

FORM OF WRIT OF SUMMONS TO A RETURNING OFFICER.
UPPER CANADA.

VICTORIA, *by the Grace of God, &c.*

Whereas upon the relation of ———, in our Court of (*Queen's Bench or Common Pleas*), ———, it hath been ordered that a writ of summons should issue to ———, to shew by what authority he (*or they*) claims or exercises (*or claim or exercise*) the office of ———. And whereas it appears to our Justices of our Court of (*Queen's Bench or Common Pleas*), before whom the said writ hath been made returnable, (*or as the case may be*), that you were the Returning Officer by whom the said ——— hath (*or have*) been returned as duly elected to the said office, and that it is proper you should be made a party to the proceeding aforesaid; these are therefore to summon you to be and appear before the Chief Justice or other Justice of our Court of (*Queen's Bench or Common Pleas*) for Upper Canada presiding in Chambers, at the Judges' Chambers, in our City of Toronto, on ———, then and there to answer such matters and things as shall then and there be objected against you, and further to do and receive all those things which said Court or said Justice shall thereupon order concerning you in the premises.

Witness, &c.

VII. In case of default of appearance by any party summoned as aforesaid, the judge recording the same may, as to such as make default, proceed *ex-parte*; and as to such as shall have appeared, as is herein provided, proceed to determine the validity of the election or elections complained of, and also (if so claimed) of the election of the person or persons alleged to have been duly elected, and give judgment thereon; or he may in his discretion, with or without any application for that purpose, and having regard to the distance of the place where the party was served, or other circumstances, appoint a further day for the appearance of the party or parties summoned, of which an entry shall be made and signed by the judge to the following effect, at the foot of the entry of non-appearance on the back of the relator's statement:—"Whereupon a further day is given to the