

been made within a distance of fifteen miles from the place at which the party shall have been summoned to appear, and a further delay of one day for each fifteen miles beyond the first fifteen miles.

5. Such Writ of Summons shall also be served on the Returning Officer, who shall have acted as such at the election, by leaving a copy of the Writ and of the Petition certified by the Clerk of the Court, with him personally or at his office, as Registrar or Sheriff if he be the Registrar or the Sheriff, or at his domicile if he holds neither of these offices, in the manner prescribed by the next preceding section. 5

6. It shall not be necessary to prove by oath or special affidavit, the service of any Writ of Summons, Order, Subpoena, or Rule rendered necessary by the proceedings required to be taken in carrying this Act into execution, but the return of service made by the Bailiff or any other person competent to make such service, shall be proof of the facts mentioned in such return. 10 15

APPEARANCE AND ENQUETE.

7. If the person whose election or return is disputed, appears on the day fixed, he shall be bound to plead to the merits of the petition within the four days next after his appearance, and the party complaining shall be bound to answer to the pleadings within four days after the filing thereof; and in default of pleading or answering within the said delays, foreclosure shall be granted and registered as against the party in default, without it being necessary to make any motion for that purpose. 20

8. The party complaining, who shall be deemed the plaintiff in the proceeding, shall, within four days from the filing of the answer, proceed to prove the allegations of his petition, and such proof or such part thereof as may be oral shall be taken in writing in the manner in which the depositions of witnesses are taken in such Court. 25

9. When the party complaining shall have declared his *enquête* to be closed, the party against whom the complaint is brought shall, after a delay of four days, and no longer, if he ask for such delay, proceed to produce such proof as he intends to offer against the petition and in support of his plea; and so soon as he shall have closed his evidence, the party complaining, after a delay of four days, shall bring his evidence in rebuttal, if he intends to do so. 30

10. The *enquête* shall be taken and continue without further delays or postponements than those fixed by the present Act, but nothing herein prescribed shall have the effect of preventing the Court from ordering the issue of and issuing rogatory commissions in the usual form to facilitate the examination of witnesses and to expedite the proceedings, when the party complaining shall apply therefor, or shall give his consent thereto. 35 40

11. The Clerk of the Court is authorized and required, in case of the absence of the Judge, to open the Court and preside at the *enquête* in such proceedings, and the parties shall be bound to proceed with their *enquête*, notwithstanding the absence of the Judge. 45