

act is alleged, or a returning officer whose conduct is complained of. No other person can be made a party to an election petition. Then section 82 says: "Any party to an election petition may, forthwith on the conclusion of the trial, file an inscription for hearing before the Superior Court sitting in Review, at the office of the prothonotary of the district in which the petition has been presented." So that the whole trial is to take place before the Superior Court, or before a judge thereof. The hearing in Review comes only after the trial is completed. There is another section which gives jurisdiction to the Court of Review in a particular case: it is as to preliminary objections. Sect. 41: "The judge shall then hear the parties and their witnesses upon such objections, and shall decide the same in a summary manner. Such judgment, if in favor of the petitioner, shall not be susceptible of being reversed, until the hearing on the merits before the Superior Court sitting in Review; if, however, it has the effect of dismissing the petition, the case may be submitted to such court upon inscription filed within the eight days following, etc." This is the only case in which, during the trial, the Court of Review has anything to do with it. It is only a party to the election petition who can inscribe the case.

Now, section 89 says: "the Superior Court sitting in Review shall determine (1) whether the member whose election or return is complained of has been duly elected, or declared elected; or (2) whether any other person, and who, has been duly elected; or (3) whether the election was void; and (4) all other matters arising out of the petition, or requiring its determination." And section 90 says: "such judgment shall not be susceptible of appeal," that is, the judgment of the Court of Review.

All these sections which I have cited do not speak of any charge against anyone but a candidate. In the Controverted Elections Act, the candidates are the only parties who are mentioned in connection with corrupt acts. There is nothing as to the case of a third party who has acted corruptly during an election. We have to refer to chap. 7 to

see when and how a third party may be charged with corrupt acts during an election. Section 270 of chap. 7, says: "Any person other than a candidate, found guilty of any corrupt practice in any proceeding in which, after notice of the charge, he has had an opportunity of being heard, shall, during the seven years next after the time at which he is so found guilty, be incapable of being elected to and of sitting in the Legislative Assembly, and of voting, etc." Now, how can a conviction take place? Sect. 292 is the general section about penalties incurred under this law. "Every prosecution concerning a penalty imposed by this Act may be brought by any person of full age, in his own name, by action of debt, before any court having civil jurisdiction for the amount demanded." This is the general clause applying to all cases of corruption. Then sect. 272 says: "Whenever it shall appear to the court or judge trying an election petition that any person has contravened any of the provisions of this Act, such court or judge may order that such person be summoned to appear before such court or judge, at the place, day and hour fixed in the summons for hearing the charge." Here it appeared to the judge of the Superior Court trying the case that certain persons had bribed. The judge issued his summons ordering them to appear before the court trying the case, that is the Superior Court. Then sec. 273 says: "If, at the time so fixed by the summons, the party summoned do not appear, he shall be condemned on the evidence already adduced on the trial of the election petition, to pay such fine or undergo such imprisonment in default of payment, to which he may be liable for such contravention, in conformity with section 300." Section 300 says that imprisonment may be ordered in default of payment of penalty.

Therefore, when a summons has been issued against a person to answer a charge of corruption, he has to appear before the court or judge trying such case. If he does not appear he shall be condemned. By whom is he to be condemned? Is it by the judge or the court before whom he is to appear, or by the Court of Review, which has jurisdic-