pay the same under the preceding section of this Act, and shall be recoverable either before the work shall be commenced, or during its progress, or after its completion, from the owner of the premises, either by action-at-law or in a summary manner before a justice of the peace at the option of the vestry or district board, as provided for by the two hundred and twenty-fifth section of the said Act of the eighteenth and nineteenth years of the reign of Her present Majesty Queen Victoria.

Vestry or board to keep flagging in repair.

3. After any vestry or district board has flagged any footway under the provisions of this Act, the said vestry or board shall keep the said flagging in good and sufficient repair.

Interpretation of terms.

4. In the construction of this Act all the provisions contained in the two hundred and fiftieth section of the said Act of the eighteenth and nineteenth Victoria, chapter one hundred and twenty, and the one hundred and twelfth section of the said Act of the twenty-fifth and twenty-sixth Victoria, chapter one hundred and two, shall be deemed and taken to apply to and extend to the provisions of this Act, and the term "flag" or "flagging" shall include asphalte or other similar paving material, and the term "paved" shall include asphalted or other similar paved work.

Construction of Act.

5. Except as by this Act expressly amended or varied, the said Act of the session of the eighteenth and nineteenth Victoria, chapter one hundred and twenty, and the several Acts passed for the amendment of the said Act and this Act shall be construed together as one Act.

Short title.

6. This Act may be cited as the Metropolis Management Act, 1862, Amendment Act, 1890.

CHAPTER 55.

An Act for the better prevention of Corrupt and Illegal Practices at Elections in Scotland other than Parliamentary elections. [18th August 1890.]

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:

Short title.

1. This Act may be cited as the Elections (Scotland) (Corrupt and Illegal Practices) Act, 1890, and shall apply to elections to any corporate office as defined by section two hereof.

Definitions.

2. "Burgh" includes royal burgh, parliamentary burgh, burgh of barony, burgh of regality, and police burgh formed under any general police Act, and the burgh of Coatbridge in the county of Lanark:

"Corporate office" means the office of county councillor, town councillor, or police commissioner of a burgh, member of parochial board, or member of school board:

"Election" means an election to a corporate office as defined by this Act:

"Bribery," "treating," "undue influence," and "personation," include respectively anything done before, at, after, or with respect to an election under this Act, which, if done before, at, after, or with respect to a parliamentary election, would make the person doing the same liable to any penalty, punishment, or disqualification for bribery, treating, undue influence, or personation, as the case may be, under any Act for the time being in force with respect to parliamentary elections:

"Corrupt practice" means treating and undue influence as defined by the Corrupt and Illegal Practices Prevention Act, 1883, and bribery and personation, as defined by the enactments set forth in the First Schedule to this Act, and aiding, abetting, counselling, and procuring the commission of the offence of personation: 46 & 47 Vict. c. 51.

"Candidate" means a person elected, or having been nominated, or having declared himself a candidate for election, to a corporate office:

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

"Election petition" means a petition under this Act complaining of an undue election:

"Licensing Acts" means the Acts regulating the licensing of premises for the sale of intoxicating liquors in Scotland:

"Parliamentary election petition" means a petition under the Parliamentary Elections Act, 1868: 31 & 32 Vict. c. 125.

"Prescribed" means prescribed by general rules made under this Act:

"Revising authority" means the sheriff:

"Election," when used with reference to a petition, means the election to which the petition relates:

Other expressions shall have the same meaning as in the Corrupt and Illegal Practices Prevention Act, 1883. 46 & 47 Vict. c. 51.

Corrupt Practices.

3. A person who commits any corrupt practice in reference to an election under this Act shall be guilty of the like offence, and shall on conviction be liable to the like punishment, and subject to the like incapacities, as if the corrupt practice had been committed in reference to a parliamentary election. General penalties for corrupt practices.

4.—(1.) Where upon the trial of an election petition it is found by the election court that any corrupt practice, other than treating and undue influence, has been proved to have been committed in reference to such election by or with the knowledge and consent of any candidate at such election, or that the offence of treating or undue influence has been proved to have been committed in reference to such election by any candidate thereat, that candidate shall not be capable of ever holding a corporate office, and if he has been elected his election shall be void; and he shall further Incapacity of candidate guilty of corrupt practice.

be subject to the same incapacities as if at the date of the said finding he had been convicted of a corrupt practice.

(2.) If the election court finds that any candidate at such election has been guilty by his agents of a corrupt practice in reference to such election, that candidate shall not be capable of being elected to or holding any corporate office during a period of three years from the date of the finding, and, if he has been elected, his election shall be void.

Avoidance of election for general corruption.

5. An election shall be wholly avoided by such general corruption, bribery, treating, or intimidation at the election, as would by the common law of Parliament avoid a parliamentary election.

Striking off votes.

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

Personation.

7. The enactments 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 an election under this Act.

Illegal Practices.

Certain expenditure to be illegal practice.

8.—(1.) No payment or contract for payment shall, for the purpose of promoting or procuring the election of a candidate at an election, be made—

(*a.*) on account of the conveyance of electors to or from the poll whether for the hiring of horses or carriages, or for railway fares, or otherwise; or

(*b.*) to an elector on account of the use of any house, land, building, or premises for the exhibition of any address, bill, or notice, or on account of the exhibition of any address, bill, or notice; or

(*c.*) on account of any committee room in excess of the number allowed by this Act (that is to say), one committee room if the number of electors is less than two thousand, and one additional committee room for every two thousand electors and incomplete part of two thousand electors, over and above the said two thousand.

(2.) Subject to such exception as may be allowed in pursuance of this Act, if any payment or contract for payment is knowingly made in contravention of this section, either before, during, or after an election, the person making such payment or contract shall be guilty of an illegal practice, and any person receiving such payment or being a party to any such contract, knowing the same to be in contravention of this Act, shall also be guilty of an illegal practice.

(3.) Provided that where it is the ordinary business of an elector as an advertising agent to exhibit for payment bills and advertisements, a payment to or contract with such elector if made in the ordinary course of business, shall not be deemed to be an illegal practice within the meaning of this section.

Expense in excess of the maximum to be illegal practice.

9.—(1.) Subject to such exception as may be allowed in pursuance of this Act, no sum shall be paid and no expense shall be incurred by or on behalf of a candidate at an election, whether before, during, or after an election, on account of or in respect of the conduct or management of such election, save that a sum may be paid and expense incurred not in excess of the maximum amount following; (that is to say,)

The sum of twenty-five pounds, and, if the number of electors entitled to vote for such candidate exceeds five hundred, an additional amount of threepence for each elector above the first five hundred electors.

(2.) Where there are two or more joint candidates at an election the maximum amount of expenses shall, for each of such joint candidates, be reduced by one fourth, or if there are more than two joint candidates by one third.

