

any ballot papers at such election, or (3) that the returning officer has improperly added up the votes, and if the applicant deposits within the said time, with the clerk of the county or district court or with the prothonotary of the said Superior Court in the said judicial district, or with the clerk of the said Supreme Court, as the case may be, the sum of one hundred dollars, in legal tender or in the bills of any chartered bank doing business in Canada, as security for the costs in connection with the recount or final addition, of the candidate appearing by the addition to be elected,—the said judge shall appoint a time, within four days after the receipt of the said affidavit by him, to recount the votes if the said application is made in relation to one of the first three grounds of application, or to make the final addition if the said application is made in relation to the last-mentioned ground of application, as the case may be.

Security
for costs.

Time to be
appointed.

Notice.

2. The judge shall give notice in writing to the candidates or their agents of the time and place at which he will proceed to recount the votes, or to make such final addition, as the case may be; and the judge may, at the time of the application or afterwards, direct that service of the notice upon the candidates or their agents may be substitutional, or may be made by mail or by posting, or in such other manner as he thinks fit.

Service of
notice.

3. The judge shall summon and command the returning officer and his election clerk to attend then and there with the parcels containing the ballots used at such election, or the original statements of the deputy returning officers, as the case may be, and also with a duly certified copy of the formal order or judgment on any such appeal, as above mentioned, with respect to or in consequence of which such recount or final addition is to take place,—which command the returning officer and his election clerk shall obey.

Order of judge
to returning
officer.

*[4. At such recount of votes or final addition by the judge the returning officer and his election clerk shall be present, and each candidate shall be entitled to be represented by not more than three agents appointed to attend, and may himself be present if he desires; but in case any candidate is not represented, then any three electors may declare their desire to attend in his behalf and shall be entitled to attend; and except with the sanction of the judge, no other person shall be present at such recount or final addition.]

Who may be
present at the
recount or
final addition.

*5. At the time and place appointed, and in the presence of the said persons, the judge shall proceed to make such final addition in the manner prescribed by section 85, or to recount all the votes or ballot papers returned by the several deputy returning officers, as the case may be, and shall, in the latter case, open the sealed packets containing—(1) the used ballot papers which have been counted, (2) the rejected ballot papers, (3) the spoiled ballot papers—and no other ballot papers.

Making final
addition or
opening pack-
ets of ballots
and recount-
ing the votes.

6. The judge shall, as far as practicable, proceed continuously, except on Sunday, with the final addition or recount of the votes, allowing only time for refreshment, and excluding (except so far as he and the persons aforesaid agree) the hours between six o'clock in the afternoon and nine in the succeeding

Proceedings to
be continuous.