

*Trial of Controverted Elections Act.*

the expiration of the time limited for making objections, or after objection made on the sufficiency of the security being established, the Petition shall be deemed to be at issue.

10. The prescribed Officer shall, as soon as may be, make out a list of all Petitions under this Act presented to the Court of which he is such Officer and which are at issue, placing them in the order in which they were presented; and shall keep at his office a copy of such list, hereinafter referred to as the Election List, open to the inspection, in the prescribed manner, of any person making application.

List of Petitions at issue to be made.

Such Petitions, as far as conveniently may be, shall be tried in the order in which they stand in such list.

11. The following Enactments shall be made with respect to the trial of Elections Petitions under this Act:

Mode of trial of Election Petitions.

1. Except where some question of Law is raised for the determination of the Court, as hereinafter mentioned, the Judges of the Supreme Court for the time being shall try alternately, without a Jury, the Election Petitions standing for trial under this Act, unless they otherwise agree among themselves, in which case the trial of each Election Petition shall be taken in manner provided by such agreement; and every Election Petition shall, except where it raises a question of law for the determination of the Court, as hereinafter mentioned, be tried by such Judge as aforesaid, hereinafter referred to as the Judge sitting in open Court, without a Jury.

2. Notice of the time and place at which an Election Petition shall be tried, shall be given not less than Fourteen Days before the day on which the trial is held in the prescribed manner.

3. The trial of an Election Petition shall take place before such Judge as aforesaid in Victoria. Provided, always, that if it shall appear to the Court that special circumstances exist which render it desirable that the Petition shall be tried in the Electoral District to which such Petition relates or elsewhere, it shall be lawful for the Court to appoint such place for the trial as shall appear most convenient.

4. The Judge presiding at the trial may adjourn the same from time to time, and from any one place to any other place as to him may seem expedient.

5. At the conclusion of the trial, the Judge who tried the Petition shall determine whether the Member whose Return or Election is complained of, or any and what other person was duly Returned or Elected, or whether the Election was void; and shall forthwith certify in writing such determination to the Speaker, and upon such Certificate being given, such determination shall be final to all intents and purposes.

Where any charge is made in an Election Petition of any corrupt practice having been committed at the Election to which the Petition refers, the Judge shall in addition to such Certificate, and at the same time report in writing to the Speaker as follows:

(a.) Whether any corrupt practice has or has not been proved to have been committed, by or with the knowledge and consent of any Candidate at such Election, and the nature of such corrupt practice.

(b.) The names of all persons (if any) who have been proved at the trial to have been guilty of any corrupt practice.

(c.) Whether corrupt practices have, or whether there is reason to believe that corrupt practices have extensively prevailed at the Election to which the Petition relates.

6. The Judge may at the same time make a special report to the Speaker as to any matters arising in the course of the trial, an account of which in his judgment ought to be submitted to the Legislative Council.

7. Where upon the application of any party to a Petition, made in the prescribed manner to the Court, it appears to the Court that the case raised by the Petition can be conveniently stated as a special case, the Court may direct the same to be stated accordingly, and any such special case shall, as far as may be, be heard before the Court, and the decision of the Court shall be final; and the Court shall certify to the Speaker its determination in reference to such special case.

12. Provided,