

X. MISCELLANEOUS PROVISIONS.

Omission to observe affirmative provisions not to be fatal, if declared by the Committee not to affect the substance of the question at issue.

CLV. And be it enacted, That the neglect or omission of any party interested or concerned either in the prosecution or defence of any such Election Petition, to observe strictly any of the directions contained in this Act respecting any proceeding or course of proceeding to be by him had or followed in the prosecution or defence of any such Election Petition, except only where by the use of negative as well as affirmative terms the intention of the Legislature shall have been manifested, that such proceeding or course of proceeding, and no other, as to time, place and circumstance, or any of them respectively, should be had or followed in such case, shall not render such proceeding, or course of proceeding, or the subsequent proceedings of such Select Committee in the trial and disposal of such Election Petition, necessarily void or of none effect, provided that such Select Committee shall 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, or the proceedings before them in relation to the same, as to interfere with or prevent the disposal by such Select Committee of any of the substantial questions raised upon such Election Petition, upon the true merits thereof.

If such omission affects the merits of the case, the party in default to be considered as having abandoned his case, *quo ad* such cause.

CLVI. And be it enacted, That whenever any such neglect or omission as is referred to in the next preceding section of this Act shall, in the opinion of such Select Committee, affect the position of the parties to such Election Petition, or any of them, or the process before them in relation to the same, so as to interfere with or prevent the disposal by such Committee of any of the substantial questions raised upon such Election Petition, upon the true merits thereof, the said Committee shall, by a resolution to be adopted by them and reported to the House, with the reasons therefor as aforesaid, declare the same, and thereupon the party in default shall not be thereafter received further to proceed with his case, so far as any such question is concerned, but shall be dealt with in every respect as if he had then voluntarily ceased further to prosecute his case as respects the same; Except only, firstly, that it shall remain open to such party to contend, if he think fit, that his case as to any such question had been then already sufficiently established in respect of the same or any part thereof, to entitle him to the decision of the said Select Committee in his favor upon the same; And except also, secondly, that such resolution shall not preclude such Select Committee from taking into consideration such neglect or omission, and all the circumstances attending the same, in coming

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