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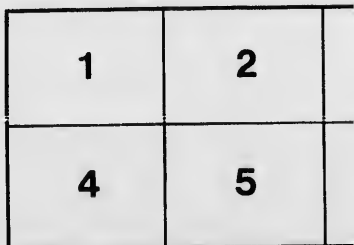
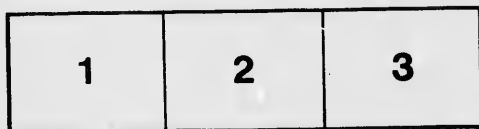
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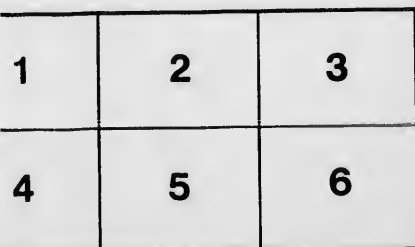
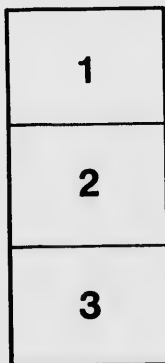
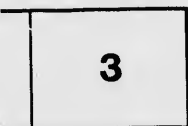
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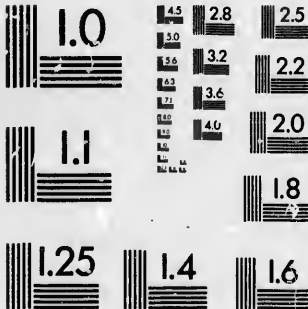
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3
GENERAL RULES
OF THE
ELECTION COURT
FOR THE

PROVINCE OF NEW BRUNSWICK,

Made under and by virtue of the Act of the Dominion of Canada passed in the 36th year of Her Majesty's Reign, Cap. 28; being "The Controverted Elections Act, 1873."

I.

The presentation of an Election Petition shall be made by leaving it at the office of the Clerk of the Election Court. With the Petition shall also be left a copy thereof for the said Clerk of the Election Court to send to the Returning Officer, pursuant to Section 11 of the Act.

II.

An Election Petition shall contain the following statements:—

1. The right of the Petitioner to petition within Section 10 of the Act.
2. The holding and result of the Election.
3. A brief statement of the facts and grounds relied on to sustain the prayer.

It shall conclude with a prayer; as for instance—that some specified person should be declared duly returned or elected; or, that the Election should be declared void; or, that a return may be enforced, (*as the case may be*).

III.

The Petition shall be signed by all the petitioners, and shall be divided into paragraphs, each of which, as nearly as may be, shall be confined to a distinct portion of the subject, and every paragraph shall be numbered consecutively; and no costs shall be allowed for drawing or copying any Petition, not substantially in compliance with this Rule, unless otherwise ordered by the Court, or one of the Election Judges.

IV.

The following form of Petition, or to the like effect, shall be sufficient :
IN THE ELECTION COURT.

" *The Controverted Elections Act, 1873.*"

Election of a Member for the House of Commons for [state the place]
holden on the _____ day of _____ A. D.

DOMINION OF CANADA. } The Petition of A, of _____ (or of
Province of New Brunswick. } A, of _____, and of B, of _____
To wit : } (as the case may be) whose names are
subscribed.

1. Your Petitioner A, is a person (or, if more than one, say—Your
Petitioners are persons) who was (or were) duly qualified to vote at the
above Election; (or claims to have had a right to be returned or elected
at the above Election; or, was a candidate at the above Election, as the
case may be.)

2. And your Petitioners state that the Election was holden on the
_____ day of _____, A. D. _____, when A B, C D, and
E F, were candidates, and the Returning Officer has returned A B as
being duly elected.

3. And your Petitioners say that [here state the facts and grounds on
which the Petitioners rely.]

Wherefore your Petitioners pray that it may be determined that the
said A B was not duly elected or returned, and that the Election was
void; (or, that the said E F was duly elected and ought to have been
returned; or, as the case may be.)

Signed

A.
B.

V.

Evidence need not be stated in the Petition, but the Court, or one of
the Election Judges may order such particulars as may be necessary to
prevent surprise and unnecessary expense, and to ensure a fair and
effectual trial, in the same way as in ordinary proceedings in the Su-
preme Court, and upon such terms as to costs and otherwise as may be
ordered.

VI.

When a Petitioner claims the seat for an unsuccessful candidate,
alleging that he had a majority of lawful votes, the party complaining
of, and the party defending the Election or return, shall each, six days
before the day appointed for trial, deliver to the Clerk of the Election
Court and also at the address, if any, given by the Petitioner and
Respondent (as the case may be,) a list of the votes intended to be ob-
jected to, and of the heads of objection to each such vote; and the
Clerk of the Election Court shall allow inspection and office copies of
such lists to all parties concerned; and no evidence shall be given

against the validity of any vote, nor upon any head of objection not specified in the list, except by leave of the Court or one of the Election Judges, upon such terms as to amendment of the list, postponement of the enquiry, and payment of costs or otherwise, as may be ordered.

VII.

When the Respondent in a Petition under the Act, complaining of an undue return, and claiming the seat for some person, intends to give evidence to prove that the Election of such person was undue, pursuant to the 54th Section of the Act, such Respondent shall, six days before the day appointed for trial, deliver to the Clerk of the Election Court, and also at the address, if any, given by the Petitioner, a list of the objections to the Election, upon which he intends to rely. And the Clerk of the Election Court shall allow inspection and office copies of such list to all parties concerned; and no evidence shall be given by a Respondent of any objection to the Election not specified in the list, except by leave of the Court or one of the Election Judges, upon such terms as to amendment of the list, postponement of the inquiry, and payment of costs as may be ordered.

VIII.

With the Petition, the Petitioners shall leave at the office of the Clerk of the Election Court, a writing, signed by them or on their behalf, giving the name of some person entitled to practise as an Attorney, or whom they authorize to act as their Agent, or stating that they act for themselves, as the case may be; and in either case giving an address, within the City of Fredericton or Saint John, at which notices addressed to them may be left; and if no such writing be left or address given, then notice of objection to the recognizances, and all other notices and the proceedings may be given by posting up the same at the office of the Clerk of the Election Court.

IX.

Any person returned as a Member may, at any time after he is returned, send or leave at the office of the Clerk of the Election Court, a writing signed by him or on his behalf, appointing a person entitled to practise as an Attorney, to act as his Agent, in case there should be a petition against him; or stating that he intends to act for himself, and in either case giving an address within the City of Fredericton or Saint John, at which notices may be left; and in default of such writing being left within a week after service of the petition, notices and proceedings may be given and served respectively, by posting up the same at the office of the Clerk of the Election Court.

X.

The Clerk of the Election Court shall keep a book or books at his office, in which he shall keep a record of all the proceedings of the said

Court; the date of filing each Petition, withdrawal, or substitution, and the decision in each case tried—the proceedings in each case to be kept separately. He shall also keep a record of the names and addresses of the agents given under either of the preceding Rules: which books shall be open to inspection by any person during office hours, without payment of any fee.

XI.

The Clerk of the Election Court shall, upon the presentation of a petition, forthwith send a copy of the petition to the Returning Officer pursuant to Section 11 of the Act, and shall therewith send the name of the Petitioner's Agent, if any, and of the address, if any, given as prescribed; and also the name of the Respondent's Agent, and the address, if any, given as prescribed; and the Returning Officer shall forthwith publish those particulars along with the petition, in the manner hereinafter prescribed.

The cost of publication of this and any other matter required to be published by the Returning Officer, shall be paid by the Petitioner or person moving in the matter, and shall form part of the general costs of the petition.

XII.

The time for giving notice of the presentation of a petition, and of the nature of the proposed security, shall be five days, exclusive of the day of presentation.

XIII.

Where the Respondent has named an agent or given an address, the service of an Election petition may be by delivery of it to the agent, or by posting it in a registered letter to the address given, at such a time that, in the ordinary course of post, it would be delivered within the prescribed time.

In other cases, the service must be personal on the respondent, unless one of the Election Judges, on an application made to him, not later than five days after the petition is presented, on affidavit showing what has been done, shall be satisfied that all reasonable effort has been made to effect personal service and cause the matter to come to the knowledge of the respondent; in which case, the said Judge may order that what has been done shall be considered sufficient service, subject to such conditions as he may think reasonable.

