fifths in number and value of his creditors might be determined should be carried into effect, under the superintendence and control of the said Court; and whereas the Court acting in the matter of the said petition caused such sittings of the Court to be held as are directed by the said Acts; and whereas a certain resolution or agreement was duly assented to at such sittings which the Court thinking to be reasonable and proper to be executed under the direction of the said Court caused to be filed and entered of record therein; and whereas the said resolution or agreement has been fully carried into effect, the Court doth certify the several matters aforesaid, this day of , 18 .

A.B. (L.S.)
Judge.

CHAPTER 59.

An Act to amend Paragraph Three of the Second Schedule of the Elementary Education Act, 1870. [6th August 1872.]

33 & 34 Vict. c. 75.

WHEREAS by paragraph three of the Second Schedule of the Elementary Education Act, 1870, it is provided as follows: "An order made by the Education Department "under the power contained in this part of this Schedule shall, as regards any election "held before the first day of September one thousand eight hundred and seventy-one, "be deemed to be within the powers of this Schedule, and to have been duly made and "have effect as if it were enacted in this Schedule, but shall not be of any force as re-"gards any election after the said date unless it has been confirmed by Parliament:"

And whereas by the Elementary Education (Elections) Act, 1871, the words "one thousand eight hundred and seventy-two" were substituted for the words "one thousand eight hundred and seventy-one" in the above-recited provision:

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, as follows:

Alteration of date in 33 & 34 Vict. c. 75. sch. 2.

1. The words "one thousand eight hundred and seventy-three" shall be substituted for the words "one thousand eight hundred and seventy-one" in the recited part of the Second Schedule of the Elementary Education Act, 1870.

Short title.

2. This Act may be cited as "The Elementary Education (Elections) Act, 1872."

CHAPTER 60.

An Act for the better prevention of Corrupt Practices at Municipal Elections, and for establishing a Tribunal for the trial of the validity of such Elections. [6th August 1872.]

WHEREAS it is expedient to make provision for the better prevention of corrupt practices at municipal elections, and for establishing a tribunal for the trial of the validity of such elections:

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, as follows:

Preliminary.

Short title.

1. This Act may be cited for all purposes as the "Corrupt Practices (Municipal Elections) Act, 1872."

Definitions.

2. In this Act, except where the context otherwise requires, the following words and expressions shall respectively be construed as follows, viz:

(1.) "Borough" means a place for the time being subject to the provisions of the Act of the fifth and sixth of William the Fourth, chapter seventy-six, intituled "An "Act to provide for the regulation of municipal corporations in England and "Wales," as amended by the Acts amending the said Act:

"Office" means the office of mayor, alderman, councillor, auditor, or assessor, of a borough or ward of a borough:

"Election" means an election to an office:

"Candidate" means a person elected, or who has been nominated or has declared himself a candidate for election to an office:

"Canvasser" means any person who solicits or persuades, or attempts to persuade, any person to vote or to abstain from voting at an election, or to vote or to abstain from voting for any candidate at an election:

"Register" includes a burgess roll or ward list:

"Voter" means a person included in a register or who voted or claimed to vote at an election:

"Returning officer" means a person under whatever designation presiding at an election:

"Election court" means an election court constituted and acting under the provisions of this Act for the trial of a petition respecting an election:

"Superior court" means the Court of Common Pleas at Westminster:

"Prescribed" means prescribed by general rules to be made under the provisions of this Act.

(2.) This Act shall so far as is consistent with the tenor thereof be construed as one with the Acts for the time being in force relating to boroughs and to elections in boroughs.

PART I.

Corrupt Practices at Municipal Elections.

As to corrupt practices at municipal elections.

3. The offences of bribery, treating, undue influence, and personation, shall be deemed to be corrupt practices at an election for the purposes of this Act.

The terms "bribery," "treating," "undue influence," and "personation," shall respectively include anything committed or done before, at, after, or with respect to an election, which if done before, at, after, or with respect to an election of members to serve in Parliament would render the person committing or doing the same liable to any penalties, punishments, or disqualifications, for bribery, treating, undue influence, or personation, as the case may be, under any Act for the time being in force with respect to elections of members to serve in Parliament.

Any person who is guilty of a corrupt practice at an election shall be liable to the like actions, prosecutions, penalties, forfeitures, and punishments, as if the corrupt practice had been committed at an election of members to serve in Parliament.

