

*Trial of Controverted Elections Act.*

Petitioner any such applicant as aforesaid, and may further, if the proposed withdrawal is in the opinion of the Court or Judge induced by corrupt bargain or consideration, by order direct that the security given on behalf of the original Petitioner, shall remain as security for any costs that may be incurred by the substituted Petitioner, and that to the extent of the sum named in such security, the original Petitioner shall be liable to pay the costs of the substituted Petitioner.

If no such order is made with respect to the security given on behalf of the original Petitioner, security to the same amount as would be required in the case of a new Petition, and subject to the like conditions, shall be given on behalf of the substituted Petitioner before he proceeds with his Petition, and within the prescribed time after the order of substitution.

Subject as aforesaid, a substituted Petitioner shall stand in the same position as nearly as may be, and be subject to the same liabilities, as the original Petitioner.

If a Petition is withdrawn, the Petitioner shall be liable to pay the costs of the Respondent.

Where there are more Petitioners than one, no application to withdraw a Petition shall be made, except with the consent of all the Petitioners.

35. In every case of the withdrawal of an Election Petition under this Act, the Court or Judge shall report to the Speaker whether, in its or his opinion, the withdrawal of such Petition was the result of any corrupt arrangement, or in consideration of the withdrawal of any other Petition, and if so, the circumstances attending the withdrawal.

Court to report to Speaker circumstances of withdrawal.

36. An Election Petition under this Act shall be abated by the death of a sole Petitioner or of the survivor of several Petitioners.

Abatement of Petition.

The abatement of a Petition shall not affect the liability of the Petitioner to the payment of costs previously incurred.

On the abatement of a Petition, the prescribed notice of such abatement having taken place shall be given in the Electoral District to which the Petition relates; and within the prescribed time after the notice is given any person who might have been a Petitioner in respect of the Election to which the Petition relates, may apply to the Court or Judge in, and at the prescribed manner, time, and place to be substituted as a Petitioner.

The Court or Judge may, if it or he think fit, substitute as a Petitioner any such applicant who is desirous of being substituted, and on whose behalf security to the same amount is given as is required in the case of a new Petition.

37. If, before the trial of any Election Petition under this Act, any of the following events happen in the case of any Member whose Election or Return is complained of (that is to say):

Admission, in certain cases, of Voters to be Respondents.

1. If he dies.

2. If the Legislative Council have resolved that his seat is vacant.

3. If he gives in, and at the prescribed manner and time, notice to the Court that he does not intend to oppose the Petition:

Notice of such event having taken place shall be given in the Electoral District to which the Petition relates, and within the prescribed time after the notice is given, any person who might have been a Petitioner in respect of the Election to which the Petition relates, may apply to the Court or Judge to be admitted as a Respondent to oppose the Petition, and such person shall on such application be admitted accordingly, either with the Respondent, if there be a Respondent, or in place of the Respondent and any number of persons not exceeding Three may be so admitted.

38. A Respondent who has given the prescribed notice that he does not intend to oppose the Petition, shall not be allowed to appear or act as a party against such Petition in any proceedings thereon, and shall not sit or vote in the Legislative Council until the Certificate and Report or Reports (if any) of the Court or Judge have been entered on the Journals of the Legislative Council as aforesaid, and the Council have given a decision therein in favour

Respondent not opposing not to appear as party, or to sit. Exceptions.