XIV.

In case of evasion of service, the affixing in a conspicuous place in the office of the Clerk of the Election Court a notice of the petition having been presented, stating the petitioner, the prayer and the nature of the proposed security, shall be deemed equivalent to personal service, if so ordered by one of the Election Judges.

XV.

The deposit of money by way of security for payment of costs, charges and expenses payable by the Petitioner, shall be made by payment to the Clerk of the Election Court; who shall keep a book, open to the inspection of all parties concerned, without payment of any fee, in which shall be entered from time to time, the amount deposited, and the Petitioner to which it is applicable.

XVI.

All claims at Law or in Equity to money deposited or to be deposited for payment of costs, charges and expenses payable by the Petitioners pursuant to the said 15th rule, shall be disposed of by the Election Court, or one of the Election Judges.

XVII.

Money so deposited shall, if and when the same is no longer needed for securing payment of such costs, charges and expenses, be returned or otherwise disposed of as justice may require, by rule of the Election Court or order of one of the Election Judges.

XVIII.

Such rule or order may be made after such notice of intention to apply, and proof that all just claims have been satisfied or otherwise sufficiently provided for, as the Court or one of the Election Judges may require.

XIX.

The rule or order may direct payment either to the party who deposited the same, or to any person entitled to receive the same.

XX.

Upon such rule or order being made, the amount may be paid by the Clerk of the Election Court.

XXI.

The recognizance entered into as security for costs, may be acknowledged before one of the Election Judges, or any County Court Judge, or the Clerk of the Election Court, or before the Judge of Probates, the Clerk of the Peace, or the Registrar of Deeds for the County in which the Election complained of was held. There may be one recognizance acknowledged by all the sureties, or separate recognizances by one or more, (not exceeding four), as may be convenient.

XXII.

The recognizance shall contain the name and usual place of abode of each surety, with such sufficient description as will enable him to be found; and may be as follows:—

IN THE ELECTION COURT.

Dominion of Canada, } Be it remembered that on the
 Province of New Brunswick, } day of _____ in the year of our Lord
 To wit: } 18____, before me (*name and descrip-*
tion) came A B of (*name and description as above directed*), C D of,
 &c. (*name and description as above*) and severally acknowledged them-
 selves to owe to our Sovereign Lady the Queen the sum of one thousand
 dollars, to be levied on their respective goods and chattels, lands and
 tenements, to the use of our Sovereign Lady the Queen, her heirs and
 successors. [*If separate recognizances are entered into, the form to be*
varied as follows:—"Came A B of, &c., and acknowledged himself to
 owe to our Sovereign Lady the Queen the sum of _____ dollars, to be
 levied on his goods and chattels, &c.]"

The condition of this recognizance is, that if (*insert the names of all*
the Petitioners, and if more than one, add "or any of them,") shall
 well and truly pay all costs, charges and expenses in respect of the
 Election Petition signed by him (*or them*) relating to the election of a
 Member for the House of Commons for (*insert the name of the County*
or City) which shall become payable by the Petitioner (*or, Petitioners,*
or any of them) under "The Controverted Elections Act, 1873," to
 any person or persons; then this recognizance to be void, otherwise to
 stand in full force.

(*Signatures of sureties.*)

Taken and acknowledged by the above named (*names of Sureties*),
 at _____ on the _____ day of _____ 18____, before me _____

Judge of the Election Court (*or, as the case may be.*)

XXIII.

The recognizance or recognizances shall be filed in the office of the
 Clerk of the Election Court by or on behalf of the Petitioner, forthwith
 after being acknowledged.

XXIV.

An objection to the recognizance must state the ground or grounds
 thereof: as, that the sureties, or any, and which of them, are insuffi-
 cient; or that a surety is dead; or that he cannot be found; or that a
 person named in the recognizance has not duly acknowledged the same.

XXV.

An objection made to the security shall be heard and decided by the
 Clerk of the Election Court, subject to appeal within five days to one
 of the Election Judges, upon summons taken out by either party, to
 declare the security sufficient or insufficient.

XXVI.