Disqualifications of candidates personally guilty of corrupt practices.

4. Where it is found by the report of an election court acting under the provisions of this Act that any corrupt practice has been committed by or with the knowledge and consent of any candidate at an election, such candidate shall be deemed to have been personally guilty of corrupt practices at the election, and his election, if he has been elected, shall be void, and he shall (whether he was elected or not) during seven years from the date of the report be subject to the following disqualifications; viz.,

(1.) He shall be incapable of holding or exercising any municipal office or franchise, and of having his name placed on the register, or voting at any municipal election:

(2). He shall be incapable of acting as a justice of the peace and of holding any judicial office:

(3.) He shall be incapable of being elected to and of sitting or voting in Parliament:

(4.) He shall be incapable of being registered or voting as a parliamentary voter:

(5.) He shall be incapable of being employed by any candidate in any parliamentary or municipal election:

(6.) He shall be incapable of acting as overseer or as guardian of the poor.

If any person is upon an indictment or information found guilty of any corrupt practice at an election, or is in any action or proceeding adjudged to pay a penalty or forfeiture for any corrupt practice at an election, he shall, whether he was a candidate at the election or not, be subject during seven years from the date of the conviction or judgment to all the disqualifications mentioned in this section.

If at any time after any person has become disqualified by virtue of this Act, the witnesses, or any of them, on whose testimony such person has so become disqualified, are upon the prosecution of such person convicted of perjury in respect of such testimony, it shall be lawful for such person to move the superior court to order, and the superior court shall, upon being satisfied that such disqualification was procured by reason of perjury, order that such disqualification shall thenceforth cease and determine, and the same shall cease and determine accordingly.

Avoidance of election for corrupt practices by agents, and for offences against this Act.

5. If it is found by an election court acting under the provisions of this Act, that a candidate has by an agent been guilty of any corrupt practice at an election, or that any act herein-after in this Act declared to be an offence against this Act has been committed at an election by a candidate or by an agent for a candidate with the candidate's knowledge and consent, the candidate shall, during the period for which he was elected to serve, or for which, if elected, he might have served, be disqualified for being elected to and for holding any municipal office in the borough for which the election was held, and if he was elected his election shall be void.

Avoidance of election on the ground of general corruption, &c.

6. An election for a borough or a ward thereof shall be wholly avoided by such general corruption, bribery, treating, or intimidation at the election for such borough or ward as would by the common law of Parliament avoid an election of members to serve in Parliament for a parliamentary borough.

Prohibition of paid canvassers.

7. No person who is included in a register for a borough or ward thereof as a burgess or citizen shall be retained or employed for payment or reward by or on behalf of a candidate at an election for such borough or any ward thereof as a canvasser for the purposes of the election.

If any person is retained or employed by or on behalf of a candidate at an election in contravention of this prohibition, such person and also the candidate or other person by whom he is retained or employed shall be deemed to be guilty of an offence against this Act, and shall be liable on summary conviction before two justices of the peace to a penalty not exceeding ten pounds.

An agent or canvasser who is retained or employed for payment or reward for any of the purposes of an election shall not vote at the election, and if he votes he shall be guilty of an offence against this Act, and shall be liable on summary conviction before two justices of the peace to a penalty not exceeding ten pounds.

Prohibition of payment for conveyance of voters.

8. If a candidate or an agent for a candidate pays or agrees to pay any money on account of the conveyance of a voter to or from the poll, such candidate or agent shall be deemed to be guilty of an offence against this Act, and shall be liable on summary conviction before two justices of the peace to a penalty not exceeding five pounds.

Prosecutions for corrupt practices.

9. The costs and expenses of a prosecutor and his witnesses in the prosecution of any person for either of the corrupt practices of bribery, undue influence, or personation at an election, together with compensation for trouble and loss of time, shall, unless the court before which such person is prosecuted otherwise directs, be allowed, paid, and borne in the same manner in which they may be allowed, paid, and borne in cases of felony.

The clerk of the peace of the county in which a borough is situate, or in the case of a borough which is a county of a city or a county of a town or in which there is a clerk of the peace, the clerk of the peace of such county of a city or county of a town or borough, shall, if he is directed by an election court acting under the provisions of

this Act to prosecute any person for either of the corrupt practices of bribery, udune influence, or personation at the election in respect of which the court acts, or to sue or proceed against any person for penalties for bribery, treating, undue influence, or any offence against this Act at such election, prosecute, sue, or proceed against such person accordingly.