(3.) Where two or more candidates at an election, by themselves or any agent or agents, hire or use the same committee rooms for such election, or employ or use the services of the same clerks, messengers, or polling agent at such election, or publish a joint address or joint circular or notice at such election, those candidates shall be deemed for the purposes of this enactment to be joint candidates at such election: Provided that—

(*a.*) The employment and use of the same committee room, clerk, messenger, or polling agent, if accidental or casual, or of a trivial and unimportant character, shall not be deemed of itself to constitute persons joint candidates;

(*b.*) Nothing in this enactment shall prevent candidates from ceasing to be joint candidates;

(*c.*) Where any excess of expenses above the maximum allowed for one of two or more joint candidates has arisen owing to his having ceased to be a joint candidate, or to his having become a joint candidate after having begun to conduct his election as a separate candidate, and such ceasing or beginning was in good faith, and such excess is not more than, under the circumstances, is reasonable, and the total expenses of such candidate do not exceed the maximum amount allowed for a separate candidate, such excess shall be deemed to have arisen from a reasonable cause within the meaning of the enactments respecting the allowance by the election court of an exception from the provisions of this Act which would otherwise make an act an illegal practice, and the candidate may be relieved accordingly from the consequences of having incurred such excess of expenses.

(4.) Any candidate or agent of a candidate or person who knowingly acts in contravention of this section shall be guilty of an illegal practice.

Voting by prohibited persons, and publishing of false state-

10.—(1.) If any person votes or induces or procures any person to vote at an election, knowing that he or such person is prohibited, whether by this or any other Act, from voting at such election, he shall be guilty of an illegal practice.

ments of withdrawal to be illegal.

(2.) Any person who, before or during an election, knowingly publishes a false statement of the withdrawal of a candidate at such election, for the purpose of promoting or procuring the election of another candidate, shall be guilty of an illegal practice.

(3.) Provided that a candidate shall not be liable, nor shall his election be avoided, for any illegal practice under this section committed without his knowledge and consent.

Punishment on conviction of illegal practice.

11. A person guilty of an illegal practice in reference to an election shall, on summary conviction, be liable to a fine not exceeding one hundred pounds, and be incapable, during a period of five years from the date of his conviction, of being registered as an elector or voting at any election (whether it be a parliamentary election or an election for a corporate office within the meaning of this Act) held for or within the county, burgh, or parish in which the illegal practice has been committed.

Incapacity of candidate guilty of illegal practice.

12. Where, upon the trial of an election petition it is found that a candidate at an election has been guilty, by himself or his agents, of an illegal practice in reference to such election, the candidate shall not be capable of being elected to or of holding any corporate office during the period for which he was elected to serve or for which, if elected, he might have served, and if he was elected, his election shall be void; and, if such candidate has himself been guilty of such illegal practice, he shall also be subject to the same incapacities as if, at the date of the finding, he had been convicted of such illegal practice.

Illegal Payment, Employment, and Hiring.

Providing of money for illegal practice or payment to be illegal practice.

13. Where a person knowingly provides money for any payment which is contrary to the provisions of this Act, or for any expenses incurred in excess of any maximum amount allowed by this Act, or for replacing any money expended in any such payment, except where the same may have been previously allowed, in pursuance of this Act, to be an exception, such person shall be guilty of illegal payment.

Employment of hackney carriages or of carriages and horses kept for hire.

14.—(1.) A person shall not let, lend, or employ, for the purpose of the conveyance of electors to or from the poll at an election, any public stage or hackney carriage, or any horse or other animal kept or used for drawing the same, or any carriage, horse, or other animal which he keeps or uses for the purpose of letting out for hire, and if he lets, lends, or employs such carriage, horse, or other animal, knowing that it is intended to be used for the purpose of the conveyance of electors to or from the poll, he shall be guilty of illegal hiring.

(2.) A person shall not hire, borrow, or use, for the purpose of the conveyance of electors to or from the poll, any carriage, horse, or other animal which he knows the owner thereof is prohibited by this section to let, lend, or employ for that purpose, and if he does so he shall be guilty of illegal hiring.

(3.) Nothing in this Act shall prevent a carriage, horse, or other animal being let to or hired, employed, or used by an elector, at his

own cost, or by several electors, at their joint cost, for the purpose of conveying him or them to or from the poll.

(4.) No person shall be liable to pay any duty or to take out a licence for any carriage by reason only of such carriage being used without payment or promise of payment for the conveyance of electors to or from the poll at an election.

Corrupt withdrawal from a candidature.

15. Any person who corruptly induces or procures any other person to withdraw from being a candidate at an election, in consideration of any payment or promise of payment, shall be guilty of illegal payment, and any person withdrawing in pursuance of such inducement or procurement shall also be guilty of illegal payment.

Certain expenditure to be illegal payment.

16.—(1.) No payment or contract for payment shall, for the purpose of promoting or procuring the election of a candidate at an election, be made on account of bands of music, torches, flags, banners, cockades, ribbons, or other marks of distinction.

(2.) Subject to such exception as may be allowed in pursuance of this Act, if any payment or contract for payment is made in contravention of this section, either before, during, or after an election, the person making such payment shall be guilty of illegal payment, and any person being a party to any such contract or receiving such payment shall also be guilty of illegal payment if he knew that the same was made contrary to law.

Certain employment to be illegal.

17.—(1.) No person shall, for the purposes of promoting or procuring the election of a candidate at an election, be engaged or employed for payment or promise of payment for any purpose or in any capacity whatever, except as follows (that is to say),

(*a.*) a number of persons may be employed, not exceeding two if the number of electors is less than two thousand, and one additional person may be employed for every thousand electors and incomplete part of a thousand electors over and above the said two thousand, and such persons may be employed as clerks and messengers, or in either capacity; and

(*b.*) one polling agent may be employed in each polling station:

Provided that this section shall not apply to any engagement or employment for carrying into effect a contract bonâ fide made with any person in the ordinary course of business.

(2.) Subject to such exception as may be allowed in pursuance of this Act, if any person is engaged or employed in contravention of this section, either before, during, or after an election, the person engaging or employing him shall be guilty of illegal employment, and the person so engaged or employed shall also be guilty of illegal employment if he knew that he was engaged or employed in contravention of this Act.

(3.) A person legally employed for payment under this section may or may not be an elector, but may not vote.

Name and address of printer on placards.

18. Every bill, placard, or poster having reference to an election shall bear upon the face thereof the name and address of the printer and publisher thereof; and any person printing, publishing, or posting, or causing to be printed, published, or posted,

any such bill, placard, or poster as aforesaid, which fails to bear upon the face thereof the name and address of the printer and publisher, shall, if he is a candidate, be guilty of an illegal practice, and, if he is not the candidate, shall be liable on summary conviction to a fine not exceeding one hundred pounds.

Saving for creditors.

