CAP. LVII.

An Act for the Prevention of Bribery at Elections. [22d *June* 1841.]

'WHEREAS the Laws in being are not sufficient to 'hinder corrupt and illegal Practices in the Election of 'Members to serve in Parliament;' 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 whenever any Charge of Bribery shall be brought before any Select Committee of the House of Commons appointed to try and determine the Merits of any Return or Election of a Member or Members to serve in Parliament, the Committee shall receive Evidence upon the whole Matter whereon it is alleged that Bribery has been committed; neither shall it be necessary to prove Agency, in the first instance, before giving Evidence of those Facts whereby the Charge of Bribery is to be sustained; and the Committee in their Report to the House of Commons shall separately and distinctly report upon the Fact or Facts of Bribery which shall have been proved before them, and also whether or not it shall have been proved that such Bribery was committed with the Knowledge and Consent of any sitting Member or Candidate at the Election.

Evidence of Bribery to be given on the whole Matter without first proving Agency.

CAP. LVIII.

An Act to amend the Law for the Trial of controverted Elections. [22d *June* 1841.]

'WHEREAS an Act was passed in the Session holden in 'the Second and Third Years of the Reign of Her 'present Majesty, intituled *An Act to amend the Jurisdiction for 'the Trial of Election Petitions:* And whereas the Provisions of 'the said Act have been found in some respects defective, and 'it is expedient therefore to repeal the said Act, and to enact as 'follows:' 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Parliament assembled, and by the Authority of the same, That the said recited Act shall be and the same is hereby repealed, except as to Things done or Proceedings commenced under the same before the passing of this Act, and which may be dealt with or proceeded in, and shall have the same Effect, as if the said Act had not been repealed.

2 & 3 Vict. c. 38.

Recited Act repealed.

II. And be it enacted, That 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*, and also so much of an Act passed in the Forty-second Year of the

Suspension of 9 G. 4. c. 22. and Part of 42 G. 3. c. 106. and 47 G. 3. c. 14.

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, and also so much of an Act passed in the Forty-seventh Year 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 purposes and 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 any thing not specified in such Lists or Statements, shall be suspended, and be of no force and effect until the End of the Second Session of the First Parliament which may be called after the Dissolution of this present Parliament, except as to any thing done under either of the said Acts; but this Enactment shall not revive any Act, or Part of any Act, repealed by the secondly-recited Act.

What shall be deemed Election Petitions.

III. And be it enacted, That every Petition which shall be presented to the House of Commons within such Time as shall be from Time to Time limited by the House, complaining of an undue Election or Return of a Member or Members to serve in Parliament, or complaining that no Return has been made to any Writ issued for the Election of any Member or Members to serve in Parliament on or before the Day on which such Writ is made returnable, or, if such Writ be issued during any Session or Prorogation of Parliament, that no Return has been made to the same within Fifty-two Days after the Day on which such Writ bears Date, or that any Return is not according to the Requisition of the Writ, or complaining of the special Matters contained in any such Return, shall be deemed an Election Petition; but no Election Petition shall be received by the House unless at the Time it is presented it shall be subscribed by some Person claiming therein to have had a Right to vote at the Election to which the same shall relate, or to have had a Right to be returned or elected thereat, or alleging himself to have been a Candidate at the Election.

Recognizances to be entered into by Petitioners.

IV. And be it enacted, That before any Election Petition shall be presented to the House, the Person or Persons subscribing the same, or some One or more of them, shall personally enter into a Recognizance to our Sovereign Lady the Queen, according to the Form given in the Schedule (A.) to this Act annexed, for the Sum of One thousand Pounds, with One, Two, Three, or Four sufficient Sureties, either in the same Recognizance or in separate Recognizances, for the additional Sum of One thousand Pounds, in a Sum or Sums of not less than Two hundred and fifty Pounds each, for the Payment of all Costs and Expences which any Committee of the House selected to try such Petition in the Manner herein-after provided shall adjudge to be payable by the Person or Persons subscribing the

said Petition, and also for the Payment of all Costs and Expences which shall become due from the Person or Persons subscribing such Petition to any Witness summoned in his or their Behalf, or to any Party who shall appear in opposition to such Petition, in case such Petition shall be withdrawn as herein-after allowed.

Sureties to make Affidavits of Sufficiency and to be described.

V. And be it enacted, That every Person who shall enter into any such Recognizance as Surety for any other Person 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 shall be 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 shall be bound by his said Recognizance, and every such Affidavit shall be annexed to the Recognizance; and that in every such Recognizance shall be mentioned the Name and usual Place of Residence of the Persons proposed to become Sureties as aforesaid, with such other Description of the proposed Sureties as may be sufficient to identify them easily.

Examiner of Recognizances to be appointed.

VI. 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.

Provision for temporary Disability of Examiner.

VII. 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 the Person so appointed shall, while performing such Duties, have all the Powers and be subject to all the Provisions herein contained concerning the Examiner of Recognizances.

How Recognizances are to be entered into.

VIII. 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 One of Her Majesty's Justices 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 which shall be taken before a Justice, being duly certified under the Hand of the Justice before whom they shall have been taken, shall be delivered to the Examiner of Recognizances.

Option of paying Money into the Bank instead of finding Security.

IX. Provided always, and be it enacted, That it shall be lawful for any Person by whom the said Petition shall be signed, instead of entering into a Recognizance for the full Amount of the Sums herein-before required, to pay into the Bank of *England*, on the Account of the Examiner of Recognizances as Trustee, for the like Purposes for which the Recognizance is herein-before required, any Amount of Money which he shall think fit, in a Sum or Sums not less than Two hundred and fifty Pounds each; and in such Case the Person by whom

the Petition shall be signed shall still be required to enter into his personal Recognizance for the Sum of One thousand Pounds, but shall be required to find a Surety or Sureties as aforesaid for so much only of the additional Sum of One thousand Pounds as the Sum paid into the Bank shall fall short of the Sum of One thousand Pounds; and no Money shall be deemed, for the Purposes of this Act, to be paid into the Bank of *England* until a Bank Receipt for the same shall be procured and delivered to the Examiner of Recognizances.