Provisions for striking off votes.

10. The votes of persons in respect of whom any corrupt practice is proved to have been committed shall be struck off on a scrutiny.

Subject to the provisions of this section a register shall for all purposes be conclusive as to the right of the persons included therein to vote at an election for the purposes whereof such register is in force; but nothing in this section shall entitle any person to vote who is by any Act or law prohibited from voting at an election on the ground of any disqualification by office or disability, nor shall relieve any such person from any penalty, liability, or punishment to which he may by law be subject by reason of his voting at an election.

As to alleged personation.

11. The provisions of the Acts for the time being in force for the detection of personation and for the apprehension of persons charged with personation at a parliamentary election shall apply in the case of a municipal election.

PART II.

Election Petitions.

Municipal elections may be questioned by petition.

12. The election of any person at an election for a borough or ward may be questioned by petition before an election court constituted as herein-after in this Act provided, and herein-after in this Act referred to as the "court," on the ground that the election was as to the borough or ward wholly avoided by general bribery, treating, undue influence, or personation, or on the ground that the election of such person was avoided by corrupt practices or offences against this Act committed at the election, or on the ground that he was at the time of the election disqualified for election to the office for which the electon was held, or on the ground that he was not duly elected by a majority of lawful votes.

An election shall not, except in the manner provided by this Act, be questioned upon an information in the nature of a quo warranto or by or in any process or mannerwhatsoever for a matter for which it might be questioned under the provisions of this Act.

Presentation of petition.

13. The following provisions shall have effect with reference to the presentation of a petition complaining of an undue election (herein-after in this Act referred to as a "petition"):

(1.) A petition may be presented either by four or more persons who voted or who had a right to vote at the election or by a person alleging himself to have been a candidate at the election;

A petition shall be in the prescribed form and shall be signed by the petitioner or petitioners, and shall be presented to the superior court in the prescribed manner, and the prescribed officer shall send a copy thereof to the town clerk of the borough to which it relates, who shall forthwith publish it in the borough;

The terms "petitioner" and "respondent," as herein-after used in this Act, include respectively any one or more persons by whom a petition is presented, and any one or more persons against whose election a petition is presented:

(2.) A petition shall be presented within twenty-one days after the day on which the election was held, unless it complain of the election on the ground of corrupt practices, and specifically allege a payment of money or other reward to have been made or promised since the election by a person elected at the election, or on his account or with his privity, in pursuance or furtherance of such corrupt practices, in which case it may be presented at any time within twenty-eight days after the date of the alleged payment or promise, whether or not any other petition against such person has been previously presented or tried:

(3.) At the time of presenting a petition, or within three days afterwards, the petitioner shall give security for all costs, charges, and expenses which may become payable by him to any witness summoned on his behalf, or to any respondent. The security shall be to the amount of five hundred pounds, and shall be given in the prescribed manner either by a deposit of money or by recognizance entered into by not exceeding four sureties, or partly in one way and partly in the other:

(4.) Within five days after the presentation of a petition the petitioner shall in the prescribed manner serve on the respondent a notice of the presentation and of the nature of the proposed security, and a copy of the petition; and the respondent may within five days from the service of the notice object in writing to any security by way of recognizance on the ground that any surety is insufficient or is .dead, or cannot be found or ascertained for want of a sufficient description in the recognizance, or that a person named in the recognizance has not duly acknowledged the same. An objection to a recognizance shall be decided in the prescribed manner:

(5.) If an objection to the security is allowed it shall be lawful for the petitioner, within a further prescribed time not exceeding five days, to remove such objection by a deposit in the prescribed manner of such sum of money as may be deemed by the court or officer having cognizance of the matter to make the security sufficient;

If on objection made the security is decided to be insufficient, and the objection is not removed in manner herein-before mentioned, no further proceedings shall be had on the petition; but otherwise on the expiration of the time limited for making objections, or, after objection made, on the sufficiency of the security being established, the petition shall be deemed to be at issue:

(6.) Where a petition complains of the conduct of a returning officer, he shall be deemed to be a respondent:

(7.) The prescribed officer shall so soon as may be make out a list of all petitions under this Act presented to the superior court which are at issue, placing them in the order in which they were presented, and shall keep at his office a copy of such list, herein-after referred to as the "Municipal Election List," open to the inspection in the prescribed manner of any person making application to inspect the same:

(8.) The petitions shall, so far as conveniently may be, be tried in the order in which they stand in such list:

(9.) Two or more candidates may be made respondents to the same petition, and their cases may be tried at the same time, but for all the purposes of this Act such petition shall be deemed to be a separate petition against each respondent:

(10.) Where more petitions than one are presented relating to the same election, or to elections held at the same time for different wards of the same borough, all such petitions shall in the municipal election list be bracketed together as one petition, but such petitions shall stand in the list in the place where the last of such petitions would have stood if it had been the only petition relating to that election, unless the superior court otherwise directs.

Constitution of election court.

14. An election court for the trial of petitions under this Act shall be constituted as follows:

(1.) A petition shall be tried by a barrister qualified and appointed as herein-after provided, without a jury:

(2.) So soon as may be after a municipal election list is made out a copy thereof shall by the prescribed officer be transmitted to each of the judges for the time being on the rota for the trial of election petitions under the provisions of the Parliamentary Elections Act, 1868, and the said judges or any two of them shall forthwith determine the number of barristers, not exceeding five at any one time, necessary to be appointed for the trial of the petitions at issue, and shall appoint such number of barristers accordingly, and shall assign the petitions to be tried by them respectively:

(3.) No barrister shall be appointed or act for the purposes of this Act who is of less than fifteen years standing, or who is a member of Parliament, or who holds any office or place of profit under the Crown, other than that of a recorder, and no barrister shall try a petition relating to any borough for which he is recorder, or in which he resides, or which is included in a circuit of Her Majesty's judges on which he practises as a barrister:

(4.) If a barrister to whom the trial of a petition is assigned, dies, or declines or becomes incapable to act, the said judges or any two of them may assign the trial to be conducted or continued by any other of the barristers appointed as aforesaid:

(5.) The court shall for the purposes of the trial of a petition have all the same powers and privileges which a judge may have on the trial of an election petition under the provisions of the Parliamentary Elections Act, 1868, with this modification, that any fine or order of committal by the court may upon motion by the person aggrieved be discharged or varied by the superior court, or in vacation by a judge thereof, upon such terms, if any, as such superior court or judge thinks fit.

Trial of a petition.

15. The following provisions shall have effect with respect to the trial of a petition:

(1.) A petition shall be tried in open court, and notice of the time and place at which the petition will be tried shall be given not less than seven days before the day on which the trial is held, in the prescribed manner:

(2.) A petition shall be tried within the borough to which it relates; provided that, if it appear to the superior court that special circumstances exist which render it desirable that the petition should be tried elsewhere than in the borough, it shall be lawful for the superior court to appoint such other place for the trial as appears most convenient:

(3.) The court may adjourn the trial from time to time, and from any one place to any other place within the borough or place where it is held, as may seem expedient:

(4.) At the conclusion of the trial the court shall determine whether the person whose election is complained of, or any and what other person, was duly elected, or whether the election was void, and shall forthwith certify in writing the determination to the superior court, and upon the certificate being given the determination shall be final to all intents and purposes as to the matters at issue on the petition:

(5.) Where any charge is made in a petition of any corrupt practice or offence against this Act having been committed at the election to which the petition refers, the court shall, in addition to the certificate, and at the same time, report in writing to the superior court as follows:

(*a.*) Whether any corrupt practice or offence against this Act has or has not been proved to have been committed by or with the knowledge and consent of any candidate at the election, and the nature of such corrupt practice or offence against this Act;

(*b.*) The names of all persons (if any) who have been proved at the trial to have been guilty of any corrupt practice or offence against this Act;

(*c.*) Whether any corrupt practices have, or whether there is reason to believe that any corrupt practices have extensively prevailed at the election to which the petition relates, in the borough or in any ward thereof;

The court may at the same time make a special report to the superior court as to any matters arising in the course of the trial, an account of which, in the judgment of the court, ought to be submitted to the superior court:

(6.) Where, upon the application of any party to a petition made in the prescribed manner to the superior court, it appears to that court that the case raised by the petition can be conveniently stated as a special case, that court may direct the same to be stated accordingly, and any such special case shall be heard before the superior court, and the decision of the superior court shall be final:

(7.) If it appear to the court on the trial of a petition that any question of law as to the admissibility of evidence, or otherwise, requires further consideration by the superior court, the court may postpone the granting of a certificate until such question has been determined by the superior court, and for this purpose may reserve any such question, in like manner in which questions may be reserved by a judge on a trial at nisi prius:

(8.) On the trial of a petition, unless the court otherwise directs, any charge of a corrupt practice or offence against this Act may be gone into, and evidence in relation thereto received before any proof has been given of agency on behalf of any candidate in respect of such corrupt practice or offence:

(9.) On the trial of a petition complaining of an undue election and claiming the office for some person, the respondent may give evidence to prove that such person was not duly elected, in the same manner as if he had presented a petition against the election of such person:

(10.) The trial of a petition shall be proceeded with notwithstanding that the respondent has ceased to hold the office his election to which is questioned by the petition:

(11.) A copy of any certificate or report made to the superior court upon the trial of a petition or a statement of any decision made by the superior court shall by the superior court be transmitted to one of Her Majesty's Principal Secretaries of State:

(12.) A copy of any certificate made by the court to the superior court, or in the case of a decision by the superior court upon a special case a statement of such decision shall be certified by the superior court, under the hands of two or more judges of the superior court, to the town clerk of the borough to which the petition relates.

Provisions as to witnesses.

16. The following provisions shall have effect with respect to witnesses at the trial of a petition:

(1.) Witnesses shall be summoned and sworn in the same manner, as nearly as circumstances admit, as witnesses at a trial at nisi prius, and shall be liable to the same penalties for perjury:

(2.) On the trial of a petition the court may, by order in writing, compel the attendance of any person as a witness who appears to the court to have been concerned in the election to which the petition refers, and any person refusing to obey such order shall be guilty of contempt of court. The election court may examine any witness so compelled to attend, or any person in court although such witness is not called and examined by any party to the petition. After the examination of a witness by the election court such witness may be cross-examined by or on behalf of the petitioner and respondent, or either of them:

(3.) The provisions of the seventh section of the Act of the twenty-sixth and twenty-seventh of Her Majesty, chapter twenty-nine, relating to the examination and indemnity of witnesses, shall apply to any witness appearing before the court on the trial of a petition under this Act, and the certificate shall be given by the court; provided always, that the giving or refusal to give such certificate by the court shall be final and conclusive, and shall not be questioned by any proceeding or in any court whatsoever:

(4.) The reasonable expenses incurred by any person in appearing to give evidence at the trial of a petition according to the scale allowed to witnesses on the trial of civil actions at the assizes, may be allowed to such person by a certificate of the court or of the prescribed officer, and such expenses, if the witness was called and examined by the court, shall be deemed part of the expenses of providing a court, and in other cases shall be deemed to be costs of the petition.

17. The following provisions shall have effect with respect to the withdrawal and abatement of petitions: Withdrawal and abatement of petitions.

(1.) A petition shall not be withdrawn without the leave of the court or superior court upon special application, to be made in and at the prescribed manner, time, and place;

No such application shall be made for the withdrawal of a petition until the prescribed notice has been given in the borough to which the petition relates, of the intention of the petitioner to make an application for the withdrawal of his petition:

(2.) On the hearing of the application for withdrawal any person who might have been a petitioner in respect of the election to which the petition relates, may apply to the court or superior court to be substituted as a petitioner for the petitioner so desirous of withdrawing the petition:

The court or superior court may, if it think fit, substitute as a petitioner any such applicant as aforesaid; and may further, if the proposed withdrawal is in the opinion of the court or superior court induced by any corrupt bargain or consideration, by order direct that the security given on behalf of the original petitioner shall remain as security for any costs that may be incurred by the substituted petitioner, and that to the extent of the sum named in such security, the original petitioner and his sureties shall be liable to pay the costs of the substituted petitioner:

(3.) If no such order is made with respect to the security given on behalf of the original petitioner, security to the same amount as would be required in the case of a new petition, and subject to the like conditions, shall be given on behalf of the substituted petitioner before he proceeds with his petition, and within the prescribed time after the order of substitution:

(4.) Subject as aforesaid a substituted petitioner shall stand in the same position as nearly as may be, and be subject to the same liabilities, as the original petitioner;

If a petition is withdrawn, the petitioner shall be liable to pay the costs of the respondent;

