ANNO QUINTO & SEXTO

VICTORIÆ REGINÆ.

CAP. CII.

An Act for the better Discovery and Prevention of Bribery and Treating at the Election of Members of Parliament. [10th *August* 1842.]

WHEREAS it has become notorious that extensive Bribery prevails in many Places in the Election of Members to serve in Parliament, and that the Laws now in force are insufficient for the Discovery thereof; and it is expedient that further Powers be given for that Purpose, and for collecting Evidence on which to found further Proceedings in regard to Places in which Bribery shall be found to have been generally or extensively practised: 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 if after a Committee shall have been nominated for the Trial of an Election Petition, in which Bribery shall be charged to have been committed, the Petition shall be withdrawn, or the Charges of Bribery therein contained, or any other Charge of Bribery which shall have been made or stated before such Committee, whether in support of any Petition complaining of the Return, or by way of Recrimination, or in answer to any Petition, shall be withdrawn, abandoned, or not *bonâ fide* prosecuted before the said Committee, it shall and may be lawful for such Committee in its Discretion

Election Committee authorized to ascertain the Cause of the Abandonment of Charges of Bribery, and to report.

tion to examine into and ascertain the Circumstances under which such Withdrawal, Abandonment, or Forbearance to prosecute such Charges as aforesaid shall have taken place, and whether the same has been the Matter of Compromise, Arrangement, or Understanding, covert or otherwise, in order to avoid the Discovery of Bribery at the said Election; and the said Committee shall be authorized, if it shall think fit, to state in their Report upon the Election Petition any special Matter relating to the Cause and Reason of the Abandonment or Forbearance to prosecute the said Charges; and for more effectual Discovery of the Truth of the Matters so to be inquired into full Power and Authority is hereby given to such Committee to examine (as Witnesses subject to the ordinary Rules of Evidence) the Sitting Member or Members, or Candidate or Candidates at the said Election, and their several and respective Agents, and all other Persons whomsoever, touching and concerning such Withdrawal, Abandonment, or Forbearance to prosecute such Charges.

If a Committee recommend further Inquiry, the Speaker to nominate an Agent to prosecute, and Committee to re-assemble for Inquiry.

II. And be it enacted, That if any Committee nominated to try an Election Petition shall recommend that further Inquiry and Investigation should be made regarding Bribery at such Election, in that Case the Speaker shall nominate an Agent to prosecute the Investigation into the Matter of the said Bribery; and the said Committee shall, within Fourteen Days from the Time of their having made their Report on the Election Petition, re-assemble, and shall inquire and ascertain whether Bribery was or was not practised at the said Election, and to what Extent, and shall specially report to the House all such Matters relating to the said Bribery, and the Parties implicated or concerned therein, as to the said Committee shall seem expedient.

A Committee so re-assembled to possess all the Powers of Election Committees.

III. And be it enacted, That the said Committee, when so re-assembled, shall possess, and are hereby authorized to exercise, according to their Discretion, all and every the Powers and Authorities relating to the Examination of Members of Parliament, Candidates, Agents, and all other Persons whomsoever, and to the Production of Papers and Writings relating to the Matter under Inquiry, as were possessed or might have been exercised by the said Committee upon the Trial of the said Election Petition.

A Petition alleging general Bribery, if presented within the Times herein mentioned, shall be referred to the General Committee, and proceeded with as other Petitions.

IV. And be it enacted, That every Petition to the House of Commons, complaining that general or extensive Bribery has prevailed at the then last or any previous Election of a Member or Members to serve in Parliament for any County, Borough, or Place, which 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, and which shall be presented after the Time limited by the House for presenting Election Petitions, and within Three Calendar Months next after some One or more of the Acts of Bribery charged therein shall have been committed, if the House be then sitting, or if such Period shall expire during an Adjournment of the House for the *Easter* or *Christmas* Holidays, or during a Prorogation of Parliament, then within Two Days after the

