

VII. So soon as the said application shall have been validly made as aforesaid, the Judge so applied to shall be deemed, to all intents and purposes, a Commissioner for inquiring into, examining and taking evidence upon all the matters of fact mentioned in the notice of the said contestant, and the answer (if any) of the returned member, and shall take and cause to be taken by those whom he shall employ as Clerks or Bailiffs, the oath of office in the schedule to the said Election Petitions Act contained, varying the words thereof so as to meet the circumstances of the case; and the said Judge shall then have all the powers and rights (including remuneration for his services and the right of appointing a Deputy to act for him while engaged in consequence of such application) and shall perform all the duties and be subject to all the liabilities assigned by the said Election Petitions Act to persons appointed Commissioners to take evidence relative to any controverted election, saving only that his powers shall be limited to the questions of fact set forth in the notice of the contestant, and the answer (if any) of the returned member, and questions concerning the validity of the recognizance, if it be objected to: and the Select Committee may deal with such Judge as if he had been appointed Commissioner by them, and in case of his death or incapacity, from sickness or other unavoidable cause, to act at any time, may proceed as if he had been so appointed by them to take evidence as to the facts aforesaid.

Judge to whom the application is made to have the like powers and duties as if appointed Commissioner of a select Election Committee.

VIII. The evidence taken by any such Judge shall be transmitted by him, in the manner prescribed by the said Act, to the Clerk of the Legislative Assembly, to be by him laid before the Select Committee for trying the election in question, when such Committee shall be appointed, with whom it shall avail for the like purpose as if such Judge had been appointed by such Committee, Commissioner for taking such evidence.

Evidence to be transmitted &c., its effect.

IX. If at the time the Select Committee shall be appointed, the said evidence and proceedings shall not have been received by the Clerk, the Committee may proceed with any other matters incident to the contest, and not inconsistent with this Act, or if there be no such matter, shall adjourn until the said evidence and proceeding shall be received, and shall then be directed to re-assemble in the manner provided by the said Election Petitions Act in like cases.

Proceedings until the evidence is received.

X. Nothing in this Act shall prevent the presentation or reception of an Election Petition containing allegations of bribery or corruption, under the special provisions of the seventh section of the said Election Petitions Act, after the time limited for presenting Election Petitions in other cases shall have expired, or shall apply to any such Petition presented by virtue only of the said section, or shall prevent the application of the one hundred and sixtieth section of the said Election Petitions Act, in any case not provided for in this Act.

Act not to apply to petitions alleging bribery and presented solely under sect. 7 of Election Petitions Act.

XI. This Act shall be construed as part of the Election Petitions Act of 1851, and the said Act shall be construed as if the provisions of this Act were contained therein.

How this Act shall be construed.