Where there are more petitioners than one, no application to withdraw a petition shall be made except with the consent of all the petitioners:

(5.) A petition shall be abated by the death of a sole petitioner or of the survivor of several petitioners;

The abatement of a petition shall not affect the liability of the petitioner or of any other person to the payment of costs previously incurred;

On the abatement of a petition the prescribed notice of such abatement having taken place shall be given in the borough to which the petition relates, and within the prescribed time after the notice is given, any person who might have been a petitioner in respect of the election to which the petition relates, may apply to the court or superior court in and at the prescribed manner, time, and place, to be substituted as a petitioner;

The court or superior court may, if it think fit, substitute as a petitioner any such applicant who is desirous of being substituted and on whose behalf security to the same amount is given as is required in the case of a new petition.

18. The following provisions shall have effect with respect to the withdrawal and substitution of respondents upon a petition: Withdrawal and substitution of respondents.

(1.) If before the trial of a petition either of the following events happens in the case of a respondent other than a returning officer; viz.,

(*a.*) If he dies, resigns, or otherwise ceases to hold the office to which the petition relates; or

(*b.*) If he gives the prescribed notice that he does not intend to oppose the petition;

Notice of such event having taken place shall be given in the borough to which the petition relates, and within the prescribed time after the notice is given

any person who might have been a petitioner in respect of the election to which the petition relates, may apply to the court or superior court to be admitted as a respondent to oppose the petition, and such person shall be admitted accordingly, and any number of persons not exceeding three may be so admitted:

(2.) A respondent who has given the prescribed notice that he does not intend to oppose the petition, shall not be allowed to appear or act as a party against such petition in any proceedings thereon.

Costs on petitions.

19. The following provisions shall have effect with respect to costs on the trial of a petition:

(1.) All costs, charges, and expenses of and incidental to the presentation of a petition, and to the proceedings consequent thereon, with the exception of such costs, charges, and expenses as are by this Act otherwise provided for, shall be defrayed by the parties to the petition in such manner and in such proportions as the court by which the petition is tried may determine; and in particular any costs, charges, or expenses which in the opinion of the court by which the petition is tried have been caused by vexatious conduct, unfounded allegations, or unfounded objections on the part either of the petitioner or the respondent, and any needless expense incurred or caused on the part of petitioner or respondent, may be ordered to be defrayed by the parties by whom it has been incurred or caused, whether such parties are or not on the whole successful:

(2.) The costs may be taxed in the prescribed manner, but according to the same principles as costs between attorney and client in a suit in the High Court of Chancery, and such costs may be recovered in the same manner as the costs of an action at law, or in such other manner as may be prescribed:

(3.) If any petitioner neglect or refuse for the space of three months after demand to pay to any person summoned as a witness on his behalf, or to the respondent, any sum certified to be due to him for his costs, charges, and expenses, and if such neglect or refusal be, within one year after such demand, proved to the satisfaction of the superior court, every person who has entered into a recognizance relating to such petition under the provisions of this Act shall be held to have made default in his said recognizance, and the prescribed officer shall thereupon certify such recognizance to be forfeited, and the same shall be dealt with in the same manner as a forfeited recognizance under the provisions of the Parliamentary Elections Act, 1868.

Reception of and attendance on the Court.

20. The following provisions shall have effect with reference to the reception of the court upon the trial of a petition:

(1.) The town clerk of a borough in respect of which a petition is to be tried shall provide proper accommodation for holding the election court; and any expenses incurred by him for the purposes of this section shall be paid by the treasurer of the borough out of the borough fund or rate:

(2.) All superintendents of police, chief constables, headboroughs, gaolers, constables, and bailiffs, shall give their assistance to the court in the execution of the duties of the said court, and if any gaoler or officer of a prison makes default in receiving or detaining a prisoner committed thereto in pursuance of the provisions of this Act he shall incur a penalty not exceeding five pounds for every day during which such default continues:

(3.) The court may employ such officers and clerks as may be allowed by general rules to be made under the provisions of this Act:

(4.) A shorthand writer shall attend at the trial of a petition, and shall be sworn by the court faithfully and truly to take down the evidence given at the trial, and shall take down the evidence at length, and a copy of the evidence so taken shall accompany the certificate of the said court, and the expenses of the shorthand writer, according to a scale to be prescribed, shall be deemed to be part of the expenses incurred in receiving the court.

