

*Trial of Controverted Elections Act.*

- Applications to the Court respecting trials. 12. Provided, always, that if it shall appear to the Judge, on the trial of the said Petition, that any question or questions of law as to the admissibility of evidence or otherwise, require further consideration by the Supreme Court, then it shall be lawful for the said Judge to postpone the granting of the said Certificate until the determination of such question or questions by the Court, and for this purpose to reserve any such question or questions in like manner as questions are usually reserved by a Judge on a trial at *Nisi Prius* in England.
- Council to carry out Report. 13. The Legislative Council on being informed by the Speaker of such Certificate and Report or Reports, if any, shall order the same to be entered in their Journals, and shall give the necessary directions for confirming or altering the Return, or for issuing a Writ for a new Election, or for carrying the determination into execution, as circumstances may require.
- Council may make order on Special Report. 14. Where the Judge makes a Special Report, the Legislative Council may make such order in respect to such Special Report as they think proper.
- Report of Judge, with evidence, to be laid before Attorney General, for prosecution. 15. Where the Judge has reported to the Legislative Council that certain persons named by him have been guilty of corrupt practices, and have not been furnished by him with Certificates of Indemnity, such Report, with the evidence taken by the Judge, shall be laid before the Attorney General with a view to his instituting a prosecution against such persons, if the evidence should in his opinion be sufficient to support a prosecution.
- Evidence of corrupt practice, how received. 16. On the trial of an Election Petition under this Act, unless the Judge otherwise directs, any charge of a corrupt practice may be gone into, and evidence in relation thereto received, before any proof has been given of agency on the part of any Candidate, in respect of such corrupt practice.
- Acceptance of office not to stop Petition. 17. The trial of an Election Petition under this Act, shall be proceeded with notwithstanding the acceptance by the Respondent of an office of profit under the Crown.
- Prorogation of Council. 18. The trial of an Election Petition under this Act, shall be proceeded with notwithstanding the Prorogation of the Legislative Council.
- Form of Petition. 19. An Election Petition under this Act, shall be in such form and state such matters as may be prescribed.
- Service of Petition. 20. An Election Petition under this Act, shall be served as nearly as may be in the manner in which a Writ or Summons is served, or in such other manner as may be prescribed.
- Joint Respondents to Petition. 21. Two or more Candidates may be made Respondents to the same Petition, and their case may, for the sake of convenience, be tried at the same time; but for all the purposes of this Act such Petition shall be deemed to be a separate Petition against each Respondent.
- Provision in cases where more than one Petition is presented. 22. Where under this Act more Petitions than one are presented relating to the same Election or Return, all such Petitions shall in the Election List be bracketed together and shall be dealt with as one Petition; but such Petitions shall stand in the Election List in the place where the last of such Petitions would have stood if it had been the only Petition presented, unless the Court shall otherwise direct.
- Shorthand writer to attend trial of Election Petition, on order of Governor. 23. On the trial of an Election Petition under this Act, a Shorthand Writer shall, on an order of the Governor in Council being made for such purpose, attend, and shall be sworn by the Judge faithfully and truly to take down the evidence given at the trial, and from time to time, as occasion requires, to write or cause the same to be written in words at length; and it shall be the duty of such Shorthand Writer to take down such evidence, and from time to time to write or cause the same to be written at length, but if no such Shorthand Writer be employed, then the evidence