of the said Committee shall be bound to attend in their Places, for the Purpose of being sworn, on the Day of the next Meeting of the House, in like Manner as on the Day first appointed for that Purpose.

If any such Member is not present within Three Hours after 4 o'Clock, the Proceedings to be adjourned.

LXXI. And be it enacted, That if on the Day to which the swearing of the said Committee is so adjourned all the Members of the Committee do not attend, and be sworn, within One Hour after

If all the Members do not attend after Ad-

journment, the Committee to be discharged.

Four of the Clock (provided the House sits so long, or if not, then within the like Time of the following Day of sitting), or if on the Day first appointed for swearing the said Committee sufficient Cause be shown to the House before its rising why the Attendance of any Member of the Committee should be dispensed with, the said Committee shall be taken to be discharged; and the General Committee shall meet on the following Day, or if such following Day happen during an Adjournment of the House, then on the Day to which the House stands adjourned, and shall proceed to choose a new Committee from the Panel on Service for the Time being, in the Manner hereinbefore provided, and Notice of such Meeting shall be published with the Votes.

Proceedings of Election Committees.

Petitions and Lists to be referred to the Election Committee, and Time and Place of meeting appointed by the House.

LXXII. And be it enacted, That the House shall refer the Petitions and Lists annexed to the Report of the General Committee of Elections to the Select Committee so appointed and sworn, and 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 their being sworn at the Table of the House, unless a *Sunday*, *Christmas Day*, or *Good Friday* intervene; and the Place of their meeting shall be some convenient Room or Place adjacent to the House of Commons, properly prepared for that Purpose.

Committees not to adjourn for more than 24 Hours without Leave of the House.

LXXIII. And be it enacted, That every such Select Committee shall meet at the Time and Place appointed for that Purpose, and shall proceed to try the Merits of the Election Petition so referred to them, and they shall sit from Day to Day, *Sunday*, *Christmas Day*, and *Good Friday* only excepted, 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 if the House 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 have occasion to apply or report to the House, and the House 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.

Evidence to be confined to Objections specified in the Lists.

LXXIV. And be it enacted, That no Evidence shall be given before the Select Committee, or before any Commission issued by such Committee, against the Validity of any Vote not included in One of the Lists of Voters delivered to the General Committee as aforesaid, or upon any Head of Objection to any Voter included in any such List other than One of the Heads specified against him in such List.

No Member of Committee to absent himself.

LXXV. And be it enacted, That no Member of any such Select Committee shall absent himself from the same without Leave obtained from the House, or an Excuse allowed by the House at the next Sitting

Proceedings of Election Committees.

Sitting thereof, for the Cause of Sickness, verified upon the Oath of his Medical Attendant, or for other special Cause shown and verified upon Oath; and in every such Case the Member to whom such Leave is granted or Excuse allowed shall be discharged from attending, and shall not be entitled again to sit or vote on such Committee; 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 all such Members do not meet within One Hour after the Time appointed for the First Meeting of such Committee, or within One Hour after the Time to which such Committee has been adjourned, a further Adjournment shall be made, and reported to the House by their Chairman, with the Cause thereof.

Committee not to sit until all be met.

On Failure of all meeting within One Hour, to adjourn.

LXXVI. And be it enacted, That every Member whose Absence without Leave or Excuse is so reported shall be directed to attend the House at its next Sitting, 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 shall be otherwise punished or censured, at the Discretion of the House, unless it 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.

Absentees to be directed to attend the House.

LXXVII. And be it enacted, That an Election Committee shall not be dissolved by reason of the Death or necessary Absence of One Member or Two Members thereof only, but the remaining Members shall thenceforward constitute the Committee; and if there ever be occasion for electing a new Chairman on the Death or necessary Absence of the Chairman first appointed, the remaining Members of the Committee shall elect One of themselves to be Chairman, and if in that Election there be an equal Number of Voices the Member whose Name stands foremost in the List of the Committee as reported to the House shall have a second or casting Vote.

Committee not to be dissolved by the Death or Absence of not more than Two Members.