19. The provisions of this Act prohibiting certain payments and contracts for payments, and the payment of any sum, and the incurring of any expense, in excess of a certain maximum, shall not affect the right of any creditor who, when the contract was made or the expense was incurred, was ignorant of the same being in contravention of this Act.

Use of certain premises for committee rooms or meetings to be illegal hiring.

20.—(1.) (*a.*) Any premises, which are licensed for the sale of any intoxicating liquor for consumption on or off the premises or on which refreshment of any kind (whether food or drink) is ordinarily sold for consumption on the premises, or

(*b.*) Any premises where any intoxicating liquor is supplied to members of a club, society, or association, on any part of any such premises,

shall not, for the purpose of promoting or procuring the election of a candidate at an election, be used either as a committee room or for holding a meeting, and if any person hires or uses any such premises or any part thereof in contravention of this section he shall be guilty of illegal hiring, and the person letting or permitting the use of such premises or part thereof, if he knew it was intended to use the same, in contravention of this section, shall also be guilty of illegal hiring.

(2.) Provided that nothing in this section shall apply to any part of such premises which is ordinarily let for the purpose of chambers or offices or the holding of public meetings or of arbitrations, if such part has a separate entrance and no direct communication with any part of the premises on which any intoxicating liquor or refreshment is sold or supplied as aforesaid.

Punishment of illegal payment, employment, or hiring.

21.—(1.) A person guilty of an offence of illegal payment, employment, or hiring shall, on summary conviction, be liable to a fine not exceeding one hundred pounds.

(2.) Where an offence of illegal payment, employment, or hiring is committed by a candidate, or with his knowledge and consent, such candidate shall be guilty of an illegal practice.

Avoidance of election for extensive illegal practices, &c.

22. Where upon the trial of an election petition it is found that illegal practices or offences of illegal payment, employment, or hiring, committed in reference to such election for the purpose of promoting the election of a candidate at that election, have so extensively prevailed that they may be reasonably supposed to have affected the result of that election, the election of such candidate, if he has been elected, shall be void, and he shall not, during the period for which he was elected to serve, or for which, if elected, he might have served, be capable of being elected to or holding any corporate office.

Excuse and Exception for Corrupt or Illegal Practice, or Illegal Payment, Employment, or Hiring.

Exoneration of candidate in certain cases of corrupt and illegal practice by agents.

23. Where, upon the trial of an election petition, the election court finds that a candidate at any election has been guilty by his agents of the offence of treating and undue influence, and illegal practice, or of any of such offences, in reference to such election, and the election court further finds—

(*a.*) That no corrupt or illegal practice was committed at such election by the candidate or with his knowledge or consent, and the offences were committed without the sanction or connivance of such candidate; and

(*b.*) That all reasonable means for preventing the commission of corrupt and illegal practices at such election were taken by and on behalf of the candidate; and

(*c.*) That the offences were of a trivial, unimportant, and limited character; and

(*d.*) That in all other respects the election was free from any corrupt or illegal practice on the part of such candidate and of his agents;

then the election of such candidate shall not, by reason of the offences mentioned in such finding, be void, nor shall the candidate be subject to any incapacity under this Act.

Power of election court to except innocent act from being illegal practice, &c.

24. Where, on application made, it is shown to the election court, by such evidence as seems to the court sufficient—

(*a.*) That any act or omission of a candidate at an election or of any agent or other person, would, by reason of being in contravention of any of the provisions of this Act, be but for this section an illegal practice, payment, employment, or hiring; and

(*b.*) That such act or omission arose from inadvertence or from accidental miscalculation or from some other reasonable cause of a like nature, and in any case did not arise from any want of good faith; and

(*c.*) That such notice of the application has been given as to the court seems fit;

and under the circumstances it seems to the court to be just that the said candidate, agent, and person, or any of them, should not be subject to any of the consequences under this Act of the said act or omission, the court may make an order allowing such act or omission to be an exception from the provisions of this Act which would otherwise make the same an illegal practice, payment, employment, or hiring, and thereupon such candidate, agent, or person shall not be subject to any of the consequences under this Act of the said act or omission.

Claims and Payments for Election Expenses.

Sending in claims and making payments for election expenses.

25.—(1.) Every claim against any person in respect of any expenses incurred by or on behalf of a candidate at an election on account of or in respect of the conduct or management of such election shall be sent in within fourteen days after the day

of election, and if not so sent in shall be barred and not paid, and all expenses incurred as aforesaid shall be paid within twenty-one days after the day of election, and not otherwise, and any person who makes a payment in contravention of this section, except where such payment is allowed as provided by this section, shall be guilty of an illegal practice, but if such payment was made without the sanction or connivance of the candidate, the election of such candidate shall not be void, nor shall he be subject to any incapacity under this Act by reason only of such payment having been made in contravention of this section.

(2.) Every agent of a candidate shall, within twenty-three days after the day of election, make a return to the candidate in writing of all expenses incurred by such agent on account of or in respect of the conduct or management of such election, and if he fails so to do he shall be liable, on a summary conviction, to a fine not exceeding fifty pounds.

(3.) Within twenty-eight days after the day of an election every candidate at such election shall send to the prescribed officer a return of all expenses incurred by such candidate or his agents on account of or in respect of the conduct or management of such election, vouched (except in the case of sums under twenty shillings) by bills stating the particulars and receipts, and accompanied by a declaration by a candidate made before a justice of the peace in the form set forth in the Second Schedule to this Act, or to the like effect.

(4.) After the expiration of the time for making such return and declaration, the candidate, if elected, shall not, until he has made the return and declaration (in this Act referred to as the return and declaration respecting election expenses), or until the date of the allowance of such authorised excuse, as is mentioned in this Act, sit or vote in respect of any corporate office to which he has been elected as aforesaid, and if he does so, shall forfeit fifty pounds for every day on which he so sits or votes to any person who sues for the same.

(5.) If the candidate, without such authorised excuse as is mentioned in this Act, fails to make the said return and declaration, he shall be guilty of an illegal practice, and if he knowingly makes the said declaration falsely, he shall be guilty of an offence, and on conviction thereof shall be liable to the punishment for wilful and corrupt perjury, and such offence shall also be deemed to be a corrupt practice within the meaning of this Act.

(6.) The election court for the county in which the election was held, may, on application either of the candidate or a creditor, allow any claim to be sent in and any expenses to be paid after the time limited by this section, and a return of any sum so paid shall forthwith after payment be sent to the prescribed officer.

(7.) If the candidate applies to the election court, and shows that the failure to make the said return and declaration, or either of them, or any error or false statement therein, has arisen by reason of his illness or absence, or of the absence, death, illness, or misconduct of any agent, clerk, or officer, or by reason of inadvertence,

or of any reasonable cause of a like nature, and not by reason of any want of good faith on the part of the applicant, the court may, after such notice of the application and on production of such evidence of the grounds stated in the application, and of the good faith of the applicant, and otherwise as to the court seems fit, make such order for allowing the authorised excuse for the failure to make such return and declaration, or for an error or false statement in such return or declaration as to the court seems just.