the End of such Adjournment, or within Thirty Days after the Beginning of the next Session, shall be inquired into by a Committee to be appointed in all respects as a Committee for trying an Election Petition; and for this Purpose such Petition shall be referred to the General Committee of Elections, who, in case the Examiner of Recognizances shall report that the Recognizances in respect of such Petition are sufficient, pursuant to the Provisions herein-after contained, shall give the same Notices and proceed in the same Manner in appointing such Committee as in appointing an Election Committee under an Act passed in the Fifth Year of the Reign of Her present Majesty, intituled *An Act to amend the Law for the Trial of controverted Elections*; and all the Powers, Clauses, and Provisions in that or any other Act for the Time being in force for regulating the Trial of controverted Elections shall be taken to apply to the said Committee and its Proceedings, and to all Petitioners, Parties, Witnesses, and others respectively; and the said Committee shall inquire and ascertain whether Bribery was or was not practised at the said Election, and shall specially report to the House all such Matters relating to the said Bribery, and the Parties implicated or concerned therein, as to the said Committee shall seem expedient: Provided always, that if the Committee shall report that there was reasonable and probable Ground for the Allegations of the Petition, the said Committee shall have Power to order that the Costs of the Petitioners shall be borne as in the Case of a Committee on any public Matter ordered by the House of Commons.

4 & 5 Vict. c. 53.

Costs.

V. Provided always, and be it enacted, That the said Committee shall (before any other Matter of the said Petition) inquire whether any of the said Acts of Bribery charged therein had been committed within Three Months next before the Time of presenting the said Petition, and unless it shall be proved to the Satisfaction of the said Committee that One or more of the Acts of Bribery charged in the said Petition had been committed within the said Period of Three Months, the said Committee shall not further proceed with the Matter of the said Petition.

Committee not to proceed on any Case of Bribery unless committed within Three Months before presenting Petition.

VI. Provided always, and be it enacted, That if any Election Petition containing a Charge of Bribery shall be withdrawn before a Committee shall be appointed for the Purpose of trying such Petition, any Petition complaining that general or extensive Bribery has prevailed at such Election, and which shall be subscribed as above provided, which shall be presented to the House at any Time within Twenty-one Days of the Withdrawal of such Election Petition being notified to the House, or if such Period shall expire during an Adjournment of the House for the *Easter* or *Christmas* Holidays, or during a Prorogation of Parliament, then within Two Days after the End of such Adjournment, or within Fourteen Days after the Beginning of the next Session, such Petition shall, notwithstanding that Three Calendar Months may have elapsed since any of the Acts of Bribery charged therein shall have been committed, be dealt with in like Manner in all respects as above provided in the Case of a Petition presented within Three Calendar Months next after some One or more of the Acts of Bribery charged therein shall have been committed.

Proceedings in case an Election Petition is withdrawn before a Committee is appointed for trying the same.

VII. Pro-

Petitioners to enter into Recognizance.

VII. Provided always, and be it enacted, That no such Petition as aforesaid shall be referred as herein-before provided, unless some Time before Three of the Clock in the Afternoon of the Seventh Day after the Day on which such Petition shall have been presented, a Recognizance or Recognizances shall be entered into by Two Persons, each in the Sum of Two hundred and fifty Pounds, or by One Person in the Sum of Five hundred Pounds, conditioned to be forfeited unless such Persons shall establish and prove to the Satisfaction of the Committee to which the Petition shall be referred that there was reasonable and probable Ground for the Allegations contained in such Petition.

Recognizances forfeited, how recoverable.

VIII. And be it enacted, That the Chairman of any such Committee, with the Authority and Sanction of such Committee, shall certify under his Hand whether such Recognizance has been forfeited; and in case the said Chairman shall certify that such Recognizance has been forfeited, the Sum or Sums mentioned in such Recognizance shall be absolutely forfeited, and shall be recoverable from the Party or Parties who shall have entered into such Recognizance by Information by the Attorney General; and upon such Information being filed, and upon Production of the said Recognizance and Certificate, with an Affidavit of the Signature thereto, final Judgment may be signed upon such Information, and Execution may be forthwith issued to levy the same: Provided always, that if the Handwriting of the Chairman of the Committee, by whom the Certificate shall have been signed, be duly verified, the Validity of such Certificate shall not be called in question in any Court upon the Allegation of any Matter previous to the Date thereof.

Recognizances how to be entered into.

IX. And be it enacted, That the said Recognizances shall be entered into in the same Manner, and before the same Parties, and with the like Affidavit of Sufficiency, as the Recognizances of Sureties in the Case of Election Petitions.

Recognizances, when entered into, to be reported to the Speaker, and public Notice thereof to be given.

X. And be it enacted, That upon any such Recognizances being entered into before the Examiner of Recognizances, or received by him, with the Affidavit thereunto annexed, he shall forthwith report the same to the Speaker; and upon Receipt of any such Report the Speaker shall communicate the same to the House, and shall also cause Notice thereof to be immediately sent by the Post to the Returning Officer for the Place for which the Election to which such Petition shall relate was held; and such Returning Officer shall cause a true Copy of such Notice to be affixed on or near the Door of the Town Hall or of the Parish Church of or nearest to the Place for which such Election was held; and such Notice shall also be inserted, by Order of the Speaker, in one of the next Two *London* Gazettes.