Such hearing and decision may be either upon affidavit or personal

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examination of witnesses, or both, as the Clerk of the Election Court or Judge may think fit.

XXVII.

If by order made upon such summons, the security be declared sufficient, its sufficiency shall be deemed to be established within the meaning of the 13th section of the said Act, and the Petition shall be at issue.

XXVIII.

If by order made on such summons an objection be allowed, and the security be declared insufficient, the Clerk of the Election Court or one of the Election Judges shall, in such order, state what amount he deems requisite to make the security sufficient; and the further prescribed time to remove the objection by deposit shall be within five days from the date of the order, not including the day of the date, and such deposit shall be made in the manner already prescribed.

XXIX.

The costs of hearing and deciding the objections made to the security given, shall be paid as ordered by the Clerk of the Election Court or one of the Election Judges; and in default of such order, shall form part of the general costs of the Petition.

XXX.

The costs of hearing and deciding an objection upon the grounds of insufficiency of a surety or sureties, shall be paid by the Petitioner, and a clause to that effect shall be inserted in the order declaring its sufficiency or insufficiency, unless at the time of leaving the recognizance with the Clerk of the Election Court, there be also left with him an affidavit of the sufficiency of the surety or sureties, sworn by each surety before a Commissioner authorized to take affidavits in the Supreme Court, or before a Justice of the Peace, (which affidavit such Commissioner or Justice of the Peace is hereby authorized to take,) that he is seized or possessed of real or personal estate, or both, above what will satisfy his debts, of the clear value of the sum for which he is bound by his recognizance: which affidavit may be as follows:—

IN THE ELECTION COURT.

"The Controverted Elections Act 1873."

I, A B, of (as in recognizance) make oath and say, that I am seized and possessed of real (or personal, or real and personal) estate, above what will satisfy my debts, of the clear value of \$

Sworn, &c.

XXXI.

The order of the Clerk of the Election Court for payment of costs, shall have the same force as an order made by one of the Election

Judges, and may be made a rule of the Election Court, and enforced in like manner as a Judge's order.

XXXII.

The Clerk of the Election Court shall make out the Election-list. In it he shall insert the names of the Agents of the Petitioner and Respondent, and the addresses to which notices may be sent, if any. The list may be inspected at the office of the Clerk of the Election Court at any time during office hours; and shall be put up for that purpose upon a notice board appropriated to proceedings under the said Act, and headed "Controverted Elections Act 1873."

XXXIII.

The time and place of the trial of each Election Petition shall be fixed by the Election Court, and notice thereof shall be given in writing by the Clerk of the Election Court, by affixing the same upon the Notice board in his office; sending one copy by the post to the address given by the Petitioner, another to the address given by the Respondent, if any, and a copy by the post to the Sheriff, fifteen days before the day appointed for the trial. The Sheriff shall forthwith publish the same in the County, or City and County.

XXXIV.

The affixing of the notice of trial at the office of the Clerk of the Election Court shall be deemed and taken to be notice in the prescribed manner within the meaning of the Act, and such notice shall not be vitiated by any miscarriage of, or relating to, the copy or copies thereof to be sent as already directed.

XXXV.

The notice of trial may be in the following form:—

IN THE ELECTION COURT.

"*The Controverted Elections Act 1873.*"

Election Petition of (*name the County*). Take notice that the above Petition (*or Petitions*), will be tried at on the day of , and on such other subsequent days as may be needful.

Dated the day of

By order.

(Signed)

A. B.

Clerk of the Election Court.

XXXVI.

Notice of the time and place of the trial of each Election Petition shall be transmitted by the Clerk of the Election Court to the Clerk of the Peace of the County, or City and County, or Electoral District, for which the election complained of shall have been held; and the said Clerk of the Peace shall forthwith deliver, or cause to be delivered to

the Registrar of the Judge who is to try the Petition, or his Deputy, the Poll Books and Check lists used at the Election to which the Petition relates, and filed with such Clerk of the Peace; for which the Registrar or his Deputy shall give, if required, a receipt; and the Registrar or his Deputy shall keep the said Poll books and Check lists in safe custody until the conclusion of the trial, and then return the same to the said Clerk of the Peace.

XXXVII.

