

cation, and shall be sued out, issued and prosecuted under this Act in conformity with the provisions of the eighty-eighth chapter of the Consolidated Statutes for Lower Canada, intituled, "An Act concerning the protection and enforcement of Corporate rights," which shall apply to cases arising under this Act. 5

And how in
U. C.

8. In Upper Canada such writ, under this Act, may be issued either in Term or in vacation, on the order of any Judge of either of the Superior Courts of Common Law, or of the Senior or officiating Judge of the County in which the election or appointment took place, and shall be sued out, issued and prosecuted in conformity with the provisions of the one hundred and twenty-eighth section of the "Act respecting the Municipal Institutions of Upper Canada," which shall apply to cases under this Act, with the exception of the eleventh sub-section thereof, and of so much of the first sub-section thereof as relates to the affidavit therein mentioned; but no Judge shall order or direct such a writ to issue, unless the Relator enters into a recognizance, as required in the first sub-section, and shows by affidavit to such Judge reasonable grounds for supposing that the person whose election or appointment or retention of office is complained of, was or has become ineligible or incapable of holding office under the provisions of this Act. 10 15 20

Relator to
enter into re-
cognizance.

Rules made
by Judges to
apply.

9. The rules made by the Judges of the Courts of Common Law, shall be applicable in Upper Canada to the carrying of this Act into effect, and the said Judges or a majority of them may by rules made in Term time, settle the forms and regulate the practice respecting proceedings under this Act, in all respects, as fully for all purposes as mentioned in the said Municipal Act of Upper Canada. 25