

An Act to establish a more expeditious means of deciding Controverted Elections.

HER Majesty, &c., enacts as follows:—

OF THE RIGHT TO PETITION.

1. Any elector who was qualified to vote at the election in any County or Riding or in any Electoral Division, of a Member to serve either in the Legislative Assembly or in the Legislative Council, or any Candidate at such election, may bring a petition and complaint denying the legality of such election, or against the return of the person declared elected.

2. Such petition and complaint shall be presented in the manner prescribed by the Law now in force, within fifteen days after the day on which the declaration and proclamation were made by the Returning Officer, of the result of the election and of the person elected thereat, but after such delay of fifteen days, such petition may not be presented, and shall be dismissed purely and simply with costs against the complainant as in any proceeding dismissed for insufficient service.

TRIBUNAL—MODE OF SUMMONS.

3. Upon a petition or *requête libellée* being presented by any elector qualified to vote at such election, or by a candidate at such election, alleging the illegality of the election or complaining of the return of the person declared to be elected, for the reasons assigned in the said petition, the Superior Court, if it be in Lower Canada sitting in the District in which the election took place, or the Superior Courts of Common Law if it be in Upper Canada, shall order the issue, in the form prescribed for writs of summons, of a writ ordering that the person whose election or return is complained of, be summoned to appear before the Court to answer to such petition and complaint on a day to be fixed by such Writ.

4. The Writ of Summons shall be served on the person whose election or return is complained of, by leaving a copy of the Writ of Summons, and of the petition or *requête libellée*, certified by the Clerk of the Court, with him personally, or at his domicile, in the manner prescribed in the case of ordinary actions, allowing a delay of at least four days between the day of Summons and that of the return of the Writ, when service shall have been made within a distance of fifteen miles from the house at which the party shall have been summoned to appear, and a further delay of one day for each fifteen miles beyond the first fifteen miles.

5. Such Writ of Summons shall also be served on the Returning Officer, who shall have acted as such at the election, by leaving a copy