Objections to Recognizances, by whom and within what Time to be taken.

XI. And be it enacted, That it shall be lawful for any Person who shall have been a Candidate at the Election to which such Petition shall relate, and for any Person complained of in such Petition, and for any Person having for the Time being a Right to vote for a Member to serve in Parliament for the Place to which such Petition shall relate, or having in fact voted at the Election to which such Petition

Petition shall relate, to object to the Parties or either of them who shall have entered into any such Recognizance, on the same Grounds as those on which Sureties entering into Recognizances in the Case of Election Petitions may be objected to; 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 Day of the Date of the Gazette in which such Notice as aforesaid shall be inserted, if the Party objected to reside in *England*, or within Fourteen Days after such Date if the Party objected to reside in *Scotland* or *Ireland*.

Proceedings for determining Objections to Recognizances.

XII. And be it enacted, That for the Purpose of ascertaining and reporting upon the Sufficiency of the Parties who shall have entered into any such Recognizance, such Recognizance shall be dealt with in all respects as Recognizances entered into by Sureties in the Case of Election Petitions; and all the Provisions of the said Act of the Fifth Year of Her present Majesty, or of any other Act for the Time being in force for regulating the Trial of controverted Elections, which relate to the Mode of taking Objections to Sureties and to the Proceedings consequential thereon, shall be applicable and in force with regard to the Recognizances required to be entered into under the Provisions of this Act.

Committees under this Act not to have Power to affect the Seat in Parliament.

XIII. Provided always, and it is hereby enacted and declared, That no Committee who shall re-assemble under the Provisions herein-before contained, nor any Committee appointed to investigate the Matter of any Petition which may be presented after the Time limited for presenting Election Petitions, as herein also provided, shall possess any Power or Authority to determine or in any way affect the Seat or Return of any Member or Members of the House of Commons, or the issuing or restraining the Issue of any Writ for the Election of a Member or Members of Parliament.

For defraying the Expences of Prosecution.

XIV. And be it enacted, That upon the Prosecution of any Inquiry under the Authority of this Act by an Agent appointed by the Speaker as herein is provided, every such Agent is hereby authorized from Time to Time to certify under his Hand to the Commissioners of Her Majesty's Treasury what Sum and Sums of Money is or are required to meet the necessary Expences for effectually prosecuting any such Inquiry, including the Sums proper and necessary to be paid to and for the Witnesses who may be required to attend the Inquiry to which such Certificate may relate; and the said Commissioners of Her Majesty's Treasury shall be authorized to advance to the said Agent from Time to Time such Sums as shall be needed for the Purposes aforesaid, which Sums, or so much thereof as shall be levied under any Order for the Payment of Costs as herein-after provided, shall be reimbursed to the said Commissioners of Her Majesty's Treasury.

Committee to order by whom Costs are to be paid.

XV. And be it enacted, That it shall and may be lawful for any Committee re-assembled as aforesaid, and for every Committee appointed under the Authority of this Act, in their Discretion, to

report, order, and direct that the Costs, Charges, and Expences incurred and occasioned in and about the Inquiries respectively prosecuted before any such Committee, or any Part or Proportion thereof, shall be paid by any Party, Person or Persons, who may have been proved before the said Committee, being first duly heard, to have been guilty of Bribery, or of having received Bribes, or to have occasioned Costs, Charges, and Expences to have been incurred by having brought forward frivolous and vexatious Charges of Bribery against any other Person or Persons; and the Speaker shall deliver to the Agent of the House of Commons, or of the Party or Parties, a Certificate, signed by himself, expressing the Amount of the Costs and Expences to be paid by each of the said Parties, with the Name or Description of the Party liable to pay the same; and such Certificate shall be conclusive Evidence of the Amount of and all other Matters to establish the Demand, and the Liability of the several Parties to pay the same.

Costs how to be ascertained.

