



## BY AUTHORITY.

THE following, being Chapter 63 of the Consolidated Statutes, and a Schedule of the Acts of which such Chapter is a consolidation, are published by Order of the Governor in Council, dated 1st June, 1876, under Sections 14 and 20 of the Chapter of the Consolidated Statutes relating to the Promulgation and Repeal of Statutes; and from and after the publication hereof, the said Chapter 63 is hereby brought into operation, and the Act referred to in the said Schedule repealed.

## CHAPTER 63.

## CONTROVERTED ELECTIONS.

## PRELIMINARY.

1. The expression "The Court," shall, for the purposes of this Chapter, mean the Supreme Court at Fredericton; and such Court shall, subject to the provisions of this Chapter, have the same powers, jurisdiction and authority with reference to Election Petitions under this Chapter, and the proceedings thereon, as it would have if such Petition were an ordinary cause within its jurisdiction; and the term "Judge" shall, unless otherwise provided, mean a Judge of the Supreme Court.

2. The following terms shall in this Chapter 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, emolument, 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 Chapter, 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 Chapter, 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.

3. 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.

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

(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: