

IX. COSTS.

thereunto being duly verified) shall not be called in question in any Court, and provided always also, secondly, that the party so impleaded may, if he think fit, put in any defence that he may have to such action, according to law and the practice of such Court.

CXLII. And be it enacted, That in every case it shall be lawful for any person from whom the amount of such costs and expenses have been so recovered, to recover in like manner from the other persons, or any of them (if such there be) who are liable to the payment of the same costs and expenses, a proportionate share thereof according to the number of persons so liable, and according to the extent of the liability of each person.

CXLIII. And be it enacted, That if any person having subscribed an Election Petition presented under this Act, or any sitting Member or any Petitioner admitted to defend such Petition instead of such sitting Member, neglect or refuse for the space of *seven* days after demand to pay to any witness summoned on his behalf before any Select Election Committee appointed under the provisions of this Act, or before any Commissioner appointed for taking evidence by such Committee, the sum so certified as aforesaid by the Speaker under the authority of this Act to be due to such witness, or if such Petitioner or other party neglect or refuse, for the space of *six* months after demand, to pay to any party opponent to him upon the trial of such Petition the sum so certified by the Speaker as aforesaid to be due to such party for his costs and expenses, and if such neglect or refusal be, within *one* year after the granting of such certificate, proved to the Speaker's satisfaction by affidavit sworn before the said Speaker or before a Justice of the Peace, in every such case every person who has entered into a recognizance on behalf of such Petitioner or other party, relating to such Petition under the provisions of this Act, shall be held to have made default in his said recognizance, and the Speaker of the Commons House of Legislative Assembly shall thereupon certify such recognizance into the Superior Court for Lower Canada, if such recognizance shall have been taken in Lower Canada, or into the Court of Queen's Bench or Common Pleas for Upper Canada, if such recognizance shall have been taken in Upper Canada, and shall also certify that such person has made default therein, and such certificate shall be conclusive evidence of the validity of such recognizance and of such default, and the recognizance, being so certified, shall be delivered by the Clerk of the Commons House of Legislative Assembly, or some person deputed by him for that purpose, into the hands of the Chief Justice, or one of the Judges of the Court into which the same shall be so

Parties may recover from those jointly liable with them.

Recognizances to be estreated if costs be not paid within certain periods.