

*Trial of Controverted Elections Act.*

Indemnity to witnesses.

31. No person who is called as a witness before any Judge on the trial of an Election Petition under this Act, shall be excused from answering any question relating to any corrupt practice at or connected with any Election forming the subject of such enquiry by such Judge, on the ground that the answer thereto may criminate or tend to criminate himself. Provided, always, that where any witness shall answer every question relating to the matters aforesaid, which he shall be required by such Judge to answer, and the answer to which may criminate or tend to criminate him, he shall be entitled to receive from the Judge a Certificate under the hand of such Judge, stating that such witness was, upon his examination, required by the said Judge to answer questions or a question relating to the matters aforesaid, the answers or answer to which criminated or tended to criminate him, and had answered all such questions or such question; and if any information, indictment, or action, be at any time thereafter pending in any Court against such witness, for any offence under "The Corrupt Practices Prevention Act, 1871," or any other Law in force in this Colony, or for which he might have been prosecuted under the said Act, or under any other Law as aforesaid, committed by him previously to the time of his giving his evidence, and at or in relation to the Election concerning, or in relation to which the witness may have been so examined, the Court shall, on production and proof of such Certificate, stay the proceedings in such last mentioned information, indictment, or action, and may at its discretion award to such witness such costs as he may have been put to in such information, indictment, or action. Provided that no statement made by any person in answer to any question put by such Judge shall, except in cases of indictments for perjury, be admissible in evidence in any proceeding, civil or criminal.

Expenses of witnesses.

32. The reasonable expenses incurred by any person in appearing to give evidence at the trial of an Election Petition under this Act, according to the scale allowed to witnesses on the trial of civil actions, may be allowed to such person by a Certificate under the hand of the Judge or of the prescribed Officer, and such expenses, if the witness was called and examined by the Judge, shall be deemed part of the expenses incurred under this Act, and in other cases shall be deemed to be costs of the Petition.

Judge may appoint a Commissioner to examine witnesses.

33. Upon its appearing to any such Judge, from the nature of the case and the number of witnesses to be examined relative to any particular allegation or allegations in the Election Petition, that the same cannot be effectually inquired into before such Judge without great inconvenience and expense to the parties or either of them, the said Judge may, upon application of any of the parties before the said Judge at any period during the course of his proceedings upon such Petition, make an order for the nomination and appointment of a Commission to examine witnesses in the manner prescribed. The Commission shall be directed to such person as the said Judge shall appoint for the purpose, and the powers and authorities of the Commissioner, the proceedings before such Commissioner, and the return of the Commissioner, shall all be as prescribed; and the expenses attending the execution of such Commission, shall be considered as expenses incurred under this Act.

Withdrawal of Petition, and substitution of new Petitioners.

34. An Election Petition under this Act, shall not be withdrawn without leave of the Court or Judge, upon special application to be made in, and at the prescribed manner, time, and place.

No such application shall be made for the withdrawal of a Petition until the prescribed notice has been given in the Electoral District to which the Petition relates, of the intention of the Petitioner to make an application for the withdrawal of his Petition.

On the hearing of the application for withdrawal, any person who might have been a Petitioner in respect of the Election to which the Petition relates, may apply to the Court or Judge to be substituted as a Petitioner for the Petitioner so desirous of withdrawing the Petition.

The Court or Judge may, if it or he think fit, substitute as a Petitioner