

**A GUIDE TO ELECTION
LAW, AND THE
LAW AND PRACTICE OF
ELECTION PETITIONS**

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A Guide to Election Law, and the Law and Practice of Election Petitions by Chandos Leigh & Henry D. Le Marchant

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OF

ELECTION PETITIONS.



BY

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P R E F A C E .

THE alterations made by the Parliamentary Elections Act, 1868, in the law relating to the trial of Election Petitions, render it unnecessary to offer any apology for adding another Treatise to the various works which have already appeared on the subject.

As Registration has been already ably handled in Mr. Rogers' book on Elections and Registration, and that subject is untouched by the Parliamentary Elections Act, 1868, it is not treated in the present book.

The aim of the Authors has been to enable the reader, whether he be a candidate or agent, to see at a glance how proceedings, connected with an election, to which the Corrupt Practices Prevention Acts apply should be conducted, together with the Penalties with which persons transgressing in law may be visited.

Though, perhaps, hardly within the province of this work, a chapter on Scrutiny, and some

Practical Suggestions have been added, as illustrating the working of the new procedure.

In the Appendix will be found a special form of information for bribery and an indictment for personation of a voter and making a false answer, together with some scrutiny lists and special forms of petitions; to these have been added the Parliamentary Elections Act, 1868, and the General Rules, Michaelmas Term, 1868, as to the proceedings on Election Petitions.

In conclusion, the Authors cannot refrain from expressing their gratitude to Mr. Baron Martin and Mr. Justice Willes for their valuable suggestions during the progress of the book; also to Mr. John Clerk, Q.C., Mr. Archibald, and Messrs. Wyatt and Hoskins, for the information which they have kindly afforded them.

TEMPLE.
March, 1870.

TABLE OF ABBREVIATIONS.



C. P. P. Act, 1854	Corrupt Practices Prevention Act (17 & 18 Vict. c. 102).
Judgments (a).....	Judgments delivered on the Trial of Election Petitions.
K. & O.	Knapp & Ombler's Cases of Contro- verted Elections.
L. R., C. P.	Law Reports, Common Pleas.
L. T., N. S.	Law Times, New Series.
May's Parl. Prac.	May's Law and Practice of Parlia- ment.
O'M. & H.	O'Malley & Hardcastle's Reports of the Decisions of the Judges for the Trial of Election Petitions.
Parl. EL Act, 1868	Parliamentary Elections Act, 1868 (31 & 32 Vict. c. 125).
P. R. & D.	Power, Bodwell & Dew's Reports of Controverted Elections.
Rep. Peop. Act, 1867 ..	Representation of the People Act, 1867 (30 & 31 Vict. c. 102).

(a) The delay in the publication of Part III. of O'M. & H.'s Reports until this work was in the press, obliged the authors in many instances to quote the printed judgments as their authority.

CORRUPT PRACTICES.

CHAPTER I.

BRIBERY, TREATING, UNDUE INFLUENCE.

	PAGE		PAGE
BRIBERY	1	TREATING	18
<i>Definition of</i>	2	<i>Definition of</i>	18
<i>Offer of</i>	5	<i>Must be corrupt</i>	19
<i>Indirect</i>	6	<i>When the giving of re-</i>	
A. <i>Employment of vot-</i>		<i>freshments does not</i>	
<i>ers (paid)</i>	6	<i>amount to corrupt</i>	
<i>Who are</i>	7	<i>treating</i>	21
<i>Who are not</i>	8	GENERAL TREATING	24
B. <i>Payment of voters</i>		UNDUE INFLUENCE	25
<i>for loss of time</i>	9	<i>Definition of</i>	25
C. <i>Corrupt payment</i>		A. <i>Withdrawal of</i>	
<i>of rates</i>	9	<i>custom</i>	28
D. <i>Barrister's court</i>		B. <i>Eviction by land-</i>	
<i>money</i>	10	<i>lord</i>	27
E. <i>Agreement to pro-</i>		C. <i>Spiritual intimi-</i>	
<i>cedure return</i>	12	<i>dation</i>	27
F. <i>Payment of travel-</i>		D. <i>Threats by fellow-</i>	
<i>ling expenses</i>	13	<i>workmen</i>	27
<i>In counties</i>	13	E. <i>Dismissal from em-</i>	
<i>In boroughs</i>	14	<i>ployment</i>	28
G. <i>Charity and chari-</i>		F. <i>Abduction of voter</i>	28
<i>table gifts</i>	15	GENERAL INTIMIDA-	
H. <i>Personation</i>	16	TION	29
I. <i>Wagers</i>	17	INTERFERENCE OF	
GENERAL BRIBERY	17	PREFS	30

CORRUPT practices mean *Bribery, Treating and Undue Influence*. See the Parl. El. Act, 1868, s. 3. BRIBERY.

“Corrupt practices or ‘corrupt practice’ shall mean bribery, treating and undue influence, or any of such offences as defined by act of parliament or recognized by the common law of parliament.”

BRIBERY.

They are severally defined by the C. P. P. Act, 1854, ss. 2, 3, 4, 5.

“That act, with respect to corrupt practices, strikes at three different classes of such practices. The 2nd and 3rd sections forbid influencing men by mercenary motives or their love of gain or reward. The 4th section forbids appeals to men’s gluttony or meaner appetites. The 5th section appealing to a man’s fears by means of violence or intimidation.” *Westbury. Judgments*, 195.

Bribery, though an offence at common law, has been further defined with great accuracy by a variety of statutes, all of which were repealed by the C. P. P. Act, 1854, which now contains the only statutable definition of bribery: ss. 2, 3.

S. 2. “The following persons shall be deemed guilty of bribery and shall be punishable accordingly:—

“I. 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: