

at the same time shall deliver particulars as in the case of a Petition; and shall at least one week before the time fixed for the Trial file a copy of the said notice and particulars with the Clerk of the Pleas, and shall also within the time aforesaid serve a copy thereof on the Sheriff, which last mentioned copy shall constitute part of the Record in the cause.

33. The Judge may upon proof of due service upon the candidate as aforesaid, at the time fixed for the Trial of the Election Petition, try as well the matters referred to in such notice as the matters referred to in the Election Petition, or he may order that the said several matters be tried separately, and may from time to time make such orders as shall be necessary for carrying into effect the objects of this Section; and at the conclusion of his enquiry into the matters referred to in such notice, he shall determine and publicly declare whether the candidate was guilty of corrupt practices at the Election, stating the grounds and reasons for such determination, as in the determination upon the Election Petition; and in case he finds that Bribery has been committed by or with both the knowledge and consent of the candidate, he may adjudge and declare that the candidate has personally committed Bribery at such Election.

34. In case the Judge finds that the candidate has been guilty of corrupt practices, he may order that the costs as well of the Election Petition as of the inquiring into the conduct of the candidate, shall be paid by the candidate, or he may apportion such costs upon the candidate or candidates, or the respondent, as he may see fit; and in case the Judge finds that the candidate has not been guilty of any corrupt practice, he shall order the costs of the inquiry to be paid by the respondent.

35. If the Election Petition and the inquiry into the conduct of the candidate be heard at the same time, the respondent may, upon cross examination of the witnesses produced on behalf of the petitioner, go into evidence of the conduct of the candidate; and the candidate may cross examine such witnesses as also the witnesses produced by the respondent, as well with reference to the acts of the respondent as to his own conduct.

36. All the clauses of this Chapter shall, so far as applicable, extend to the trial of the matters between the respondent and the candidate, as well as to the Election Petition.

JURISDICTION AND RULES OF COURT.

37. The Court may from time to time make, and from time to time revoke and alter, general Rules and Orders (in this Chapter referred to as the Rules of Court) for the effectual execution of this Chapter, and of the intention and object thereof; and the regulation of the practice, procedure and costs of Election Petitions, and the Trial thereof, and of the inquiry into the conduct of the candidate, and the certifying and reporting thereon, and also for the regulation of appeals under this Chapter: Any General Rules made as aforesaid shall be deemed to be within the powers conferred by this Chapter, and shall be of the same force as if enacted in the body of this Chapter; but any General Rules made in pursuance of this Section shall be laid before the House of Assembly within one week after they are made, if the House of Assembly be then sitting, and if not sitting, then within one week after the beginning of the then next Session of the House of Assembly.

38. Until Rules of Court shall have been made in pursu-

ance of this Chapter, the Rules of Court dated twenty first of November, A. D. 1868, and made by Judges for the Trial of Election Petitions in England pursuant to the Parliamentary Elections Act 1868, shall be observed so far as may be by the Court and Judge in the case of Election Petitions under this Chapter.

EXPENSES AND JURISDICTION OF JUDGE.

39. Such reasonable allowance as the Lieutenant Governor in Council shall allow for the travelling and other expenses of the Judge, and all expenses properly incurred by the Sheriff in providing a proper Court, shall be defrayed by Warrant in the ordinary way.

40. On the Trial of an Election Petition under this Chapter, the Judge shall, subject to the provisions of this Chapter, have the same powers, jurisdiction and authority as a Judge of the Supreme Court, and as a Judge of Assize and Nisi Prius, and the Court held by him shall be a Court of Record.

41. The Title of the Court of Record held for the Trial of an Election Petition under this Chapter may be as follows:—

In the Supreme Court for the Trial of an Election Petition for the (County of or City of as the case may be,) between Petitioner and Respondent.

42. All interlocutory questions and matters shall be heard and disposed of before a Judge, who shall have the same control over the proceedings under this Chapter, as a Judge at Chambers in the ordinary proceedings in the Supreme Court; and such questions and matters shall be disposed of by the Judge assigned to try Election Petitions in the County to which the Petition relates, if practicable, and if not, then by any Judge in Chambers.

43. The Clerk of the Circuits shall attend at the Trial in like manner as in the case of Trials at Circuits, and shall in respect of such Trial perform all the functions and have all the powers incident to the office of the Clerk of the Circuits.

WITNESSES.

44. Witnesses shall be subpoenaed and sworn in the same manner as nearly as circumstances admit, as in a Trial at Nisi Prius.

45. On the Trial of an Election Petition under this Chapter, the Judge may by order or warrant under his hand, in Forms D or E in Schedule, as the Judge may see fit, compel the attendance of any person as a witness, who appears to him to have been concerned in the Election to which the Petition relates; such warrant may be directed and made out to the Sheriff or other person having the execution of process of the Supreme Court, and to all Constables and officers of the Peace of the County where the person may be found; and such warrant shall or may be executed by the persons to whom it is directed, or any or either of them.

46. The Judge may examine any witness so compelled to attend, or any person in Court, although such witness is not called and examined by any party to the Petition: After the examination of a witness as aforesaid, by a Judge, such witness may be examined by or on behalf of the petitioner and respondent, or either of them.

47. The reasonable expenses incurred by any person appearing to give evidence at the Trial of an Election Petition under this Chapter, according to the scale allowed to witnesses on the Trial of civil actions at Nisi Prius, may be allowed to such person, by a certificate under the hand of the Judge, or of the Clerk of the Pleas; and such expenses shall be deemed to be costs of the Petition.