The Election Court may from time to time, by order made upon the application of a party to the Petition, or by notice in such form as the Court may direct to be sent to the Sheriff, postpone the commencement of the trial to such day as may be named; and such notice when received, shall be forthwith made public by the Sheriff.

XXXVIII.

In the event of the Judge not having arrived at the time appointed for the trial, or to which the trial is postponed, the commencement of the trial shall, *ipso facto*, stand adjourned to the ensuing day, and so from day to day until the arrival of the Judge.

XXXIX.

No formal adjournment of the Court for the trial of an Election Petition shall be necessary, but the trial is to be deemed adjourned, and may be continued from day to day until the enquiry is concluded; and in the event of the Judge who begins the trial being disabled by illness or otherwise, it may be recommenced and concluded by any other of the Election Judges.

XL.

All affidavits and papers in any matter in the Election Court, or in any Court for the trial of an Election Petition, may be entitled as follows:—

IN THE ELECTION COURT FOR THE PROVINCE OF NEW BRUNSWICK.

“The Controverted Elections Act 1873.”

Election Petition for the County of

Between A. B., [name of all Petitioners] Petitioner, and C. D., Respondent.

XLI.

An officer shall be appointed for each Court for the trial of an Election Petition, who shall attend at the trial, in like manner as the Clerks of the Circuit Courts attend at such Courts.

Such officer shall be called the Registrar of that Court. He, by himself or his sufficient Deputy, shall perform all the functions incident to the officer of a Court of Record, and also such other duties as may be prescribed to him. He shall keep a book, in which shall be entered

the proceedings of each trial, in like manner as on trials at Circuits, and on the conclusion of the trial shall send such book, together with any papers or documents filed with him during the trial, to the Clerk of the Election Court.

XLII.

The reasonable costs of any witness shall be ascertained by the Registrar of the Court, and the certificate allowing them shall be under his hand.

XLIII.

The order of a Judge to compel the attendance of a person as a witness, may be in the following form:—

Court for the trial of an Election Petition for [complete the title of the Court.]

To A. B. [describe the person], you are hereby required to attend before the above Court at [place], on the day of , at the hour of (or forthwith, as the case may be); to be examined as a witness in the matter of the said Petition, and to attend the said Court until your examination shall have been completed.

As witness my hand this day of A. D. 18 .
A. B.,

Judge of the said Court.

XLIV.

In order to the commitment of any person for contempt, the Warrant may be as follows:—

At a Court holden on at for the trial of an Election Petition for the (here name the County, &c.), before the Honorable one of the Election Judges, pursuant to the "Controverted Elections Act 1873."

Whereas A. B. has this day been guilty, and is by the said Court adjudged to be guilty of a contempt thereof. The said Court does, therefore, sentence the said A. B. for his said contempt to be imprisoned in the Gaol for , and to pay to our Lady the Queen a fine of \$, and to be further imprisoned in the said Gaol until the same fine be paid. And the Court further orders that the Sheriff of the said County (or as the case may be), and all Constables and Officers of the Peace of any County or place where the said A. B. may be found, shall take the said A. B. into custody, and convey him to the said Gaol, and there deliver him into custody of the Gaoler thereof to undergo his said sentence. And the Court further orders the said Gaoler to receive the said A. B. into his custody, and that he shall be detained in the said Gaol in pursuance of the said sentence.

Given under my hand and seal the day of A. D. 18 .
[L. S.]
(To be signed by the Judge.)

XLV.

Such Warrant may be made out and directed to the Sheriff or other person having the execution of process of the Supreme Court, as the case may be, and to all Constables and Officers of the Peace of the County or place where the person adjudged guilty of contempt may be found; and such Warrant shall be sufficient without further particularity, and shall and may be executed by the persons to whom it is directed, or any or either of them.

XLVI.

All Interlocutory questions and matters, except as to the sufficiency of the security, shall be heard and disposed of before any one of the Election Judges, who shall have the same control over the proceedings under "The Controverted Elections Act 1873," as a Judge at Chambers in the ordinary proceedings of the Supreme Court; and such questions and matters may be heard and disposed of by any one of the Election Judges.

XLVII.

Notice of an application for leave to withdraw a Petition shall be in writing, and signed by the Petitioners or their agent. It shall state the ground on which the application is intended to be supported.