LXXVIII. And be it enacted, That if the Number of Members able to attend any such Select Committee be, by Death or otherwise, unavoidably reduced to less than Three, and so continue for the Space of Three sitting Days, such Select Committee shall be dissolved (except in the Case herein-after provided), and another shall be appointed to try the Petition referred to such Committee; and the General Committee and Members of the Chairmen's Panel shall meet for that Purpose as soon as conveniently may be after the Occasion arises, at a Day and Hour to be appointed by the General Committee, and Notice of such Meeting shall be published with the Votes; and all the Proceedings of such former Committee shall be void and of no Effect: Provided always, that, if all the Parties before the Committee consent thereto, the Two remaining Members of the Committee, or the sole remaining Member, if only One, shall continue to act, and shall thenceforward constitute the Committee.

Committee reduced to less than Three by the Non-attendance of its Members to be dissolved, unless by Consent.

LXXIX. And be it enacted, That whenever any such Select Committee thinks it necessary to deliberate among themselves upon any Question arising in the course of the Trial, or upon the Determination

When Committee is deliberating, the Room to be cleared.

Proceedings of Election Committees.

mination thereof, or upon any Resolution concerning the Matter of the Petition referred to them, as soon as they have heard the Evidence and Counsel on both Sides relative thereto, the Room where they sit shall be cleared, if they think proper, whilst the Members of the Committee consider thereof.

Questions to be decided by a Majority.

LXXX. And be it enacted, That all Questions before the Committee, if for the Time being consisting of more than One Member, shall be decided by a Majority of Voices; and whenever the Voices are equal the Chairman shall have a second or casting Voice; and no Member of the Committee shall be allowed to refrain from voting on any Question on which the Committee is divided.

Names of Members voting for or against any Resolution to be reported to the House.

LXXXI. And be it enacted, That whenever the Select Committee is divided upon any Question, the Names of the Members voting in the Affirmative and in the Negative shall be entered in the Minutes of the said Committee, and shall be reported to the House, with the Questions on which such Divisions arose, at the same Time with the final Report of the Committee.

Committees to be attended by a Short-hand Writer.

LXXXII. And be it enacted, That every such Committee shall be attended by a Shorthand Writer, appointed by the Clerk of the House of Commons, and sworn by the Chairman faithfully and truly to take down the Evidence given before such Committee, and from Day to Day, as occasion requires, to write or cause the same to be written in Words at Length for the Use of the Committee.

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

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

LXXXIII. And be it enacted, That every such Select Committee may send for Persons, Papers, and Records, and may examine any Person who has subscribed the Petition which such Select Committee are appointed to try, unless it otherwise appear to such Committee that such Person is an interested Witness, and they shall examine all the Witnesses who come before them upon Oath, which Oath the Clerk attending such Select Committee may administer; and if any Person summoned by such Select Committee, or by the Warrant of the Speaker of the House of Commons (which Warrants the Speaker may issue from Time to Time as he thinks fit), disobey such Summons, or if any Witness before such Select Committee give false Evidence or prevaricate, or otherwise misbehave in giving or refusing to give Evidence, the Chairman of such Select Committee, by their Direction, may at any Time during the course of their Proceedings report the same to the House for the Interposition of the Authority or Censure of the House, as the Case requires, and may, by a Warrant under his Hand directed to the Serjeant at Arms attending the House of Commons, or to his Deputy or Deputes, 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 be then sitting, and if not, then for a Time not exceeding Twenty-four Hours after the Hour to which the House stands adjourned.

LXXXIV. And

Proceedings of Election Committees.

How Oaths to be administered.

LXXXIV. And be it enacted, That where in this Act anything is required to be verified on Oath to the House of Commons, it shall be lawful for the Clerk of the House of Commons to administer an Oath for that Purpose, or an Affidavit for such Purpose may be sworn before any Justice of the Peace or Master of the High Court of Chancery.

Giving false Evidence to be Perjury.

LXXXV. And be it enacted, That every Person who wilfully gives false Evidence before the House of Commons, or before any Election Committee, or before the Examiner of Recognizances or Taxing Officer of the House of Commons, under the Provisions of this Act, or who wilfully swears falsely in any Affidavit authorized by this Act to be taken, shall, on Conviction thereof, be liable to the Penalties of wilful and corrupt Perjury.

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

LXXXVI. And be it enacted, That every such Select Committee shall try the Merits of the Return or Election complained of in the Election Petition referred to them, and shall determine by a Majority of Voices, if for the Time being consisting of more than One Member, whether the sitting Members, or either of them, or any and what other Person, were 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 to all Intents and Purposes; and the House, on being informed thereof by the Committee, shall order such Report to be entered in their Journals, and shall give the necessary Directions for confirming or altering the Return, or for ordering a Return to be made, or for issuing a Writ for a new Election, or for carrying the said Determination into execution, as the Case may require.

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

LXXXVII. And be it enacted, That if any such Select Committee 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 they inform the House of such Determination, and the House may confirm or disagree with such Resolution, and make such Orders thereon as to them seems proper.

Committees not dissolved by the Prorogation of Parliament.

LXXXVIII. And be it enacted, That if the Parliament be prorogued after the Appointment of any Select Committee for the Trial of any Election Petition, and before they 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 meets again for the Despatch of Business (*Sunday, Good Friday,* and *Christmas Day* always excepted); and all Proceedings of such Committee, and of any Commission to take Evidence issued under the Authority of such Committee, shall 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 is so adjourned, and shall thenceforward continue to sit from Day to Day in the Manner herein-before provided, until they have reported to the House their Determination on the Merits of such Petition.

Costs.

Costs where Petition reported frivolous or vexatious.

LXXXIX. And be it enacted, That whenever any Committee appointed to try an Election Petition reports to the House that such Petition was frivolous or vexatious, the Parties, if any, who have appeared before the Committee in opposition to such Petition, shall be entitled to recover from the Persons, or any of them, who signed such Petition, the full Costs and Expenses which such Parties have incurred in opposing the same, such Costs and Expenses to be ascertained in the Manner herein-after directed.

Costs where Opposition reported frivolous or vexatious.

XC. And be it enacted, That whenever such Committee reports to the House that the Opposition made to any such Petition by any Party appearing before them was frivolous or vexatious, the Persons who signed such Petition shall be entitled to recover from the Party with respect to whom such Report is made the full Costs and Expenses which such Petitioners have incurred in prosecuting their Petition, such Costs and Expenses to be ascertained in the Manner herein-after directed.

Costs where no Party appears to oppose a Petition.

XCI. And be it enacted, That whenever no Party has appeared before any such Committee in opposition to such Petition, and such Committee reports to the House that the Election or Return, or the Omission or Insufficiency of a Return, complained of in such Petition, was vexatious or corrupt, the Persons who signed such Petition shall be entitled to recover from the sitting Members (if any) whose Election or Return is complained of in such Petition (such sitting Members not having given Notice as aforesaid of their Intention not to defend the same), or from any other Persons admitted by the House as aforesaid to oppose such Petition, the full Costs and Expenses which such Petitioners have incurred in prosecuting their Petition, such Costs and Expenses to be ascertained in the Manner herein-after directed.

Costs upon frivolous Objections to Voters.

XCII. And be it enacted, That if any Ground of Objection be stated against any Voter in any List of Voters intended to be objected to as herein-before provided, and if such Select Committee be of opinion that such Objection was frivolous or vexatious, they 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 on whose Behalf any such Objections were made the full Costs and Expenses incurred by reason of such frivolous or vexatious Objections, such Costs and Expenses to be ascertained in the Manner herein-after directed.

Costs upon unfounded Allegations.

XCIII. And be it enacted, That if either Party make before the said Select Committee any specific Allegation with regard to the Conduct of the other Party or his Agents, and either bring no Evidence in support thereof, or such Evidence that the Committee is of opinion that such Allegation was made without any reasonable or probable Ground, the Committee may make such Orders as to them seem fit for the Payment, by the Party making such unfounded Allegation, to the other Party, of all Costs and Expenses incurred by reason of such unfounded Allegation, such Costs and Expenses to be ascertained in the Manner herein-after directed.

XCIV. And

Costs.

Costs, how to be ascertained.

