

such first day have entered upon and gone through with that head or division of the daily routine of the business thereof which consists in the presenting and bringing up of Petitions, and if the said House in such last mentioned case shall not have entered upon and gone through with such head or division of the said daily routine of such first day, then, and in every such case, upon the first day thereafter upon which the said House shall have entered upon and gone through with such head or division of the said daily routine as aforesaid, any person who voted or had a right to vote at the Election to which the Petition relates, may petition the said House, praying to be admitted as a party to defend such return, or to oppose the prayer of such Petition; and such person shall thereupon be admitted as a party, together with the sitting Member if he be then a party against such Petition, or in the room of such Member if he be not then a party against the Petition, and every such Petition shall be referred by the House to the General Committee of Elections hereinafter mentioned: Provided always, nevertheless, that nothing herein contained shall preclude the presenting or bringing up of such Petition of any such party during any part of any day on which such Petition might be presented as is provided by the Fifth Section of this Act respecting Election Petitions.

Proviso.

Member declining to defend not to sit or vote until Petition be decided upon.

XXVII. And be it enacted, That whenever the Member whose election or return is so complained of in such Election Petition, has given notice as aforesaid of his intention not to defend the same, he shall not be afterwards allowed to appear or act as a party against such Petition in any proceedings thereupon, and he shall also be restrained from sitting in the said Commons House of Legislative Assembly, or voting on any question, until such Petition has been decided upon.

Voters petitioning for leave to defend to give security.

XXVIII. And be it enacted, That before any such Petition for permission to defend shall be presented to the House, a Recognizance shall be entered into on the part of such Petitioner by one, two, three or four persons as sureties for the persons subscribing such Petition, for the sum of One Hundred Pounds in one sum, or in several sums of not less than Twenty-five Pounds each, for the payment of all costs and expenses which under the provisions herein contained shall become payable by the person subscribing such Petition, to any witness summoned in his behalf, or to the person subscribing the Election Petition to which such person prays permission to appear for the purpose of defence as aforesaid, or to any person who, upon the application of such first mentioned Petitioner for the issue of a Commission to take evidence upon the trial of such Election Petition, may be appointed a Commissioner for that purpose, or to any Clerk, Bailiff or other Officer employed by such Commissioner in or about or in any way relating to the execution of the Commission issued to him in that behalf, which Recognizance shall be entered into before the Speaker or a Justice of the Peace as is herein provided with respect to other Recognizances to be entered into under this Act, and shall be accompanied by Affidavits of the sufficiency of the sureties as is provided with respect to the same, and the same may be in the form or to the like effect as is set forth in the Schedule to this Act annexed marked A (3), with such alterations as may be necessary to adapt such form to the circumstances of the case; or a deposit of money may be made in lieu of such Recognizance, or a deposit of money in lieu of some part of the amount required to be so secured, and a Recognizance for the residue thereof shall be made and entered into as is hereby provided with respect to such other Recognizance, which shall be accompanied by Affidavits of sufficiency from the sureties, and an Affidavit of belief in such sufficiency made by such Petitioner for permission to defend, as is hereinbefore provided with respect to the Recognizance to be entered into on behalf of any such sitting Member as aforesaid: Provided always nevertheless, that all objections to such sureties or the manner in which they have been put in, shall be heard and disposed of by the Select Election Committee for the trial of such Election Petition, in the same manner and subject to the like powers and provisions, as well respecting costs and the payment and recovery thereof, as respecting all other matters connected with the enquiry into and allowance of the sufficiency of such sureties as is herein provided with respect to the Recognizance hereby required to be entered into by any such sitting Member as aforesaid.

Form of recognizance, &c.

Money may be deposited instead.

Proviso.