

Serial Number 1948/26



**THE WESTERN SAMOA LEGISLATIVE ASSEMBLY
REGULATIONS 1948**

B. C. FREYBERG, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington, this 10th day of
March, 1948

Present :

THE RIGHT HON. P. FRASER PRESIDING IN COUNCIL

PURSUANT to the Samoa Act, 1921, and the Samoa Amendment Act, 1947, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations.

REGULATIONS

PART I.—PRELIMINARY

1. These regulations may be cited as the Western Samoa Legislative Assembly Regulations 1948.
2. These regulations shall come into force on the 10th day of March, 1948.
3. In these regulations, unless inconsistent with the context,—
 - “Candidate” means any person whose nomination as a candidate for election to the Legislative Assembly has been accepted by the Returning Officer under these regulations :
 - “Corrupt practice” means bribery, treating, undue influence, or personation as defined by Regulations 86 to 89 hereof :
 - “Election” means election of a member of the Legislative Assembly under these regulations :
 - “Elector” means any person entitled under these regulations to vote at an election :
 - “European member” means a European elected member holding office in the Legislative Assembly pursuant to paragraph (c) of subsection (1) of section 6 of the Samoa Amendment Act, 1947 :

“Public notice” means publication both in the *Western Samoa Gazette* and, in the case of notices arising under Division I of these regulations, in the *Savali*, and also in either case in some other newspaper published in Western Samoa or (if there is no such newspaper) then by means of notices posted in conspicuous places at the office (if any) of the Resident Commissioner in Savai'i, and at the post-office, Apia, and at such other place or places in Samoa as the High Commissioner deems fit:

“Registered elector” means an elector whose name is entered on the electoral roll:

“Registrar” means any person appointed a Registrar under these regulations, and includes his substitute:

“Returning Officer” means any person appointed to conduct elections under these regulations, and includes his substitute:

“Roll” and “electoral roll” mean any roll made in manner provided by these regulations containing the names of the persons entitled to vote at an election:

“Samoan member” means one of the eleven persons holding office in the Legislative Assembly pursuant to paragraph (b) of subsection (1) of section 6 of the Samoa Amendment Act, 1947, and does not include a Samoan member of the Council of State or a member of the Public Service being a Samoan.

4. The enactments referred to in the table subjoined to this regulation are revoked.

TABLE OF REVOKED ENACTMENTS

Short Title.	Published in <i>Gazette</i> .	
	Year.	Page.
The Samoa Legislative Council (Elective Membership) Order 1923	1923	2389
The Samoa Legislative Council (Elective Membership) Amendment Order 1929	1929	2579
The Samoa Legislative Council (Elective Membership) Amendment Order 1932	1932	1294
	Published as Statutory Regulations.	
	Serial No.	Page.
The Samoa Legislative Council (Elective Membership) Amendment Order 1938	1938/127	591
The Samoa Legislative Council (Elective Membership) Amendment Order 1947	1947/154	550

5. (1) There may from time to time be appointed—

- (a) A Registrar, a Returning Officer, and such clerks and other officers as are required to carry the provisions of these regulations into execution; and
- (b) A substitute to any such officer, to act in the case of sickness, absence, death, or removal of such officer.

(2) Every substitute while so acting shall have all the duties, powers, and authorities of the officer for whom he is acting.

(3) The fact that any substitute so acts shall be sufficient evidence that a case has arisen authorizing him so to act.

(4) No Returning Officer shall hold any official position in connection with any political organization.

(5) The Returning Officer may appoint as many Deputies and poll-clerks as he deems necessary for the effective taking of the poll at every polling-booth. Every such Deputy shall have and may exercise in and about the polling-booth for which he is appointed all the powers and duties of the Returning Officer.

