

any period exceeding one year, and has not received a free pardon from His Majesty for the crime for which he has been so sentenced; or

(3) is of unsound mind.

No person who has been retained or employed for reward by or on behalf of a candidate at an election, for all or any of the purposes of such election, as agent, clerk, messenger or in any other capacity, shall be entitled to vote at such election.

25. For each electoral district separate registers of the persons entitled to vote for the election of Members to represent the electoral districts defined in Article 7 of this Order, shall be prepared by the persons from time to time appointed by the Governor to be the Registering Officers for each electoral district, and shall be revised, in the manner prescribed by the regulations to be established by the Governor or by any Ordinance or Ordinances to be enacted by the Governor with the advice and consent of the Council, as hereinafter provided.

26.—(1) The Governor shall from time to time appoint some fit and proper persons to be (a) the Registering Officer and (b) the Returning Officer for each electoral district and may at any time cancel any such appointment.

(2) Each Returning Officer may for each election appoint such number of Presiding Officers as he may think fit and may at any time cancel any such appointment.

(3) Every appointment or cancellation of an appointment shall be notified by publication in the Gazette.

27. Every election shall be by ballot, and shall be held in accordance with the procedure prescribed by the regulations to be established by the Governor or by any Ordinance or Ordinances to be enacted by the Governor with the advice and consent of the Council, as hereinafter provided.

28. A petition complaining of an undue return or undue election of a member of the Council (in this Order called an "election petition") may, at any time within fifteen days of the publication of the result of such election in the Gazette, be presented to the Supreme Court of the Colony by any one or more of the following persons, that is to say:—

(1) Some person who voted or had a right to vote at the election to which the petition relates; or

(2) Some person who claims to have had a right to be returned or elected at such election; or

(3) Some person who alleges himself to have been a candidate at such election.

29.—(1) Every election petition shall be tried by a Judge of the Supreme Court of the Colony in open Court.

(2) At the conclusion of the trial, the Judge shall determine whether the Member of the Council whose return or election is complained of, or any other and what person was duly returned or elected, or whether the election was void, and shall certify such determination to the Governor, and upon such certificate being given, such determination shall be final; and the return shall be confirmed or altered, or a new election shall be held, as the case may require, in accordance with such certificate.

(3) The Governor shall declare, by notification in the Gazette, whether the candidate

whose return or election is questioned, or any or what other person, is duly returned or elected, or whether the election is void.

(4) If the election is declared void, the Governor shall by notification appoint another date for the election of a Member for the constituency concerned.

(5) Subject to the provisions of this Order, the Chief Justice of the Supreme Court may from time to time make, amend or revoke rules for regulating the practice and procedure to be observed on election petitions.

30. At the trial of an election petition, the procedure shall, as near as circumstances will admit, be the same, and the Judge shall have the same powers, jurisdiction and authority, as if he were trying a civil action, and witnesses shall be subpoenaed and sworn in the same manner, as near as circumstances will admit, as in the trial of a civil action in the Supreme Court, and shall be subject to the same penalties for perjury.

31.—(1) No election shall be valid if any corrupt practice is committed in connection therewith by the candidate elected.

(2) The expression "corrupt practice" as used in this Order means any of the following offences, namely, treating, undue influence, bribery, and personation, as hereinafter set forth.

(3) A corrupt practice shall be deemed to be committed by a candidate if it is committed with his knowledge and consent, or by a person who is acting under the general or special authority of such candidate with reference to the election.

32. No election shall be invalid by reason of a non-compliance with the regulations to be established by the Governor or by any Ordinance or Ordinances to be enacted by the Governor with the advice and consent of the Council, as hereinafter provided, if it appears that the election was conducted in accordance with the principles laid down in such regulations or that such non-compliance did not affect the result of the election.

33.—(1) Every person who—

(a) Forges or fraudulently defaces or fraudulently destroys any nomination paper, or delivers to the returning officer any nomination paper knowing the same to be forged; or

(b) forges or counterfeits or fraudulently defaces or fraudulently destroys any ballot paper or the official mark on any ballot paper; or

(c) without due authority supplies any ballot paper to any person; or

(d) fraudulently puts into any ballot box any paper other than the ballot paper which he is authorised by law to put in; or

(e) fraudulently takes out of the polling station any ballot paper; or

(f) without due authority destroys, takes, opens, or otherwise interferes with any ballot box or packet of ballot papers then in use for the purposes of the election,

shall be guilty of an offence, and be liable on summary conviction to imprisonment with or without hard labour for any term not exceeding six months.

(2) Any attempt to commit an offence specified in this article shall be punishable in the manner in which the offence itself is punishable.