

3. The following terms shall, in this Act, have the meanings hereinafter assigned to them, unless there is something in the context repugnant to such construction, that is to say:—

“Election” shall mean an Election of any Member or Members to serve in the General Assembly.

“County” shall mean County, City and County, or City, or any other place entitled to elect a Member or Members to serve in the General Assembly.

“Candidate” shall mean any person elected or returned to serve in the General Assembly, and any person who has been nominated as, or has declared himself a Candidate at an Election.

“Member” shall mean any person elected or returned to serve in the General Assembly.

“Corrupt Practices,” or “Corrupt Practice,” shall mean Bribery or Treating.

Every person who shall, after the ordering of a Writ for any Election, either directly or indirectly, by himself, or by any other person on his behalf, whether specially authorized for such purpose, or authorized generally to act in procuring his Election, give, allow, or offer, or promise to give, allow or procure to or for any Elector, any money, present, gift, loan, valuable consideration, reward, office, employment, or provision being other than in the nature of refreshment, to or for the use of any person, in order to procure the Election of any person, or to procure any Elector to vote or refrain from voting at such Election, or corruptly do any such act as aforesaid on account of any Elector having voted or refrained from voting at such Election, shall be deemed to have committed Bribery under this Act, so as that he shall be incapable, and he is hereby declared to be incapable of sitting or voting in the House of Assembly as a Member returned at such Election, and such Election and Return shall be void and be set aside.

Every person who shall, after the ordering of a Writ for any Election, either directly or indirectly by himself, or by any other person on his behalf, whether specially authorized for such purpose, or authorized generally to act in procuring his Election, give or provide, or cause to be given or provided, or pay wholly or in part any expenses incurred in providing any meat, drink, or provision, in the nature of refreshment, or any entertainment, to or for any person, or to the use or benefit of any person, in order to procure the Election of any person, or to influence any person to give his vote, or refrain from voting at such Election, or corruptly do any such act as aforesaid, on account of any Elector having voted or refrained from voting at such Election, shall be held to have been guilty of Treating under this act, so as that he shall be incapable, and he is hereby declared to be incapable of sitting or voting in the House of Assembly as a Member returned at such Election, and such Election and Return shall be void and be set aside.

“Rules of Court” shall mean Rules to be made as hereinafter mentioned.

“Prescribed” shall mean prescribed by the Rules of Court.

“Speaker” shall, when the office of Speaker is vacant, be deemed to mean the Clerk of the House of Assembly, or any other Officer for the time being performing the duties of the Clerk of the House of Assembly.

PRESENTATION AND SERVICE OF PETITION.

4. A Petition complaining of the undue Election or undue Return of a Member, by reason of any corrupt practices,

irregularity, improper conduct, or want of qualification, or by reason of any matter which (without limitation by reason of the above particularity) is sufficient to set aside such Election or Return, may be presented to the Court by any one or more of the following persons:—

(1) Some person who voted or had a right to vote at the Election to which the Petition relates; or

(2) Some person alleging himself to have been a Candidate at such Election;

and such Petition is hereafter referred to as an Election Petition.

5. The following requirements shall be observed with respect to the presentation of an Election Petition under this Act:—

(1) The Petition shall be signed by the Petitioner, or all the Petitioners, if more than one.

(2) The Petition shall be presented within twenty one days after the Return has been made to the Clerk of the Crown in Chancery, of the Members to whose Election the Petition relates.

(3) Presentation of a Petition shall be made by delivering it to the Clerk of the Pleas at Fredericton; and at the same time two copies of such Petition shall be delivered in like manner, one of which copies shall be certified by the Clerk of the Pleas, and endorsed with notice of such presentation and date thereof, which copy shall be delivered to the Petitioner, and shall be called the Duplicate Petition for service as hereinafter mentioned; the other of which copies shall be for publication as hereinafter provided.

(4) An Election Petition shall contain the following statements:—

(a) It shall state the right of the Petitioner to petition as aforesaid.

(b) It shall state the holding and result of the Election, and shall briefly state the facts and grounds relied on to sustain the prayer.

(c) It shall conclude with a prayer, that the Election should be declared void and be set aside.

(d) Evidence need not be stated in the Petition, but the Court or Judge may order such particulars as may be necessary to prevent surprise and unnecessary expense, and to insure a fair and effectual Trial, and upon such terms as to costs or otherwise, as may be ordered; but no Respondent shall be called upon to answer the matters contained in such particulars within three days from service of the same.

(e) The Petition shall be in the Form A in the Schedule hereto, or to the like effect.

(5) At the time of the presentation of the Petition, security for the payment of all costs, charges and expenses that may become payable by the Petitioner—

(a) To any person summoned as a Witness on his behalf; or

(b) To the Member whose Election or Return is complained of, (who is hereinafter referred to as the Respondent) shall be given on behalf of the Petitioner, by delivering the same to the Clerk of the Pleas.

(6) The security shall be to an amount of two thousand dollars, and shall be given by Recognizance, to be entered into by a Petitioner and two Sureties, which Recognizance may be acknowledged before a Judge of the Supreme Court, or County Court, at Chambers, and may be in Form B of Schedule hereto annexed; and the sureties shall in all cases, before entering into Recognizance, severally justify by affidavit made before a person authorized to take affidavits to be read in the Supreme Court, or before the Judge aforesaid,