DIVISION I.—SAMOAN MEMBERS

PART II.—QUALIFICATIONS AND TENURE OF OFFICE

6. No person shall be capable of being elected as a Samoan member—

- (a) Who being a bankrupt within the meaning of the bankruptcy laws in force in Western Samoa has not obtained an order of discharge ; or
- (b) Who has been convicted in Western Samoa or in any part of His Majesty's dominions of an offence punishable by death or by imprisonment for a term of one year or upwards or convicted in Western Samoa of a corrupt practice, unless such offender has received a free pardon or has undergone the sentence or punishment to which he was adjudged for such offence ; or
- (c) Who is in receipt of salary from the Samoan Treasury other than remuneration or allowances payable to him as a member of the Legislative Assembly or (subject to Regulations 101 and 102 hereof) on account of his holding office as a *Faipule* or payable to him as a member of the Samoa Public Service or the New Zealand Public Service or in the employment of the New Zealand Reparation Estates ; or
- (d) If he is of unsound mind ; or
- (e) If he is a national of any State between which and His Majesty a state of war exists.

7. The seat of a Samoan member shall be declared to be vacant by the High Commissioner by notice under his hand published in the *Western Samoa Gazette* and *Savali*—

- (a) If on three consecutive sitting-days he fails, without permission of the High Commissioner, to give his attendance in the Assembly ; or
- (b) If he becomes a bankrupt within the meaning of the laws relating to bankruptcy in force in Western Samoa ; or
- (c) If he is convicted in Western Samoa or in any part of His Majesty's dominions of any offence punishable by death or by imprisonment for a term of one year or upwards or is convicted in Western Samoa of a corrupt practice ; or
- (d) If he becomes a member of the Samoan Public Service or the New Zealand Public Service or enters the employment of the New Zealand Reparation Estates ; or

- (e) If he becomes in receipt of salary from the Samoan Treasury other than remuneration or allowances payable to him as a member of the Legislative Assembly; or
- (f) If he resigns his seat by writing under his hand addressed and delivered to the High Commissioner; or
- (g) If he dies; or
- (h) If he becomes of unsound mind and is so certified by the Chief Medical Officer and one other medical officer; or
- (j) If he is a national of any State between which and His Majesty a state of war arises or becomes a national of or adheres to any State with which His Majesty is at war; or
- (k) If he ceases to be a Samoan and becomes a European within the meaning of the Samoa Act, 1921.

8. A Samoan member shall take office on the day on which the Warrant of his appointment is signed by the High Commissioner.

9. The seat of a Samoan member, unless previously vacated, shall become vacant at the end of the day next preceding the day on which the members elected at the next general election take office.

PART III.—ELECTION AND NOMINATION

10. The Samoan members shall be elected by the *Faipule* for the time being holding office under section 4 of the Samoa Amendment Act, 1923, in accordance with such procedure as the *Fono* of *Faipule* may from time to time adopt for the purpose.

11. A general election of Samoan members shall be held in the month of April in the year 1948 and in the same month in every third year thereafter on a day in that month to be fixed from time to time by the High Commissioner by notice under his hand published in the *Western Samoa Gazette* and *Savali*.

12. If a declaration that the seat of a Samoan member is vacant is published six months or more before the earliest day on which the next general election of Samoan members can take place, the *Fono* of *Faipule* shall, within thirty-five days after the declaration is published, elect a person to fill the vacancy.

13. If a declaration that the seat of a Samoan member is vacant is published less than six months before the earliest day on which the next general election of Samoan members can take place, the seat shall remain vacant until it is filled at the next general election, unless in his discretion the High Commissioner directs the *Fono* of *Faipule*, within thirty-five days after his direction is given, to elect a person to fill the vacancy.

14. The name of a person elected shall upon his election be reported by the Leader of the *Fono* either orally or in writing to the High Commissioner, and the High Commissioner, if he is satisfied that such person is qualified for election under these regulations, shall forthwith by Warrant under his hand declare him to be elected, and shall notify his election and the date of the warrant in the *Western Samoa Gazette* and *Savali*.

DIVISION II.—EUROPEAN MEMBERS

PART IV.—NUMBER, QUALIFICATIONS, AND TENURE OF OFFICE

15. The number of European elected members to hold office shall be five.

16. Subject to the provisions of these regulations, every person, whether a British subject or not, who is a registered elector, but no other person, is qualified to be a candidate for election and to be elected to the Legislative Assembly as a European member.