XCIV. And be it enacted, That the Costs and Expenses adjudged by any such Select Committee as aforesaid to be paid, or which otherwise may become payable, under the Provisions of this Act or the said recited Act of the Eighth Year of Her Majesty, to any Party prosecuting or opposing or preparing to oppose any Election Petition, or to any Witness summoned to attend before any Committee, under the Provisions of this or the said recited Act, shall be ascertained in manner following; (that is to say,) on Application made to the Speaker of the House of Commons by any such Petitioner, Party, or Witness, for ascertaining such Costs and Expenses, not later than Three Calendar Months after the Determination of the Merits of such Petition, or after any Order of the House for discharging the Order of Reference of such Petition to the General Committee of Elections, or after the Withdrawal of any Petition as herein-before provided, the Speaker shall direct the same to be taxed by the Examiner of Recognizances or by the Taxing Officer of the House of Commons; and the said Examiner or Taxing Officer shall examine and tax such Costs and Expenses, and shall report the Amount thereof, together with the Name of the Party liable to pay the same, and the Name of the Party entitled to receive the same, to the Speaker, who shall, upon Application made to him, deliver to the Party a Certificate, signed by himself, expressing the Amount of the Costs and Expenses allowed in such Report, with the Name of the Party liable to pay the same, and the Name of the Party entitled to receive the same; and such Certificate so signed by the Speaker shall be conclusive Evidence for all Purposes whatever as well of the Amount of the Demand as of the Title of the Party therein named to recover the same from the Party therein stated to be liable to the Payment thereof; and the 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.

Persons appointed to tax Costs empowered to examine on Oath.

XCV. And be it enacted, That the Examiner of Recognizances or the said Taxing Officer may examine upon Oath any Party claiming any such Costs or Expenses, and any Witnesses tendered to him for Examination, and may receive Affidavits, sworn before him, or before any Master of the High Court of Chancery or any Justice of the Peace, relative to such Costs or Expenses.

Recovery of Costs when taxed.

XCVI. And be it enacted, That the Party entitled to such taxed Costs and Expenses, or his or her Executors or Administrators, may demand the whole Amount thereof, so certified as above, from any One or more of the Persons liable to the Payment thereof, and in case of Nonpayment thereof, on Demand, may recover the same by Action of Debt in any of Her Majesty's Courts of Record at *Westminster* or *Dublin*, or in the Court of Session in *Scotland*, in which Action it shall be sufficient for the Plaintiff to declare that the Defendant is indebted to him in the Sum mentioned in the said Certificate; and the said Plaintiff shall, upon filing the said Declaration, together with the said Certificate and an Affidavit of such Demand as aforesaid, be at liberty to sign Judgment as for Want of Plea by Nil dicit, and take out Execution for the said Sum so mentioned in the said Certificate, together with the Costs of the said Action, according to due Course

Costs.

Course of Law: Provided always, that the Validity of such Certificate (the Handwriting of the Speaker thereunto being duly verified) shall not be called in question in any Court.

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

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

Recognizances when to be estreated, &c.

XCVIII. And be it enacted, That if any Person having subscribed an Election Petition presented under this Act, or under the said recited Act of the Eighth Year of the Reign of Her Majesty, neglect or refuse, for the Space of Seven Days after Demand, to pay to any Witness summoned on his Behalf before any Committee under the Provisions of this or the said recited Act the Sum so certified as aforesaid by the Speaker, under the Authority of this or the said recited Act, to be due to such Witness, or if such Petitioner neglect or refuse, for the Space of Six Months after Demand, to pay to any Party opposing the said Petition the Sum so certified by the Speaker as aforesaid to be due to such Party for his Costs and Expenses, and if such Neglect or Refusal be, within One Year after the granting of such Certificate, 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 every Person who has entered into a Recognizance relating to such Petition under the Provisions of this or the said recited Act shall be held to have made Default in his said Recognizance, and the Speaker of the House of Commons shall thereupon certify such Recognizance into the Court of Exchequer in *England*, if the Person who entered into such Recognizance reside in *England*, or into the Court of Exchequer in *Ireland* if such Person reside in *Ireland*, or into the Court of Exchequer in *Scotland* if such Person reside in *Scotland*, and shall also certify that such Person has made Default therein, and such Certificate shall be conclusive Evidence of the Validity of such Recognizance and of such Default; and the Recognizance, being so certified, if the Person who entered into such Recognizance reside in *England*, shall be delivered by the Clerk or One of the Clerks Assistant of the House of Commons into the Hands of the Lord Chief Baron or One of the Barons of the Court of Exchequer in *England*, or of some Officer appointed by the Court to receive the same, or if such Person reside in *Ireland* or *Scotland* shall be transmitted through the Post, in manner herein-after mentioned, to the Chief Baron of the Court of Exchequer in *Ireland*, or to One of the Judges of the Court of Session discharging for the Time the Powers and Duties of the Court of Exchequer in *Scotland*, as the Case may require, and in every such Case such Delivery or Transmission of such Recognizance shall have the same Effect as if the same were estreated from a Court of Law, and the Validity of such Certificate (the Handwriting of the Speaker thereunto being duly verified) shall not be called in question in the said Court.

