

II.

The Petition shall be divided into paragraphs to be numbered consecutively, each of which, as nearly as may be, shall be confined to a distinct portion of the subject: and no costs shall be allowed for drawing or copying any Petition not substantially in compliance with this Rule, unless otherwise ordered by the Court, or one of the Election Judges.

III.

The following form of Petition, or to the like effect, shall be sufficient:—

IN THE ELECTION COURT.

The Dominion Controverted Elections Act, 1874.

Election of a Member for the House of Commons for [state the County or District] in the Province of New Brunswick.

The Petition of A of (or of A of and B of , as the case may be,) whose name is subscribed (or, whose names are subscribed):

1. Your Petitioner is a person (or, your Petitioners are persons) who had a right to vote at the above mentioned Election, (or, was a Candidate at the said Election, as the case may be.)

2. That the said Election was held on the day of , A. D. 18 , when A. B. and C. D. were Candidates, and the Returning Officer has returned the said A. B. as being duly elected, (or as the case may be.)

3. Your Petitioner says that [here state the facts and grounds relied on.]

Wherefore your Petitioner prays that it may be determined that the said A. B. was not duly elected and returned, and that the said Election was void, (or, that the said C. D. was duly elected, and ought to have been returned; or as the case may be.)

Dated the day of , A. D. 18 .
[Signature.]

IV.

Evidence need not be stated in the Petition; but the Court, or one of the Judges, may order such particulars to be given as may be necessary to prevent surprise and unnecessary expense, and to ensure a fair and effectual trial, in the same manner as in proceedings in the Supreme Court, and upon such terms as to costs, or otherwise, as may be ordered.

V.

The Petitioner shall, with the Petition, leave a copy thereof with the Clerk of the Court, to be sent to the Returning Officer, pursuant to Section eight of the Act.

VI.

The Petitioner shall leave with the Petition at the Office of the Clerk of the Court, a writing signed by him, or on his behalf, stating the name of some person entitled to practice as an Attorney, whom he authorizes to act as his Agent; or, stating that he acts for himself, as the case may be; and in either case, giving an address at which notices addressed to him may be left; and if no such writing be left, or address given, then notice of objection to the Petition, and all other notices, may be given by posting up the same in the Office of the Clerk of the Court.

VII.

Any person returned as a Member may at any time after he is returned, file in the Office of the Clerk of the Court, a writing signed by him, or on his behalf, appointing a person entitled to practice as an Attorney to act as his Agent in case there should be a Petition against him, or stating that he intends to act for himself; and in either case, giving an address at which notices in the matter of the Petition may be left: and in default of such writing being filed within a week after service of the Petition, notices may be given and served by posting up the same in the Office of the Clerk of the Court.

VIII.

When a Petitioner claims the seat for an unsuccessful Candidate, alleging that he had a majority of lawful votes, the party complaining of, and the party defending the Election and return, shall each, seven days before the day appointed for trial, deliver to the Clerk of the Court, and also at

the address, if any, given by the Petitioner and Respondent (as the case may be), a list of the votes intended to be objected to, and of the heads of objection to each such vote; and the Clerk of the Court shall allow inspection and office copies of such lists to all parties concerned; and no evidence shall be given against the validity of any vote, nor upon any head of objection not specified in the list, except by leave of the Court, or one of the Judges, upon such terms as to amendment of the list, postponement of the enquiry, and payment of costs, or otherwise, as may be ordered.

IX.

When, in a Petition complaining of an undue return, and claiming the seat for some person, the Respondent intends to give evidence to prove that the Election of such person was undue, pursuant to the 66th Section of the Act, he shall seven days before the day appointed for trial, deliver to the Clerk of the Court, and also at the address, if any, given by the Petitioner, a list of the objections on which he intends to rely, and the Clerk of the Court shall allow inspection and office copies of such list to all parties concerned; and no evidence shall be given by a Respondent of any objection to the Election not specified in such list, except by leave of the Court or one of the Judges, upon such terms as to amendment of the list, postponement of the enquiry, and payment of costs, as may be ordered.

X.

The Clerk of the Court shall keep a Book or Books in which he shall record all the proceedings of the Court; the date of filing each Petition; Notice of preliminary objections; withdrawal or substitution; and the decision in each case tried;—the proceedings in each case to be kept separately. He shall also keep a record of the names and addresses of the Agents given by either of the parties; which Books shall be open to inspection by any person during office hours, without payment of any fee.

XI.

When it shall be made to appear to a Judge by affidavit, within five days after the presentation of a Petition, that there is reasonable ground to believe that such Petition cannot be served upon the Respondent within the time limited by the ninth Section of the Act, such Judge may allow further time for effecting such service. And in case service cannot be effected within the time so appointed, and the Respondent has named an Agent, or given an address, then the service may be made upon such Agent personally, or by posting the copy in a registered letter to the address given, within such time as the Judge may, on proof of the fact by affidavit, direct.

XII.

If no Agent has been appointed, or address given by the Respondent, and it is made to appear by affidavit to the satisfaction of a Judge, that service of the Petition cannot be made upon the Respondent personally, or at his domicile, such Judge may order that a notice of the presentation of the Petition and the prayer thereof, shall be affixed in a conspicuous place in the Office of the Clerk of the Court; and such notice shall be deemed equivalent to personal service of the Petition.

XIII.

Preliminary objections to a Petition under the tenth Section of the Act, shall be filed in the Office of the Clerk of the Court; and notice thereof, and that a copy has been filed for the Petitioner, shall be forthwith served by the Respondent upon the Petitioner or his Agent.

XIV.

Either party may apply for an Order fixing the time and place for hearing the preliminary objections.

XV.

The answer of the Respondent shall be filed with the Clerk of the Court. It shall be divided into paragraphs, numbered consecutively; and each paragraph shall be confined, as near as may be, to a distinct portion of the subject. Notice of the filing the answer shall be forthwith served by the Respondent on the Petitioner, or his Agent.

XVI.

The application to fix a time and place for the trial of a Petition, shall be made in writing to the Judge assigned for