(8.) The order may make the allowance conditional upon compliance with such terms as to the court seem calculated for carrying into effect the objects of this Act, and the order shall relieve the applicant from any liability or consequences under this Act in respect of the matters excused by the order.

(9.) The date of the order, or if the conditions and terms are to be complied with, the date at which the applicant fully complies with them, is referred to in this Act as the date of the allowance of the excuse.

(10.) The return and declaration sent in pursuance of this Act to the prescribed officer shall be kept at his office, and shall at all reasonable times during the twelve months next after they are received by him be open to inspection by any person on payment of the fee of one shilling, and the prescribed officer shall, on demand, furnish copies thereof or of any part thereof at the price of twopence for every seventy-two words.

(11.) After the expiration of the said twelve months the prescribed officer may cause the return and declaration to be destroyed, or if the candidate so require shall return the same to him.

Disqualification of Electors.

Prohibition of persons guilty of offences from voting.

26. Every person guilty of a corrupt or illegal practice or of illegal employment, payment, or hiring at an election, is prohibited from voting at such election, and if any such person votes, his vote shall be void, and shall be struck off on a scrutiny.

Prohibition of disqualified persons from voting.

27. Every person who, in consequence of conviction or of the finding of any election court under this Act or under any other Act for the time being in force relating to corrupt practices at an election for any public office, has become incapable of voting at any election, whether a parliamentary election or an election to any public office, is prohibited from voting at any such election, and his vote shall be void.

Hearing of person before he is found guilty of corrupt or illegal practice, and incapacity of person found guilty.

28.—(1.) Before a person, not being a party to an election petition nor a candidate on behalf of whom the seat is claimed by an election petition, is found by an election court to have been guilty at an election of any corrupt or illegal practice, the court shall cause notice to be given to such person, and if he appears in pursuance of the notice, shall give him an opportunity of being heard by himself, and of calling evidence in his defence.

(2.) Every person who, after the commencement of this Act, is found by an election court to have been guilty of any corrupt or

illegal practice at an election, shall, whether he obtained a certificate of indemnity or not, be subject to the same incapacity as he would be subject to if he had at the date of such election been convicted of the offence of which he is found guilty.

(3.) Where a person who is a justice of the peace is found by an election court to have been found guilty of any corrupt practice in reference to an election, whether he has obtained a certificate of indemnity or not, it shall be the duty of Her Majesty's advocate to report the case to the Lord High Chancellor of Great Britain, with such evidence as may have been given of such corrupt practice, and where any such person acts as a justice of the peace by virtue of his being or having been provost or chief magistrate of a burgh or convener of a county, the Lord High Chancellor shall have the same power to remove such person from being a justice of the peace as if he was named in a commission of the peace.

(4.) Where a person who is an advocate or enrolled law agent or who belongs to any profession the admission to which is regulated by law, is found by an election court to have been guilty of any corrupt practice in reference to an election, whether such person has obtained a certificate of indemnity or not, it shall be the duty of Her Majesty's advocate to bring the matter before the tribunal having power to take cognizance of any misconduct of such person in his profession, and such tribunal may deal with such person in like manner as if such corrupt practice were misconduct by such person in his profession.

(5.) With respect to a person holding a licence or certificate under the Licensing Acts (in this section referred to as a licensed person) the following provisions shall have effect:—

(*a.*) If it appears to the election court by which any licensed person is convicted of the offence of bribery or treating that such offence was committed on his licensed premises, the court shall direct such conviction to be entered in the proper register of licences.

(*b.*) If it appears to an election court that a licensed person has knowingly suffered any bribery or treating in reference to any election to take place upon his licensed premises, such court (subject to the provisions of this Act as to a person having an opportunity of being heard by himself and producing evidence in his defence) shall find the same; and, whether such person has obtained a certificate of indemnity or not, it shall be the duty of Her Majesty's advocate to bring such finding before the licensing justices from whom or on whose certificate the licensed person obtained his licence, and such licensing justices shall cause such finding to be entered in the proper register of licences.

(*c.*) Where an entry is made in the registry of licences of any such conviction of or finding respecting any licensed person as above in this section mentioned, it shall be taken into consideration by the licensing justices in determining whether they will or will not grant to such person the renewal of his licence

or certificate, and may be a ground, if the justices think fit, for refusing such renewal.

Omission from list of voters of persons incapacitated from voting by corrupt or illegal practices.

29.—(1.) Every assessor or other person charged with the duty of making up the register of voters or list of persons entitled to vote at an election under this Act shall omit therefrom the name of every person who, though otherwise qualified to be placed thereon, has under this Act, or under the Corrupt and Illegal Practices Prevention Act, 1883, or under any other Act for the time being in force relating to a parliamentary election or an election to any corporate office, become after the commencement of this Act, by reason of conviction of a corrupt or illegal practice, or of being found guilty thereof by any election court or election commissioners, for the time being incapable of voting at an election.

(2.) For the purpose of making such omissions every such assessor or other person shall procure from the sheriff clerk of the county in which such assessor or other officer acts a list of those persons who have been convicted or found guilty of a corrupt or illegal practice at any election within the jurisdiction of the election court of such county whether a parliamentary election or an election to any corporate office as defined by this Act.

(3.) Any person so omitted from the register may claim to have his name inserted therein, and any person entitled to object to any entry in such register may object to the omission of the name of any person from such register. Such claims and objections shall be sent in within the same time and be dealt with in like manner, and any such objections shall be served on the person referred to therein in like manner, as nearly as circumstances admit, as other claims and objections under the enactments relating to the registration of voters.

(4.) The revising authority shall determine such claims and objections and shall revise such register in like manner, as nearly as circumstances admit, as in the case of other claims and objections.

(5.) Where it appears to the revising authority that a person named in the register has been convicted of a corrupt and illegal practice, or has been found incapable of voting at an election, he shall (whether an objection to the insertion of such name in the list has or has not been made), but after giving such person an opportunity of making a statement to show cause to the contrary, expunge his name from the register.

(6.) A revising authority in acting under this section shall determine only whether a person is incapacitated by conviction or by the finding of any election court, and shall not determine whether a person has or has not been guilty of any corrupt or illegal practice.

(7.) Any assessor or other officer who fails to comply with the provisions of this section shall for every such offence be liable to a fine not exceeding one hundred pounds, recoverable by action.

(8.) An action under this section shall not lie after three months from the date of the offence. A moiety of every fine recovered therein shall, after payment of the expenses of action, be paid to the pursuer.

Election Petitions.

Power to question election by petition.

