

any person who might have been a Petitioner, in respect of the Election to which the Petition relates, may apply to the Court or Judge by motion or summons at Chambers, to be substituted as a Petitioner.

58. The Judge may, if he thinks fit, substitute as a Petitioner, any such applicant who is desirous of being substituted, and on whose behalf security to the same amount is given as is required in case of a new Petition.

PUNISHMENT OF BRIBERY.

59. Where it is found by the Report of the Judge upon an Election Petition under this Act, that Bribery has been committed by or with both the knowledge and consent of any person returned as a Member at an Election, such person shall be deemed to have personally committed Bribery at such Election; and in addition to his Election being declared void, he shall, during the period of six years next after the date of the said Report, be incapable of being elected to and of sitting in the House of Assembly; and he shall further be incapable during the said period—

- (1) Of being registered as a voter and voting at an Election in the Province for a Member of the House of Assembly;
- (2) Of holding any appointment or commission or office under the authority and control of the Lieutenant Governor in Council.

60. But nothing herein contained shall be taken to relieve any person from any of the penalties imposed by any other Act or Acts in respect of Bribery, except so far as relates to the debarring of such person from voting at any Election.

COSTS.

61. All costs, charges and expenses of and incidental to the presentation of a Petition under this Act, and to the proceedings consequent thereon, with the exception of such costs, charges, and expenses, as are by this Act otherwise provided for, shall be defrayed by the parties to the Petition, in such manner and such proportions as the Court or Judge may determine, regard being had to the disallowance of any costs, charges or expenses which may, in the opinions of the Court or Judge, have been caused by vexatious conduct and unfounded allegations, either of the Petitioner or Respondent, and regard being had to the discouragement of any needless expense, by throwing the burden of defraying the same on the parties by whom it has been caused, whether such parties are or are not on the whole successful.

62. Costs shall be taxed by the Clerk of the Pleas, upon the Rule of Court or Judge's order by which the costs are payable, and costs when taxed may be recovered by execution or attachment, upon such rule or order, against the person by whom the costs are ordered to be paid, or against his goods and chattels, lands and tenements.

63. If any Petitioner, in an Election Petition presented under this Act, neglect or refuse, for the space of three months after demand, or for four months after taxation of costs, to pay to any person summoned as a witness on his behalf, or to the Respondent, any sum certified by the Judge or Clerk of the Pleas to be due to him for his costs, charges, and expenses; and if such neglect or refusal be, within one year after such demand, proved to the satisfaction of the Court or Judge, in every such case every person who has entered into a Recognizance relating to such Petition under the provisions of this Act, shall be held to have made default in said Recognizance, and the Judge having certified that such demand has been proved to his satisfaction, the Clerk

of the Pleas shall thereupon certify such Recognizance to be forfeited and estreated; which certificate shall be conclusive evidence thereof, and the Recognizance so certified shall be estreated as if the same were estreated from a Court of Law.

64. All moneys which may be recovered and received under any Recognizance which shall become forfeited under this Act, shall be paid into the hands of the Receiver General; and on receipt and payment of such moneys, the parties entitled to costs, so taxed as aforesaid, shall, upon the certificate of the Court or Judge as aforesaid, be paid the amount of their several costs by Warrant in the ordinary way.

MISCELLANEOUS.

65. Any Barrister of the Supreme Court shall be entitled to practice as an Attorney, or Agent, in cases of Election Petitions under this Act, and all matters relating to Elections, before the Court and Judges prescribed by this Act, and shall be subject to the jurisdiction and orders of the Court.

66. An Agent, or Attorney, employed for the Petitioner or Respondent, shall forthwith leave written notice at the office of the Clerk of the Pleas of his appointment to act as such Agent, or Attorney; and service of notices and proceedings upon such Agent, or Attorney, shall be sufficient for all purposes.

67. All persons authorized to take affidavits to be read in the Supreme Court, shall have power, and are hereby authorized to take affidavits in any matters arising under this Act.

68. From and after the next dissolution of the House of Assembly, no Election or Return shall be questioned, except in accordance with the provisions of this Act; but until such dissolution, Elections and Returns to the General Assembly may be questioned in manner heretofore in use; and, (subject to the reservations herein), Chapter 98 of Revised Statutes, intituled 'Of Controverted Elections,' is hereby repealed.

69. Publication of any paper or notice shall, where it is not otherwise expressed, be by posting printed copies of such papers or notices on the Court House, in the Registry Office of the County to which the Petition relates, or by publishing the same for three consecutive days in a paper or papers published in the County.

70. No proceeding under this Act shall be defeated by any formal objection.

SCHEDULE.

A.

IN THE SUPREME COURT.

The Bribery and Corruption and Election Petition Act 1869.

Election for [state the place] holden on the _____ day of _____ A. D. 18 ____.

The Petition of A, of _____, (or of A, of _____, and B, of _____, as the case may be) whose names are subscribed.

1. The Petitioner A, is a person who voted (or had a right to vote, or was a Candidate, as the case may be) at the above Election, and your Petitioner B, [here state in like manner the right of each Petitioner.]

2. And the Petitioners state that the Election was holden on the _____ day of _____ A. D. 18 ____, when C. D., E. F., and G. H., were Candidates, and the Sheriff has returned C. D. and E. F. as being duly elected.

3. And the Petitioners say that [here state the facts and grounds on which the Petitioners rely.]

Wherefore the Petitioners pray, that it may be determined