XCIX. And

Costs.

Transmission of Recognizances of Parties in Ireland or Scotland through the Post.

XCIX. And be it enacted, That for the Purpose of transmitting any such Recognizance through the Post as aforesaid the Clerk or One of the Clerks Assistant of the House of Commons, or some other Person appointed by the Speaker for that Purpose, shall carry such Recognizance under a Cover directed to the Lord Chief Baron or One of the Barons of the Court of Exchequer in *Ireland*, or to One of the Judges of the Court of Session discharging for the Time the Powers and Duties of the Court of Exchequer in *Scotland*, as the Case may require, to the General Post Office in *London*, and there deliver the same to the Postmaster General for the Time being, or to such other Person as the said Postmaster General shall depute to receive the same (and which Deputation such Postmaster General is required to make), who on Receipt thereof shall give an Acknowledgment in Writing of such Receipt to the Person from whom the same is received, and shall keep a Duplicate of such Acknowledgment, signed by the Parties respectively to whom the same is so delivered; and the said Postmaster General shall despatch all such Recognizances by the First Post or Mail after the Receipt thereof to the Person to whom the same is directed, accompanied with proper Directions to the Postmaster or Deputy Postmaster of the Town or Place to which the same is directed, requiring such Postmaster or Deputy Postmaster forthwith to carry such Recognizance, and to deliver the same to the Person to whom the same is directed, who (or some Officer appointed by the Court for that Purpose) is hereby required to give to such Postmaster or Deputy Postmaster a Memorandum in Writing under his Hand, acknowledging the Receipt of every such Recognizance, and setting forth the Day and Hour the same was delivered by such Postmaster or Deputy Postmaster, which Memorandum shall also be signed by such Postmaster or Deputy Postmaster, and by him transmitted by the First or Second Post afterwards to the said Postmaster General, or his Deputy, at the General Post Office in *London*.

Monies received under Recognizances to be paid into the Bank, and applied in Payment of Costs.

C. And be it enacted, That all Monies which shall be received or recovered by reason or in pursuance of the estreating of any such Recognizance as aforesaid shall, after deducting all Expenses incurred in respect thereof, be forthwith paid by the proper Officer for that Purpose into the Bank of *England*, to the Account of the Speaker and of the Examiner of Recognizances, and shall be applied by them, in manner herein after mentioned, in satisfaction, so far as the same will extend, of the Costs and Expenses intended to be secured by such Recognizance.

Surety may pay Money into the Bank in discharge of his Recognizance.

CI. And be it enacted, That any Person who has entered into any such Recognizance may, before the same has been estreated, pay the Sum of Money for which he is bound by such Recognizance into the Bank of *England*, to the Account of the Speaker and the Examiner of Recognizances; and upon Production to the Examiner of Recognizances of a Bank Receipt or Certificate for the Sum so paid in, he shall endorse on the Recognizance in respect of which such Money has been so paid in a Memorandum of such Payment, and thereupon such Recognizance shall, so far as regards the Person by or on whose Behalf such Money has been so paid, be deemed to be vacated, and shall not afterwards be estreated as against him, but such Recog-

Costs.

nizance shall continue to be in force as regards any other Person who has entered into the same.

Where Money has been paid into the Bank, the Examiner of Recognizances to order Payment of Expenses, and transfer the Residue to the Account of the Party.

CII. And be it enacted, That in every Case in which any Money is paid into the Bank of *England* to the Account of the Speaker and the Examiner of Recognizances, as herein-before provided, a Bank Receipt or Certificate of the Amount so paid in shall be delivered to the Examiner of Recognizances by the Person paying in the same; and such Money shall, in the first place, and in such Order of Payment as the Examiner of Recognizances in his Discretion, but with the Approbation of the Speaker, thinks fit, be applied in satisfaction of all the Costs and Expenses for securing Payment of which such Investment was made, or so much thereof as can be thereby satisfied, and thereafter the Residue (if any) shall be paid to or transferred to the Account of the Party by whom or on whose Account the same was paid in.