30.—(1.) An election may be questioned by an election petition on the ground—

(*a.*) That the election was wholly avoided by general bribery, treating, undue influence, or personation; or,

(*b.*) That the election was avoided by corrupt or illegal practices; or,

(*c.*) That the person whose election is questioned was at the time of the election disqualified; or

(*d.*) That he was not duly elected by a majority of lawful votes.

(2.) An election shall not be questioned on any of those grounds by way of reduction or suspension, or by any form of proceeding except by an election petition.

Presentation of petition.

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

(2.) Any person whose election is questioned by the petition, and any returning officer of whose conduct a petition complains, may be made a respondent to the petition.

(3.) The petition shall be in the prescribed form and shall be signed by the petitioner or petitioners, and shall be presented in the prescribed manner to the sheriff of the county in which the election has taken place.

(4.) Where an electoral area is situate in more than one county, the election shall be held to have taken place in the county to which the larger part of such electoral area belongs.

Time for presentation of petition.

32.—(1.) An election petition shall be presented within twenty-one days after the day on which the election was held, except that—

(*a.*) If it complains of the election on the ground of a corrupt practice, and specifically alleges that a payment of money or other reward has 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 practice, 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 that person has been previously presented or tried;

(*b.*) If it complains of the election on the ground of an illegal practice, it may be presented at any time before the expiration of fourteen days after the day on which the prescribed officer receives the return and declaration respecting election expenses by the candidate to whose election the petition relates, or where there is an authorised excuse for failing to make the return and declaration, then within the like time after the date of the allowance of the excuse;

(*c.*) If it complains of the election on the ground of an illegal practice, and specifically alleges a payment of money or other

act made or done since the election by the candidate elected at such election, or by an agent of the candidate, or with the privity of the candidate, in pursuance or in furtherance of such illegal practice, it may be presented at any time within twenty-eight days after the date of such payment or act, whether or not any other petition against that person has been previously presented or tried.

(2.) Any election petition presented within the time first limited by this section may, for the purpose of complaining of the election upon an allegation of an illegal practice, be amended with the leave of the election court within the time within which a petition complaining of the election on the ground of that illegal practice can, under this section, be presented.

(3.) The provisions of this section respecting the time for presenting or amending an election petition on the ground of an illegal practice shall apply notwithstanding that the illegal practice is also a corrupt practice.

Security for costs.

33.—(1.) At the time of presenting an election petition, or within three days afterwards, the petitioner shall give security for all charges and expenses which may become payable by him to any witness summoned on his behalf, or to any respondent.

(2.) The security shall be to such amount, not exceeding five hundred pounds, as the election court directs, and shall be given in the prescribed manner, either by a deposit of money, or by finding caution, or partly in one way and partly in the other.

(3.) Within five days after the presentation of the petition the petitioner shall, in the prescribed manner, serve on the respondent a notice of the presentation of the petition, and of the nature of the proposed security, and a copy of the petition.

(4.) Within five days after the service of the notice the respondent may object in writing to any bond of caution on the ground that any cautioner is insufficient or is dead, or cannot be found or ascertained for want of a sufficient description in the bond, or that the bond has not been duly executed by any cautioner.

(5.) An objection to a bond shall be decided in the prescribed manner.

(6.) If the objection is allowed, the petitioner may, within a further prescribed time not exceeding five days, remove it by a deposit in the prescribed manner of such sum of money as will, in the opinion of the court or officer having cognizance of the matter, make the security sufficient.

(7.) If no security is given, as prescribed, or any objection is allowed, and is not removed as aforesaid, no further proceedings shall be had on the petition.

Procedure where several respondents or petitions.

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

(2.) Where more petitions than one are presented relating to the same election they shall be tried together.

Constitution of election court.

35.—(1.) An election petition and all proceedings incidental to and consequent thereon, except as herein-after provided, shall be tried by the sheriff (excluding sheriff substitute) of the county within which the challenged election took place.

(2.) The election court shall for the purposes of the trial have the same powers and privileges as a judge on the trial of a parliamentary election petition, except that any fine or order of committal by the court may, on summary application by the person aggrieved, be discharged or varied by either of the divisions of the Court of Session, or in vacation by the Lord Ordinary on the bills, on such terms, if any, as the Court of Session or Lord Ordinary on the bills may think fit.

(3.) Any proceeding incidental to or consequent upon an election or election petition, under sections twenty-five, thirty-two, thirty-three, thirty-nine, and forty of this Act may be heard and disposed of by the sheriff substitute.

Trial of election petition.

36.—(1.) An election petition shall be tried in open court, and notice of the time and place of trial shall be given in the prescribed manner not less than seven days before the day of trial.

(2.) The place of trial shall be within the sheriff court, except that the election court may, on being satisfied that special circumstances exist rendering it desirable that the petition should be tried elsewhere, appoint some other convenient place within the sheriffdom for trial.

(3.) The trial of every election petition shall, so far as is practicable consistently with the interests of justice in respect of such trial, be continued de die in diem on every lawful day until its conclusion.

(4.) Subject as aforesaid, the election court may, in its discretion adjourn the trial from time to time and from any one place to any other place within the sheriffdom.

(5.) At the conclusion of the trial the election 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 the determination shall be final to all intents as to the matters at issue on the petition.

(6.) Where a charge is made in a petition of any corrupt or illegal practice having been committed at the election, the court shall determine as follows:

(*a.*) Whether any corrupt practice 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 the corrupt practice;

(*b.*) Whether any of the candidates at the election has been guilty by his agents of any corrupt practice in reference to such election;

(*c.*) The names of all persons, if any, proved at the trial to have been guilty of any corrupt practice;

(*d.*) Whether any corrupt practices have, or whether there is reason to believe that any corrupt practices have, extensively prevailed at the election;

(*e.*) Whether any of the candidates at the election has been guilty, by himself or his agents, of an illegal practice in reference to such election;

(*f.*) Whether illegal practices or the offences of illegal payment, employment, or hiring, committed in reference to the election for the purpose of promoting the election of a candidate at such election, have, or have not, so extensively prevailed that they may be reasonably supposed to have affected the result of such election.

(7.) If, on the application of any party to a petition made in the prescribed manner, it appears to the election court that the case raised by the petition can be conveniently stated as a special case, the said court may direct the same to be stated accordingly, and any such special case shall be heard before the Court of Session, and the decision of the Court of Session shall be final.

(8.) If it appears to the election court on the trial of a petition that any question of law requires consideration by the Court of Session, the election court may reserve any such question, and submit the same to the Court of Session, who may make such order for the discussion of the question as they think expedient and thereafter decide the same.

(9.) On the trial of a petition, unless the election court otherwise directs, any charge of a corrupt practice 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 the corrupt practice or offence.

(10.) 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 that person was not duly elected, in the same manner as if he had presented a petition against the election of that person.

(11.) 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.

(12.) A shorthand writer shall attend at the trial of an election petition, and shall be sworn by the election court faithfully and truly to take down the evidence given at the trial. He shall take down the evidence at length.

Witnesses.

37.—(1.) On the trial of an election petition the election court may, by order in writing, require any person who appears to the court to have been concerned in the election to attend as a witness, and any person refusing to obey the order shall be guilty of contempt of court.

(2.) The court may examine any person so required to attend, or being in court, although he is not called and examined by any party to the petition.

(3.) A witness may, after his examination by the court, be cross-examined by or on behalf of the petitioner and respondent, or either of them.

(4.) The reasonable expenses incurred by any person in appearing to give evidence at the trial of an election petition, according

to the scale allowed to witnesses in a civil cause, may be allowed to him by a certificate of the election court or of the prescribed officer.

Withdrawal of petition.

38.—(1.) A petitioner shall not withdraw an election petition without the leave of the election court on special application, made in the prescribed manner, and at a prescribed time and place.

(2.) The application shall not be made until the prescribed notice of the intention to make it has been given.

(3.) On the hearing of the application any person who might have been a petitioner in respect of the election may apply to the court to be substituted as a petitioner, and the court may, if it thinks fit, substitute him accordingly.

(4.) Before leave for the withdrawal of an election petition is granted, there shall be produced affidavits by all the parties to the petition and their agents, but the court may, on cause shown, dispense with the affidavit of any particular person if it seems to the court on special grounds to be just to do so.

(5.) Each affidavit shall state that, to the best of the deponent's knowledge and belief, no agreement or terms of any kind whatsoever has or have been made, and no undertaking has been entered into in relation to the withdrawal of the petition; but if any lawful agreement has been made with respect to the withdrawal of the petition, the affidavit shall set forth that agreement, and shall make the foregoing statement subject to what appears from the affidavit.

(6.) The affidavits of the applicant and his agents shall further state the ground on which the petition is sought to be withdrawn.

(7.) If any person makes any agreement, or terms, or enters into any undertaking in relation to the withdrawal of an election petition, and such agreement, terms, or undertaking is or are for the withdrawal of the election petition in consideration of any payment, or in consideration that the seat shall at any time be vacated, or in consideration of the withdrawal of any other election petition, or is or are (whether lawful or unlawful) not mentioned in the aforesaid affidavits, he shall be guilty of a crime and offence, and shall be liable on conviction on indictment to imprisonment for a term not exceeding twelve months, and to a fine not exceeding two hundred pounds.

(8.) Copies of the said affidavits shall be delivered to Her Majesty's advocate a reasonable time before the application for the withdrawal is heard, and the court may hear Her Majesty's advocate or one of his deputes or the procurator fiscal in opposition to the allowance of the withdrawal of the petition, and shall have power to receive the evidence on oath of any person or persons whose evidence Her Majesty's advocate, or his depute, or the procurator fiscal may consider material.

(9.) If in the opinion of the court the proposed withdrawal is induced by any corrupt bargain or consideration, or is the result of any agreement, terms, or undertaking prohibited by this section, the court may by order direct that the security given on behalf of

the original petitioner shall remain as security for any expenses that may be incurred by the substituted petitioner, and that to the extent of the sum named in the security the original petitioner and his sureties shall be liable to pay the expenses of the substituted petitioner.

(10.) If the court does not so direct, then 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.

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

(12.) If a petition is withdrawn, the petitioner shall be liable to pay the expenses of the respondent.

(13.) Where there are more petitioners than one, an application to withdraw a petition shall not be made except with the consent of all the petitioners.

(14.) Where more than one agent is concerned for the petitioner or respondent, whether as agent for another agent or otherwise, the affidavit shall be made by all such agents.

Abatement of petition.

39.—(1.) An election petition shall be abated by the death of a sole petitioner or of the survivor of several petitioners.

(2.) 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.

(3.) On the abatement of a petition the prescribed notice thereof shall be given, and within the prescribed time after the notice is given, any person who might have been a petitioner in respect of the election may apply to the election court in the prescribed manner and at the prescribed time and place to be substituted as a petitioner; and the court may, if it thinks fit, substitute him accordingly.

(4.) Security shall be given on behalf of a petitioner so substituted, as in the case of a new petition.

Withdrawal and substitution of respondents.

40.—(1.) If before the trial of an election petition a respondent other than a returning officer—

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

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

the prescribed notice thereof shall be given, and within the prescribed time after the notice is given, any person who might have been a petitioner in respect of the election may apply to the election court to be admitted as a respondent to oppose the petition, and shall be admitted accordingly, except that the number of persons so admitted shall not exceed three.

(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 the petition in any proceedings thereon.

Attendance of advocate depute or procurator fiscal on trial of election petition, and prosecution of offenders.

41.—(1.) At the trial of every election petition Her Majesty's advocate shall be represented by one of his deputes or by the procurator fiscal of the sheriff court of the district.

(2.) If the election court shall grant a warrant for the apprehension, commitment, or citation of any person suspected of being guilty of a corrupt or illegal practice, the case shall be reported to Her Majesty's advocate in order that such person may be brought to trial as he may direct.

(3.) All offences under this Act shall be prosecuted under the directions of Her Majesty's advocate, and all prosecutions directed to be tried in the sheriff court shall be tried by the sheriff (excluding sheriff substitute).

Expenses of election petitions.

42.—(1.) All charges and expenses of and incidental to the presentation of an election petition, and the proceedings consequent thereon, shall be defrayed by the parties to the petition in such manner and proportion as the election court determines; and in particular any charges or expenses which, in the opinion of the court, have been caused by vexatious conduct, unfounded allegations, or unfounded objections on the part either of the petitioner or of 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 they are or are not on the whole successful.

(2.) If a petitioner neglects or refuses for 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 charges and expenses, and the neglect or refusal is, within one year after the demand, proved to the satisfaction of the election court, the prescribed officer shall thereon certify that the conditions contained in the bond of caution have not been fulfilled, and it shall then be competent for the party or parties interested to register the said bond and do diligence upon it.

(3.) Where, upon the trial of an election petition, it appears to the election court that a corrupt practice has not been proved to have been committed in reference to the election by or with the knowledge and consent of the respondent to the petition, and that such respondent took all reasonable means to prevent corrupt practices being committed on his behalf, the court may make one or more orders with respect to the payment either of the whole or such part of the expenses of the petition as the court may think right, as follows:

(*a.*) if it appears to the court that corrupt practices extensively prevailed in reference to the said election, the court may order the whole or part of the expenses to be paid by the county, burgh, school board, or parochial board, as the case may be; and

(*b.*) if it appears to the court that any person or persons is or are proved, whether by providing money or otherwise, to have been extensively engaged in corrupt practices, or to have encouraged or promoted extensive corrupt practices, in reference to such election, the court may, after giving such person or persons

an opportunity of being heard by counsel or agent, and of examining and cross-examining witnesses, to show cause why the order should not be made, order the whole or part of the expenses to be paid by that person, or those persons, or any of them, and may order that if the expenses cannot be recovered from one or more of such persons they shall be paid by some other of such persons or by either of the parties to the petition.

