

III. ADMISSION OF PARTIES TO DEFEND.

leave to defend
the return, or
to oppose the
petition
against it.

day on which any notice was inserted in the Gazette to the effect that the seat is vacant, or that the Member returned will not defend his election or return, or if either of the said periods expire during a prorogation of Parliament or during an adjournment of the Commons House of Legislative Assembly for any period exceeding *seven* full days exclusive of the day of adjournment and the day of meeting according to such adjournment, and if he have not done so before, then on the first day on which the House meets after such prorogation or adjournment, provided the said House shall on 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 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*