

23. Any objection made to the security shall be heard and decided by the Registrar, subject to appeal within five days or at the expiration of such further time so specially allowed as aforesaid, to a Judge upon summons taken out by either party to declare the security sufficient or insufficient.

24. Such hearing and decision may be either upon affidavit or personal examination of witnesses, or both, as the Registrar, or Judge may think fit.

25. If by order made upon such summons the security be declared sufficient, its sufficiency shall be deemed to be established within the meaning of the Act, and the petition shall be at issue.

26. If by order made upon such summons an objection be allowed and the security be declared insufficient, the Registrar or Judge shall in such order state what amount he deems requisite to make the security sufficient, and the further prescribed time to remove the objection by deposit shall be within five days from the date of the order, not including the day of the date, or such further time as shall be specially ordered, and such deposit shall be made in the manner already prescribed.

27. The costs of hearing and deciding the objections made to the security given shall be paid as ordered by the Registrar or Judge, and in default of such order shall form part of the general costs of the petition.

28. The costs of hearing and deciding an objection upon the ground of insufficiency of a surety or sureties, shall be paid by the petitioner, and a clause to that effect shall be inserted in the order declaring its sufficiency or insufficiency, unless at the time of leaving the recognizance with the Registrar there be also left with the Registrar an affidavit of the sufficiency of the surety or sureties sworn by each surety before a justice of the peace, which affidavit any justice of the peace is hereby authorized to take, or before some person authorized to take affidavits in the Supreme Court, that he is seised or possessed of real or personal estate, or both, above what will satisfy his debts, of the clear value of the sum for which he is bound by his recognizance, which affidavit may be as follows:—

In the Supreme Court.

Victoria Municipal Corporation Ordinance, 1867, [or other the Act regulating Municipal Elections].

I, A. B., of [as in recognizance] make oath and say that I am seised or possessed of real [or personal] estate above what will satisfy my debts, of the clear value of \$

Sworn, &c.

29. The order of the Registrar for payment of costs shall have the same force as an order made by a Judge, and may be made a rule of the Supreme Court and enforced in like manner as a Judge's order. The general costs of the Petition shall be the costs payable in a case at nisi prices or as near thereto as the Registrar or an appeal by summons, the Judge in his discretion shall prescribe.

30. The time of the trial of each municipal election petition shall be fixed by the Judge or any one of them, who shall signify the same to the Registrar and notice thereof shall be given in writing by the Registrar by sticking notice up in his office, sending one copy by post to the address given by the petitioner, another to the address given by the respondent, if any, and a copy by the post to the town clerk of the municipality to which the petition relates, with or without an advertisement in some local newspaper or by advertisement alone at discretion of the Judge, a reasonable time before the day appointed for the trial.

31. The sticking up of the notice of trial at the office of the Registrar or the publication by order in a newspaper, shall be deemed and taken to be notice in the prescribed manner within the meaning of the ordinance, and such notice shall not be vitiated by any miscarriage of or relating to the copy or copies thereof to be sent as already directed.

32. The notice of trial may be in the following form:—

Victoria Municipal Corporation Ordinance, 1867, [or other Act regulating Election Petitions].

Election petition of  
Municipality of

Take notice that the above petition [or petitions] will be tried at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ and on such other subsequent days as may be needful.

Dated the \_\_\_\_\_ day of \_\_\_\_\_

Signed by order,

A. B.,

Registrar or Deputy Registrar.

33. A Judge may from time to time, by order made upon the application of a party to the petition, or by notice in such form as the Judge may direct, to be sent to the clerk of the Municipality, postpone the beginning of the trial to such day he may name.