

Substitution of
a petitioner.

On the hearing of the application for withdrawal, any person who might have been a petitioner in respect of the election to which the petition relates, may apply to the Election Court or to the Judge to be substituted as a petitioner for the petitioner so desirous of withdrawing the petition :

Additional
security may
be ordered in
certain cases.

The Election Court or any Judge may, if it or he think fit, substitute as petitioner any such applicant as aforesaid, and may further, if the proposed withdrawal is, in the opinion of the Court or Judge, induced by any 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 be made.

If no such order be 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 :

Effect of sub-
stitution.

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.

Costs.

If a petition is withdrawn, the petitioner shall be liable to pay the costs of the respondent, unless the Election Court or the Judge otherwise orders.

All petitioners
must join for
withdrawal.

When there are more petitioners than one, no application to withdraw a petition shall be made except with the consent of all the petitioners.

Report in case
of corrupt
withdrawal.

43. In every case of the withdrawal of an election petition, under this Act, if the Election Court or the Judge is of opinion that the withdrawal of such petition was the result of any corrupt arrangement, or in consideration of the withdrawal of any other petition, the Court or Judge shall report such opinion to the Speaker, stating the reasons thereof, and the circumstances attending the withdrawal.

Abatement by
death of
petitioner.

44. An election petition under this Act shall be abated by the death of a sole petitioner, or of the survivor of several petitioners.

Costs.

The abatement of a petition shall not affect the liability of the petitioner to the payment of costs previously incurred.

Notice of
abatement.

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