

shall be sufficient authority to the said Sheriff or other Peace Officers, and to the Gaoler, without further particularity.

## XXX.

All interlocutory questions and matters may be heard and disposed of before any Judge of the Court, who shall have the same control over the proceedings under the Act as a Judge at Chambers in the ordinary proceedings of the Supreme Court.

## XXXI.

Notice of an application for leave to withdraw a Petition shall be in writing, signed by the Petitioner or his Agent, and shall be left at the Office of the Clerk of the Court. It shall state the grounds on which the application is intended to be supported, and may be in the following form:—

IN THE ELECTION COURT, COUNTY OF ———.

*The Dominion Controverted Elections Act, 1874.*

The Petition of [names of Petitioners] presented this day of .

The Petitioner proposes to withdraw his Petition, upon the following grounds, [state the grounds], and prays that a day may be appointed for hearing his application. Dated the day of .

[Signature.]

## XXXII.

On filing such application, a Judge may appoint a time and place for the hearing thereof.

## XXXIII.

A copy of the notice of intention to apply to withdraw the Petition shall be served by the Petitioner upon the Respondent or his Agent, and also upon the Sheriff of the County, who shall publish the same in the County to which it relates.

## XXXIV.

The said notice may be in the following form:—

IN THE ELECTION COURT, COUNTY OF ———.

*The Dominion Controverted Elections Act, 1874.*

In the Election Petition between Petitioner and Respondent.

Notice is hereby given that the above Petitioner did on the day of lodge at the Office of the Clerk of the Election Court, notice of an application to withdraw his Petition, on the following grounds, [state the grounds, as in the application]. Also, take notice, that the said application will be heard before Mr. Justice at on the day of . Dated, &c.

[Petitioner's signature.]

## XXXV.

Notice of the abatement of a Petition under the fifty sixth Section of the Act, shall be given by the personal representative of the Petitioner, or by some person interested, by serving a copy thereof on the Respondent, or his Agent, and also upon the Sheriff of the County, who shall publish the same in the County to which it relates in the manner hereinafter prescribed. Such notice may be in the following form:—

IN THE ELECTION COURT, COUNTY OF ———.

*The Dominion Controverted Elections Act, 1874.*

In the Election Petition between Petitioner and Respondent.

Notice is hereby given, that the above named Petitioner, (or, the above named , the surviving Petitioner, as the case may be), died on the day of , and that the said Petition is thereby abated, according to the fifty sixth Section of the said Act.

Dated the day of , A. D.

[Signature.]

## XXXVI.

Within one calendar month after the publication of such notice, any person intending to apply to be substituted as a Petitioner, may make a written application for that purpose; and the Judge to whom such application is made, shall appoint a time and place for hearing the same, of which notice shall be given in the manner directed in case of an application to withdraw a Petition. [Rule xxxiii.]

## XXXVII.

If the Respondent dies; or is summoned to Parliament as a Member of the Senate; or if the House of Commons has resolved that his seat is vacant; any person entitled to be a Petitioner under the Act in respect of the Election to which the Petition relates, may give notice of the fact in the County, by causing such notice, (stating with reasonable particularity his right to be substituted,) and signed by him, to be published in at least one newspaper published therein, if any, and by leaving a copy of such notice with the Sheriff of the County, and a like copy with the Clerk of the Court.

## XXXVIII.

The manner and time of the Respondent giving notice to the Election Court that he does not intend to oppose the Petition, shall be by delivering a written notice thereof signed by him, at the Office of the Clerk of the Court, seven days before the day appointed for trial, exclusive of the day of leaving such notice.

## XXXIX.

Upon such notice being left at the Office of the Clerk of the Court, he shall forthwith notify the Judge assigned to try the Petition, and also send a copy thereof by post, to the Petitioner or his Agent, and to the Sheriff of the County; and the said Sheriff shall cause the same to be published in the County in the manner hereinafter directed.

## XL.

The time for applying to be admitted as a Respondent in either of the events mentioned in the fifty seventh Section of the Act, shall be within ten days after the publication of the notices thereof respectively, as hereinbefore directed; or within such further time as the Court or one of the Judges may allow.

## XLI.

When a Petition is withdrawn under the provisions of the fifty ninth Section of the Act, notice in writing of such withdrawal, signed by the Petitioner, addressed to the Clerk of the Election Court, shall be filed in the Office of the said Clerk. The notice shall be entitled in the cause, and shall briefly state the facts which authorize the withdrawal of the Petition.

## XLII.

Costs shall be taxed by the Clerk of the Court, or by his Deputy specially appointed, upon the Rule of Court or Judge's Order by which the costs are payable; and costs when taxed may be recovered by attachment or execution issued upon the Rule of Court ordering them to be paid. If payable by Order of a Judge, then by making such Order a Rule of Court in the ordinary way, and issuing an attachment or execution upon such Rule against the person by whom the costs are ordered to be paid, or against his goods and chattels; or in case there be money in Court available for the purpose, then to the extent of such money, by order of the Election Court, or one of the Election Judges. The Office fees payable for inspection, office copies, enrolment, and other proceedings under the Act and these Rules, shall be the same as those payable for like proceedings in the Supreme Court.

## XLIII.

Writs of Subpœna *ad testificandum* and *duces tecum*, under the Seal of the Election Court, may be issued at any time by the Clerk of the Court; which Writs may be in the following form:—

IN THE ELECTION COURT.

Dominion of Canada.

Province of New Brunswick.

To-wit:

} Victoria, by the Grace of  
God, &c.

To ———

We command you that, all excuses being laid aside, you and every of you be and appear before our Election Judge, assigned to try the Election Petition for [name the County], at , in the County of , on the day of , 187 , by o'clock in the noon, and so from day to day until the said Election Petition shall be tried, or otherwise disposed of; to testify what you (or, either of you) know in the matter