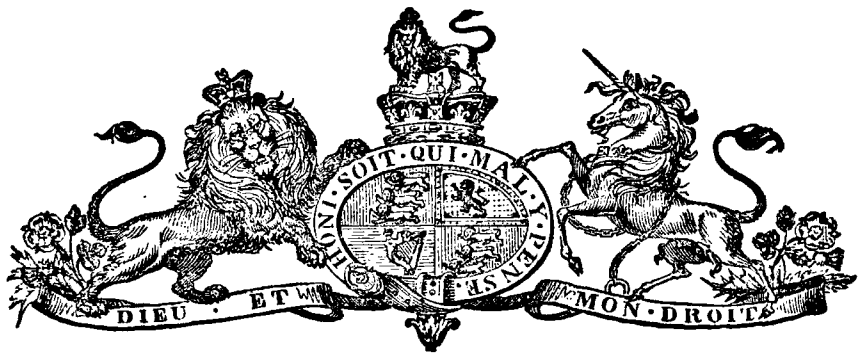


ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

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CAP. CVI.

An Act for appointing Commissioners to inquire into the Existence of Bribery in the Borough of *St. Alban.* [8th *August* 1851.]

WHEREAS there is Reason to believe that the Practice of Bribery at Elections of Members to serve in Parliament for the Borough of *St. Alban's* hath long prevailed in the said Borough, and that Bribery to a great Extent hath been systematically committed there at the last Election of a Member of Parliament: And whereas an Election Committee was appointed to consider the Merits of a Petition presented to the House of Commons, wherein the System of Bribery so believed to be practised was (amongst other things) alleged and set forth: And whereas by reason of the Contrivance of certain Parties more or less implicated in the same, certain Persons who had been summoned or intended to be summoned as Witnesses in support of such Allegations of Bribery were induced to abscond and withdraw themselves from Obedience to such Summons, by reason whereof the full and effectual Inquiry into the Allegations of the Petition aforesaid was prevented, and the Purposes for which such Committee was appointed were obstructed and defeated: And whereas it would tend to ensure a full Discovery of the said Bribery if an Inquiry should be made on the

Spot by Commissioners to be specially appointed for that Purpose, and fully authorized to inquire into the Allegations aforesaid, and into the Existence and Extent of Bribery in the said Borough, and the Mode in which the same hath been practised and carried on: Be it therefore 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,

Commissioners appointed.

I. That *Frederick William Slade*, *William Forsyth*, and *Thomas Phinn* shall be Commissioners of Inquiry for the Purposes of this Act; and in case of the Death or Resignation of any One or Two of the said Commissioners, or in the event of any One or Two of them becoming incapacitated or incapable of acting, it shall be lawful for the surviving or continuing Commissioners or Commissioner to act in the Execution of this Act, as if they or he had been solely appointed to be Commissioners or a sole Commissioner for the Purposes of this Act; and all the Provisions of this Act concerning the said Commissioners shall be taken to apply to such surviving or continuing Commissioners or Commissioner.

Commissioners to be sworn.

II. That every Commissioner appointed in pursuance of this Act shall, before beginning to act in the Execution of the Commission, take the following Oath before the Lord Chief Justice of the Court of Queen's Bench, the Lord Chief Justice of the Court of Common Pleas, or the Lord Chief Baron of the Court of Exchequer; (that is to say,)

'I *A.B.* do swear, That I will truly and faithfully execute the 'Powers and Trusts vested in me by an Act, intituled [*here insert 'the Title of this Act*], according to the best of my Knowledge and 'Judgment. So help me GOD.'

Secretary and Clerks to be appointed.

III. That it shall be lawful for the said Commissioners to appoint, and at their Pleasure to dismiss, a Secretary, and so many Clerks, Messengers, and Officers as shall be thought necessary by One of Her Majesty's Principal Secretaries of State, for the Purpose of conducting the Inquiry directed by this Act, and to pay to the said Secretary, Clerks, Messengers, and Officers such Salaries and Allowances as shall be thought reasonable by the Commissioners of Her Majesty's Treasury.

Place of Meeting.

IV. That the said Commissioners, upon their Appointment, or within a reasonable Time afterwards, shall go to the Borough of *St. Alban's*, and shall from Time to Time hold Meetings for the Purposes of the said Inquiry at some convenient Place within the said Borough or within Ten Miles thereof, and shall have Power to adjourn the same from Time to Time and from any One Place to any other Place

Place within the said Borough, or within Ten Miles thereof, as to them shall seem expedient; and the said Commissioners of Inquiry shall give Notice of their Appointment, and of the Time and Place of holding their First Meeting, by publishing the same in some Newspaper in general Circulation in the said Borough or the Neighbourhood thereof: Provided always, that the said Commissioners shall not adjourn the said Inquiry for any Period exceeding One Week without the Consent and Approbation of One of Her Majesty's Principal Secretaries of State.

