

an Election Petition under this Chapter shall be necessary; but the Trial is to be deemed adjourned and may be continued from day to day until the inquiry is concluded; and in the event of the Judge who begins the Trial being disabled by sickness or otherwise, it may be recommenced and concluded by another Judge: The Judge presiding at the Trial may adjourn the same from time to time, as to him may seem expedient.

18. The Clerk of the Pleas shall send the Petition to the Sheriff of the County to which the Petition relates, or to the Judge so as above assigned, which, with the particulars, a copy of which shall be furnished by the petitioner, shall constitute the Record in the cause.

19. At the conclusion of the Trial the Judge who tried the Petition shall determine and publicly declare whether the Member whose Return and Election is complained of, was duly elected and returned, or whether such Election and Return is void and should be set aside, publicly stating the grounds and reasons for such determination, which grounds and reasons shall previously have been reduced to writing, and shall forthwith, after the time limited for appeal, if no appeal be had, certify in writing such determination, and the grounds and reasons aforesaid, to the Speaker; and upon such certificate being given, such determination shall be final to all intents and purposes.

20. The Judge shall at the same time make a report to the Speaker whether Bribery has been committed by or with both the knowledge and consent of the Member, and may at the same time make a special report to the Speaker as to any matters arising in the course of the Trial, an account of which in his judgment ought to be submitted to the House of Assembly.

21. Provided always, that if it shall appear to the Judge on the Trial of the said Petition, that any question or questions of law as to the admissibility of evidence, or otherwise, require further consideration by the Court, then it shall be lawful for the said Judge to postpone the granting of the said certificate until the determination of such question or questions by the Court, and for this purpose to receive any such question or questions in like manner as questions are usually reserved by a Judge at Nisi Prius.

22. Where upon the application of any party to a Petition, whether a petitioner or respondent, by rule in the Court when sitting, or by summons before a Judge at Chambers, upon hearing the parties, it appears to the Court or Judge that the case raised by the Petition can be conveniently stated as a special case, the Court or Judge may direct the same to be stated accordingly; and any such special case shall, as far as may be, be heard before the Court, and the decision of the Court shall be final; and the Court shall certify to the Speaker its determination in reference to such special case.

23. On receipt by the Speaker of the certificate of the Court or Judge, when the House of Assembly is not sitting, the Speaker shall, in case the election or return has been thereby declared void, forthwith send his Warrant to the Provincial Secretary, to issue a Writ for the election of a Member to fill the vacancy which is hereby declared to be thereby occasioned, who shall on receipt thereof issue the same accordingly; if in such case there be no Speaker, or if the vacancy occur before the meeting of any new House, the Clerk or person acting as Clerk of the House, shall on receipt of such certificate, and in case the election or return has been

thereby declared void, inform two of the Members elect, who shall send their Warrant to the Provincial Secretary to issue a Writ as aforesaid, and on the receipt thereof the Clerk of the Crown in Chancery shall immediately issue the Writ.

24. The House of Assembly on being informed by the Speaker of the certificate and report, if any, of the Court or Judge, shall order the same to be entered in their Journals, and in event of such certificate being received by the Speaker during the sitting of the House of Assembly, the House of Assembly, in case the Election or return has been thereby declared void, shall give the necessary directions for issuing a Writ for a new Election.

25. The certificate of the Judge shall, for all purposes have the same effect as the Report of an Election Committee of the House of Assembly may formerly have had.

26. On the Trial of an Election Petition under this Chapter, unless the Judge otherwise directs, any charge of a corrupt practice may be gone into, and evidence in relation thereto received, before any proof has been given of agency on the part of any candidate in respect of such corrupt practice.

27. The Trial of an Election Petition under this Chapter shall be proceeded with, notwithstanding the acceptance by the respondent of an office, appointment or commission under the authority and control of the Lieutenant Governor or Lieutenant Governor in Council, or notwithstanding the prorogation of the Legislature.

28. Two or more candidates may be made respondents to the same Petition, and their case may for the sake of convenience be tried at the same time; but for all the purposes of this Chapter, such Petition shall be deemed to be a separate Petition against each respondent; and where under this Chapter more Petitions than one are presented, relating to the same Election or return, all such Petitions shall be dealt with as one Petition, and the Court or Judge shall make the necessary orders therefor.

29. On the Trial of an Election Petition under this Chapter, the Judge shall faithfully and truly take down the evidence given at the Trial, and shall attach such minute of evidence and the Petition and copy of particulars in the cause, to the certificate made by the Judge to the Speaker.

30. On the Trial of an Election Petition under this Chapter, the General Poll Book containing any demand or protest entered therein by virtue of the Chapter relating to Elections to the General Assembly, shall be sufficient evidence of any such demand or protest having been made; but notwithstanding any thing in said Chapter contained, no protest against the whole Election, or the return of any Member on grounds of corrupt practices, shall be necessary.

31. All laws in force relating to evidence to be given before a Committee of the House of Assembly, in the matter of Controverted Elections, shall be in force in respect to the Trial of Election Petitions under this Chapter, and be observed as far as may be by the Court and Judge in the case of Election Petitions under this Chapter.

INQUIRY INTO CONDUCT OF UNSUCCESSFUL CANDIDATE.

32. The respondent may at any time prior to ten days before the time fixed for the Trial of the Election Petition, give notice to any or all of the candidates at the Election that he will on the Trial of the Petition adduce evidence to shew that corrupt practices were committed by such candidate (hereinafter called the candidate) at the Election, and