(4.) Where any person appears to the court to have been guilty of the offence of a corrupt or illegal practice, the court may, after giving such person an opportunity of making a statement to show why the order should not be made, order the whole or any part of the expenses of or incidental to any proceeding before the court in relation to the said offence or to the said person to be paid by the said person to such person or persons as the court may direct.

(5.) Where any expenses of a petition are, under an order of an election court, to be paid by a county, burgh, school board, or parochial board, such expenses shall be paid out of the general purposes rate, registration of voters assessment, or police assessment, school rate, or poor rate, as the case may be. Provided that where the police assessment which can be levied in any burgh is limited, an addition to that assessment may be levied for the purpose of raising the sum required to pay such expenses.

(6.) Where any expenses or other sums are, under the order of an election court, or otherwise under this Act, to be paid by any person, those expenses shall be a debt due from such person to the person or persons to whom they are to be paid, and may be recovered accordingly.

(7.) The expenses of petitions and other proceedings under this Act shall, subject to any regulations which the Court of Session may make by Act of Sederunt, be taxed as nearly as possible according to the same principles as expenses between agent and client are taxed in a cause in the sheriff court.

Payment of travelling expenses, &c. of sheriff.

43. The travelling and other expenses of the sheriff incurred by him in the execution of his duties under this Act shall be paid by the county, burgh, school board or parochial board, as the case may be, out of the same rate or assessment as is specified in subsection five of section forty-two hereof; provided always that the election court may order repayment of such expenses to the county, burgh, school board or parochial board by the parties to the petition, or any of them, in such proportion as shall to the court seem proper, and upon such order being pronounced the sums due shall form a debt due from such parties respectively and may be recovered accordingly.

Acts done pending a petition not invalidated.

44. Where a candidate who has been elected to a corporate office, or who may hold any office in consequence of being elected to a corporate office is, by a decision of the Court of Session or an election court, declared not to have been duly elected, acts done by him in execution of such office, and acts done by any council or board to which he may have been elected, before the time when the

decision is pronounced, shall not be invalidated by reason of that declaration.

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

45. Where on an election petition the election of any person to a corporate office has been declared void, and no other person has been declared elected in his room, a new election shall be held to supply the vacancy in the same manner as on a casual vacancy; and for the purposes of the election any duties to be performed by such person shall, if he 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.

Prohibition of disclosure of vote.

46. A person who has voted at an election by ballot shall not in any proceeding to question the election be required to state for whom he has voted.

Miscellaneous.

Rules of procedure and jurisdiction.

47.—(1.) The Court of Session may from time to time by Act of Sederunt 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 expenses of election petitions, and the trial thereof.

(2.) Subject to the provisions of this Act, and of the rules made under it, the principles, practice, and rules for the time being observed in the case of parliamentary election petitions, and in particular the principles and rules with regard to agency and evidence, and to a scrutiny, and to the declaring any person elected in the room of any other person declared to have been not duly elected, shall be observed, as far as may be, in the case of election petitions under this Act.

Person incapacitated by conviction to vacate seat or office.

48. If any person, in consequence of conviction, under this Act, becomes not capable of being elected to or sitting in the House of Commons, or of being elected to or holding any public or judicial office, and such person, at the date of the said conviction has been so elected or holds any such office, then his seat or office, as the case may be, shall be vacated as from that date.

General provisions as to prosecution of offences under this Act.

49. Subject to the other provisions of this Act, the procedure for the prosecution of a corrupt or illegal practice or any illegal payment, employment, or hiring committed in reference to an election, and the removal of any incapacity incurred by reason of a conviction for any such offence, and the duties of Her Majesty's advocate in relation to any such offence, and all other proceedings in relation thereto (including the grant to a witness of a certificate of indemnity), shall be the same as if such offence had been committed in reference to a parliamentary election: Provided that the giving or refusal to give a certificate of indemnity to a witness by an election court shall be final and conclusive.

Service of notices.

50. Where any summons, notice, or document is required to be served on any person with reference to any proceeding respecting an election, whether for the purpose of causing him to appear before the election court, or otherwise, or for the purpose of giving him an opportunity of making a statement, or showing cause, or

being heard by himself, before any such court, for any purpose of this Act, such summons, notice, or document may be served either by delivering the same to such person, or by leaving the same at, or sending the same by post by a registered letter to, his last known place of abode, or, if the proceeding is before any other court, in such other manner as the court may direct, and in proving such service by post it shall be sufficient to prove that the letter was prepaid, properly addressed, and registered with the post office.

Number of electors, how to be ascertained.

51. For the purposes of this Act the number of electors shall be taken according to the enumeration of the electors in the register.

Application of Act to other Elections.

Application of this Act to other elections.

52.—(1.) When the poll at any election under this Act is taken by means of voting papers, such of the said provisions as relate to personation, polling agents, disclosure of votes and conveyance of voters, shall not apply, but every person who at any such election—

Fabricates, in whole or in part, or alters, defaces, destroys, abstracts, or purloins any voting paper; or

Personates any person entitled to vote at any such election; or

Falsely assumes to act in the name or on the behalf of any person so entitled to vote; or

Interferes with the delivery or collection of any voting papers; or

Delivers any voting paper under a false pretence of being lawfully authorised to do so,

shall be liable on summary conviction to a penalty not exceeding twenty pounds, or, in the discretion of the court, to imprisonment with or without hard labour for any period not exceeding three months, and shall be deemed to have committed an illegal practice within the meaning of the said provisions;

(2.) The sheriff shall have the same power as heretofore under section twenty-seven of the Poor Law Amendment Act, 1845, to determine any dispute which may arise as to the validity of the election of a person as a member of a parochial board, except that the sheriff shall not have power— 8 & 9 Vict. c. 83.

(A.) To determine until after the expiration of twenty-one days after the election of a person as a member of a parochial board, any question which can be determined upon an election petition under this section; nor

(B.) To determine any question which is raised by an election petition under this section, and is either awaiting decision or has been decided by an election court; nor

(C.) To determine any question of general corruption, or of any corrupt or illegal practice, except so far as appears to him necessary for determining the validity of any vote.

Repeal.

Repeal.

53. The Act of the session of the sixteenth and seventeenth years of the reign of Queen Victoria, chapter twenty-six, and the fourteenth section of the Education (Scotland) Act, 1872 are hereby repealed. 35 & 36 Vict. c. 62.

Commencement and Extent of Act.

Commencement of Act.

54. This Act shall come into operation on the first day of October, one thousand eight hundred and ninety, which day is in this Act referred to as the commencement of this Act.

Extent of Act.

