# GENERAL RULES OF THE ELECTION COURT

#### FOR THE

## PROVINCE OF NEW BRUNSWICK,

Made under and by virtue of the Act of the Dominion of Canada passed in the 36th year of Her Majesty's Reign, Cap. 28; being "The Controverted Elections Act, 1873."

I.

The presentation of an Election Petition shall be made by leaving it at the office of the Clerk of the Election Court. With the Petition shall also be left a copy thereof for the said Clerk of the Election Court to send to the Returning Officer, pursuant to Section 11 of the Act.

#### II.

An Election Petition shall contain the following statements :--

1. The right of the Petitioner to petition within Section 10 of the Act.

2. The holding and result of the Election.

3. A brief statement of the facts and grounds relied on to sustain the prayer.

It shall conclude with a prayer; as for instance—that some specified person should be declared duly returned or elected; or, that the Election should be declared void; or, that a return may be enforced, (as the case may be).

#### III.

The Petition shall be signed by all the petitioners, and shall be divided into paragraphs, each of which, as nearly as may be, shall be confined to a distinct portion of the subject, and every paragraph shall be numbered consecutively; and no costs shall be allowed for drawing or copying any Petition, not substantially in compliance with this Rule, unless otherwise ordered by the Court, or one of the Election Judges.

#### 1V.

The following form of Petition, or to the like effect, shall be sufficient : IN THE ELECTION COURT.

### " The Controverted Elections Act, 1873."

Election of a Member for the House of Commons for [state the place] holden on the day of A. D.

DOMINION OF CANADA. Province of New Brunswick. To wit: To wit:

1. Your Petitioner A, is a person (or, if more than one, say—Your Petitioners are persons) who was (or were) duly qualified to vote at the above Election; (or claims to have had a right to be returned or elected at the above Election; or, was a candidate at the above Election, as the case may be.)

2. And your Petitioners state that the Election was holden on the day of , A. D. , when A B, C D, and E F, were candidates, and the Returning Officer has returned A B as being duly elected.

3. And your Petitioners say that [here state the facts and grounds on

effectual trial, in the same way as in ordinary proceedings in the Supreme Court, and upon such terms as to costs and otherwise as may be ordered.

VI.

When a Petitioner claims the seat for an unsuccessful candidate, alleging that he had a majority of lawful votes, the party complaining of, and the party defending the Election or return, shall each, six days before the day appointed for trial. deliver to the Clerk of the Election Court and also at the address, if any, given by the Petitioner and Respondent (as the case may be,) a list of the votes intended to be objected to, and of the heads of objection to each such vote; and the Clerk of the Election Court shall allow inspection and office copies of such lists to all parties concerned; and no evidence shall be given against the validity of any vote, nor upon any head of objection not specified in the list, except by leave of the Court or one of the Election Judges, upon such terms as to amendment of the list, postponement of the enquiry, and payment of costs or otherwise, as may be ordered.

VII.

When the Respondent in a Petition under the Act, complaining of an undue return, and claiming the seat for some person, intends to give evidence to prove that the Election of such person was undue, pursuant to the 54th Section of the Act, such Respondent shall, six days before the day appointed for trial. deliver to the Clerk of the Election Court, and also at the address, if any, given by the Petitioner, a list of the objections to the Election, upon which he intends to rely. And the Clerk of the Election Court shall allow inspection and office copies of such list to all parties concerned; and no evidence shall be given by a Respondent of any chjection to the Election Judges, upon such terms as to amendment of the list, postponement of the inquiry, and payment of costs as may be ordered.

### VIII.

With the Petition, the Petitioners shall leave at the office of the Clerk of the Election Court, a writing, signed by them or on their behalf, giving the name of some person entitled to practise as an Attorney, or whom they authorize to act as their Agent, or stating that they act for themselves, as the case may be; and in either case giving an address, within the City of Fredericton or Saint John, at which notices addressed to them may be left; and if no such writing be left or address given, then notice of objection to the recognizances, and all other notices and the proceedings may be given by posting up the same at the office of the Clerk of the Election Court.

#### IX.

Any person returned as a Member may, at any time after he is returned, send or leave at the office of the Clerk of the Election Court, a writing signed by him or on his behalf, appointing a person entitled to practise as an Attorney, to act as his Agent, in case there should be a petition against him; or stating that he intends to act for himself, and in either case giving an address within the City of Fredericton or Saint John, at which notices may be left; and in default of such writing being left within a week after service of the petition, notices and proceedings may be given and served respectively, by posting up the same at the office of the Clerk of the Election Court.

#### Х.

The Clerk of the Election Court shall keep a book or books at his

which the Petitioners rely.]

Wherefore your Petitioners pray that it may be determined that the said A B was not duly elected or returned, and that the Election was void; (or, that the said E F was duly elected and ought to have been returned; or, as the case may be.) Signed A.

V.

office, in which he shall keep a record of all the proceedings of the said Court; the date of filing each Petition, withdrawal, or substitution, and the decision in each case tried—the proceedings in each case to be kept separately. He shall also keep a record of the names and addresses of the agents given under either of the preceding Rules : which books shall be open to inspection by any person during office hours, without payment of any fee.

XI.

Evidence need not be stated in the Petition, but the Court, or one of the Election Judges may order such particulars as may be necessary to prevent surprise and unnecessary expense, and to ensure a fair and suant to Section 11 of the Act, and shall therewith send the name of

В.