

**REPORTS OF THE DECISIONS OF
COMMITTEES OF THE HOUSE OF
COMMONS IN THE TRIAL OF
CONTROVERTED ELECTIONS, DURING
THE SEVENTEENTH PARLIAMENT OF THE
UNITED KINGDOM. VOL. I**

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Reports of the Decisions of Committees of the House of Commons in the Trial of Controverted Elections, During the Seventeenth Parliament of the United Kingdom. Vol. I by F. S. P. Wolferstan & Edward L'estrangle Dew

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F. S. P. WOLFERSTAN & EDWARD L'ESTRANGE DEW

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 DECISIONS OF COMMITTEES
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 DURING THE
 SEVENTEENTH PARLIAMENT
 OF THE
United Kingdom.

BY
F. S. P. WOLFERSTAN, Esq.,
OF THE INNER TEMPLE, BARRISTER-AT-LAW;
 AND
EDWARD L'ESTRANGE DEW, Esq.,
OF THE INNER TEMPLE, BARRISTER-AT-LAW, AND
 ONE OF THE COMMITTEE CLERKS OF THE HOUSE OF COMMONS.

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CASE I.

COUNTY OF MAYO.

1857.

The Committee was appointed on the 23rd June, 1857,
and consisted of the following Members:—

William Scholesfield, Esq., Birmingham,
(*Chairman.*)

Sir John Hanmer, Bart., Flint District.	Christopher Puller, Esq., Herts.
Colonel North, Oxfordshire.	George Tomline, Esq., Shrews- bury.

Petitioner :—George Gore Onsaley Higgins, Esq., the
unsuccessful Candidate.

Sitting Member petitioned against :—George Henry Moore,
Esq.

Counsel for Petitioner :—Mr. O'Malley, Q.C., Mr. Edwin
James, Q.C., and Mr. W. P. Hale.

Agents :—Messrs. Holmes, Anton, and Turbull, Mr. R. C.
MacNevin, and Mr. John Griffin.

Counsel for Sitting Member :—Mr. M. Smith, Q.C., Mr. J. B.
Karalake, and Mr. Buchanan.

Agent :—Mr. Theodors Martin.

—♦—

THE Committee agreed to the following preli- June 25.
minary resolutions with regard to the conduct Preliminary
of the case :— resolutions.

1. "That counsel will not be allowed to go
into matters not referred to in their opening

Preliminary statement, without a special application to the resolutions. Committee for permission to do so."

2. "That if costs be demanded by either party, under the 11 & 12 Vict. c. 98, the question must be raised immediately after the decision on that particular case, unless the Committee shall otherwise decide."

3. "That the Committee expect that, with respect to cases of bribery, which it is intended to bring home to the sitting member, or his agents, the counsel for the petitioners will now state the names of the electors bribed, and those of the persons who actually gave the bribes."

4. "The Committee, however, reserve to themselves a power, upon the special application of counsel, to proceed with any case which tends to inculcate any principal or agent, the knowledge of which case has been brought out before the Committee in the progress of the investigation, with the circumstances of which the parties could not be reasonably supposed to have been previously cognisant."

5. "That, with respect to treating, the Committee will expect counsel to state the times and places where such treating is alleged to have taken place."

6. "The Committee, however, reserve to themselves a discretionary power, as in cases of bribery."

7. "That no person shall be examined as a witness who shall have been in the room during

any of the proceedings, with the exception of Preliminary the agents, whose names shall be handed in, resolutions. without the special leave of the Committee."

8. "That the Committee will only allow one counsel to address them on opening the case, and one counsel on the summing up."

9. "That if any point of law should arise requiring argument, the Committee reserve to themselves the power of hearing only one counsel on each side."

10. "That if the leading counsel are not prepared to sum up the case on either side when the evidence is terminated, the Committee will not protract the proceedings for the convenience of counsel who may be absent."

11. "That, with respect to objected votes, the Committee expect counsel to exhaust one class of objections before proceeding to another."

The petition, after stating that at the last ^{Petition.} election for the county of Mayo, George Henry Moore, Esq., Roger William Henry Palmer, Esq., and the petitioner were candidates, and that the two former were returned, alleged that the majority for Mr. Moore was obtained "by violent, illegal, unconstitutional, fraudulent, and outrageous" means; that "an organised and connected system of violence, intimidation, riot, and agitation" was established by the said ^{Organised system of violence, intimidation, &c.} G. H. Moore and his agents, and that voters were thereby deterred from giving their votes

Conduct of
Roman
Catholic
clergy.

for the petitioner; that the Roman Catholic clergy in their chapels openly denounced the petitioner, telling those present that they would be "advancing the glory of God, saving their souls from eternal damnation, and bringing blessings upon their families" by voting for Mr. Moore, and were justified in preventing other persons from voting for the petitioner by intimidation, threats, assaults, &c.; that they addressed large meetings of electors in a similar strain, and threatened those who did not vote for Mr. Moore, that they should be assaulted, &c., and that no person should deal with them; that they incited the crowd to prevent, and did by force, &c. prevent the petitioner from canvassing; that the same system was pursued at the different polling booths, where tumultuous crowds arrived with sticks, stones, &c., were incited by the priests to attack, and did attack, the voters of the petitioner, and that many were consequently deterred from voting; that the law agents, and agents to detect personation of the petitioner were not permitted by the crowd to approach the polling places; that in consequence of the rioting, &c., the poll at one place was adjourned; and that, but for "the system of violence, threats, denunciations, and intimidation above set forth," the petitioner would have been returned.

Bribery,
treating,
undue in-
fluence.

It then alleged bribery, treating, and undue influence against Mr. Moore and his agents, a want of qualification against Mr. Moore, and