

**THE LAW OF THE HUSTINGS AND  
POLL BOOTHS: BEING A MANUAL  
OF THE LAW GOVERNING THE  
SUCCESSIVE STAGES OF A  
CONTESTED ELECTION**

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The Law of the Hustings and Poll Booths: Being a Manual of the Law Governing the Successive Stages of a Contested Election by George Wingrove Cooke

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**GEORGE WINGROVE COOKE**

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BY  
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## PREFACE.

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THIS little handbook does not aspire to rank as a professional treatise on the law of elections; nor do I wish that it should be relied upon as all-sufficient in points of difficult legal controversy.

Having occasion to look closely into the statutes that confer and regulate the exercise of the electoral franchise, I found them more multifarious and more incongruous than I had before believed. I thought, therefore, that at this conjuncture I might perform an office of humble utility, by simplifying, for the use of candidates, returning officers, and voters, those acts, and fragments of partially-repealed acts, which create their rights and liabilities.

Legislation upon this subject is so constant and so spasmodic, that our large legal treatises halt behind it. When I undertook this little work there was none which shewed the law as it is. The Editors of Mr. Roger's work have at length overtaken it by a new edition: but as

some smaller book for general use seemed to be still a desideratum, I did not throw aside what I had written.

I am not without a hope that these pages may be read when the excitement of the present contest has passed away, for the purpose of noting in what points our present futile laws against corruption fail.

G. W. C.

*2, Brick Court, Temple,  
March 16, 1857.*

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## CHAPTER I.

### THE VACANCY.

THE House of Commons consists of 654 members, whereof 467 are English, 29 are Welsh, 53 are Scotch, and 105 are Irish.

Vacancies occur by the general dissolution of Parliament by act of law (which, by the 1 Geo. I. st. 2. c. 38., would take place at the end of seven years from the return of the writ whereby it was summoned, or at the end of six months after the death of the Sovereign, 7 and 8 W. III. c. 15., and 6 Anne, c. 7.); or by act of the Sovereign, in exercise of the royal prerogative; or by the secession or disqualification of some particular sitting member.

The causes of particular vacancies are, death, accession to the English or Scotch peerage, acceptance of office, taking orders, expulsion, declaration that the election was void, bankruptcy of the sitting member,\* after the expiration of twelve months without the commission being superseded or the debts paid.

After a general dissolution the Crown has three years, in theory, before the law (6 W. and M. c. 2.) requires that a new Parliament should be summoned; but as the Parliament holds the power of the purse, the practical necessity is immediate. A warrant goes from the Queen in Council to the Lord Chancellor† to issue writs for the election of knights, citizens, and burgesses to serve in Parliament.

\* 24 Geo. III. c. 114.

† 52 Geo. III. c. 24.

In cases of particular vacancies—if during the session—a motion is made in the house, and the Speaker makes his warrant to the clerk of the Crown in Chancery to issue writs for electing a member for the vacant seat; if during the recess (24 Geo. III. c. 26.), the Speaker receives notice of the vacancy, certified by two members. He then forthwith (24 Geo. III. c. 26. s. 3., and 52 Geo. III. c. 114. s. 2.) causes notices to be inserted in the Gazette, and fourteen days after the insertion, makes out a new writ.

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## CHAPTER II.

### THE VOTERS.

THE body of men who are facetiously called “the country” amount to 1,206,539 out of a population of 28,000,000. These are their qualifications:—

*County Voters for England and Wales.*—The electors of knights of the shires consist of four classes; namely, freeholders, copyholders and tenants in ancient demesne, leaseholders, and tenants or occupiers of land.

1. All freeholders, that is to say, persons holding land for their own life, or the life of another person, or for an estate of inheritance, are entitled to vote for the county in which their freehold is situate, provided it is worth not less than forty shillings by the year, clear of all deductions and charges, except parliamentary and parochial taxes. But persons holding freeholds for life (unless they had or might acquire the