The following form shall be sufficient:—

IN THE ELECTION COURT.

"*The Controverted Elections Act 1873*," [*name the County*].

Petition of (*state Petitioners*), presented day of

The Petitioner proposes to apply to withdraw his Petition upon the following ground (*here state the ground*), and prays that a day may be appointed for hearing his application.

Dated this day of

(Signed)

XLVIII.

The notice of application for leave to withdraw, shall be left at the office of the Clerk of the Election Court.

XLIX.

A copy of such notice of the intention of the Petitioner to apply for leave to withdraw his Petition shall be given by the Petitioner to the Respondent, and to the Returning Officer, who shall make it public in the County, or City and County, or Electoral District, to which it relates; and it shall be forthwith published by the Petitioner in the manner hereinafter prescribed.

The following may be the form of such notice:—

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IN THE ELECTION COURT.

"The Controverted Elections Act 1873."

In the Election Petition for _____ in which _____ is Petitioner and Respondent: Notice is hereby given that the above Petitioner has on the _____ day of _____ lodged at the office of the Clerk of the Election Court, notice of an application to withdraw the Petition, of which notice the following is a copy (*set it out*). And take notice that, by the rule made by the Judges, any person who might have been a Petitioner in respect of the said Election, may, within five days after publication by the Returning Officer of this notice, give notice in writing of his intention to apply on the hearing for leave to be substituted as a Petitioner.

(Signed)

L.

Any person who might have been a Petitioner in respect of the Election to which the Petition relates, may within five days after such notice is published by the Returning Officer, give notice in writing, signed by him or on his behalf, to the Clerk of the Election Court, of his intention to apply at the hearing to be substituted for the Petitioner; but the want of such notice shall not defeat such application, if in fact made at the hearing.

LI.

The time and place for hearing the application shall be fixed by the Election Court, or by one of the Election Judges, and whether before the said Court or before a Judge, as may be deemed advisable: but shall not be less than a week after the notice of the intention to apply has been given to the Clerk of the Election Court as hereinbefore provided; and notice of the time and place appointed for the hearing shall be given to such person or persons, if any, as shall have given notice to the Clerk of the Election Court of an intention to apply to be substituted as Petitioners, and otherwise in such manner and at such time as the said Court or Judge directs.

LII.

Notice of abatement of a Petition, by death of the Petitioner or surviving Petitioner, under Section 44 of the said Act, shall be given by the party or person interested, in the same manner as notice of an application to withdraw a Petition; and the time within which application may be made to the Court or one of the Election Judges, by motion or summons of a Judge, to be substituted as a Petitioner, shall be one calendar month, or such further time as, upon consideration of any special circumstances, the Court or Judge may allow.

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LIII.

If the Respondent dies, or is summoned to Parliament as a Member of the Senate, or if the House of Commons have resolved that his seat is vacant, any person entitled to be a Petitioner under the Act, in respect of the Election to which the Petition relates, may give notice of the fact in the County, or City and County, or Electoral District, by causing such notice to be published in at least one newspaper published therein, if any, and by leaving a copy of such notice signed by him, or on his behalf, with the Returning Officer, and a like copy with the Clerk of the Election Court.

LIV.

The manner and time of the Respondent giving notice to the Election Court that he does not intend to oppose the Petition, shall be by delivering notice thereof, in writing, at the office of the Clerk of the Election Court, signed by the Respondent, six days before the day appointed for trial, exclusive of the day of leaving such notice.

LV.

Upon such notice being left at the office of the Clerk of the Election Court, he shall forthwith notify the Judge assigned to try the Petition, and also send a copy thereof by the post to the Petitioner or his agent, and to the Sheriff, who shall cause the same to be published in the County, City and County, or Electoral District.

LVI.

The time for applying to be admitted as a Respondent in either of the events mentioned in the 45th Section of the Act, shall be within ten days after such notice is given as hereinbefore directed; or such further time as the Court or one of the Election Judges may allow.

LVII.