Inquiry by the Commissioners.

V. That the said Commissioners shall, by all such lawful Means as to them shall appear best, with a view to the Discovery of the Truth, and for such a Period retrospectively as they shall think proper, inquire into the Manner in which Elections of Members or a Member to serve in Parliament for the said Borough, and in particular the last Election of a Member, have or has been conducted, and whether any Bribery has been committed at such Elections or any of them, and, if so, whether such Bribery was by way of the Gift or the Promise of the Gift of any Sum of Money or other valuable Consideration to any Voter or Voters, or to any other Person or Persons on his or their Behalf, for the Promise or the giving of his or their Vote or Votes, or for his or their refraining or promising to refrain from giving his or their Vote or Votes, at any such Election, or for his or their procuring or undertaking to procure the Votes of other Electors at any such Election, or whether by the Payment of any Sum of Money or other valuable Consideration whatsoever to any Voter, or to any other Person on his Behalf, before, during, or after the Termination of such Election, by way of Head Money, or in compliance with any Usage or Custom in the said Borough, or how otherwise, or whether any Sum of Money or other valuable Consideration whatsoever has been paid to any Voter, or to any other Person on his Behalf, after the Termination of any such Election, as a Reward for giving or for having refrained from giving his Vote at such Elections, or any of them; and the said Commissioners shall from Time to Time report to Her Majesty the Evidence which shall be taken by them, and what they shall find concerning the Premises, and especially the said Commissioners shall report with respect to each Election the Names of all Persons whom they shall find to have been guilty of Bribery at such Election, and as well those who shall have given Bribes for the Purchase or for the Purpose of purchasing the Votes of others as those who shall have themselves received Money or any other valuable Consideration for having given or having refrained from giving, or for the Purpose of inducing them to give or to refrain from giving, their Votes at such Election, and also the Names of all Persons whom they shall find

find to have given to others or to have received themselves Payments by way of Head Money, or as a Reward for giving or refraining to give their Votes at such Election, and all other Things whereby in the Opinion of the said Commissioners the Truth may be better known touching the Premises.

Reports to be laid before Parliament.

VI. That every Report which the said Commissioners shall make to Her Majesty in pursuance of this Act shall be laid before Parliament within One Calendar Month next after such Report shall be made, if Parliament shall be then sitting, or if not then within One Calendar Month next after the then next Meeting of Parliament.

Power to send for Persons and Papers.

VII. That it shall be lawful for the Commissioners to be appointed in pursuance of this Act, by a Summons under their Hands and Seals, or under the Hand and Seal of any One of them, to require the Attendance before them at a Time to be mentioned in the Summons of any Person or Persons whomsoever whose Evidence shall in the Judgment of the said Commissioners be material to the Subject Matter of the Inquiry directed by this Act, and to require all Persons to bring before them such Books, Papers, Deeds, and Writings as to the said Commissioners shall appear necessary for arriving at the Truth of the Things directed to be inquired into by them under the Provisions of this Act; all which Persons shall attend the said Commissioners, and shall answer all such Questions, and shall produce all such Books, Papers, Deeds, and Writings as shall be required of them, and which shall be in their Custody or under their Control, according to the Tenor of the Summons: Provided always, that no Statement made by any Person in answer to any Question put by the said Commissioners shall, except in case of Indictments for Perjury committed in such Answers, be admissible in Evidence in any Proceeding, civil or criminal.

Persons implicated in Bribery, who may be examined, and shall make a faithful Discovery, indemnified.

VIII. And whereas it may appear to the said Commissioners desirable to examine as Witnesses several Persons touching the Things directed to be inquired into by this Act, the Evidence of which Persons may tend to expose them to penal Consequences: Be it therefore enacted, That for the more effectually prosecuting the Inquiry directed by this Act every Person who has been engaged in any Act of Bribery at or connected with any Election of Members to serve in Parliament for the said Borough of *Saint Alban's*, and who shall be examined as a Witness and give Evidence before the said Commissioners touching such Bribery, and who shall upon such Examination make a true Discovery to the best of his or her Knowledge touching all Things to which he or she shall be so examined, shall be freed from all penal Actions, Forfeitures, Punishments, Disabilities,

Disabilities, and Incapacities, and all Criminal Prosecutions, to which he or she may have been or may become liable or subject at the Suit of Her Majesty, Her Heirs or Successors, or any other Person, for anything done by such Person or Persons in respect of such Bribery; and no Person shall be excused from answering any Question put to him by the said Commissioners on the ground of any Privilege, nor on the ground that the Answer to such Question will tend to criminate such Person.

