

his prosecution or defence if such Select Committee shall think fit so to order and direct; Provided always nevertheless, that no such sitting Member shall obtain the benefit of any evidence taken on his behalf, under any such Commission until he shall have perfected the security hereby required in that behalf, either by Recognizance or deposit as hereinbefore provided, and shall have obtained an order of such Select Election Committee allowing the same as sufficient.

Names of sureties,
&c., to be entered by
the Clerk in book.

XIX. And be it enacted, That on or before the day when any such Petition is presented to the House, or when notice of the intention of any sitting Member to apply to the Select Committee for the trial of such Election Petition for the issue of a Commission to take evidence upon such trial, shall have been served on the Petitioners, the names and descriptions of the sureties, where there are sureties, as set forth in the Recognizance, and the amount of the Chief Clerk's receipts or certificates of deposits in lieu of the Recognizance, shall be entered in a book to be kept by the Chief Clerk of the said House in his office, and the said book, and also the Recognizance and Affidavits, and the Chief Clerk's said receipts or certificates, shall be open to the inspection of all parties concerned.

Objections to
recognizances of
Petitioners may be
taken by sitting
Member or Electors
supporting his
election.

Proviso.

Proviso.

Proviso.

Notice of objections,
to be posted up.

XX. And be it enacted, That any sitting Member petitioned against, or any Electors petitioning and admitted parties to defend the election or return, may object to any such Recognizance on the ground that the same is invalid, or that the same was not duly entered into or received by the Speaker, with the affidavit thereunto annexed or endorsed as hereinbefore required, or on the ground that the sureties or any of them are insufficient, or that a surety is dead, or that he cannot be found or ascertained for the want of a sufficient description in the Recognizance, or that a person named in the Recognizance has not duly acknowledged the same: Provided always, firstly, that the ground of objection shall be stated in writing under the hand of the objecting party or his agent, and shall be delivered to the Speaker of the said House, within ten days, or not later than twelve o'clock at noon of the eleventh day after the presentation of the Petition; and provided also, secondly, that if such eleventh day happen to be a Sunday or other Statutory Holiday, it shall be sufficient, if such notice of objection be delivered to the Speaker not later than twelve o'clock at noon of the following day, or of the first day thereafter which shall not be a Sunday or Statutory Holiday; and provided also, thirdly, that the said Speaker shall thereupon cause the said objection to be forthwith filed in the office of the Chief Clerk of the said House, for the inspection of the House and its Committees, and of all parties concerned or interested in the same.

Speaker to decide on
objections.

XXI. And be it enacted, That as soon as any such statement of objection is received by the said Speaker, he shall cause the Chief Clerk of the House to put up an acknowledgment thereof in some conspicuous part of his office, and shall appoint a day for hearing such objections, not less than three nor more than five days from the day on which he received such statement; and the Petitioner and his agent shall be allowed to examine and take copies of every such objection.

XXII. And be it enacted, That at the time appointed, the Speaker of the said House shall enquire into the alleged objections, on the grounds stated in the notice of objection, but not on any other ground; and for the purpose of such enquiry, he may examine upon oath any persons tendered by either party for examination by him, and may also receive in evidence any Affidavit relating to the matter in dispute before him, sworn before him, or before any Justice of the Peace, and the said Speaker may, if he thinks fit, adjourn the said enquiry from time to time until he decide on the validity of such objection, and he may, if he thinks fit, award costs to be paid by either party to the other, which costs shall be taxed and recovered as hereinafter provided for the costs and expenses of prosecuting or opposing Election Petitions, and the decision of the Speaker shall be final and conclusive against all parties.

Provision in case of
the death of any
surety.

XXIII. And be it enacted, That if any surety die, and his death be stated as a ground of objection before the end of the time allowed for objecting to Recognizances, the Petitioner may pay into the hands of the Chief Clerk of the Commons House of Legislative Assembly of this Province on the account of the Speaker, the sum for which the deceased surety