Declaration of Trust.

X. And be it enacted, That in every Case in which Payment of any Money as aforesaid shall have been made into the Bank of *England*, the Examiner of Recognizances shall be bound in the first place, and in such Order of Payment as he in his Discretion shall think fit, to satisfy out of the said Money all the Costs and Expences for securing Payment of which such Investment was made, or so much thereof as can be thereby satisfied, and thereafter to transfer the Residue (if any), wholly discharged of the said Trust, to the Account of the Party by whom the same shall have been paid in.

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

XI. And be it enacted, That no Election Petition shall be received unless, at the Time it is presented to the House, it shall 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 Affidavits thereunto annexed; and, if the Recognizance shall not have been taken for the whole Amount, that the necessary Amount of Money has been paid into the Bank of *England* as herein-before required.

Names of Sureties to be kept in the Office of the Examiner of Recognizances.

XII. And be it enacted, That on or before the Day when any such Petition shall be presented to the House the Names and usual Places of Residence of the Sureties, when there are Sureties, 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 Bank Receipt for any Money paid into the Bank of *England*, if any, shall be open to the Inspection of all Parties concerned.

Sureties may be objected to.

XIII. And be it enacted, That it shall be lawful for any sitting Member petitioned against, or for any Electors petitioning and admitted Parties to defend the Election or Return, to object to the Sureties, or any of them, who shall have entered into such Recognizance, on the Ground of Insufficiency, 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 acknowledged the same; provided that the Ground of Objection shall be stated in Writing under the Hand of the objecting Party, or his or their Agent, and shall be delivered to the Examiner of Recognizances within Ten Days after the Presentation of the Petition if the Surety objected to reside in *England*, or within Fourteen Days after the Presentation of the Petition if the Surety objected to reside in *Scotland* or *Ireland*.

XIV. And

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 shall be 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 and not more than Five Days from the Day on which he shall have received such Statement; and the Petitioner or Petitioners, and his or their 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 Insufficiency of the Surety or Sureties objected to, on the Grounds stated in the Notice of Objection, but not on any other Ground; and for the Purpose of such Inquiry the Examiner of Recognizances is hereby authorized to examine upon Oath any Persons who may be tendered by either Party for Examination by him, and also to receive in Evidence any Affidavit relating to the Matter in dispute before him which shall be 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 shall have Power, if he shall think fit, to adjourn the said Inquiry from Day to Day until he shall decide on the Validity of such Objection, and, if he shall think fit, to 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 Expences 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 Money may be paid into the Bank.

XVI. And be it enacted, That if any Surety shall die, and his Death shall be stated as a Ground of Objection before the End of the Time allowed for objecting to the Sureties, it shall be lawful for the Petitioner to pay into the Bank of *England*, on the Account of 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 Statement of such Objection, the Sureties shall be deemed unobjectionable, if no Ground of Objection shall be stated to any other of the Sureties within the Time before mentioned for stating Objections to Sureties.

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

XVII. And be it enacted, That in case the Examiner of Recognizances shall have received any Statement of Objection to the Sureties, or any of them, to any such Election Petition, and shall have decided that such Sureties, or any of them, are objectionable, he shall forthwith report to the Speaker that such Sureties are objectionable; but if he shall have decided that such Sureties are unobjectionable, or in case he shall not have received any such Statement of Objection, then as soon as the Time herein-before allowed for stating any such Objection shall have elapsed after the Presentation of the Petition (or as soon thereafter as he shall have decided upon the Statement of Objection), the Examiner of Recognizances shall report to the

Speaker that the Sureties to such Petition are unobjectionable; and he shall make out a List of all Election Petitions on which he shall have reported to the Speaker that the Sureties are unobjectionable, in which List the Petitions shall be arranged in the Order in which they shall be 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.

How Petitions may be withdrawn.

XVIII. And be it enacted, That it shall be competent to the Petitioner or Petitioners, at any Time after the Presentation of the Petition, to withdraw the same, upon giving Notice in Writing under his Hand or their Hands, or under the Hand of his or their Agent, to the Speaker, and also to the sitting Member or his Agent, that it is not intended to proceed with the Petition; and in such Case the Petitioner or Petitioners shall be liable to the Payment of such Costs and Expences as may have been incurred by the sitting Member, to be taxed as herein-after provided.

Proceedings when the Seat becomes vacant, or the sitting Member declines to defend his Return.

XIX. And be it enacted, That if at any Time before the Appointment of a Select Committee to try any such Petition as herein-after provided, the Speaker of the House of Commons shall be informed, by a Certificate in Writing, subscribed by Two of the Members of the said House, of the Death of any sitting Member whose Election or Return is complained of in such Petition, or of the Death of any Member returned upon a double Return, whose Election or Return is complained of in such Petition, or that a Writ of Summons has been issued under the Great Seal of *Great Britain* to summon any such Member to Parliament as a Peer of *Great Britain*, or if the House of Commons shall have resolved that the Seat of any such Member is by Law become vacant, or if the House of Commons shall be informed, by a Declaration in Writing, subscribed by any such Member, and delivered to the Speaker within Fourteen Days after the Day on which any such Petition shall have been presented, that it is not the Intention of such Member to defend his Election or Return, in every such Case Notice thereof shall immediately be sent by the Speaker to the Sheriff or other Returning Officer for the County, City, Borough, District of Burghs, Port, or Place to which such Petition shall relate; and such Sheriff or other Returning Officer shall cause a true Copy of 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.