17. No person shall be capable of being elected as a European member—

- (a) Who is disqualified as an elector under any provisions of these regulations ; or
- (b) Who being a bankrupt within the meaning of the bankruptcy laws in force in Western Samoa has not obtained an order of discharge ; or
- (c) Who is in receipt of salary from the Samoan Treasury other than remuneration or allowances payable to him as a member of the Legislative Assembly or (subject to Regulations 101 and 102, hereof) payable to him as a member of the Samoan Public Service or the New Zealand Public Service or in respect of his employment in the New Zealand Reparation Estates ; or
- (d) If he is a national of any State between which and His Majesty a state of war exists.

18. The seat of a European member shall become vacant—

- (a) If on three consecutive sitting-days he fails, without permission of the High Commissioner, to give his attendance in the Assembly ; or
- (b) If he becomes bankrupt within the meaning of the laws relating to bankruptcy in force in Western Samoa ; or
- (c) If he is convicted in Western Samoa or in any part of His Majesty's dominions of any offence punishable by death or by imprisonment for a term of one year or upwards or is convicted in Western Samoa of a corrupt practice ; or
- (d) If he becomes a member of the Samoan Public Service or the New Zealand Public Service or enters the employment of the New Zealand Reparation Estates ; or
- (e) If he becomes in receipt of salary from the Samoan Treasury other than remuneration or allowances payable to him as a member of the Legislative Assembly ; or
- (f) If he resigns his seat by writing under his hand addressed and delivered to the High Commissioner ; or
- (g) If he dies ; or
- (h) If he becomes of unsound mind and is so certified by the Chief Medical Officer and one other medical officer ; or
- (j) If he is a national of any State between which and His Majesty a state of war arises or becomes a national of or adheres to any State with which His Majesty is at war ; or
- (k) If he ceases to be a European and becomes a Samoan within the meaning of the Samoa Act, 1921 ; or
- (l) If on an election petition the Court declares his election void.

19. A European member ceasing to be on the roll shall not from that cause only be disqualified from sitting as a member.

20. A European member shall take office on the day on which the Warrant declaring his election is signed by the High Commissioner.

21. The seat of a European member, unless previously vacated, shall become vacant at the end of the day next preceding that day on which the members elected at the next ensuing general election take office.

PART V.—QUALIFICATIONS AND REGISTRATION OF ELECTORS

22. (1) Every person shall be deemed to be qualified to be registered as an elector and entitled accordingly to vote at any election of European members if he—

- (a) Is of or over the age of twenty-one years ; and
- (b) Is a resident of Western Samoa and has continuously resided in Western Samoa for at least one year immediately preceding the date when the claim for enrolment is made ; and
- (c) Is a European within the meaning of the Samoa Act, 1921 ; and
- (d) Is not disqualified by virtue of the next succeeding regulation.

(2) For the purposes of paragraph (b) of clause (1) of this regulation a person shall be deemed to have continuously resided in Western Samoa notwithstanding his occasional absence therefrom and notwithstanding his absence on leave from his occupation.

23. (1) A person of unsound mind or a person convicted in Western Samoa or in any part of His Majesty's dominions of an offence punishable by death or by imprisonment for a term of one year or upwards or convicted in Western Samoa of a corrupt practice, unless such offender has received a free pardon or has undergone the sentence or punishment to which he was adjudged for such offence, shall not be entitled to be registered.

(2) The name of every person becoming disqualified under this regulation shall be erased from the electoral roll.

24. Every person qualified to be registered as an elector shall (subject to the provisions of these regulations) be entitled to have his name entered upon a roll to be made hereunder, and (unless his name is already on the roll) shall for that purpose deliver or send by post to the Registrar a claim and declaration in the form numbered 1 in the Schedule hereto, and every person so qualified shall be entitled to have his name retained on the said roll so long as he remains qualified to be registered as an elector.

25. (1) If the Registrar is satisfied after due inquiry that any claim for enrolment is valid, he shall forthwith enter the name of the claimant on the roll.

(2) If he is not so satisfied, he shall, within five days following the receipt of the claim, notify the claimant in writing of his objection to enter his name on the roll ; and the claimant may, within five days of such notice, apply to a Judge of the High Court to hear his claim to be entered on the roll ; and the Judge may, upon notice to the Registrar, hear and determine the claim, and order the name of the applicant either to be entered on the roll by the Registrar or not to be so entered, and the Registrar shall obey the order accordingly.

