

costs, charges, and expenses, as are by this Chapter otherwise provided for, shall be defrayed by the parties to the Petition, in such manner and such proportions as the Court or Judge may determine, regard being had to the disallowance of any costs, charges or expenses which may, in the opinions of the Court or Judge, have been caused by vexatious conduct and unfounded allegations, either of the petitioner or respondent, and regard being had to the discouragement of any needless expense, by throwing the burden of defraying the same on the parties by whom it has been caused, whether such parties are or are not on the whole successful.

66. If on the Trial of any Election Petition it shall appear that any agent of the respondent has been guilty of any act of bribery, or other corrupt practice, whereby the Election is declared void, and that such act of bribery or corrupt practice was done without the knowledge or consent of said respondent, and not in any way by his procurement, it shall be lawful for the Judge in declaring such Election void, to adjudge and determine that such agent pay the costs of such Trial and Petition in whole or in part; and he shall certify in writing such judgment and determination, and file the same with the Clerk of the Pleas; in such case the Judge may in the first instance direct that the respondent pay such costs to the petitioner, in which case they shall be recovered in the usual way, and when paid by such respondent he shall recover the same with costs from such agent by action of debt in any Court of competent jurisdiction, and for that purpose the Judge's certificate shall be a record and binding and conclusive upon all parties.

67. Costs shall be taxed by the Clerk of the Pleas, upon the Rule of Court or Judge's order by which the costs are payable, and costs when taxed may be recovered by execution or attachment, upon such rule or order, against the person by whom the costs are ordered to be paid, or against his goods and chattels, lands and tenements.

68. If any petitioner in an Election Petition presented under this Chapter, neglect or refuse, for the space of three months after demand, or for four months after taxation of costs, to pay to any person summoned as a witness on his behalf, or to the respondent, any sum certified by the Judge or Clerk of the Pleas to be due to him for his costs, charges, and expenses; and if such neglect or refusal be, within one year after such demand, proved to the satisfaction of the Court or Judge, in every such case every person who has entered into a recognizance relating to such Petition under the provisions of this Chapter, shall be held to have made default in said recognizance, and the Judge having certified that such demand has been proved to his satisfaction, the Clerk of the Pleas shall thereupon certify such recognizance to be forfeited and estreated; which certificate shall be conclusive evidence thereof, and the recognizance so certified shall be estreated as if the same were estreated from a Court of Law.

69. All moneys which may be recovered and received under any recognizance which shall become forfeited under this Chapter, shall be paid into the hands of the Receiver General; and on receipt and payment of such moneys, the parties entitled to costs, so taxed as aforesaid, shall, upon the certificate of the Court or Judge as aforesaid, be paid the amount of their several costs by Warrant in the ordinary way.

70. There shall be an appeal from the Judgment of the Judge to the Supreme Court in Term, subject to the following Rules of procedure:—If within twenty days after the

determination of the Judge application be made to him on behalf of the respondent to have the matter heard on appeal, the Judge shall lay the evidence and the grounds and reasons for his determination before the Chief Justice, or in case the Trial of the Petition was had before the Chief Justice, then before such other Judge as the Chief Justice may select, and unless in the opinion of the Chief Justice or Judge to whom the same may have been submitted, there exists no reasonable grounds for an appeal, whether upon matters of law or inferences of fact, or conclusions upon matters of fact or weight of evidence, an order shall be made by the Judge who tried the Election Petition, allowing the respondent to appeal; and upon ten days' notice to the petitioner, or his Attorney, the appeal shall be heard before the Supreme Court, who may reverse or alter the determination of the Judge, grant a new trial, or make such order in the matter as they may deem right; if the appeal be dismissed, the Judge who tried the Petition shall forthwith certify his determination upon the Trial, and the grounds and reasons therefor, to the Speaker, as provided in the 19th Section. In case of a new Trial being ordered, such Trial shall be had in like manner as the Trial in the first instance, but no appeal shall be upon the determination of such second Trial. If in the Judgment of the Supreme Court the determination of the Judge, so far as setting aside the Election, be sustained, but his determination in other respects be altered, the Judge shall certify to the Speaker his determination so altered as aforesaid. The Supreme Court may make such order as they deem right respecting the costs of the appeal.

71. In case the determination of the Judge is against the candidate, he may within twenty days thereafter appeal therefrom to the Supreme Court, by notice served upon the Judge and the respondent, and the appeal shall be heard at the term next succeeding, provided ten days notice previous thereto shall be given, and if not, at the succeeding Term; and on such appeal the Court may affirm, alter or reverse such determination in whole or in part so far as regards the candidate, and may make such order in reference to the costs of the appeal as they may deem right.

MISCELLANEOUS.

72. Any Barrister of the Supreme Court shall be entitled to practice as an Attorney, or agent, in cases of Election Petitions under this Chapter, and all matters relating to Elections, before the Court and Judges prescribed by this Chapter, and shall be subject to the jurisdiction and orders of the Court.

73. An agent or attorney employed for the petitioner or respondent, shall forthwith leave written notice at the Office of the Clerk of the Pleas of his appointment to act as such agent or attorney; and service of notices and proceedings upon such agent or attorney shall be sufficient for all purposes.

74. All persons authorized to take affidavits to be read in the Supreme Court, shall have power and are hereby authorized to take affidavits in any matters arising under this Chapter.

75. Publication of any paper or notice shall, where it is not otherwise expressed, be by posting printed copies of such papers or notices on the Court House, in the Registry Office of the County to which the Petition relates, or by publishing the same for three consecutive days in a paper or papers published in the County.

76. No proceeding under this Chapter shall be defeated by any formal objection.