Voters may become a Party to oppose the Petition.

XX. And be it enacted, That at any Time within Fourteen Days after the Day on which any Election Petition shall have been presented, or within Twenty-one Days after the Day on which any Notice shall have been 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

Periods shall 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 shall meet after such Prorogation or Adjournment, it shall be lawful for any Person or Persons claiming to have had a Right to vote at the Election to which the Petition shall relate to petition the House of Commons, praying to be admitted as a Party or Parties to defend such Return, or to oppose the Prayer of such Election Petition; and such Person or Persons shall thereupon be admitted as a Party or Parties, 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 shall be considered as such to all Intents and Purposes whatever; and every such Petition shall be referred by the House to the General Committee of Elections herein-after mentioned.

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

XXI. And be it enacted, That whenever the Member whose Election or Return is so complained of in such Petition shall have 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 shall have been decided upon.

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

XXII. And be it enacted, That at the Beginning of every Session of Parliament, on or at any Time before the Day after the last Day allowed by any Order or Resolution of the House of Commons then in force for questioning the Returns of Members to serve in Parliament, the Speaker of the House of Commons shall, by Warrant under his Hand, appoint Six Members of the House, who shall be willing to serve, and against whose Return no Petition shall be then depending, and none of whom shall be a Petitioner complaining of any Election or Return, to be Members of a Committee, which shall 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 shall meet for the Despatch of Business, shall take effect as an Appointment of such General Committee.

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

XXIII. And be it enacted, That in case the House shall disapprove any such Warrant the Speaker shall, on or before the Third Day on which the House shall meet 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 shall have been appointed by a Warrant which shall not be disapproved by the House as aforesaid.

Disapproval may be general or special.

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 or Members named in the Warrant.

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

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

For what Time the Appointment shall be.

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 shall cease to be a Member of the House of Commons, or until he shall resign his Appointment, or until the General Committee shall report that he is disabled by continued Illness from attending the Committee, or until the Committee shall be dissolved as herein-after provided.

Cases of Vacancy 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 shall meet after such Vacancy shall be 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 shall be supplied as herein-after provided.

Cases in which the General Committee shall be dissolved.

XXVIII. And be it enacted, That in case the General Committee of Elections shall at any Time report to the House of Commons that, by reason of the continued Absence of more than Two of its Members, or by reason of irreconcilable Disagreement of Opinion, the said Committee is unable to proceed in the Discharge of its Duties, or in case the House of Commons shall 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, and laid upon the Table of the House on or before the Third Day on which the House shall meet 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 re-appoint as many Members of the former Committee as he shall think fit, who shall then be willing and not disqualified to serve on it, but shall not be bound to re-appoint any of them.

Election Petitions to be referred to the General Committee.

XXX. And be it enacted, That all Election Petitions which shall be 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 Sureties

to

to any Election Petition, and also every 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, which shall be inserted by Order of the Speaker in the Gazette as herein-before provided; and in every Case in which any Election Petition shall be withdrawn, or the Examiner of Recognizances shall have reported to the Speaker that the Sureties are objectionable, the Order for referring such Petition to the General Committee of Elections shall be discharged, and no further Proceeding shall be had upon such Petition; and the General Committee of Elections shall suspend their Proceedings in the Matter of any Petition referred to by any Notice inserted in the Gazette as aforesaid, and shall not do any thing therein until after Twenty-one Days after the Day on which such Notice shall have been inserted in the Gazette, unless the Petition of some Person or Persons claiming to be admitted as a Party or Parties in the Room of such Member shall be sooner referred to them; and the General Committee shall make out a List of all Election Petitions in which the Examiner of Recognizances shall have reported to the Speaker that the Sureties are unobjectionable, and in which the Proceedings are not suspended, in which List the Petitions shall be arranged in the Order in which they shall have been so reported upon; and in every Case in which the Proceedings in any Petition inserted in such List shall be 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.

Provision for Cases where more than One Petition.

XXXI. And be it enacted, That when more than One Election Petition relating to the same Election or Return shall be 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 shall not have been withdrawn, shall be 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, bracketted together, and such Petitions shall afterwards be dealt with as One Petition.

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

General Committee to be sworn.

XXXII. 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 appointed or reappointed to be of the General Committee of Elections shall act upon such Committee until he shall have been sworn at the Table of the House, by the Clerk or Clerk Assistant, truly and faithfully to perform the Duties belonging to a Member of the said Committee, without Fear or Favour, to the best of his Judgment and Ability.

Members necessary to enable the Committee to act.

XXXIII. And be it enacted, That no Business shall be transacted by or before the General Committee of Elections unless at the least Four Members of the General Committee shall

shall 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 said General Committee shall agree in the Appointment.

Committee to regulate their own Proceedings.

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

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

XXXV. And be it enacted, That the General Committee shall be attended by one of the Committee Clerks of the House, who shall be selected by the Clerk of the House of Commons for the Time being, and shall make a Minute of all the Proceedings of the Committee, in such 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.

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

XXXVI. And be it enacted, That if, at the Time of the Dissolution or Suspension of all the Proceedings of the General Committee of Elections, there shall be any Business appointed to be transacted by or before such General Committee on any certain Day, it shall be lawful for the Speaker to adjourn the Transaction of such Business to such other Day as to the Speaker shall seem convenient, and so as often as the Case may happen.

Members wholly excused from serving.

XXXVII. And be it enacted, That every Member who shall be more than Sixty Years old shall be wholly excused from serving on Election Committees; provided that on or before the last Day allowed for questioning Returns of Members to serve in Parliament, or upon 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 will claim to be excused, by declaring in his Place, or in Writing under his Hand, to be delivered to the Clerk at the Table, that he is more than Sixty Years old; but no Member shall be so excused who shall not claim to be excused before he shall be chosen to serve as herein-after provided.