55. This Act shall apply to Scotland only.

SCHEDULES.

Section 2.

FIRST SCHEDULE.

PART I.

Enactments defining Corrupt Practices. Enactments defining the Offence of Bribery.

The Corrupt Practices Prevention Act, 1854, 17 & 18 Vict. c. 102., sections 2 and 3.

Bribery defined.

Section II.—The following persons shall be deemed guilty of bribery, and shall be punishable accordingly:—

(1.) Every person who shall, directly or indirectly, by himself or by any other person on his behalf, give, lend, or agree to give or lend, or shall offer, promise, or promise to procure or to endeavour to procure, any money or valuable consideration to or for any voter, or to or for any person on behalf of any voter, or to or for any other person in order to induce any voter to vote, or refrain from voting, or shall corruptly do any such act as aforesaid, on account of such voter having voted or refrained from voting at any election:

(2.) Every person who shall, directly or indirectly, by himself or by any other person on his behalf, give or procure, or agree to give or procure, or offer, promise, or promise to procure or to endeavour to procure, any office, place, or employment to or for any voter, or to or for any person on behalf of any voter, or to or for any other person, in order to induce such voter to vote or refrain from voting, or shall corruptly do any such act as aforesaid, on account of any voter having voted or refrained from voting at any election:

(3.) Every person who shall, directly or indirectly, by himself or by any other person on his behalf, make any such gift, loan, offer, promise, procurement, or agreement as aforesaid, to or for any person, in order to induce such person to procure or endeavour to procure the return of any person to serve in Parliament, or the vote of any voter at any election:

(4.) Every person who shall upon, or in consequence of any such gift, loan, offer, promise, procurement, or agreement, procure or engage, promise, or endeavour to procure the return of any person to serve in Parliament, or the vote of any voter at any election;

(5.) Every person who shall advance or pay or cause to be paid any money to or for the use of any other person, with the intent that such money or any part thereof shall be expended in bribery at any election, or who shall knowingly pay or cause to be paid any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any election: Provided always, that the aforesaid enactment shall not extend or be construed to extend to any money paid or agreed to be paid for on account of any legal expenses bonâ fide incurred at or concerning any election.

Section III.—The following persons shall also be deemed guilty of bribery, and it shall be punishable accordingly:— Bribery further defined.

(1.) Every voter who shall before or during any election, directly or indirectly, by himself or by any other person on his behalf, receive, agree, or contract for any money, gift, loan, or valuable consideration, office, place or employment, for himself, or for any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting at any election:

(2.) Every person who shall, after any election, directly or indirectly, by himself or by any other person on his behalf, receive any money or valuable consideration on account of any person having voted or refrained from voting, or having induced any other person to vote or refrain from voting at any election.

The Representation of the People (Scotland) Act, 1868, 31 & 32 Vict. c. 4. section 49.

Section 49. Any person, either directly or indirectly, corruptly paying any rate on behalf of any ratepayer for the purpose of enabling him to be registered as a voter, thereby to influence his vote at any future election, and any candidate or other person, either directly or indirectly, paying any rate on behalf of any voter for the purpose of inducing him to vote or refrain from voting shall be guilty of bribery, and be punishable accordingly; and any person on whose behalf and with whose privity any such payment as in this section mentioned is made shall also be guilty of bribery, and punishable accordingly. Corrupt payment of rates to be punishable as bribery.

Enactment defining the Offence of Personation.

The Ballot Act, 1872, 35 & 36 Vict. c. 33. section 24.

Section 24. A person shall for all purposes of the laws relating to parliamentary and municipal elections be deemed to be guilty of the offence of personation who at an election for a county or borough, or at a municipal election, applies for a ballot paper in the name of some other person, whether that name be that of a person living or dead, or of a fictitious person, or who having voted once at any such election applies at the same election for a ballot paper in his own name. Definition of personation.

Enactments defining the Offences of Treating and Undue Influence.

The Corrupt and Illegal Practices Prevention Act, 1883, 46 & 47 Vict. c. 51. sections 1 and 2.

Section 1.—(1.) Any person who corruptly, by himself or by any other person, either before, during, or after an election, directly or indirectly gives or provides, or pays wholly or in part the expense of giving or providing any meat, drink, entertainment, or provision to or for any person for the purpose of corruptly influencing that person or any other person to give or refrain from giving his vote at the election, or on account of such person or any other person having voted or refrained from voting, or being about to vote or refrain from voting at such election, shall be guilty of treating. What is treating.

(2.) And every elector who corruptly accepts or takes any such meat, drink, entertainment, or provision shall also be guilty of treating.

Section 2. Every person who shall, directly or indirectly, by himself or by any other person on his behalf, make use of or threaten to make use of any force, violence, or restraint, or inflict or threaten to inflict, by himself What is undue influence.

or by any other person, any temporal or spiritual injury, damage, harm, or loss upon or against any person in order to induce or compel such person to vote or refrain from voting, or on account of such person having voted or refrained from voting at any election, or who shall, by abduction, duress, or any fraudulent device or contrivance, impede or prevent the free exercise of the franchise of any elector, or shall thereby compel, induce, or prevail upon any elector either to give or to refrain from giving his vote at any election, shall be guilty of undue influence.

Section 25.

SECOND SCHEDULE.

FORM OF DECLARATION BY CANDIDATE AS TO EXPENSES.

I , having been a candidate at the election of for the of , on the day of do hereby solemnly and sincerely declare that I [and my agents] have paid for my expenses at the said election, and that except as aforesaid, I have not, and to the best of my knowledge and belief, no person, nor any club, society, or association has, on my behalf, made any payment or given, promised, or offered any reward, office, employment, or valuable consideration, or incurred any liability on account of or in respect of the conduct or management of the said election.

And I further solemnly and sincerely declare that, except as aforesaid, no money, security, or equivalent for money has, to my knowledge or belief, been paid, advanced, given, or deposited by anyone to or in the hands of myself or any other person for the purpose of defraying any expenses incurred on my behalf on account of or in respect of the conduct or management of the said election.

And I further solemnly and sincerely declare that I will not at any future time make or be a party to the making or giving of any payment, reward, office, employment, or valuable consideration for the purpose of defraying any such expenses as last mentioned, or provide or be a party to the providing of any money, security, or equivalent for money for the purpose of defraying any such expenses.

Signature of declarant *C.D.*

Signed and declared by the above-named declarant on the day of , before me.

(Signed) *E.F.*
Justice of the Peace for

CHAPTER 56.

An Act to further amend the Customs Consolidation Act, 1876. [18th August 1890.]

WHEREAS it is right and expedient that the law as to the forfeiture of ships or boats for offences against the Customs Acts as provided in section one hundred and seventy-nine of the Customs Consolidation Act, 1876, shall be modified as herein-after provided:

39 & 40 Vict. c. 36.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—