

APPOINTMENTS IF ELECTION NEGLECTED.

Appointment if election neglected or declined.

129. In case at any annual or other election, the electors, from any cause not provided for by the one hundred and third and one hundred and fourth sections, neglect or decline, to elect the members of Council for a municipality on the day appointed, or to elect the requisite number of members the other members of the Council, or if there are none, then the members for the preceding year, or the majority of them, respectively, shall appoint as many qualified persons as will constitute or complete the number of members requisite; and the persons so appointed shall accept office and make the necessary declarations under the same penalty in case of refusal or neglect, as if elected.

Trial of contested elections or right to elect.

130. In case the right of any municipality to a Reeve or Deputy Reeve or Reeves, or in case the validity of the election or appointment of Mayor, Warden or Reeve, or Deputy Reeve, Alderman, Councillor or Police Trustee, is contested, the same may be tried in term or vacation by a Judge of either of the Superior Courts of Common Law, or the senior or officiating Judge of the County Court of the County in which the election or appointment took place; and when the right of a municipality to a Reeve or Deputy Reeve or Reeves is the matter contested, any municipal elector in the County may be the relator, and when the contest is respecting the validity of any such election or appointment as aforesaid, any candidate at the election, or any elector who gave or tendered his vote thereat, may be the relator for the purpose.

PROCEEDINGS FOR THE TRIAL THEREOF.

131. The proceedings for the trial shall be as follows:—

Time for limited, and security and proof required.

1. If within six weeks after the election, or one month after acceptance of office by the person elected, the relator shews by affidavit to any such judge, reasonable grounds for supposing that the election was not legal, or was not conducted according to law, or that the person declared elected thereat was not duly elected, and if the relator enters into a recognizance, before the judge, or before a Commissioner for taking bail, in the sum of two hundred dollars, with two sureties, (to be allowed as sufficient by the Judge upon affidavit of justification,) in the sum of one hundred dollars each, conditioned, to prosecute the writ with effect or to pay the party against whom the same is brought any costs which may be adjudged to him against the relator, the Judge shall direct a writ of summons in the nature of a *quo warranto* to be issued to try the matters contested;

Writ of *quo warranto*.

When the Relator claims to be elected.

2. In case the relator alleges that he himself or some other person has been duly elected, the writ shall be to try the validity both of the election complained of and the alleged election of the relator or other person;