Costs shall be taxed by the Clerk of the Election Court, or by his Deputy specially appointed, upon the rule of Court or Judge's order by which the costs are payable; and costs when taxed may be recovered by attachment or execution issued upon the rule of Court ordering them to be paid. If payable by order of a Judge, then by making such order a rule of Court in the ordinary way, and issuing an attachment or execution upon such rule, against the person by whom the costs are ordered to be paid, or against his goods and chattels; or in case there be money in Court available for the purpose, then, to the extent of such money, by order of the Election Court or of one of the Election Judges.

The office fees payable for inspection, office copies, enrolment and other proceedings under the Act, and these rules, shall be the same as those payable for like proceedings according to the practice of the Supreme Court.

LVIII.

At the time appointed for the trial of any Election Petition, the Petitioner shall leave with the Registrar, for the use of the Judge at the trial, fairly written on one side of the paper only, a copy of the Petition and of all the proceedings thereon, which show the several matters to be tried—including the particulars of objections on either side; the correctness of which copy, in so far as the proceedings are filed with the Clerk of the Election Court, shall be certified by the said Clerk. The Judge may allow amendment of the said copy; or, in default of such copy being delivered, the Judge may refuse to try the Petition, or may allow a further time for delivery of the copy, or may adjourn the trial—in every case upon such terms, as to costs and otherwise, as the Judge shall see fit to impose.

LIX.

Writs of *Subpœna ad testificandum* and *duces tecum* under the seal of the Election Court, for the attendance of witnesses before the Election Court, or before the Court for the trial of any Election Petition, may be issued at any time by the Clerk of the Election Court: which Writs may be in the following form:—

IN THE ELECTION COURT.

Dominion of Canada. Province of New Brunswick. To-wit:	}	VICTORIA, by the Grace of GOD, of the United Kingdom of Great Britain and Ireland, QUEEN, Defender of the Faith.
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To _____

We command you that, all excuses being laid aside, you and every of you be and appear before our Election Judge, assigned to try the Election Petition for (*name the County*), at _____, in the County of _____, on _____, the day of _____, 187____, by _____ o'clock, in the _____ noon of the same day, and so from day to day until the said Election Petition shall be tried, or otherwise disposed of; to testify all and singular you or either of you know in the matter of the said Election Petition, depending in our Election Court at Fredericton, wherein _____ is (or are) Petitioner, and _____ is (or are) Respondent, on the part of the _____, and at the Court for the trial of the said Election Petition for (*name the County*), at _____ aforesaid, to be tried by our said Election Judge; [*In case of a subpœna duces tecum, add: And also that you bring with you and produce at the time and place aforesaid, (describing what is to be produced in the ordinary way)*]

[*If the subpœna is to attend before Election Court:—*Before our said Election Court for the Province of New Brunswick, at Fredericton, on the _____ day of _____ 187____, by _____ o'clock in the _____ noon of the same day, to testify all and singular those things which you or

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either of you know in the matter of an Election Petition depending in our said Court at Fredericton (*describing the Petition as above, or other the matter in which the witness is called, as the case may be*), and also that you bring with you and produce at the time and place aforesaid—*describing what is to be produced as aforesaid*], and this you or any of you shall by no means omit, under the penalty upon each of you of one hundred pounds.

Witness the Honorable (*the senior Election Judge*), one of the Judges of our Election Court, at Fredericton, the day of 187 .

(Signed)

A. B.,

Clerk of the Election Court.

LX.

After the trial of any Election Petition, the Judge shall return to the Clerk of the Election Court, the evidence and proceedings before the said Judge, and his finding on the said Petition.

LXI.

Publication of any Petition, paper, or notice by the Sheriff shall, where it is not otherwise expressed in the Act, be by posting printed copies of such Petition, papers, or notices on the Court House, in the offices of the Clerk of the Peace, and Registrar of Deeds for the County to which the Petition relates; and by publishing the same once in a newspaper published in such County, if any.

LXII.

No proceeding under "The Controverted Elections Act 1873," shall be defeated by any formal objection.

LXIII.

Any rule made or to be made in pursuance of the Act, shall be published by a copy thereof being put up in the office of the Clerk of the Election Court.

(Signed)

WM. J. RITCHIE, C. J.

JOHN C. ALLEN, J.

J. W. WELDON, J.

A. R. WETMORE, J.

Fredericton, 18th February, 1874.



