

Parliament be not then sitting, within three weeks after the beginning of the then next session of Parliament.

Practice in cases not provided for.

**33.** Until rules of court have been made by the Judges of any Election Court, in pursuance of this Act, and so far as such rules do not extend, the principles, practice and rules on which election petitions touching the election of Members of the House of Commons in England, are, at the time of the passing of this Act, dealt with, shall be observed, so far as consistently with this Act they may be observed, by such Election Court or any Judge thereof.

#### ATTENDANCE AND JURISDICTION OF THE JUDGE.

Reception of and attendance on the Judge.

**34.** The Judge shall be received and attended at the place where he is about to try an election petition under this Act, if he be not resident there, in the same manner, so far as circumstances will admit, as if he were about to hold a sitting at *nisi prius*, or a sitting of the Dominion or Provincial Court of which he is a member, or if he be a Judge appointed *ad hoc* under this Act, then as if he were a Judge of one of the superior courts of law for the Province.

Expenses, how paid.

**35.** Payments to the Judge, and all expenses incurred by the Sheriff or other officer, in consequence of any sitting for the trial of an election petition, and providing a court room and accessories, shall be defrayed in like manner as other incidental expenses payable by the Dominion under this Act.

Powers of the Court or Judge.

**36.** On the trial of an election petition and in other proceedings under this Act, the Election Court or the Judge, respectively, shall, subject to the provisions of this Act, have the same powers, jurisdiction and authority, as one of the superior courts of law for the Province in which such election was held, sitting in term, would have in any civil or criminal case pending before it; and each Election Court shall be a court of record.

#### WITNESSES.

How subpoenaed and sworn.

**37.** Witnesses shall be subpoenaed and sworn in the same manner, as nearly as circumstances will admit, as in cases within the jurisdiction of the superior courts of law in the same Province; and shall be subject to the same penalties for perjury.

Compelling attendance of witnesses.

**38.** On the trial of an election petition under this Act, the Judge may, by order under his hand, compel the attendance of any person as a witness, who appears to him to have been concerned in the election to which the petition refers; and any person refusing to obey such order, shall be guilty of contempt of court. The Judge may examine any witness so compelled to attend or any person present, although such witness is not called and examined by any party to the petition. After the examination of a witness

Examination.