

X. MISCELLANEOUS PROVISIONS.

to a conclusion as to whether the prosecution or defence of such party was or was not frivolous or vexatious, and reporting the same to the said House as aforesaid.

CLVII. And be it enacted, That in every such case
5 of neglect or omission as is referred to in the next pre-
ceding section of this Act but one, the default of the
party guilty of such neglect or omission, shall and may in
their discretion be dealt with by the Select Committee
for the trial of such Election Petition, either by the im-
10 position upon such party, for the benefit of the party or
parties opponent, of such conditions in respect of the
future conduct of his case or any part thereof, or by
granting time or other indulgence to such party or parties
opponent for facilitating the conduct of their case or
15 cases, or some part or parts thereof, or by the imposition
of costs to be paid by the party in default to such party
or parties opponent as aforesaid, or any or either of
them, and by making the payment of such costs a condi-
tion precedent to permitting such party in default to pro-
20 ceed with his case or some part or parts thereof, or in
such other manner as to such Select Committee shall or
may under all the circumstances thereof appear just in
that behalf.

How the
omission shall
be dealt with,
if declared
not to affect
the substance
of the ques-
tion.

CLVIII. And be it enacted, That the non-observance by
25 the Commons House of Legislative Assembly, or the
Speaker, Clerk, or other Officer thereof, or by the Select
Committee appointed for the trial of any such Election
Petition, or the Chairman, Clerk, or other Officer thereof,
or by any Commissioner appointed to take evidence upon
30 any such trial, or any Clerk, Bailiff, or other Officer acting
under such Commissioner, of any of the directions con-
tained in this Act respecting any proceeding or course of
proceeding to be had or taken by them respectively, in
the disposal of such Election Petition, or the trial thereof,
35 except only where, by the use of negative as well as
affirmative terms, the intention of the Legislature shall
have been manifested, that only such proceeding or
course of proceeding, and no other, as to time, place,
and circumstance, or any of them respectively, should be
40 had or taken in such case, shall not render such pro-
ceeding or course of proceeding, or the subsequent pro-
ceedings of such Select Committee in the trial and dis-
posal of such Election Petition, necessarily void or of
none effect, provided that such Select Committee shall
45 thereupon come to a resolution, to be reported to the
Commons House of Legislative Assembly, with the
reasons of such Committee for coming to the same, that
such neglect or omission hath not so affected the position
of the parties to such Election Petition, or any of them,
50 or the process before them in relation to the same, as to

Provision if
the party
omitting to
comply with
the directions
of the Act, be
it House, the
Speaker, the
Clerk, Com-
mittee, Chair-
man, &c.