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

XXXVIII. And be it enacted, That on the next Meeting of the House after the last Day allowed for questioning Returns of Members to serve in Parliament, the Clerk of the House of Commons shall read over the Names of all the Members who shall so have claimed to be excused.

Members temporarily excused from serving.

XXXIX. And be it enacted, That every Member who shall have Leave of Absence from the House shall be excused from serving on Election Committees during such Leave; and if any Member in his Place shall offer any other Excuse, either at the reading over 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 shall resolve that the said Member ought to be excused, he shall be excused from serving on Election Committees

mittees for such Time as to the House shall seem fit, but no Member shall be so excused who shall not claim to be excused before he shall be chosen to serve as herein-after provided; and every Member who shall have served on One Select Committee for trying an Election Petition, and who, within Seven Days after such Committee shall have made its final Report to the House, shall notify 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 shall 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 shall have been excused from attending the same throughout.

Members temporarily disqualified from serving.

XL. And be it enacted, That every Member whose Return shall not have been brought in for a Time exceeding that allowed for questioning the Returns of Members, or who shall be a Petitioner complaining of an undue Election or Return, or against whose Return a Petition shall be then depending, shall be disqualified to serve on Election Committees during the Continuance of such Ground of Disqualification; and every Member of any Select Committee appointed to try an Election Petition shall be disqualified to serve again on an Election Committee during Seven Days after the final Report of the Committee on which he so served.

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

XLI. And be it enacted, That the Clerk shall make out an Alphabetical List of all the Members, omitting the Names of such Members as shall 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 who shall be for a Time 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 One Week.

XLII. 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 shall 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.

XLIII. 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 shall 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 shall be upon the Chairmen's Panel he shall not be liable or qualified to serve on an Election Committee, otherwise than as Chairman;

Chairman; and that every Member who shall have been placed on the Chairmen's Panel shall be bound to continue upon it until the End of the Session, or until he shall sooner cease to be a Member of the House, or until, by the Leave of the House, he shall be discharged from continuing upon the Chairmen's Panel: Provided always, that every Member of the Chairmen's Panel who shall have served on One or more Election Committees, and who shall notify 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 shall have been excused from attending the same throughout.

List to be divided into Five Panels.

XLIV. And be it enacted, That after the Chairmen's Panel shall have 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 shall seem most convenient, but so nevertheless that each Panel may contain, as nearly as may be, the same Number of Members, and shall report to the House the Division so made by them; and the Clerk shall decide by Lot at the Table the Order of the Panels as settled by the General Committee, and shall distinguish each of them by a Number denoting the Order in which they shall have been drawn; and the Panels shall then be returned to the General Committee of Elections, and shall be the Panels from which all Members shall be chosen to serve on Election Committees.

General Committee to correct the Panels from Time to Time.

XLV. 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 shall cease to be a Member of the House, or who from Time to Time shall become entitled and shall claim 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 who shall not be entitled and claim 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 those Members who shall be for a Time excused or disqualified for any of the Reasons aforesaid; and the General Committee shall, as often as they shall think fit, report to the House the Panels as they shall then stand corrected; and as often as the General Committee of Elections shall report the said Panels to the House they shall be printed and distributed with the Votes of the House.

Power to transfer to another Panel the Names of Members obtaining

XLVI. And be it enacted, That when Leave of Absence for a limited Time shall have been granted by the House to any Member, it shall be lawful for the General Committee of Election to transfer the Name of such Member from the Panel in

in which it shall have been placed to some other Panel subsequent in Rotation, if they shall think fit so to do, having regard to the Length of Time for which such Leave of Absence shall have been granted, and to the Number of Select Committees then about to be appointed. Leave of Absence.

XLVII. And be it enacted, That whenever any Member of the Chairmen's Panel shall cease to be a Member of the House, or shall be, by Leave of the House, discharged from continuing upon the Chairmen's Panel, or shall be 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 shall at any Time appear to the General Committee that the Chairmen's Panel is too small, it shall be lawful for the General Committee to 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. For supplying Vacancies, and increasing the Chairmen's Panel.

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

XLIX. And be it enacted, That the General Committee of Elections shall from Time to Time determine how many Committees shall be chosen in each Week for trying the Election Petitions which then stand referred to them in which the Sureties shall have been reported unobjectionable, and the Day or Days on which they will meet for choosing such Committees, which they shall choose in the same Order in which the Petitions stand in the List aforesaid, 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 Notice of the Time and Place at which the Committee will be chosen to try any Election Petition shall be published with the Votes, and in case the Conduct of the Returning Officer is complained of, shall be sent to such Returning Officer through the Post not less than Fourteen Days before the Day on which such Committee shall be chosen; and every such Notice shall direct all Parties interested to attend the General Committee of Elections, by themselves, their Counsel or Agents, at the Time appointed for choosing the Select Committee. General Committee to determine how many Committees shall be chosen in each Week. Notice to be given when any Committee will be chosen.

L. 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. Notice of Petitions and Panels.

LI. And be it enacted, That in all Cases where 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, shall have been inserted in the Gazette, Provision for Cases where the sitting Member does not defend, and some Party has been ad-

mitted to defend, &c.

