

Oath of the Physician, if any there be attending such Commissioner, or if there be no Physician in attendance, then by the Oath of some third party who shall be cognizant of the fact, which Oaths shall be made before one of Her Majesty's Justices of the Peace; and that any Commissioner who shall so omit such daily sittings without such lawful excuse, shall for every day on which he shall so absent himself, forfeit and pay the sum of Twenty-five Pounds.

Penalty for omitting to sit without lawful excuse.

CXV. And be it enacted, That upon every such Special Report from such Commissioner, the said Select Committee shall be ordered to meet as is provided upon the transmission of his final Report and Return, and the said Select Committee shall thereupon proceed to hear the parties interested or concerned in such Election Petition, or such of them as shall choose to attend for that purpose, their Counsel or Agent, upon such Special Report, and if it appear to such Select Committee upon the facts laid before them upon Affidavit, either in such Special Report, or by the parties or any of them, either that the Commissioner is dead, or that he will be unable to complete the duties imposed upon him by the said Commission within a reasonable time for that purpose, such Select Committee shall and may proceed to supersede the same, and to appoint another Commissioner thereupon as hereinbefore provided for that purpose: Provided always nevertheless, that notwithstanding any thing herein contained to the contrary, in the event of the death of any such Commissioner, the Clerk employed by him in keeping the Minutes of his proceedings under the same, shall and may, either by the consent of all the parties interested or concerned in such Election Petition, their Counsel or Agent, or by direction of such Select Committee, make a Report and Return of all the proceedings had and taken by such Commissioner, which Report and Return shall in such case be equally available for all the purposes of this Act as if made by such Commissioner himself.

Proceedings to be had by the Committee on such report.

Proviso.

CXVI. And be it enacted, That if any such Commissioner shall be prevented from attending at the day and place appointed as aforesaid by any sudden accident, necessity or illness, to be verified upon Oath in manner herein directed, he shall not be liable to the said penalty of Twenty-five Pounds; any thing herein contained to the contrary notwithstanding.

Commissioner to be excused in case of sickness, &c.

CXVII. And be it enacted, That it shall and may be lawful for the said Commissioner from time to time to adjourn to any place within the County or Riding, City, Town, Borough or place in which the Election was held different from that in which such Commissioner shall in the first place have opened his Court or commenced his proceedings under such Warrant, in all cases where it shall appear to him expedient or necessary so to do.

Commissioner may adjourn to other places.

CXVIII. And be it enacted, That the said Commissioner shall have power at all times by Warrant under his hand and seal, to send for all persons, papers and records, and shall examine all witnesses who shall come before him, upon Oath or Affirmation, as the case may require, and shall examine all matters referred to him, and shall in all respects have the same powers and authorities for examining the said matters so referred to him as Select Committees of the Commons House of Legislative Assembly for the trial of Election Petitions have for examining the matters and things referred to such Select Committees, and the said Commissioner shall proceed in examining all and every witness or witnesses who shall come before him, and in scrutinizing the rights of any voter or voters, and in all matters and things whatsoever referred to him in the same course and manner, and according to the same Rules, as Select Committees of the Commons House of Legislative Assembly for the trial of Election Petitions ought and are empowered to proceed in like cases, and the Clerk appointed by the said Commissioner shall from time to time make or cause to be made true copies of the Minutes of all the proceedings before the said Commissioner, and of all such evidence as shall be given or produced before him, and shall give one such copy to each of the parties interested, or his or their agent, or to such of them as shall demand the same, on being paid, for each folio of the said copy consisting of one hundred words, the sum of Six Pence: and within

Power of Commissioner to send for persons, papers, &c.

Other powers.

His Clerk to make copies of evidence, minutes, &c.

Fee.

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