Jurisdiction and general rules.

21. The following provisions shall have effect with respect to jurisdiction, and to general rules:

(1.) The judges for the time being on the rota for the trial of election petitions under the provisions of the Parliamentary Elections Act, 1868, may from time to time make, revoke, and alter general rules for the effectual execution of this Act, and of the intention and object thereof, and the regulation of the practice, procedure, and costs of petitions, and the trial thereof, and the certifying and reporting thereon;

Any general rules made as aforesaid shall, in so far as they are not inconsistent with any of the provisions of this Act, be deemed to be within the powers conferred by this Act, and shall be of the same force as if they were enacted in the body of this Act;

Any general rules made in pursuance of this section shall be laid before Parliament within three weeks after they are made, if Parliament be then sitting, and if Parliament be not then sitting, within three weeks after the beginning of the then next session of Parliament:

(2.) Until general rules have been made in pursuance of this Act, and so far as such rules (when made), and the provisions of this Act, do not extend, the principles, practice, and rules which are for the time being observed in the case of election petitions under the provisions of the Parliamentary Elections Act, 1868, shall be observed so far as may be by the court and superior court in the case of petitions under this Act:

(3.) The duties to be performed by the prescribed officer under this Act shall be performed by the prescribed officer of the superior court:

(4.) The rules and principles with regard to agency and evidence, and with regard to a scrutiny, and with regard to the declaring any person to be elected in the room of any other person who is declared to have been not duly elected, which are applicable in the case of parliamentary election petitions shall be applied so far as they are applicable in the case of a petition under this Act:

(5.) The superior court shall, subject to the provisions of this Act, have the same powers, jurisdiction, and authority with reference to an election petition and the proceedings thereon as it would have if the petition were an ordinary cause within its jurisdiction.

Miscellaneous Provisions.

Expenses of the Court.

22. The remuneration and allowances to be paid to a barrister for his services in respect of the trial of a petition, and to any officers, clerks, or shorthand writers employed under the provisions of this Act, shall be fixed by a scale which shall be made and may be varied from time to time by the election judges on the rota for the trial of election petitions under the provisions of the Parliamentary Elections Act, 1868, with the approval of the Commissioners of Her Majesty's Treasury, or any two or more of them, and the amount of any such remuneration and allowances shall be paid by the said Commissioners, and shall be repaid to the said Commissioners on their certificate, by the treasurer of the borough to which the petition relates, out of the borough fund or rate:

Provided that the court at its discretion may order that the whole or any part of such remuneration and allowances, or the whole or any part of the expenses incurred by a town clerk for receiving the court under the provisions of this Act, shall be repaid to the said commissioners or to the town clerk, as the case may be, in the cases, by the persons, in the manner following; viz.,

(*a.*) When in the opinion of the court a petition is frivolous and vexatious, then by the petitioner;

(*b.*) When in the opinion of the court a respondent has been personally guilty of corrupt practices at the election, then by such respondent:

And any order so made for the repayment of any sum by a petitioner or respondent may be enforced in the same way as an order for payment of costs; but any other costs or expenses payable by such petitioner or respondent to any party to the petition shall be

satisfied out of any deposit or security made or given under the provisions of this Act before such deposit or security is applied for the repayment of any sum under an order made in pursuance of this section.

Acts done pending a petition not to be invalidated.

23. Where a candidate who has been elected to an office at an election is by a certificate of the court, or by a decision of the superior court, declared not to have been duly elected, acts done by him in execution of such office before the time when the certificate or decision is certified to the town clerk, shall not be invalidated by reason of his being so declared not to have been duly elected.

Provisions as to elections in the room of persons unseated on petition.

24. Where upon a petition the election of any person to an office has been declared void, and no other person has been declared elected in his room, a new election shall forthwith be held to supply the vacancy in the same manner as in the case of an extraordinary vacancy in the office; and for the purposes of any such new election any duties to be performed by a mayor, alderman, or any officer, shall, if such mayor, alderman, or officer has been declared not elected, be performed by a deputy, or other person who might have acted for him if he had been incapacitated by illness.

Computation of time.

25. In reckoning time for the purposes of this Act, Sunday, Christmas Day, Good Friday, and any day set apart for a public fast or public thanksgiving shall be excluded.

Prohibition of disclosure of vote.

