

## CAP. XIII.

## An Act to improve the mode of obtaining Evidence in cases of controverted Elections.

[Assented to 10th June, 1857.]

**W**HEREAS it is desirable more speedily to obtain evidence in cases of controverted elections: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

I. From and after the passing of this Act, whenever any person or persons shall intend to contest the election of any person proclaimed or returned as being elected a member of the Legislative Assembly, upon any other grounds than matters appearing upon the face of the Return, or of the Poll Books or other documents of which the original or certified Copies are by law to be transmitted to the Clerk of the Crown in Chancery or kept by the Returning Officer, he shall, within fourteen days after the result of such election shall have been determined by the Returning Officer, give notice in writing in the manner hereinafter mentioned, to the person whose election he intends to contest, of his intention to contest the same, and in such notice he shall specify particularly the facts and circumstances upon which he intends to contest the election; and no Election Petition alleging other facts or circumstances than those stated in such notice shall be received by the Legislative Assembly except as hereinafter excepted, nor shall such Petition be received unless a copy of such notice, and affidavit of the due service thereof, by the person who made such service, be annexed to the said Petition, nor shall any Select Committee take into consideration any facts or circumstances touching which such notice is hereby required to be given, unless they are stated in such notice.

Preamble.

Whoever intends to contest the Election of a Member on grounds not appearing on the face of the Return, &c., must give notice to such Member within 14 days, after election closed.

No election petition alleging other facts than those stated in notice, to be received.

II. The member upon whom the notice mentioned in the first section of this Act shall be served, shall, within fourteen days after the service thereof, answer such notice, admitting or denying the facts and circumstances alleged therein respectively, and may in such answer set forth any other facts and circumstances not appearing upon the face of the Return or of the Poll Books or such documents as aforesaid, upon which he rests the validity of his election, and shall serve a copy of his answer upon the contesting party in the manner hereinafter mentioned; and such member shall not be permitted to give evidence of any facts or circumstances other than those he shall have alleged in his said answer; and the service of such answer shall be proved to the Judge before whom the evidence is to be taken, by producing a copy thereof with the affidavit of service in the manner hereinafter mentioned; and if he serve no answer within the time hereinbefore mentioned, he shall not be permitted

Member to answer such notice specially within 14 days, and what such answer shall contain, &c.

Service of answer.

Failing to answer, he shall