

on which election petitions touching the election of members of the House of Commons in England, are, at the time of passing of this Act, dealt with, shall be observed so far as consistently with this Act they may be observed by the courts and the judges thereof.

#### RECEPTION, EXPENSES AND JURISDICTION OF THE JUDGE.

**46.** 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 provincial court of which he is a member. Reception and attendance of judge.

**47.** The travelling expenses of 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 ordinary travelling expenses of the judge in the Province are payable by the Dominion of Canada. Expenses how paid.

**48.** On the trial of an election petition and in other proceedings under this Act, the judge shall, subject to the provisions of this Act, have the same powers, jurisdiction and authority as a judge of one of the superior courts of law or equity for the Province in which such election was held, sitting in term, or presiding at the trial of an ordinary civil suit, and the court held by him for such trial shall be a court of record. Powers of the judge.

#### WITNESSES.

**49.** 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 or equity in the same Province; and shall be subject to the same penalties for perjury. Witnesses how summoned and sworn.

**50.** 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 and re-examine any witness so compelled to attend or any person present, although such witness and person be not called and examined by any party to the petition. After the examination of a witness as aforesaid by a judge, such witness may be cross-examined by or on behalf of the petitioner and respondent, or either of them. Compelling attendance of witnesses. Examination.

**51.** The judge may, in his discretion, employ a shorthand writer to take down the oral evidence given by witnesses at the trial of the petition, and the expense of employing such shorthand writer shall be costs in the case. Short-hand writer may be employed to take down oral evidence.