

(4) An Election Petition shall contain the following statements—

- (a) It shall state the right of the petitioner to petition as aforesaid;
- (b) It shall state the holding and result of the Election, and shall briefly state the facts and grounds relied on to sustain the prayer;
- (c) It shall conclude with a prayer, that the Election should be declared void, and be set aside;
- (d) Evidence need not be stated in the Petition, but the Court or Judge may order such particulars as may be necessary to prevent surprise and unnecessary expense, and to ensure a fair and effectual Trial, and upon such terms as to costs or otherwise, as may be ordered; but no respondent shall be called upon to answer the matters contained in such particulars within three days from the service of the same;
- (e) The Petition shall be in the form A in the Schedule hereto, or to the like effect;

(5) At the time of the presentation of the Petition, security for the payment of all costs, charges and expenses that may become payable by the petitioner—

- (a) To any person summoned as a witness on his behalf; or
- (b) To the Member whose Election or Return is complained of, (who is hereinafter referred to as the respondent) shall be given on behalf of the petitioner, by delivering the same to the Clerk of the Pleas:

(6) The security shall be to an amount of two thousand dollars, and shall be given by recognizance, to be entered into by a petitioner and two sureties, which recognizance may be acknowledged before a Judge of the Supreme Court or County Court, at Chambers, and may be in Form (B) of Schedule hereto annexed; and the sureties shall in all cases, before entering into recognizance, severally justify by affidavit made before a person authorized to take affidavits to be read in the Supreme Court, or before the Judge aforesaid, that they are severally worth double the sums for which they are respectively bound by such recognizance, after payment of all their just debts; which affidavit shall be left at the Office of the Clerk of the Pleas, by or on behalf of the petitioner, at the time of filing the recognizance.

5. On presentation of the Petition, and filing of the recognizance and affidavit of sufficiency, the Clerk of the Pleas shall send a copy of the Petition, endorsed with the names and places of residence and additions of the sureties, to the Sheriff of the County to which the Petition relates, who shall forthwith publish the same in the County or City, as the case may be, the cost of which publication, and of any other matter required to be published by the Sheriff, shall be paid by the petitioner or person moving in the matter, and shall form part of the general costs of the Petition.

6. The Duplicate Petition shall, within fourteen days after the presentation of the Petition, be served by or on behalf of the petitioner on the respondent, by a service of a copy of the same, and in all respects as nearly as may be in the manner in which a writ or summons is served; and in case of non-personal service, or an evasion of service, or in case of the absence from the Province of the respondent, the Judge shall have power to make all orders for perfecting service, or for directing notice to be given, which shall be equivalent to personal service; but service may be made in such other manner as may be prescribed.

7. The petitioner shall, within fourteen days after the time limited for service of the Petition, file in the Office of the Clerk of the Pleas, the Duplicate Petition, with affidavit of service, and order of Judge when necessary, in the same manner as in cases of service of writ or summons, and when such Duplicate Petition shall have been so filed, with affidavits and orders when necessary, the Petition shall be deemed to be at issue; and the Clerk of the Pleas shall keep a Book, called "The Controverted Elections List," in which he shall enter a minute of the time of filing of the different papers filed under the authority of this Chapter, and shall post in his Office a list of the Election Petitions so from time to time at issue.

TRIAL OF A PETITION.

8. The Trial of such Election Petition shall be conducted before a Judge of the Supreme Court.

9. The Court shall, in Hilary Term of each year, assign certain Judges of the Court to try any Election Petitions standing for Trial in the several Counties of the Province to which such Judges may respectively be assigned.

10. In the event of the death or illness of any Judge for the time being so assigned, or his inability to act for any reasonable cause in the Trial of such Election Petition, the Court or the Chief Justice shall assign another Judge of the Court to hear and try such Election Petition.

11. Every Election Petition as aforesaid shall, except where it raises a question of Law for the determination of the Court (as hereinafter mentioned) be tried by one of the Judges in this behalf mentioned, sitting in open Court without a Jury.

12. The Trial of an Election Petition under this Chapter shall take place at the Court House in the County to which such Petition relates.

13. Notice of the time at which an Election Petition will be tried shall be given not less than fourteen days before the day on which the trial is to be held.

14. The time of the Trial of such Petition shall be fixed by the Judge assigned to hold the Trial of Election Petitions under this Chapter, in the County to which such Petition relates, and notice thereof shall be given in writing by the Clerk of the Pleas by posting notice in his Office, and sending one copy by the Post to the Sheriff of the County, who shall forthwith publish the same by posting printed notices thereof on the Court House and in the Registry Office, and in some public place in the Parish in which the respondent resides, if a resident of the County, and such notice shall run from the time of such publication; and the Sheriff shall serve copy of notice of Trial on the respondent in the same manner as other papers; but the failure of the Sheriff to serve such notice on the respondent shall not of itself be cause of postponing such Trial, if in fact the above public notice has been given. The notice of Trial may be in Form (C) in Schedule.

15. A Judge may from time to time by order made upon the application of a party to the Petition, his attorney or agent, or by notice in such form as the Judge may direct to be sent to the Sheriff, postpone the beginning of the Trial to such day as he may name; and such notice, when received, shall be forthwith made public by the Sheriff.

16. 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.

17. No formal adjournment of the Court for the Trial of