

ACTS OF LAST SESSION.

perior Court before whom the writ of summons is returnable, may order the evidence to be used on the hearing of the summons, to be taken *viva voce* before the Judge of the County Court; and in any such case the previous section of this Act shall apply.

7. The vote of every person found guilty, upon any trial or enquiry as to the validity of the election or by-law of a violation of either of the first two sections of this Act, shall be void.

8. Any person who shall be adjudged guilty of any of the offences within the meaning of this Act, shall incur a penalty of twenty dollars, and shall be disqualified from voting at any municipal election or upon a by-law for the next succeeding two years.

9. The penalties imposed by this Act shall be recoverable, with full costs of suit, by any person who will sue for the same by action of debt in the Division Court having jurisdiction where the offence was committed; and any person against whom judgment shall be rendered, shall be ineligible, either as a candidate or municipal voter, until the amount which he has been condemned to pay shall be fully paid and satisfied.

10. It shall be the duty of the judge who finds any candidate guilty of a contravention of this Act, or who condemns any person to pay any sum in the Division Court for any offence within the meaning of this Act, to report the same forthwith to the clerk of the municipality wherein the offence has been committed.

11. The clerk of every municipality shall duly enter in a book, to be kept for that purpose, the names of all persons within his municipality who shall have been adjudged guilty of any offence within the meaning of this Act, and of which he shall have been notified by the judge who tried the case.

12. All proceedings against a candidate elected at any municipal election for any violation of the provisions of this Act, must be commenced within the time allowed by the Municipal Act of 1866.

13. Any by-law the passage of which has been procured through or by means of any violation of the provisions of this Act, shall be liable to be quashed upon any application to be made in conformity with the provisions of the Municipal Institutions Act of one thousand eight hundred and sixty-six, as herein-after provided.

14. Before any application for the quashing of a by-law upon the ground that any of the provisions of this Act have been contravened in procuring the passing of the same, and if it is made to appear to a judge of one of the Superior Courts of Law, that probable grounds exist for a motion to quash said by-law, the said judge may make an order for an inquiry, to be held upon such notice to the parties affected, as the Judge may direct concerning the said grounds, before the judge of the county court of the municipality which passed

said by-law, and require that upon such inquiry, all witnesses both against and in support of such by-law, be orally examined and cross-examined upon oath before said county court judge; and the said county court judge shall thereupon return the evidence so taken before him to the clerk of the Crown and Pleas at Toronto; and after the return of said evidence, and upon reading the same, any Judge of the said Superior Courts may, upon notice to such of the parties concerned, as he shall think proper, proceed to hear and determine the question; and if the grounds therefor shall appear to him to be satisfactorily established, it shall be competent to him to make an order for quashing said by-law, and may order the costs attending said proceedings to be paid by the parties or any of them, who shall have supported said by-law; and if it shall appear that the application to quash said by-law ought to be dismissed, the said Judge may so order, and in his discretion award costs, to be paid by the persons applying to quash said by-law.

15. After an order has been made by a judge directing an inquiry, and after a copy of such order has been left with the Clerk of the Corporation of which the by-law is in question, all further proceedings upon the by-law shall be stayed until after the disposal of the application in respect of which the enquiry has been directed, but if the matter be not prosecuted to the satisfaction of the Judge he may remove the stay of proceedings.

16. Any witness shall be bound to attend before the judge of the County Court upon being served with the order of such County Court Judge directing his attendance, and upon payment of the necessary fees for such attendance, in the same manner as if he had been directed by a writ of subpoena so to attend; and he may be punished for contempt, and shall be liable to all the penalties for such non-attendance in the same manner as if he had been served with such subpoena.

17. No person shall be excused from answering any question put to him in any action, suit or other proceeding in any court or before any judge, touching or concerning any election, or by-law, or the conduct of any person thereat, or in relation thereto, on the ground of any privilege, or on the ground that the answer to such question will tend to criminate such person; but no answer given by any person claiming to be excused on the ground of privilege, or on the ground that such answer will tend to criminate himself, shall be used in any criminal proceeding against such person, other than an indictment for perjury, if the judge shall give to the witness a certificate that he claimed the right to be excused on either of the grounds aforesaid, and made full and true answer, to the satisfaction of the judge.

18. All other proceedings against any person for any violation of this Act, shall be commenced within four weeks after the muni-