

An Act to improve the mode of obtaining Evidence in cases of controverted Elections.

WHEREAS it is highly desirable to shorten the time now uselessly consumed in obtaining evidence in cases of controverted Elections: Be it therefore enacted, &c., as follows: Preamble.

I. From and after the passing of this Act, whenever any person or persons shall intend to contest the election of any person returned as being elected a member of the Legislative Assembly, upon any other ground than matters appearing upon the face of the Return, or of the Poll Books, or other documents of which the original or certified copies are by law to be transmitted to the Clerk of the Crown in Chancery, or kept by the Returning Officer, he shall, within days after the result of such election shall have been determined by the Returning Officer, give notice in writing to the person whose election he designs to contest, of his intention to contest the same, and in such notice shall specify particularly the facts upon which he relies in the contest; and no Election Petition alleging facts of which such notice is required to be given, shall be received by the Legislative Assembly, unless with the recognizance required in such case, there shall be filed in office of the Clerk of the Legislative Assembly a copy of such notice and a certificate of the due service thereof, on the oath or oath of office of the person who made such service, nor unless the Speaker shall certify that such copy and certificate have been so filed, nor shall such Select Committee take into consideration any facts touching which such notice is required to be given unless they are stated in such notice. Whoever intends to contest the Election of a Member on grounds not appearing on the face of the Return &c., must give notice to such Member within days &c.

II. The member upon whom the notice mentioned in the first section of this Act shall be served, shall, within days after the service thereof, answer such notice, admitting or denying the facts alleged therein respectively, and stating specially, any other facts not appearing upon the face of the Return or of the Poll Books or such documents as aforesaid, upon which he rests the validity of his election, and shall serve a copy of his answer upon the contestant; nor shall such member be permitted by the Select Committee to be appointed to try such contestation, to give evidence of any such facts as aforesaid other than those he shall have alleged in his said answer; and if he serve no answer within the time hereinbefore mentioned, he shall not be permitted by the said Committee to prove any such facts; and his having served such answer shall be proved to the Committee by a copy thereof and certificate of service produced to them. Member to answer such notice specially within days.

III. Such service as aforesaid shall be made by delivering a copy of the said notice or answer to the party to be served in person, or by leaving the same at his residence with some grown up and literate person of his family, and may be made by any literate person, who shall swear before some Justice of the Peace, that the same was duly made, or by any sworn Bailiff of one of the Superior Courts of Law who shall certify the same on his oath of Service, how made: notice by more than one contestant must contain election of domicile.