

**THE LAW AND PRACTICE OF
ELECTION PETITIONS: BEING A
SUPPLEMENT TO THE ELEVENTH
EDITION OF ROGERS ON
ELECTIONS AND REGISTRATION**

Published @ 2017 Trieste Publishing Pty Ltd

ISBN 9780649626120

The Law and Practice of Election Petitions: Being a Supplement to the Eleventh Edition of
Rogers on Elections and Registration by F. S. P. Wolferstan

Except for use in any review, the reproduction or utilisation of this work in whole or in part in
any form by any electronic, mechanical or other means, now known or hereafter invented,
including xerography, photocopying and recording, or in any information storage or retrieval
system, is forbidden without the permission of the publisher, Trieste Publishing Pty Ltd, PO Box
1576 Collingwood, Victoria 3066 Australia.

All rights reserved.

Edited by Trieste Publishing Pty Ltd.
Cover @ 2017

This book is sold subject to the condition that it shall not, by way of trade or otherwise, be lent,
re-sold, hired out, or otherwise circulated without the publisher's prior consent in any form or
binding or cover other than that in which it is published and without a similar condition
including this condition being imposed on the subsequent purchaser.

www.triestepublishing.com

F. S. P. WOLFERSTAN

**THE LAW AND PRACTICE OF
ELECTION PETITIONS: BEING A
SUPPLEMENT TO THE ELEVENTH
EDITION OF ROGERS ON
ELECTIONS AND REGISTRATION**

THE
LAW AND PRACTICE
OF
ELECTION PETITIONS,
BEING
A SUPPLEMENT TO THE
ELLEVENTH EDITION OF
ROGERS ON ELECTIONS AND REGISTRATION.

With an Appendix,
CONTAINING THE LATE CORRUPT PRACTICES ACT,
THE NEW ELECTION RULES,
PRECEDENTS AND FORM OF PETITIONS, ETC.

BY
F. S. P. WOLFERSTAN, Esq.,
OF THE INNER TEMPLE, BARRISTER-AT-LAW.



LONDON:
STEVENS AND SONS, 26, BELL YARD,
LINCOLN'S INN.
Law Booksellers and Publishers.
1869.

LONDON
BRADBURY, SWAIN, AND CO., PRINTERS, WHITEFRIARS.

CONTENTS.

	PAGE
<hr/>	
TABLE OF CASES.	
CHAPTER I.—PETITIONS	1
II.—PRACTICE	32
III.—AGENCY	58
IV.—EVIDENCE	71
V.—SCRUTINY	89
<hr/>	
APPENDIX.	
26 & 27 VICT. C. 29	i
31 & 32 VICT. C. 125	vi
ELECTION RULES	xxii
LISTS OF VOTES OBJECTED TO	xxxiv
PRECEDENTS OF PETITIONS	xlii
FORM OF PETITION	xliii
GENERAL INDEX	A 2



TABLE OF CASES CITED.

A

- AMINGDON (1 Doug.), 127, 128
 — (38 Journ.), 26
 Aitkin, *Ex parte* (4 B. & Ald.) 74,
 75
 Allen v. Hearn, 99
 Arundel (Glanv.), 107
 Ashburton (W. & Br.), 65, 67
 Athlone (B. & Arn.), 48, 55
 — (B. & Aust.), 3, 22, 50
 — (2 P. R. & D.), 18
 — 2nd (B. & Arn.), 15
 Aylesbury (17 June, 1851), 18
 — (Print. Min.), 35
 — (1 P. R. & D.), 8, 25, 43,
 79
 — (2 Peck.), 68, 75
 — (W. & Br.), 46, 67

B

- BATH (C. & R.), 46
 — (W. & D.), 100, 111, 115,
 121
 Barnstaple (Print. Min.), 36
 — (2 P. R. & D.), 73
 — (W. & Br.), 47, 55, 92
 Bedford (C. & R., F. & K.), 104,
 105, 117
 — (2 Doug.), 42
 — (F. & F.), 37, 96, 104, 106,
 113, 116, 121
 — (F. & K.), 76, 112, 116,
 119
 Bedfordshire (40 Journ. 1 Ind.),
 25
 — (1 Ind.), 4, 49, 104
 — (2 Ind.), 76, 94

- Belfast (B. & Aust.), 23
 — (F. & F.), 94, 126, 129
 Bernardiston v. Soume, 1
 Berwick (M. S.), 6
 — (30 June, 1820), 75
 — (W. & Br.), 29, 81, 48,
 57, 90, 100, 111, 112, 114, 116
 Beverley (W. & D.), 80, 128
 — (W. & Br.), 64
 Bowdlay (1 Ind.), 128
 — (1 P. R. & D.), 29, 40, 79,
 80
 Bishop's-Castle (2 Peck.), 28
 Blackburn (B. & Aust.), 108, 113
 Bodmin (2 Fraser), 28
 — (1 P. R. & D.), 35, 43
 Bolton (1 P. R. & D.), 53, 63
 — (2 P. R. & D.), 28
 Boston (1 Peck.), 6
 Braewell v. Lucas, 74, 75
 Bridgewater (32 Journ.), 4, 25
 — (1 Peck.), 100
 Bridgenorth (2 P. R. & D.), 29, 85,
 43, 46, 49, 80
 Bridport, 6
 Bristol (C. & R. 82 K.), 46, 69
 Buckinghamshire, 93
 Bury (W. & Br.), 35, 36
 — (W. & D., 35, 36, 66, 73
 — St. Edmunds (W. & D.), 35

C

- CARNARVON (B. & Aust.), 18
 Caermarthenshire (1 Peck.), 11, 43,
 45, 51, 75
 Callington (1 Ind.), 28
 Cambridge (B. & Arn.), 33
 — (2 P. R. & D.), 47

Cambridge (W. & D.), 84, 91, 94, 99, 104, 107, 121, 130	Coventry (1827), 44
Camelford (C. & D.), 48, 54 — (52 Journ.), 42, 54	— (C. & R.), 11, 57, 70, 77
Canterbury (Cliff.), 44 — (K. & O.), 3, 50, 94, 112	— (P. & K.), 48, 57
— 2nd (Cliff.), 87, 125	— (1 Peck.), 41, 52, 100
Cardigan (B. & Aust.), 84 — (3 Doug.), 93	Cricklade (4 Doug.), 11, 48, 84
Carlisle (W. & Br.), 35 — (Print. Min.), 35	Curry v. Walter (1 Esp.), 74
— (1 P. R. & D.), 55	D
Carlow (F. & F.), 84, 94, 98, 108 — (K. & O.), 93, 97	Dartmouth (B. & Arn.), 48, 74
— 2nd (K. & O.), 40	— (2 P. R. & D.), 30, 72
— County (K. & O.), 49	— (W. & Br.), 31, 56
Carmarthen (P. & K.), 3, 31, 116 — (P. & K., C. & R.), 50, 85	Derby (1 P. R. & D.), 30, 34
— 2nd (P. & K.), 87	— (2 P. R. & D.), 47, 58
Carrickfergus (P. & K.), 57	Doe v. Data, 74
Cates v. Winter, 40	— v. Martin, 40
Catterall's case, 118	Dover (P. & K.), 74
Chatham (2 P. R. & D.), 79	— (W. & Br.), 34, 47, 69
Cheltenham (W. & Br.), 6, 81 — 1st (1 P. R. & D.), 31,	Downton (1784), 84
52, 54, 79, 80	— (1 Doug.), 42
— 2nd (1 P. R. & D.), 80, 128	— (40 Journ.), 15
Cheshire, see North Cheshire	— (1 Lud.), 84
Chippingham (10 Journ.), 128 — (1 Peck.), 42	Drogheda (K. & O.), 7, 126
Cirencester (2 Fraser), 96 — (16 Journ.), 6	— (W. & D.), 68
— (1 Peck.), 68	Droitwich (K. & O.), 13, 87, 76, 84, 85, 98, 120, 121, 122, 180
Claridge v. Evelyn (5 B. & Ald.), 123	Dublin (P. & F.), 24, 41, 45, 92, 96, 98, 108, 104
Clare (2 P. R. & D.), 89 — (W. & Br.), 44, 59	— (1 P. R. & D.), 48, 85, 92, 96
— Co. (2 P. R. & D.), 49 — (W. & Br.), 29, 31	— (W. & D.), 35, 56
Clark v. Clark, 75	Dunfermline (1 Peck.), 41, 67
Clitheroe (2 P. R. & D.), 34 — 2nd (2 P. R. & D.), 10, 13, 128	Dundalk (1 P. R. & D.), 93
Glanmel (C. & R., P. & K.), 119	Dungarvon (K. & O.), 57
Cockermouth (2 P. R. & D.), 65	— (2 P. R. & D.), 20, 54, 100
Colchester (3 Lud.), 9	Durham (1762), 42
Coleraine (P. & K.), 42, 80, 83	— (B. & Arn.), 15
Coppock v. Bower, 20	E
Cork (K. & O.), 107, 113, 126 — County (K. & O.), 83, 129	East GRINSTEAD (1 Peck), 22, 30, 55, 130
	East Retford (Glanv.), 24
	— (1 Peck.), 64
	Ennis (K. O.), 77
	Evans v. Sweet, 40
	Evesham (P. & F.), 31, 74, 97, 99, 108

TABLE OF CASES.

ix

<p>F</p> <p>FAIRLINE v. Hastings, 60 Falkirk (W. & D.), 18, 66, 83 Fallon (ex parte), 16 Factor v. Beacon, 26, 27, Felton v. Baathope, 60 Fife (Cliff), 31 — (1 Ind.), 125 Flint (52 Journ.), 15 Flintshire (1 Peck.), 31, 126 Foote v. Hayne (K. & M.), 74 Fountain v. Young (6 Esp.), 75 Powey (C. & D.), 98, 180 — (1 Peck.), 40 Promes (2 P. R. & D.), 48, 90</p> <p>G</p> <p>GALWAY county (P. & K.), 40, 51, 77, 92, 98 — (W. & D.), 10, 12, 40, 68, 88, 90 Gloucester (W. & Br.), 47, 69 — (W. & D.), 29 Gloucestershire (Orne, 2nd ed.), 74, 94 — West (6 Dec. 1852), 15 — (1 Journ.), 26 Gordon v. Gurney, 26 Goaling v. Valey, 124, 126 Great Grimsby (13 Journ.), 76 — (1 Peck.), 42, 43 — (P. & K.), 9 — (W. & Br.), 29 Great Marlow (B. & Aust.), 45, 85, 98, 99, 114, 116 — (1 P. R. D.), 79, 90 Great Yarmouth (W. & D.), 66 — (W. & Br.), 64, 66 — (F. & F.), 52 — (1 P. R. & D.), 53, 62, Guildford, 28, 82, 79</p>	<p>Harwich (1 P. R. & D.), 6, 37, 40, 115 — (2 P. R. & D.), 11 — (1 Peck.), 84 — Int. (1 P. R. & D.), 49, 86, 90, 97, 118 — 2nd (1 P. R. & D.), 14, 38, 48 Helleston (38 Journ.), 15 Hellston (1 Fraser), 41 Herefordshire (1 Peck.), 6, 7, 43, 74 Newark (C. & R.), 98 — (P. & K.), 68 Honiton (3 Ind.), 8 Horsham (K. & O.), 108, 115, 117, 122 — (1 P. R. & D.), 54, 55 — 2nd (1 P. R. & D.), 64, 80, 127 Houseman v. Roberts, 40 Huddersfield (2 P. R. & D.), 69 — (W. & Br.), 67, 100, 108 Hughes v. Budd, 40 Hull (K. & O.), 83, 92, 98, 106 — (2 P. R. & D.), 79 Huntingdon (W. & D.), 96, 99, 102, 104, 115, 122</p> <p>I</p> <p>LICHFIELD (8 Dongl.), 80 — (1 Ind.), 43 — (1 Peck.), 56 — (2 Peck.), 28, 87 — 2nd (2 Peck.), 4, 51, 74 Inverkeithing (C. & D.), 127 Inverness-shire (K. & O.), 88, 122 Ipswich (B. & Aust.), 57, 60, 78 — (F. & F.), 55, 98, 101 — (K. & O.), 31, 36, 46, 62, 77, 99, 107, 112, 118 — (1 Ind.), 61 — (W. & D.), 64 — 2nd (B. & Aust.), 70</p> <p>J</p> <p>JACOB v. Lee, 40</p>
<p>H</p> <p>HARDY v. Ryde, 18 Harwich (1863) (Print. Min.), 75</p>	