

of the day, in which of the cities of Montreal or Quebec the hearing on such merits shall take place.

**18.** In Upper Canada, the hearing on the merits shall take place at such place as may be fixed by the Court in which the case is pending.

**19.** The Court shall first render judgment on the rights of the party against whom the complaint is brought, and then on the rights of the party who claims to have gained the election and to be declared elected; and no appeal shall lie from any judgment rendered on such petition. 5

The Court shall in its examination and consideration of the matter, proceed to the establishment of the following facts: 10

1st. Whether or not an election has taken place conformably to law? 10

2nd. Whether or not the person declared elected possessed the real property qualification required by law? whether the value of the property on which this qualification is founded, is that fixed and established by the municipal valuation then in force? and whether he has given and furnished such qualification when required by law, and in the form prescribed by law? 15

3rd. Whether there was violence during the election, to such an extent as to hinder the voting, and whether such violence was committed by the candidate elected or his partizans, or by the party or the partizans of the party who claims the election and the return. 20

4th. Whether the party declared elected and against whom the complaint is brought, had the majority of legal votes inscribed in the poll books, or whether any other person had the majority of such votes, who such person is, and whether he claims the Election. 25

5th. Whether electoral frauds have been committed, such as the fraudulent entering of votes in the poll books, the falsification of the poll books, the destruction or abstraction of the poll books, or any other fraud whatever relating to the entering of the votes on the poll book, by whom, and for whose advantage, and whether the said frauds were committed to the knowledge or with the assistance and participation of the Candidate elected or of the person who claims to be entitled to the Election. 30

6th. Whether or not any corruption has existed or whether any intrigues or underhand dealings have been practised contrary to law, on the part of the Candidate elected or with his participation, or on the part of the person claiming to be elected. 35

7th. Whether the person declared elected or the person claiming to have gained the Election is, by the evidence, proved to have been guilty of any of the acts declared by the laws relating to elections to be felony or misdemeanor, or punishable by fine or imprisonment, and indicating specially of what acts such person has been guilty. 40

**20.** The commission of any act declared by the laws respecting Elections to be felony or misdemeanor or punishable by fine or imprisonment, or any participation or complicity in such act on the part of the Candidate elected, the want of a real property qualification or the insufficiency of the value of the properties offered as such qualification, shall render his Election void; and such commission or participation, or want of qualification on the part of the Candidate who claims to be elected, shall render him incapable of being declared elected and disqualified for taking the seat. 45 50