

Trial of Controverted Elections Act.

To whom and by
whom an Election
Petition may be pre-
sented.

5. A Petition complaining of an undue Return or undue Election of a Member to serve in the Legislature for any Electoral District, may be presented to the Supreme Court of British Columbia by any one or more of the following persons:

1. Some person who voted or who had a right to vote at the Election to which the Petition relates, or
2. Some person claiming to have had a right to be Returned or Elected at such Election, or
3. Some person alleging himself to have been a Candidate at such Election;

And such Petition is hereinafter referred to as an Election Petition.

Regulations as to
presentation of
Election Petition.

6. The following Enactments shall be made with respect to the presentation of an Election Petition under this Act:

1. The Petition shall be signed by the Petitioner or all the Petitioners if more than one.
2. The Petition shall be presented within Twenty-one Days after the Return has been made, to the Registrar of the Supreme Court, of the Member to whose Election the Petition relates, unless it questions the Return or Election upon an allegation of corrupt practices, and specifically alleges a payment of money or other reward to have been made by any Member, or on his account, or with his privity, since the time of such return, in pursuance or in furtherance of such corrupt practices, in which case the Petition may be presented at any time within Three Months after the date of such payment.
3. Presentation of a Petition shall be made by delivering it to the prescribed Officer, or otherwise dealing with the same in manner prescribed.
4. At the time of the presentation of the Petition, or within Three Days afterwards, security for the payment of all costs, charges, and expenses that may become payable by the Petitioner to the Member whose Election or Return is complained of (who is hereinafter referred to as the Respondent), or to any other person who may be made a Respondent under this Act, shall be given on behalf of the Petitioner.
5. The Security shall be to an amount of Two Thousand Dollars. It shall be given either by recognizance to be entered into by any number of sureties not exceeding Four, or by a deposit of money in manner prescribed, or partly in one way and partly in the other.

Copy of Petition,
after presentation,
to be sent to Return-
ing Officer.

7. On presentation of the Petition the prescribed Officer shall send a copy thereof to the Returning Officer of the Electoral District to which the Petition relates, who shall forthwith publish the same in the Electoral District, in such manner as may be prescribed, or if not prescribed, in such manner as he may think fit.

Recognizance may
be objected to.

8. Notice of the presentation of a Petition under this Act, and of the nature of the proposed security accompanied with a copy of the Petition shall, within the prescribed time after the presentation of the Petition, be served by the Petitioner on the Respondent; and it shall be lawful for the Respondent, where the security is given wholly or partially by recognizance, within a further prescribed time from the date of the service on him of the notice, to object in writing to such recognizance, on the ground that the sureties or any of them are insufficient, or that a surety is dead, or that he cannot be found or ascertained, from the want of a sufficient description in the recognizance, or that a person named in the recognizance has not duly acknowledged the same.

Determination of
objection to Recog-
nizance.

9. Any objection made to the security given shall be heard and decided on in the prescribed manner.

If an objection to the security is allowed, it shall be lawful for the Petitioner within a further prescribed time to remove such objection, by a deposit in the prescribed manner, of such sum of money as may be deemed by the Court, or Officer having cognizance of the matter, to make the security sufficient.

If on objection made, the Security is decided to be insufficient, and such objection is not removed in manner hereinbefore mentioned, no further proceedings shall be had on the Petition; otherwise on the