Gazette, by Order of the Speaker, and some Party shall have been admitted to defend such Return, as herein-before provided, or where the Conduct of the Returning Officer is complained of, the General Committee of Elections shall meet for choosing the Select Committee to try the Petition relating to such Return, at a Time to be appointed by them, not sooner than Fourteen Days after the Petition (or the last of the Petitions, if more than One) to be allowed to defend such Election or Return shall have been referred to them; and not less than Fourteen Days Notice shall be given in the Votes of the Time appointed for choosing such Select Committee, and any former Notice that may have been given shall be taken to be annulled; but if no Party shall have been admitted to defend such Election or Return, and if the Conduct of the Returning Officer is not complained of in such Petition, 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 as herein-before provided; and not less than One Day's Notice of the Time and Place appointed for choosing such Committee shall be given in the Votes.

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

LII. And be it enacted, That it shall be lawful for the General Committee of Elections to change the Day and Hour appointed by them for choosing a Select Committee to try any Election Petition, and to appoint some subsequent Day and Hour for the same, if it shall in their Judgment 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 shall be made by them they shall forthwith report the same to the House, with their Reasons for making such Change.

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

LIII. And be it enacted, That in all Cases of controverted Elections or Returns of Members to serve in Parliament, all the Parties complaining of or defending such Elections or Returns shall, 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 Objections, 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.

Select Committee to be chosen.

LIV. And be it enacted, That the General Committee shall meet at the Time appointed for choosing the Committee to try any Election Petition, and shall choose from the Panel then standing next in order of Service, exclusive of the Chairmen's Panel, Six Members, not being then excused or disqualified for any of the Causes aforesaid, and who shall not be specially disqualified for being appointed on the Committee to try such Petition for any of the following Causes; (that is to say,)

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 the sitting Member or Party on whose Behalf the Seat is claimed by Kindred or Affinity in the First or Second Degree according to the Canon Law; 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 shall be appointed to be chosen.

In case of Disagreement the General Committee to adjourn.

LV. And be it enacted, That in case at the least Four Members then present of the General Committee of Elections shall not agree in choosing a Committee to try any Petition appointed for that Day, the General Committee shall adjourn the choosing of that Committee, and of the remaining Committees appointed to be chosen on that Day, to the following Day, and the Parties shall be directed to attend on the following Day, and so from Day to Day (with the Exception of *Sunday*, *Good Friday*, and *Christmas Day*) until all such Committees shall be chosen, or until the General Committee of Elections shall be dissolved as herein-before provided; and the General Committee shall not in any Case proceed to choose a Committee to try any Election Petition until they shall have chosen a Committee to try every other Election Petition standing higher in the List aforesaid, the Order for referring which shall not be then discharged, or in which the Proceedings shall not be then suspended under the Provisions herein-before contained, except in the Case of choosing a Committee to supply the Place of a discharged Committee, as herein-after provided, which substituted Committee shall be first chosen on the Day on which the General Committee shall meet for that Purpose, and also except in the Case where the Day originally appointed for choosing a Committee shall have been changed under the Provisions herein-before contained.

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

When Committee chosen, the Parties to be called in.

LVI. And be it enacted, That as soon as the General Committee of Elections shall have chosen a Committee to try any such Petition the Parties in attendance shall be called in, and the Names of the Committee chosen shall be read over to them.

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

LVII. And be it enacted, That after hearing the Names of the Committee chosen 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 until all the Committees appointed to be chosen on that Day shall be chosen, or until the choosing of any Committee shall be 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 shall have been previously chosen.

Parties may object to disqualified Members.

LVIII. And be it enacted, That within One Half Hour at furthest from the Time when the Parties to any Election Petition shall have withdrawn, or if the Parties to any other Election Petition shall then be before the General Committee of Elections,

tions, then after such other Parties shall 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 Members, or such Party as may have been admitted as aforesaid to defend the Return or Right of Election, their Counsel or Agents, beginning on the Part of the Petitioners, may object to all or any of the Members chosen, 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 whatsoever; and if at the least Four Members then present of the General Committee shall 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 another Committee from the same Panel to try that Petition, and so as often as the Case may happen; and in the second or any following Committee the General Committee may, if they shall think fit, include all or any of the Members first chosen by them, except those who shall have been objected to, and who shall have been allowed by the General Committee to be disqualified or excused; and no Party shall be allowed to object to any Member who may be included in the second or any following Committee who was not objected to when included in the Committee first chosen to try that Petition.

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

Notice to be sent to every Member chosen

LIX. And be it enacted, That when Six Members shall have been chosen, none of whom shall have been objected to, 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 which are herein-before 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 Disqualification another Committee to be chosen.

LX. And be it enacted, That the General Committee shall meet in the following Day at the Time and Place mentioned in such Notice as last aforesaid; and if any Member shall 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 shall have been so chosen, or if any such Member shall 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 Hour after the Time mentioned in the Notice no Member shall so appear, or if any Member

Member so appearing shall not prove his Disqualification or Excuse, to the Satisfaction of at least Four Members then present of the General Committee, a Chairman shall be appointed to the Six Members so chosen to be of the Select Committee in the Manner herein-after mentioned.

Members on Chairmen's Panel to appoint Chairman to Select Committees.

LXI. And be it enacted, That when Six Members of the Committee are finally chosen as aforesaid the Members who are upon the Chairmen's Panel shall notify to the Members of the General Committee the Name of the Member who has been appointed or selected by them as the Chairman of such Election Committee, and the General Committee shall add his Name to the Names of the Six Members chosen by them as aforesaid, and they shall communicate the Name of such Chairman to the Parties interested, or such of them as still think fit to attend for that Purpose, and if no Objection be substantiated thereto the Select Committee shall then be taken to be appointed: Provided always, that no Member shall serve as Chairman of any Election Committee who would be disqualified from serving on such Committee if not upon the Chairmen's Panel; and any of the Parties in attendance may object to such 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 whatsoever; and if at the least Four Members then present of the General Committee shall be satisfied that the Chairman so objected to is disqualified or excused for any of the Reasons aforesaid, the Parties present shall be again directed to withdraw, and the General Committee shall send back the Name of such Chairman 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 so as often as the Case may happen; and the Name of the Chairman to whom no Objection shall be substantiated shall be added to the Names of the Six Members chosen by them, and the Select Committee shall then be taken to be appointed.

Select Committee to be reported to the House.

LXII. And be it enacted, That at the Meeting of the House of Commons for the Despatch of Business next after any such Select Committee shall be appointed, the Members chosen, including the Chairman, shall attend in their Places, and the General Committee of Elections 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 shall 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 the Members chosen to be of the said Select Committee shall not depart the House till the Time for the meeting of such Select Committee shall be fixed.

Members of Select Committee to be sworn.

LXIII. And be it enacted, That the Seven Members appointed as herein-before is mentioned shall, before departing the House, be sworn at the Table, by the Clerk or Clerk Assistant, 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 by the House to them; and the Member so appointed from the Chairmen's Panel shall be the Chairman of such Committee.

Members of said Committee not present within One Hour after the meeting of the House to be taken into Custody by the Sergeant-at-Arms.

LXIV. And be it enacted, That if any Member of the said Select Committee shall not attend in his Place within One Hour after the meeting of the House on the Day appointed for swearing the said Committee, or if, after attending, any Member shall depart the House before the said Committee shall be sworn, unless the Committee shall be discharged, or the swearing of the said Committee shall be adjourned as herein-after provided, he shall be ordered to be taken into the Custody of the Sergeant-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 shall appear to the House, by Facts specially stated, and verified upon Oath, that such Member was by a sudden Accident or by Necessity prevented from attending the House.

If any such Member is not present within Three Hours after the meeting of the House, the Proceedings to be adjourned.

LXV. And be it enacted, That if any such absent Member shall not be brought into the House within Three Hours after the meeting of the House on the Day first appointed for swearing the said Committee, and if no sufficient Cause shall be shown to the House before its rising whereon the House shall dispense 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 at the next meeting of the House, in like Manner as on the Day first appointed for that Purpose.

All the Members not attending after Adjournment, the Committee to be discharged.

LXVI. And be it enacted, That if on the Day to which the swearing of the said Committee shall be so adjourned all the Members of the Committee shall not attend and be sworn, or if sufficient Cause shall be shown to the House before its rising, on the Day first appointed for swearing the said Committee, 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 (*Sundays*, *Christmas Day*, and *Good Friday* excepted), and shall proceed to choose a new Committee from the same Panel from which the discharged Committee was chosen in the Manner herein-before provided, and Notice of such Meeting shall be published with the Votes.

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

LXVII. 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* shall intervene; and the Place of their meeting shall be some convenient

venient Room or Place adjacent to the House of Commons, properly prepared for that Purpose.

Casting Vote in the Election of a Chairman.

LXVIII. And be it enacted, That in case there shall 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 shall 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.

Committees not to adjourn for more than Twenty-four Hours, without Leave, &c.

LXIX. And be it enacted, That every such Select Committee 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 in case the House shall be sitting at the Time to which such Select Committee is adjourned, then the Business of the House shall be stayed, and a Motion shall be made for a further Adjournment for any Time to be fixed by the House: Provided always, that if such Select Committee shall have Occasion to apply or report to the House, and the House shall be then adjourned for more than Twenty-four Hours, such Select Committee may also adjourn to the Day appointed for the meeting of the House.

Committee-man not to absent himself.

LXX. And be it enacted, That no Member appointed as aforesaid to be 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 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 shall be granted or Excuse allowed shall be discharged from attending, and shall not be entitled again to sit or vote on the said 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 shall not meet within One Hour after the Time to which such Select Committee shall have been adjourned, a further Adjournment shall be made, and reported by their Chairman, with the Cause thereof, to the House.

Committee not to sit until all be met; on failure of all meeting within One Hour, to adjourn.

Absentees to be directed to attend the House.

LXXI. And be it enacted, That every Member whose Absence without Leave or Excuse shall be 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 Sergeant-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 shall appear to the House, by Facts specially stated and verified upon Oath, that such Member was, by a sud-

den Accident or by Necessity, prevented from attending the said Select Committee.

If any Committee is reduced to less than Six by the Non-attendance of its Members it shall be dissolved, except as herein mentioned.

LXXII. And be it enacted, That in case the Number of Members able to attend any such Select Committee shall be, by Death or otherwise, unavoidably reduced to less than Six, and shall so continue for the Space of Three Sitting Days, such Select Committee shall be dissolved (except in either of the Cases herein-after provided), and another shall be appointed to try and determine the Matter of such Petition in manner aforesaid; and the General Committee shall meet for that Purpose as soon as conveniently may be after the Occasion shall have arisen, at a Day and Hour to be appointed by them, 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 whenever any such Committee shall have met for Business Fourteen Days, not including those Days on which they shall have adjourned on account of the Absence of any Member, it shall be lawful for them to proceed to Business, if a Number of Members not less than Five be present, and in such Case the Committee shall not be dissolved by reason of the Absence of the Members, unless the Number of Members able to attend the same shall, by Death or otherwise, be unavoidably reduced to less than Five, and shall so continue for the Space of Three Sitting Days; and whenever any such Committee shall in like Manner have met for Business Twenty-five Days, or shall have directed any Commission to be issued for the Examination of Evidence in *Ireland* under the Provisions of the said Act of the Forty-second Year of the Reign of King *George* the Third, it shall be lawful for them to proceed to Business if a Number of Members not less than Four be present, and in such Case the Committee shall not be dissolved by reason of the Absence of the Members unless the Number of Members able to attend the same shall, by Death or otherwise, be unavoidably reduced to less than Four, and shall so continue for the Space of Three Sitting Days: Provided also, that, with the Consent in Writing of all Parties before the Committee, it shall be lawful for the Committee to proceed to Business, notwithstanding any unavoidable Reduction of their Number, and without reference to the Number of Days during which they shall have met for Business before such unavoidable Reduction of their Number, and in such Case the Committee shall not be dissolved by reason of the Absence of the Members.

