

date of the order, not including the day of the date, and such deposit shall be made in the manner already prescribed.

XXIX.

The costs of hearing and deciding the objections made to the security given, shall be paid as ordered by the Clerk of the Election Court or one of the Election Judges; and in default of such order, shall form part of the general costs of the Petition.

XXX.

The costs of hearing and deciding an objection upon the grounds of insufficiency of a surety or sureties, shall be paid by the Petitioner, and a clause to that effect shall be inserted in the order declaring its sufficiency or insufficiency, unless at the time of leaving the recognizance with the Clerk of the Election Court, there be also left with him an affidavit of the sufficiency of the surety or sureties, sworn by each surety before a Commissioner authorized to take affidavits in the Supreme Court, or before a Justice of the Peace, (which affidavit such Commissioner or Justice of the Peace is hereby authorized to take,) that he is seized or possessed of real or personal estate, or both, above what will satisfy his debts, of the clear value of the sum for which he is bound by his recognizance: which affidavit may be as follows:—

IN THE ELECTION COURT.

"*The Controverted Elections Act 1873.*"

I, A B, of (*as in recognizance*) make oath and say, that I am seized and possessed of real (*or personal, or real and personal*) estate, above what will satisfy my debts, of the clear value of \$

Sworn, &c.

XXXI.

The order of the Clerk of the Election Court for payment of costs, shall have the same force as an order made by one of the Election Judges, and may be made a rule of the Election Court, and enforced in like manner as a Judge's order.

XXXII.

The Clerk of the Election Court shall make out the Election list. In it he shall insert the names of the Agents of the Petitioner and Respondent, and the addresses to which notices may be sent, if any. The list may be inspected at the office of the Clerk of the Election Court at any time during office hours; and shall be put up for that purpose upon a notice board appropriated to proceedings under the said Act, and headed "*Controverted Elections Act 1873.*"

XXXIII.

The time and place of the trial of each Election Petition shall be fixed by the Election Court, and notice thereof shall be given in writing by the Clerk of the Election Court, by affixing the same upon the Notice board in his office; sending one copy by the post to the address given by the Petitioner, another to the address given by the Respondent, if any, and a copy by the post to the Sheriff, fifteen days before the day appointed for the trial. The Sheriff shall forthwith publish the same in the County, or City and County.

XXXIV.

The affixing of the notice of trial at the office of the Clerk of the Election Court shall be deemed and taken to be notice in the prescribed manner within the meaning of the Act, and such notice shall not be vitiated by any miscarriage of, or relating to, the copy or copies thereof to be sent as already directed.

XXXV.

The notice of trial may be in the following form:—

IN THE ELECTION COURT.

"*The Controverted Elections Act 1873.*"

Election Petition of (*name the County*). Take notice that the above Petition (*or Petitions*), will be tried at on the day of , and on such other subsequent days as may be needful.

Dated the day of

By order.

(Signed)

A. B.

Clerk of the Election Court.

XXXVI.

Notice of the time and place of the trial of each Election Petition shall be transmitted by the Clerk of the Election Court to the Clerk of the Peace of the County, or City and County, or Electoral District, for which the election complained of shall have been held; and the said Clerk of the Peace shall forthwith deliver, or cause to be delivered to the Registrar of the Judge who is to try the Petition, or his Deputy, the Poll Books and Check lists used at the Election to which the Petition relates, and filed with such Clerk of the Peace; for which the Registrar or his Deputy shall give, if required, a receipt; and the Registrar or his Deputy shall keep the said Poll books and Check lists in safe custody until the conclusion of the trial, and then return the same to the said Clerk of the Peace.

XXXVII.

The Election Court may from time to time, by order made upon the application of a party to the Petition, or by notice in such form as the Court may direct to be sent to the Sheriff, postpone the commencement of the trial to such day as may be named; and such notice when received, shall be forthwith made public by the Sheriff.

XXXVIII.

In the event of the Judge not having arrived at the time appointed for the trial, or to which the trial is postponed, the commencement of the trial shall, *ipso facto*, stand adjourned to the ensuing day, and so from day to day until the arrival of the Judge.

XXXIX.

No formal adjournment of the Court for the trial of an Election Petition shall be necessary, but the trial is to be deemed adjourned, and may be continued from day to day until the enquiry is concluded; and in the event of the Judge who begins the trial being disabled by illness or otherwise, it may be recommenced and concluded by any other of the Election Judges.

XL.

All affidavits and papers in any matter in the Election Court, or in any Court for the trial of an Election Petition, may be entitled as follows:—

IN THE ELECTION COURT FOR THE PROVINCE OF NEW BRUNSWICK.

"*The Controverted Elections Act 1873.*"

Election Petition for the County of

Between A. B, [*name of all Petitioners*] Petitioner, and C. D., Respondent.

XLI.

An officer shall be appointed for each Court for the trial of an Election Petition, who shall attend at the trial, in like manner as the Clerks of the Circuit Courts attend at such Courts.

Such officer shall be called the Registrar of that Court. He, by himself or his sufficient Deputy, shall perform all the functions incident to the officer of a Court of Record, and also such other duties as may be prescribed to him. He shall keep a book, in which shall be entered the proceedings of each trial, in like manner as on trials at Circuits, and on the conclusion of the trial shall send such book, together with any papers or documents filed with him during the trial, to the Clerk of the Election Court.

XLII.

The reasonable costs of any witness shall be ascertained by the Registrar of the Court, and the certificate allowing them shall be under his hand.

XLIII.

The order of a Judge to compel the attendance of a person as a witness, may be in the following form:—

Court for the trial of an Election Petition for [*complete the title of the Court.*]

To A. B. [*describe the person*], you are hereby required to attend before the above Court at [*place*], on the day of , at the hour of (*or forthwith, as the case may be*), to be examined as a