26. No person who has voted at an election by ballot shall in any proceeding to question the election be required to state for whom he has voted.

Act not to apply to Scotland.

27. This Act shall not apply to Scotland.

Application of Act as herein named to Ireland.

28. This Act shall apply to Ireland; provided as follows:

(1.) "The superior court" means the Court of Common Pleas at Dublin:

(2.) "Borough" means a place for the time being subject to the provisions of the Act of the third and fourth of Her Majesty, chapter one hundred and eight, intituled "An Act for the regulation of Municipal Corporations in Ireland," the Act of the ninth of George the Fourth, chapter eighty-two, the Towns Improvement (Ireland) Act, 1854, or of any local and personal Act providing for the election of commissioners in any towns or places for purposes similar to the purposes of the said Acts:

(3.) "Office" means either of the offices of mayor, alderman, councillor, commissioner, municipal cammissioner, town commissioner, township commissioner, or assessor, of any borough:

(4.) "Town clerk" includes a clerk to commissioners:

(5.) "Borough rate or fund" includes any rate, fund, or assessment out of which the expenses of any election to an office in a borough may be defrayed:

(6.) "County court" means a civil bill court:

(7.) "Register" has the same meaning as the term "Register of Voters" in Part II. of the First Schedule to the Ballot Act, 1872, as applied to Ireland:

(8.) "One of Her Majesty's Principal Secretaries of State" shall be construed to mean the Chief Secretary to the Lord Lieutenant of Ireland for the time being:

(9.) Petitions questioning the election of any person to any office at an election for a borough or ward on the grounds set forth in section 12 of this Act may be presented to the court as defined by the Local Government (Ireland) Act, 1871, and the same shall be presented and tried in the manner and subject to the provisions of the said Act relating to controverted elections as the same are modified by this Act; and the terms "election court" or "court" and "prescribed" in this Act shall be construed to have the same meanings respectively as the terms "court" and "prescribed" in the said Act:

(10.) Where under the provisions of this Act any general rules may be made, the same shall be made by the court in the manner and subject to the provisions of section 21 of the Local Government (Ireland) Act, 1871:

(11.) Sections 13 and 14, sub-sections (1.), (2.), and (3.) of section 15, and sub-sections (1.) and (2.) of section 20, shall not extend or apply to Ireland.

29. The Acts mentioned in the Schedule to this Act are repealed to the extent therein mentioned; but such repeal shall not affect the validity or invalidity of anything already done or suffered, or any offence already committed, or any remedy or proceeding in respect thereof, or the proof of any past act or thing. Repeal of Acts as in Schedule.

SCHEDULE.

ACTS REPEALED.

5 & 6 Will. 4. c. 76. ss. 54 to 56, both inclusive.
22 Vict. c. 35. ss. 9 to 14, both inclusive.
3 & 4 Vict. c. 108. ss. 90, 91.

CHAPTER 61.

An Act to regulate the use of Steam Whistles in certain Manufactories.

[6th August 1872.]

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, as follows:

1. This Act shall not apply to Scotland. Not to apply to Scotland.

2. No person shall use or employ in any manufactory, or any other place, any steam whistle or steam trumpet for the purpose of summoning or dismissing workmen or persons employed without the sanction of the sanitary authority, and every person offending against this section shall be liable to a penalty not exceeding five pounds, and to a further penalty not exceeding forty shillings for every day during which such offence continues: Provided always, that the sanitary authority, in case they have sanctioned the use of any such instrument as aforesaid, may at any time revoke such sanction on giving one month's notice to the person using the same: Provided also, that it shall be lawful for the Local Government Board, on representation made to them by any person that he is prejudicially affected by such sanction, to revoke the same, and such revocation shall have the same force and effect as if it had been made by the sanitary authority. Use of steam whistles and trumpets.

3. "Sanitary authority" means the authority at the time being empowered to execute the Nuisance Removal Acts, as defined and extended by The Sanitary Act, 1866. Definition.

4. All offences and penalties under this Act may be prosecuted and recovered in England in manner directed by the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three, and any Acts amending the same, and in Ireland, in the police district of Dublin metropolis, in manner directed by the Acts regulating the powers and duties of justices of the peace for such district, or of the police of that district, and elsewhere in manner directed by the Petty Sessions (Ireland) Act, 1851, and any Act amending the same. Legal procedure.