Committees to be attended by a Short-hand Writer.

LXXIII. And be it enacted, That every such Committee shall be attended by a Person skilled in the Art of writing Short-hand, who shall be specially appointed by the Clerk of the House of Commons for the Time being, and sworn by the Chairman faithfully and truly to take down the Evidence given before such Committee, and from Day to Day, as Occasion may require, to write or cause the same to be written in Words at Length for the Use of the Committee.

LXXIV. And

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

LXXIV. And be it enacted, That every such Select Committee shall have Power to send for Persons, Papers, and Records, and to examine any Person who may have subscribed the Petition which such Select Committee shall have been appointed to try and determine, unless it shall otherwise appear to such Committee that such Person is an interested Witness, and shall examine all the Witnesses who come before them upon Oath, which Oath the Clerk attending such Select Committee is hereby empowered to administer; and if any Person summoned by such Select Committee, or by the Warrant of the Speaker of the House of Commons, shall disobey such Summons, or if any Witness before such Select Committee shall give false Evidence, or prevaricate, or shall otherwise misbehave in giving or refusing to give Evidence, the Chairman of such Select Committee, by their 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 may require, and may, by a Warrant under his Hand directed to the Sergeant-at-Arms attending the House of Commons, or to his Deputy or Deputies, commit such Person (not being a Peer of the Realm or Lord of Parliament) to the Custody of the said Sergeant, without Bail or Mainprize, for any Time not exceeding Twenty-four Hours if the House shall then be sitting, and if not, then for a Time not exceeding Twenty-four Hours after the Hour to which the House shall then be adjourned.

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

How Oaths to be administered.

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

Giving false Evidence to be Perjury.

LXXVI. And be it enacted, That every Person who shall wilfully give any false Evidence before the House of Commons, or any Committee or Examiner of Recognizances, under the Provisions of this Act, or who shall wilfully swear 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.

Evidence to be confined to Objections particularized in the Lists.

LXXVII. And be it enacted, That no Evidence shall be given before the Select Committee, or before any Commission issued by the said 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.

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

LXXVIII. And be it enacted, That every such Select Committee shall try the Merits of the Return or Election, or both, and shall determine by a Majority of Voices whether the Petitioners or the sitting Members, or either of them, be duly

returned or elected, or whether the Election be void, or whether a new Writ ought to issue, which Determination shall be final between the Parties 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 new 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.

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

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

LXXX. And be it enacted, That whenever any such Select Committee shall think it necessary to deliberate among themselves upon any Question which shall arise in the course of the Trial, or upon the Determination thereof, or upon any Resolution concerning the Matter of the Petition referred to them as aforesaid, as soon as they shall have heard the Evidence and Counsel on both Sides relative thereto, the Room or Place in which they shall sit shall be cleared, if they shall think proper, whilst the Members of the Committee consider thereof.

Questions to be decided by Majority.

LXXXI. And be it enacted, That all Questions before the Committee shall be decided by a Majority of Voices; and whenever the Voices shall be equal the Chairman shall have a second or casting Voice.

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

LXXXII. And be it enacted, That whenever the Select Committee shall be 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; and no Member of the Committee shall be allowed to refrain from voting on any Question on which the Committee shall be divided.

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

LXXXIII. And be it enacted, That whenever it shall happen that Parliament shall be prorogued, after any Petition complaining of an undue Election or Return, or of the Omission to return, shall have been presented, but before the Appointment of a Select Committee to try the Petition, the General Committee of Elections shall, within Two Days after their First Meeting, in case the Sureties shall have been then reported unobjectionable, appoint a Day and Hour for selecting a Committee to try the Petition as aforesaid; and if the Parliament shall be prorogued after the Appointment of any Select Committee for the Trial of any such Petition as aforesaid, and before they shall have reported to the House their Determination thereon, such Committee shall not be dissolved by such Prorogation, but shall be thereby adjourned to Twelve of

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the Clock on the Day immediately following that on which Parliament shall meet again for the Despatch of Business (*Sundays*, *Good Friday*, and *Christmas Day* always excepted); and all former Proceedings of such Committee, and of any Commission to take Evidence issued under the Authority of such Committee, shall remain and continue to be of the same Force and Effect as if Parliament had not been so prorogued; and such Committee shall meet on the Day and Hour to which it shall be so adjourned, and shall thenceforward continue to sit from Day to Day in the Manner herein-before provided, until they shall have reported to the House their Determination on the Merits of such Petition.

Costs, when incurred by Petitioners, &c.

LXXXIV. And be it enacted, That whenever any Committee appointed to consider the Merits of any Petition complaining of an undue Election or Return, or of the Omission to return any Member or Members to Parliament, shall report to the House with respect to any such Petition that the same appeared to them frivolous or vexatious, the Party or Parties, if any, who shall have appeared before the Committee in opposition to such Petition, shall be entitled to recover from the Person or Persons, or any of them, who shall have signed such Petition, the full Costs and Expences which such Party or Parties shall have incurred in opposing the same, such Costs and Expences to be ascertained in the Manner herein-after directed.

Costs, when incurred by Parties opposing Petitions.

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

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

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

prosecuting their Petition; such Costs and Expences to be ascertained in the Manner herein-after directed.

Costs upon frivolous Objections.

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

Costs upon unfounded Allegations.

LXXXVIII. And be it enacted, That if either Party shall make before the said Select Committee any specific Allegation with regard to the Conduct of the other Party or his Agents, and shall either bring no Evidence in support thereof, or such Evidence that the Committee shall be of opinion that such Allegation was made without any reasonable or probable Ground, it shall be lawful for the Committee to make such Orders as to them shall seem fit for the Payment, by the Party making such unfounded Allegation, to the other Party, of all Costs and Expences which shall have been incurred by reason of such unfounded Allegation; which Costs and Expences shall be ascertained and recovered in the same Manner and Form as is herein-after provided for the Recovery of Costs and Expences in Cases of frivolous and vexatious Petitions.

Costs how to be ascertained.

LXXXIX. And be it enacted, That the Costs and Expences of prosecuting or opposing or preparing to oppose any Petition presented under the Provisions of this Act, and the Costs and Expences which shall be due and payable to any Witness summoned to attend before the Examiner of Recognizances, or before any Committee under the Provisions of this Act, shall be ascertained in manner following; (that is to say,) on Application made to the Speaker of the House of Commons by any Party, or such Petitioner, Witness, for ascertaining such Costs and Expences, 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; and the said Examiner shall examine and tax such Costs and Expences, and shall report the Amount thereof, together with the Name of the Party or Parties liable to pay the same, and the Name or Names of the Party or Parties entitled to receive the same, to the Speaker, who shall, upon Application made to him, deliver to the Party or Parties a Certificate, signed by himself, expressing the Amount of the

Costs

Costs and Expences 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 as well of the Amount of such Demands as of the Title of the several Parties to recover the same in all Cases and for all Purposes whatsoever; and the Witness or Party claiming under the same shall, upon Payment thereof, give a Receipt at the Foot of such Certificate, which shall be a sufficient Discharge for the same.

Costs occasioned by Delay in appointing the Select Committee to be taxed off.

XC. Provided always, and be it enacted, That the Examiner of Recognizances shall not include in any such Taxed Costs any Costs which may have been occasioned by Delay in the Appointment of the Select Committee, after the Examiner of Recognizances shall have reported to the Speaker whether or not the Sureties are unobjectionable.

Persons appointed to tax Costs empowered to take Affidavits.

XCI. And be it enacted, That the Examiner of Recognizances is empowered to examine upon Oath any Witnesses tendered to him for Examination, and to receive Affidavits sworn before him, or before any Master of the High Court of Chancery, or any of Her Majesty's Justices of the Peace, who are severally empowered to take the same, relative to such Costs or Expences, or the Taxation or Nonpayment thereof, and to administer the Oath for taking such Affidvait.

Recovery of Costs.

XCII. And be it enacted, That it shall be lawful for the Party or Parties entitled to such Taxed Costs and Expences, or for his, her, or their Executors or Administrators, to demand the whole Amount thereof, so certified as above, from any One or more of the Persons herein made liable to the Payment thereof in the several Cases herein-before mentioned, and in case of Nonpayment thereof to recover the same by Action of Debt in any of Her Majesty' 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 or Plaintiffs to declare that the Defendant or Defendants is or are indebted to him or them in the Sum mentioned in the said Certificate; and the said Plaintiff or Plaintiffs shall, upon filing the said Declaration, together with the said Certificate and 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 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 upon the Allegation of any Matter or Thing anterior to the Date thereof.

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

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

to the Number of Persons so liable, and according to the Extent of the Liability of each Person.

Recognizances when to be estreated, &c.

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

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

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

XCVI. And

XCVI. And be it enacted, That this Act shall commence and take effect from the End of this present Session of Parliament, and shall continue in force until the End of the Second Session of the First Parliament which shall be called after the End of this present Parliament: Provided always, that notwithstanding the Expiration of this Act all Proceedings under the same which shall have been commenced during the Continuance thereof may be proceeded in and completed, and shall have the same Effect as if this Act had continued in force. Continuance of Act; and of Proceedings commenced under it.

SCHEDULE to which the foregoing Act refers.

SCHEDULE (A.)

Form of Recognizance.

BE it remembered, That on the Day in the Year of our Lord before me, *A.B.* (Examiner of Recognizances for the House of Commons), [*or* One of Her Majesty's Justices of the Peace for the County of], came *C.D.* of, *&c.*, *E.F.* of, *&c.*, *G.H.* of, *&c.*, *I.K.* of, *&c.* and *L.M.* of, *&c.*, and severally acknowledged themselves to owe to our Sovereign Lady the Queen the following Sums; (that is to say,) the said *C.D.* the Sum of One thousand Pounds, and the said *E.F.* the Sum of Pounds, (the said *G.H.* the Sum of Pounds, the said *I.K.* the Sum of Pounds, and the said *L.M.* the Sum of Pounds,) to be levied on 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 the said *C.D. and X.Y.* (*the other Petitioner, if any,*) *or either of them,* shall well and truly pay all Costs and Expences which any Committee of the House of Commons selected to try the Matter of the Petition signed by the said *C.D. and X.Y.* (complaining of an undue Election or Return for the [*here state the Place*], [*or* (complaining that no Return has been made for the said within the Time limited by Act of Parliament, *or* (complaining that the Return made for the said is not a Return of a Member or Members according to the Requisition of the Writ) *or* (*complaining of the special Matters contained in any such Return*)] shall adjudge to be payable by the said *C.D. and X.Y.* (*the other Petitioner, if any*), *or either of them,* and shall also well and truly pay the Costs and Expences due and payable by the said *C.D. and X.Y.* (*the other Petitioner, if any*), *or either of them,* to any Witness summoned in his Behalf, or to the Party who shall appear in opposition to the said Petition, in case the said *C.D. and X.Y.* (*the other Petitioner, if any*), *or either of them,* shall be allowed to withdraw his said Petition, then this Recognizance to be void, otherwise to be of full Force and Effect.