

# **THE POOR LAW ELECTION MANUAL**

Published @ 2017 Trieste Publishing Pty Ltd

ISBN 9780649676729

The Poor Law Election Manual by W. G. Lumley

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](http://www.triestepublishing.com)

**W. G. LUMLEY**

**THE POOR LAW  
ELECTION MANUAL**



THE



POOR LAW

# ELECTION MANUAL.

Third Edition.

By W. G. LUMLEY, Esq., L.L.M.,

OF THE MIDDLE TEMPLE, BARRISTER-AT-LAW, AND ASSISTANT  
SECRETARY OF THE POOR LAW BOARD.

London:

SHAW AND SONS, FETTER LANE,

Law Printers and Publishers.

1867.

LONDON : SHAW AND SONS, PRINTERS, FETTER LANE.

## CONTENTS.

---

	Page
Prefatory Notice - - - - -	v
Extracts from the General Consolidated Order to Unions - - - - -	1
The Instructional Letter of the Commissioners -	17
The General Order of the Poor Law Board of January, 1867 - - - - -	22
Circular Letter accompanying the same - -	30

### THE MANUAL OF POOR LAW ELECTIONS.

Introduction - - - - -	36
I. Qualification of Voters - - - - -	37
1. Of Owners - - - - -	37
(a) Proxies - - - - -	39
(b) Registry of Owners and Proxies -	43
(c) Revision of the Register - - -	47
2. Of Ratepayers - - - - -	53
(a) The Rating - - - - -	53
(b) The Payment of the Rate - - -	59
Voting in Wards - - - - -	61
Disqualification of Voters - - - - -	62
II. Scale of Voting - - - - -	63
III. Qualification of Candidates - - - - -	67
Disqualification of Candidates - - -	70
<i>Ex-officio</i> Guardians - - - - -	74
IV. Mode of Election - - - - -	76
Days of the several Proceedings - - -	78
1. Register of Voters - - - - -	79
2. Of the Returning Officer - - - - -	82
3. Of the Notice of Election - - - - -	83
4. Nomination of Candidates - - - - -	84

	Page
5. Refusal of Nominee to act - - -	90
6. Conduct of Clerk on receipt of Nomination Papers - - -	93
7. Issuing of Voting Papers and their Collection - - - -	95
Their filling up by the Clerk	96
Their delivery - - - -	98
Their filling up by the Voter	101
Their Collection - - - -	102
8. Casting up of the Votes - - -	104
9. Notice to the Guardians elected -	108
10. Return or Certificate of the Clerk	109
V. Of the Returning Officer and his Remu- neration - - - - -	111
The General Orders of the Commissioners as to the Election Expenses - - -	118
VI. Decision of Disputed Elections - -	118
VII. Of the Consequences of Non-election and Vacancies - - - - -	120
VIII. Of Malpractices at Elections - - -	123
IX. Of Resignation of Guardians - - -	125

## APPENDIX.

Extracts from Statutes 4 & 5 Will. 4, c. 76; 5 & 6 Vict. c. 57; 7 & 8 Vict. c. 101; 10 & 11 Vict. c. 109; and 14 & 15 Vict. c. 105; 20 Vict. c. 19 - - - - -	127
List of Parishes in Unions or under Boards of Guardians where the population exceeds 2,000 - - - - -	144
List of Parishes where the Elections are to take place in Wards - - - - -	160
Letter of the Poor Law relating to the voting of Occupiers of Small Tenements - - -	161
Index - - - - -	163



## PREFATORY NOTICE.

---

As the Poor Law Board have deemed it advisable to make certain new regulations in reference to the mode of electing Guardians of Unions and Parishes for the purpose of removing some complaints which have been urged against the mode heretofore established, I have prepared a new edition of the Election Manual, which has been out of print for some time.

It will be seen that no material alterations have been made in the proceedings, and the course has been for the most part so free from technical difficulty that it has not been found requisite to introduce any great deal of additional matter. Still, some questions have arisen, and so far as the decisions of the courts of law and of the Poor Law Board afford elucidation of such questions, those decisions have been introduced or referred to in the body of the work.

I wish here, however, to refer to the action of the Poor Law Board in connection with their judicial authority in these matters. The statute 5 & 6 Vict. c. 57, conferred upon that board the authority to entertain questions as to the election of Guardians, and the right of persons returned to act under such election. It was intended to provide a means by which such questions could be disposed of promptly and

without expense. Accordingly, the Poor Law Commissioners and the Poor Law Board have, during a long period, exercised this authority, and have decided a large number of questions, in which the right of persons to act as Guardians has been discussed. Sometimes these questions have required the examination of witnesses, and the evidence has been taken upon oath, in the presence of all parties, by one of the Inspectors of the Board. Such examinations have enabled the facts to be ascertained without much difficulty, while the legal questions have, for the most part, been such as could be determined by reference to authorities readily to be obtained.

The result has been that very little delay has attended the decision of most questions, and the expense incurred has been generally very trifling.

The Court of Queen's Bench, however, in a late case, having reversed a former decision to the contrary, have held that an information, in the nature of a *quo warranto*, will lie for the usurpation of the office of Guardian; and in the case before them, where an application for such an information had been made, have expressed an opinion in regard to this action of the Poor Law Board, which is calculated to restrain the board from exercising the authority in future.

In the course of the argument in the case of *Reg. v. Hampton and Others*, reported in 12 Jur. (N. S.) p. 585, *Mr. Justice Shee*, advertng to the question then before the court, which was as to the construction of a statute preserving the rights of the occupiers of small tenements, observed that "the Poor Law Board was not a proper tribunal to dispose of such a question." The Chief Justice afterwards in his judgment remarked that "as the question is one which turns

almost entirely on matters of evidence, and ought to be tried according to the well known rules of procedure applicable to all such cases, it seems to me to be a case which would be much more properly conducted in a regular court of justice than before a Board of Commissioners sitting in private. I think that even if the jurisdiction of the Poor Law Board had been properly invoked, that board ought not to have exercised it."

Hence, therefore, whether the question invoked be one of law or of fact, the Judges of the Court of Queen's Bench appear to be of opinion that the Poor Law Board ought not to entertain it.

Whether the board will henceforth wholly abstain from entertaining these questions or will only act when all parties concur in their doing so, remains to be settled. In the meantime it is to be observed that having regard to their position as a court of appeal from the decisions of the clerk, it has long been their practice to decline advising him upon any matters of doubt which occur to him in the course of the election. They invariably inform him that he must exercise his judgment upon the point submitted, unless there be some statute, order, or decision to which they can refer him.

Under these circumstances this little treatise may be found of more use to the clerk, the candidates, and the voters at those elections, than when the former editions were published.

W. G. LUMLEY.

*March 14, 1867.*