

Legis. Assembly to Select one of the Chief Justices as Judge.

4. The Legislative Assembly, on the day on which the names of the members so chosen are reported, shall proceed to choose one Judge by lot from among all the Chief Justices in the Province, who shall preside at the trial of every election petition during that Parliament.

Reference of Election Petitions.

5. Every election petition received by either House shall be referred to the Court of Elections. The said Judge shall be President of the Court, with power to appoint one or more Clerks, and to hear and determine all preliminary objections which may be taken before him; to issue summonses for the attendance of witnesses, and generally to make such orders as he may deem just, subject to appeal, as hereinafter mentioned. 5 10

Sittings of Judge to decide preliminary objections

6. The first sitting of the said Judge to hear preliminary objections, issue summonses, and make orders in the matter of any petition referred to the Court of Elections, shall be not less than ten days, nor more than fifteen days, after his appointment as aforesaid; and he shall cause at least one week's notice of the same to be inserted in two newspapers, one published in Upper Canada and the other in Lower Canada, and shall also forthwith notify the day of such sitting to the Speakers of both Houses of Parliament. 15

To continue till he has disposed of objections on all petitions then presented.

7. The said Judge shall sit every day for at least three hours, in some convenient room near the Assembly Chamber (Sundays and statutory holidays excepted), until he has disposed of all preliminary objections raised before him in the matter of the several Petitions then referred to the Court of Elections; and he shall fix a day which, after hearing the parties, he may deem most convenient for the trial of each and every petition referred to the said Court, and which then remains to be tried, and shall immediately report the same to both Houses; but the first day so fixed shall not be more than ten days from the day on which the said Judge held the first sitting. 20 25

Formation of the Court for trying any Petition.

8. On the day next but one, or if the same be Sunday or a statutory holiday, then on the day next but two, before that on which any Petition shall be set down for trial by the Judge, as aforesaid, the Clerk of the Legislative Council shall, between the hours of twelve and one of the clock, and in the presence of the parties, if they attend, choose by lot five names from the said panel of fifteen; and the Clerk of the Legislative Assembly shall, between the hours of two and three of the clock on the same day, and in the presence of the parties, in like manner, choose by lot seven Members from the said panel of twenty-four; and the said five Members and the said seven Members so chosen, shall form the Court under the presidency of the Judge for the trial of the election petition so fixed for trial, as aforesaid. The said Clerks shall forthwith notify the Members so chosen to form the said Court, and also report their names to the Speaker of the House of which he is Clerk at the next opening thereof, who shall cause the same to be read aloud to the House. 30 35 40 45

Members having any bias on the question may be exempted.

9. Each House may exempt any Member from serving on the said Court, who shall appear to the satisfaction of the House to which he belongs to have any bias on the subject matter of the Petition about to be tried arising from connection with the parties interested, but such ground of exemption shall be declared to the said House by such Member, or any other Member thereof, on the day upon which the names shall be communicated to the House and not afterwards. 50