

An Act to repeal the Act chapter seven of the Consolidated Statutes of Canada, and to make other provisions for the trial of Controverted Elections.

Her Majesty, etc., enacts as follows :

Preamble.

1. The Act chapter seven of the Consolidated Statutes of Canada, intitled, " An Act respecting Controverted Parliamentary Elections," is hereby repealed : except only that its provisions shall continue to apply **5** to the contestation of any election which may have taken place before the passing of this Act, and the following provisions of this Act shall apply only to elections had after its passing.

Con. Statutes of Canada c. 7 repealed.

2. In case the validity of the election of a member of the Legislative Council or of a member of the Legislative Assembly be contested, the **10** validity thereof may be tried, in term or in vacation, by a Judge of the Superior Court sitting for the District in which the election has taken place, if the member whose election is contested be elected for a constituency in Lower Canada, or by a Judge of either of the Superior Courts of Law in Upper Canada, if such member elected for a constituency in Up- **15** per Canada.

Controverted elections to be tried by Judges.

3. Any candidate or any elector who gave or tendered his vote at the election shall be entitled to contest such election.

Who may contest.

4. If within six weeks after the day on which the election shall have been closed, the party or one of the parties entitled to contest and con- **20** testing such election, deposits the sum of \$800 with the Clerk of the Court, by a Judge of which the election is to be tried, or enters into a recognizance before the Judge or before a Justice of the Peace in Lower Canada, and before the Judge or a Commissioner for taking bail in Up- per Canada, in the sum of \$800, with two sureties (to be allowed as suf- **25** ficient upon affidavit of justification) in the sum of \$400 each, which recognizance may be in the form of Schedule A, or in any other form of like import, to answer the costs which may be adjudged against such party, and by petition accompanied by an affidavit of the truth of the **30** facts alleged in such petition, shews reasonable grounds for supposing that the election was not legal, or was not conducted according to law, or that the person returned thereat was not duly elected, the Judge shall direct a writ of summons to be issued as hereafter provided, to try the matters contested.

Contestant to give security and show reasonable ground upon which a writ of summons shall issue.

5. In case the petition sets forth that some other person has been **35** duly elected, then the validity of the election complained of and of the alleged election of the other person named in the petition shall be tried under such petition.

Right of person claiming the seat to be tried at the s. 137. 1. 2. 3.

6. When more writs than one are issued to try the validity of the same election, all such writs shall be made returnable before the Judge **40** One Judge to decide all petitions on the

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