Miscellaneous.

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

CIII. And be it enacted, That if any Sheriff or other Returning Officer 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* or *Ireland*, such Person may, in case it 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 having so wilfully delayed, neglected, or refused duly to make such Return at his Election, in any of Her Majesty's Courts of Record at *Westminster* or *Dublin*, or in the Court of Session in *Scotland*, and shall recover Double the Damages he has sustained by reason thereof, together with full Costs of Suit; provided such Action be commenced within One Year after the Commission of the Act on which it is grounded, or within Six Months after the Conclusion of any Proceedings in the House of Commons relating to such Election.

Commencement of Act.

CIV. And be it enacted, That this Act shall commence and take effect from the End of this Session of Parliament.

Provision for Election Petitions remaining at the Close of the present Session.

CV. And be it enacted, That if at the Close of the present Session of Parliament there be any Election Petitions before the House, the Order for taking which into consideration has not been discharged, and for trying which no Committees have been appointed, such Election Petitions shall, in case the Sureties relating thereto have been reported unobjectionable, be tried by Committees to be chosen under the Provisions of this Act, and shall be referred to the General Committee of Elections before any Petition presented in the next Session; and the General Committee shall, within Two Days after their first Meeting, appoint a Day and Hour for selecting a Committee to try every such Petition; and if the present Parliament be prorogued after the Appointment of a Select Committee for the Trial of any such Petition as aforesaid, and before they have reported to the House their Determination thereon, such Committee shall not be dissolved by such Prorogation, but shall be adjourned in manner herein-before provided in the Case in which Parliament is prorogued after the Appointment

pointment of a Select Committee for the Trial of an Election Petition, and before they have reported to the House their Determination thereon; and in the Case of all such Petitions as aforesaid, all such further Proceedings shall be had with reference thereto as if this Act had been in force when such Petitions were presented; and the Recognizances entered into in respect of such Petitions shall be taken to be and remain in force, and shall take effect for securing Payment of all Costs and Expenses which the Petitioners shall be liable to pay, as if the same had been entered into under the Provisions of this Act.

No Stamps on Recognizances or Affidavits.

CVI. And be it declared and enacted, That no Recognizance entered into, or Affidavit sworn, under the Provisions of this Act, shall require to be impressed with any Stamp.

Short Title.

CVII. And be it enacted, That in citing this Act it shall be sufficient in all Cases to use the Expression "The Election Petitions Act, 1848."

Interpretation of Act.

CVIII. And be it enacted, That in construing this Act Words importing the Singular Number only shall include the Plural Number, and Words importing the Plural Number only shall include the Singular, unless there be something in the Subject or the Context repugnant to such Construction; and the Words "Oath" and "Affidavit" respectively shall mean Affirmation in the Case of Quakers, or any Declaration lawfully substituted for an Oath in the Case of Persons allowed by Law to make a Declaration instead of taking an Oath.

Act may be amended,&c.

CIX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

SCHE-

SCHEDULE.

BE it remembered, That on the Day of in the Year of our Lord 184 , before me *A.B.* Esquire [Examiner of Recognizances for the House of Commons, *or* One of Her Majesty's Justices of the Peace for the of], came
and acknowledged himself [*or* severally acknowledged themselves] to owe to our Sovereign Lady the Queen the Sum of One thousand Pounds [*or* the following Sums, (that is to say,) the said
the Sum of the said the Sum of
the said the Sum of and the said
the Sum of], to be levied on his [*or* their respective] Goods and Chattels, Lands and Tenements, to the Use of our said Sovereign Lady the Queen, Her Heirs and Successors.

The Condition of this Recognizance is, that if [*here insert the Names of all the Petitioners, and, if more than One, add,* or any of them] shall well and truly pay all Costs and Expenses in respect of the Election Petition signed by him [*or* them] relating to the [*here insert the Name of the Borough, City, or County,*] which shall become payable by the said Petitioner [*or* Petitioners] under the Election Petitions Act, 1848, to any Witness summoned in his [*or* their] Behalf, or to the sitting Member, or other Party complained of in the said Petition, or to any Party who may be admitted to defend the same as provided by the said Act, then this Recognizance to be void, otherwise to be of full Force and Effect.

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