

- same elec-
tion. who is to try the first, and such Judge may order that the proceedings be united, and give one judgment upon all or a separate judgment upon each one or more of them, as he thinks fit.
- Issue and re-
turn of writ. **7.** The writ shall be issued, in Lower Canada, by the Prothonotary of the Superior Court of the District in which the election contested was held, and in Upper Canada by the Clerk of Process of either of the Superior Courts of law, and shall be returnable before the Judge in Chambers on the day and at the place named in the writ. 5
- Service of a writ and copy of petition. **8.** A copy of the writ and of the petition and affidavit on which it is sued, shall be served in the same manner as ordinary writs of summons are served, on the party whose election is contested, at least eight days, exclusive of the day of service,) before the return of the writ. 10
- Judge may allow electors to intervene to defend. **9.** The Judge before whom the writ is returned may allow any person entitled to be a petitioner to intervene and defend the election, and may grant a reasonable time for the purpose; and any intervening party shall be liable or entitled to costs in like manner as any other party to the proceedings. 15
- Hearing any proceedings to be summary. Powers of Judge. **10.** The Judge shall, in a summary manner, upon the allegations of the petition and an answer thereto, without formal pleadings, hear and determine the validity or invalidity of the election and the right of the sitting member or any other person claiming the seat or on whose behalf the seat is claimed, and may, by order, cause the assessment rolls, lists of voters, poll-books, and any other records of the election to be brought before him, and may inquire into the facts in such mode as may be most in accordance with the proceedings adopted before the Courts in the section of the Province in which the proceedings are had. 20
- Copy of judgment to be sent to speaker, &c. **11.** The Judge shall transmit without delay a copy of his judgment to the Speaker of the Legislative Council, if the election controverted was that of a member of the Legislative Council, or to the Speaker of the Legislative Assembly, if the election was that of a member of the Legislative Assembly, to be laid before the House, and another copy thereof to the Provincial Secretary, to be transmitted by him to the Clerk of the Crown in Chancery and to remain on record in his office. 25
- Judge to order new writ in certain cases. **12.** In case the election complained of be declared invalid, and no other person be declared duly elected, the Judge shall accompany his decision with an order for the issue of a new writ to cause a new election to be held; and in case the Judge determines that any other person was duly elected, he shall certify the same in his judgment, so that the return may be amended at the earliest meeting of the House to which such return refers. 30
- Sitting member may disclaim the seat. **11.** Any person whose election is complained of may transmit, post-paid, through the post office, directed, "To the Clerk of the Judge's Chambers, Osgoode Hall, Toronto," in Upper Canada, if the election complained of was in Upper Canada,—or to the Prothonotary of the Superior Court for the District wherein the contestation of the election is to be tried, if such election was in Lower Canada,—or may cause to be delivered to such Clerk or Prothonotary a disclaimer signed by him, to the effect following: 35
- Form of disclaimer. "I. A. B., upon whom a writ of summons and petition contesting my election as a member of the Legislative Council for the Division of (or for the Legislative Assembly for the County of 40 45