XVI. And be it enacted, That all Costs, Charges, and Expences mentioned or referred to in the Report of any Committee made under the Authority of this Act shall be ascertained and allowed by the same Person, and in the same Manner, as the Costs, Charges, and Expences of Petitions reported to be frivolous and vexatious are now by Law required to be ascertained and allowed; and all the several Provisions relating to Costs upon frivolous and vexatious Petitions, and to the Speaker's Certificate of the Amount, and to the Recovery thereof, shall extend to and apply, so far as may be, to Costs, Charges, and Expences payable under the Authority of this Act, as fully and effectually as if the same were re-enacted by this Act, the Speaker's said Certificate being hereby declared to be conclusive Evidence of all and every the Matters necessary to the Establishment of the Demand, and of the Liability of all Parties and Persons mentioned therein as liable thereto.

Recovery of Costs.

XVII. And be it enacted, That it shall be lawful for the Agent appointed by the Speaker as aforesaid, or the Party or Parties named in the Certificate, to demand the Payment of the whole Amount of such taxed Costs and Expences, so certified as above, from any One or more of the Persons herein made liable to the Payment thereof, and, in case of Nonpayment thereof, in his or her Name to recover the same by Action of Debt in any of Her Majesty's Courts of Record at *Westminster* or *Dublin*, or in the Court of Session in *Scotland*, in which Action it shall be sufficient for the Plaintiff to declare that the Defendant or Defendants is or are indebted to him in the Sum mentioned in the said Certificate; and the said Plaintiff shall, upon filing the said Declaration, together with the said Certificate, and Affidavit of the Handwriting of the Speaker thereto, 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; and no Writ of Error shall be allowed, and the Validity of such Certificate shall not be questioned, in any Court, upon the Allegation of any Matter or Thing anterior to the Date thereof; and the said Agent or Party or Parties named in the Certificate shall pay over

over to the Commissioners of Her Majesty's Treasury the Amount of the several Sums which he or they shall recover or receive in respect of such Costs in and by such Action or otherwise.

Costs to be a Debt to Her Majesty.

XVIII. And be it enacted, That the Amount of any Costs payable to the Person appointed by the Attorney General as aforesaid shall, upon the issuing of the Speaker's Certificate, be held and deemed a Debt upon Record due to Her Majesty.

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

XIX. 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 jointly liable to the Payment of the said Costs, Expences, and Fees, a proportionate Share thereof, according to the Number of Persons so liable, and according to the Extent of the Liability of each Person.

Payment of Head Money, &c. declared Bribery.

XX. And whereas a Practice has prevailed in certain Boroughs and Places of making Payments by or on behalf of Candidates to the Voters in such Manner that Doubts have been entertained whether such Payments are to be deemed Bribery; be it declared and enacted, That the Payment or Gift of any Sum of Money, or other valuable Consideration whatsoever, to any Voter, before, during, or after any Election, or to any Person on his Behalf, or to any Person related to him by Kindred or Affinity, and which shall be so paid or given on account of such Voter having voted or having refrained from voting, or being about to vote or refrain from voting, at the said Election, whether the same shall have been paid or given under the Name of Head Money, or any other Name whatsoever, and whether such Payment shall have been in compliance with any Usage or Practice, or not, shall be deemed Bribery.

Act to apply to Elections subsequent to 1st June 1842.

XXI. And be it enacted, That all the foregoing Provisions of this Act, so far as the same are applicable thereto, shall apply to any Election which may have taken place, or which may take place, after the First Day of *June* One thousand eight hundred and forty-two.

For preventing Treating. 7 & 8 W. 3. c. 25.

XXII. And whereas the Provisions of an Act passed in the Seventh Year of the Reign of King *William* the Third, intituled *An Act for preventing Charges and Expences in Elections of Members to serve in Parliament*, have been found insufficient to prevent corrupt Treating at Elections, and it is expedient to extend such Provisions; be it enacted, That every Candidate or Person elected to serve in Parliament for any County, Riding or Division of a County, or for any City, Borough, or District of Boroughs, who shall, from and after the passing of this Act, by himself, or by or with any Person, or in any Manner, directly or indirectly, give or provide, or cause or knowingly allow to be given or provided, wholly or partly at his Expence, or pay wholly or in part any Expences incurred for any Meat, Drink, Entertainment, or Provision to or for any Person, at any Time, either before, during, or after any such Election, for the Purpose of corruptly influencing such Person, or any other Person, to give or to refrain from giving his Vote

Vote in any such Election, or for the Purpose of corruptly rewarding such Person, or any other Person, for having given or refrained from giving his Vote at any such Election, shall be incapable of being elected or sitting in Parliament for that County, Riding or Division of a County, or for that City, Borough, or District of Boroughs, during the Parliament for which such Election shall be holden.

Act may be amended, &c.

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

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