Witnesses examined not to be indemnified unless they shall have a Certificate from the Commissioners.

IX. That where any Witness shall be so examined as aforesaid such Witness shall not be indemnified under this Act unless he or she shall receive from the said Commissioners a Certificate in Writing under their Hands, stating that such Witness has, upon his or her Examination, made a true Disclosure touching all Things to which he or she has been so examined; and if any Action, Information, or Indictment shall at any Time be pending in any Court for Bribery at the last Election for the Borough of *St. Alban's*, against any Person or Persons who shall have been so examined as a Witness or Witnesses in manner above mentioned, such Court shall, on the Production and Proof of such Certificate or Certificates, stay the Proceedings in any such Action, Indictment, or Information, and may, in its Discretion, award to any such Person or Persons such Costs as he, she, or they may have been put to by such Action, Information, or Indictment.

Commissioners to examine on Oath.

X. That it shall be lawful for the said Commissioners or One of them to administer an Oath, or, in the Case of Persons allowed by Law to make Affirmation instead of taking an Oath, an Affirmation, to all Persons who shall be examined before them touching the Things directed to be inquired into by them under the Provisions of this Act.

Penalty for Nonattendance or refusing to give Evidence.

XI. That if any Person upon whom any such Summons shall be served by the Delivery thereof to him or her, or by the leaving thereof at his or her usual Place of Abode, shall, without reasonable Cause (to be allowed by the said Commissioners of Inquiry), fail to appear before them at the Time and Place mentioned in the Summons, or shall refuse to be sworn or make Affirmation (as the Case may be), or shall not make answer to such Questions as shall be put to him or her touching the Matters directed to be inquired into by the said Commissioners, or shall refuse or fail, without reasonable Cause (to be allowed by the said Commissioners), to produce and show to the said Commissioners any such Papers, Books, Deeds, or Writings, being in his or her Possession or under his or her Control, as to the said Commissioners shall appear necessary for arriving at the Truth of the Things directed to be inquired into by them as aforesaid, the said

Commissioners, or the greater Number of them, shall have the same Powers in all respects touching any such Person so failing to appear or refusing to be sworn, or to make Affirmation, or not answering such Questions as shall be put to him or her, or refusing to produce any such Books, Papers, Deeds, or Writings as aforesaid, as any of the Superior Courts in *Westminster Hall*, or any Judge of the said Courts sitting under any Commission of Assize or Nisi Prius, Oyer and Terminer or General Gaol Delivery, may now by Law exercise against any Person for making Default of Appearance, or for refusing to be sworn or give Evidence on any Issue joined in any Action depending in any of the said Courts.

Penalty for false swearing.

XII. That every Person who upon Examination upon Oath or Affirmation before the said Commissioners of Inquiry shall wilfully give false Evidence shall be liable to the Pains and Penalties of Perjury.

Expenses of the Inquiry.

XIII. That it shall be lawful for the Commissioners of Her Majesty's Treasury for the Time being to make an Order for the Payment of the necessary Expenses of the Inquiry directed by this Act; and that every Commissioner to be appointed under this Act shall be paid, at the Conclusion of the said Inquiry, over and above his travelling and other Expenses, such Sum as the Commissioners of Her Majesty's Treasury for the Time being shall think fit; and the said Commissioners, after the Termination of their last Sitting, and after they shall have made their Report to Her Majesty as herein-before directed, shall lay or cause to be laid before the Commissioners of Her Majesty's Treasury for the Time being a Statement of the Number of Days they shall have been actually employed in the Inquiry under this Act, together with an Account of the travelling and other Expenses of each of such Commissioners; and the said Commissioners of Her Majesty's Treasury shall make an Order for the Payment to each Commissioner of the Sum which the said Commissioners of Her Majesty's Treasury shall so think fit to be paid to him, and in respect of his travelling and other Expenses.

Limitation of Actions.

XIV. That no Action shall be brought against the said Commissioners or either of them, or any other Person or Persons whomsoever, for anything done in the Execution of this Act, unless such Action shall be brought within Six Calendar Months next after the doing of such Thing.

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