

questions by the Court, and for this purpose to reserve any such question or questions in like manner as questions are usually reserved by a Judge at Nisi Prius.

23. Where upon the application of any party to a Petition, whether a Petitioner or Respondent, by rule in the Court when sitting, or by summons before a Judge at Chambers upon hearing the parties, it appears to the Court or Judge that the case raised by the Petition can be conveniently stated as a Special Case, the Court or Judge may direct the same to be stated accordingly; and any such Special Case shall, as far as may be, be heard before the Court, and the decision of the Court shall be final; and the Court shall certify to the Speaker its determination in reference to such Special Case.

24. On receipt by the Speaker of the Certificate of the Court or Judge, when the House of Assembly is not sitting, the Speaker shall, in case the Election or Return has been thereby declared void, forthwith send his Warrant to the Provincial Secretary, to issue a Writ for the Election of a Member to fill the vacancy which is hereby declared to be thereby occasioned, who shall, on receipt thereof, issue the same accordingly. If in such case there be no Speaker, or if the vacancy occur before the meeting of any new House, the Clerk, or person acting as Clerk of the House, shall, on receipt of such Certificate, and in case the Election or Return has been thereby declared void, inform two of the Members elect, who shall send their Warrant to the Provincial Secretary to issue a Writ as aforesaid, and on receipt thereof, the Clerk of the Crown in Chancery shall immediately issue the Writ.

25. The House of Assembly on being informed by the Speaker of the Certificate and Report, if any, of the Court or Judge, shall order the same to be entered in their Journals; and in event of such Certificate being received by the Speaker during the sitting of the House of Assembly, the House of Assembly, in case the Election or Return has been thereby declared void, shall give the necessary directions for issuing a Writ for a new Election.

26. The Certificate of the Judge shall, for all purposes, have the same effect as the Report of an Election Committee of the House of Assembly may have had before the passing of this Act.

27. On the Trial of an Election Petition under this Act, unless the Judge otherwise directs, any charge of a corrupt practice, may be gone into, and evidence in relation thereto received, before any proof has been given of agency on the part of any Candidate in respect of such corrupt practice.

28. The Trial of an Election Petition under this Act shall be proceeded with, notwithstanding the acceptance by the Respondent of an office, appointment or commission under the authority and control of the Lieutenant Governor or Lieutenant Governor in Council, or notwithstanding the prorogation of the Legislature.

29. Two or more Candidates may be made Respondents to the same Petition, and their case may be, for the sake of convenience, be tried at the same time; but for all the purposes of this Act, such Petition shall be deemed to be a separate Petition against each Respondent; and where under this Act more Petitions than one are presented, relating to the same Election or Return, all such Petitions shall be dealt with as one Petition, and the Court or Judge shall make the necessary orders therefor.

30. On the Trial of an Election Petition under this Act, the Judge shall faithfully and truly take down the evidence

given at the Trial, and shall attach such minutes of evidence, and the Petition, and copy of particulars in the cause, to the Certificate made by the Judge to the Speaker.

31. On the Trial of an Election Petition under this Act, the General Poll Book containing any demand or protest entered therein, by virtue of the forty sixth Section of Chapter 37, of eighteenth Victoria, shall be sufficient evidence of any such demand or protest having been made; but notwithstanding any thing in said Section contained no protest against the whole Election, or the return of any Member on grounds of corrupt practices, shall be necessary.

32. All Acts or portions of Acts relating to Evidence to be given before a Committee of the House of Assembly, in the matter of Controverted Elections, shall be in force in respect to the Trial of Election Petitions under this Act, and be observed as far as may be by the Court and Judge in the case of Election Petitions under this Act.

JURISDICTION AND RULES OF COURT.

33. The Court may from time to time make, and from time to time revoke and alter General Rules and Orders (in this Act referred to as the Rules of Court) for the effectual execution of this Act, and of the intention and object thereof; and the regulation of the practice, procedure and costs of Election Petitions, and the Trial thereof, and the certifying and reporting thereon: Any General Rules made as aforesaid, shall be deemed to be within the powers conferred by this Act, and shall be of the same force as if enacted in the body of this Act; but any General Rules made in pursuance of this Section, shall be laid before the House of Assembly within one week after they are made, if the House of Assembly be then sitting, and if not sitting then within one week after the beginning of the then next Session of the House of Assembly.

34. Until Rules of Court shall have been made in pursuance of this Act, the Rules of Court dated twenty first of November, A. D. 1868, and made by Judges for the Trial of Election Petitions in England, pursuant to the Parliamentary Elections Act, 1868, shall be observed so far as may be, by the Court and Judge in the case of Election Petitions under this Act.

EXPENSES AND JURISDICTION OF JUDGE.

35. Such reasonable allowance as the Lieutenant Governor in Council shall allow for the travelling and other expenses of the Judge, and all expenses properly incurred by the Sheriff in providing a proper Court, shall be defrayed by Warrant in the ordinary way.

36. On the Trial of an Election Petition under this Act, the Judge shall, subject to the provisions of this Act, have the same powers, jurisdiction and authority as a Judge of the Supreme Court, and as a Judge of Assize and Nisi Prius, and the Court held by him shall be a Court of Record.

37. The Title of the Court of Record held for the Trial of an Election Petition under this Act may be as follows:—

In the Supreme Court for the Trial of an Election Petition for the (County of or City of as the case may be,) between Petitioner, and Respondent.

38. All interlocutory questions and matters shall be heard and disposed of before a Judge, who shall have the same control over the proceedings under this Act, as a Judge at Chambers in the ordinary proceedings in the Supreme Court; and such questions and matters shall be disposed of by the Judge assigned to try Election Petitions in the County to