

witness as aforesaid by a Judge, such witness may be cross-examined by or on behalf of the petitioner and respondent, or either of them.

39. No person shall be excused from answering any question put to him under this Act, touching or concerning any election, or the conduct of any person thereat, or in relation thereto, on the ground of privilege or that the answer to such question will tend to criminate such person; but no answer given by any person claiming to be excused on the ground of privilege or that such answer will tend to criminate himself, shall be used in any criminal proceeding against any such person, other than an indictment for perjury, if the Judge gives to the witness a certificate that he claimed the right to be excused on the grounds aforesaid, and made full and true answers to the satisfaction of the Judge.

Witnesses not excused from answering by certain circumstances.

Proviso: as to use of answers

40. The reasonable expenses incurred by any person in appearing to give evidence at the trial of an election petition under this Act, according to the scale allowed to witnesses on the trial of civil actions in the superior courts of law in the same Province, may be allowed to such person by a certificate under the hand of the Judge or of the Clerk of the Election Court or prescribed officer; and such expenses, if the witness be called and examined by the Judge, shall be deemed part of the expenses of providing a court, and in other cases shall be deemed costs of the party calling the witness, and shall be taxed against such party interested in the trial of such petition as the Judge may determine.

Expenses of witnesses.

How paid.

41. The duties to be performed by the Clerk or other prescribed officer of any Election Court under this Act or the rules of court, shall, if the Election Court consists of Judges of any Dominion or Provincial Court or Courts, be performed by such officer or officers of the Court or Courts last mentioned, as the Judges of the Election Court may appoint; and if the Election Court consists of Judges appointed *ad hoc*, then by such person or persons as the Governor may appoint to act as such Clerk or other prescribed officer: and the remuneration to be allowed in either case for such services shall be fixed by the Governor in Council, on the report of the Election Court in question.

By what officers certain duties shall be performed.

#### WITHDRAWAL AND ABATEMENT OF ELECTION PETITIONS.

42. An election petition under this Act shall not be withdrawn without the leave of the Election Court or of the Judge (according as the petition is then before the court, or before the Judge for trial) upon special application to be made in and at the prescribed manner, time and place:

Withdrawal to be by leave of Court or Judge.

No such application shall be made until the prescribed notice has been given in the electoral district to which the petition relates, of the intention of the petitioner to make an application for the withdrawal of his petition.

Notice.