26. It shall be the duty of the Registrar to make the roll as complete as possible, and with that object from time to time to place thereon the name of every person who has transmitted a claim to the Registrar and of whose qualifications he is satisfied; and it shall further be his duty to assure himself of the right of every person enrolled to have his name retained on the roll, and to remove the name of every dead person from the roll.

PART VI.—OBJECTIONS AND ALTERATIONS

27. Any name on the roll may be objected to either by an elector or by the Registrar.

28. If the objection is by an elector the following provisions shall apply:—

- (a) The objection shall be in writing lodged with the Registrar setting forth the grounds thereof, and may be in the form numbered 2 in the Schedule hereto:
- (b) On receipt of the objection the Registrar shall forthwith give notice in writing to the person objected to, setting forth the objection and the grounds thereof:
- (c) If the person objected to does not, within ten days after the service of such notice, cause his name to be removed from the roll, or satisfy the Registrar that he is entitled to have his name retained on the roll, the Registrar shall apply to a Judge of the High Court, who shall forthwith issue a summons in the form numbered 3 in the Schedule hereto:
- (d) The Registrar shall give notice in writing to the objector of the time and place appointed in the summons for the hearing:
- (e) If at the time and place appointed for the hearing the objector, or some person appointed in writing by him, fails to appear, the case shall be dismissed:
- (f) It shall be the duty of the Registrar also to appear, but the case may be determined in his absence:
- (g) The Registrar may, if he thinks fit and the objector so requests in writing, appear for the objector at the hearing:
- (h) The person objected to may, on the hearing of the objection, either—
 - (i) Appear in person or by some person appointed in writing by him; or
 - (ii) Forward by post, addressed to the Registrar, a statement made by him, and signed before another elector, setting forth reasons for his remaining on the roll:
- (j) If the person objected to fails either to appear or to forward a statement as aforesaid, the Judge shall make an order that his name be removed from the roll:
- (k) If the objector appears, and the person objected to either appears or forwards a statement as aforesaid, the Judge shall hear and determine the objection, and shall direct the Registrar to retain the name on the roll or to remove it therefrom, or to make such amendment of the roll as may be necessary to give effect to such determination:

- (l) In any such proceedings the burden of producing evidence in support of the objection shall be on the objector and not on the Registrar :
- (m) If any such objection is in the opinion of the Judge vexatious, or frivolous, or unreasonable, he may order the objector to pay the costs or part of the costs of the hearing, and a reasonable allowance to the person objected to, and any such order may be enforced in the same manner as an order of the High Court :
- (n) No grounds of objection shall be entertained except those specifically stated in the summons.

29. If the objection is by the Registrar, the following provisions shall apply :—

- (a) The Registrar shall give notice in writing to the person objected to of the grounds of the objection, and intimate in the notice that, unless notice of appeal is given within a time stated (being not less than seven days), the name of the elector will be removed from the roll without further proceedings :
- (b) The notice of objection shall be in the form numbered 4 in the Schedule hereto, and the form of notice of appeal set out in the said form numbered 4 shall be annexed thereto :
- (c) If the person objected to does not, within the time stated in the notice, cause his name to be removed from the roll, or satisfy the Registrar that he is entitled to have his name retained on the roll, or fails to give notice of appeal, the Registrar shall remove the name forthwith :
- (d) If notice of appeal is duly given, the Registrar shall (unless he is satisfied as to the right of the person objected to to have his name retained on the roll) set down the objection for hearing before a Judge of the High Court, who shall appoint a time and place for the hearing :
- (e) The Registrar shall give notice to the person objected to of the time and place so appointed :
- (f) If at the time and place appointed for the hearing the Registrar fails to appear, the objection shall be dismissed :
- (g) The person objected to may, on the hearing of the objection, either—
 - (i) Appear in person or by some person appointed in writing by him ; or
 - (ii) Forward by post, addressed to the Registrar, a statement made by him, and signed before another elector, setting forth reasons for his remaining on the roll :
- (h) If the person objected to fails either to appear or to forward a statement as aforesaid, the Judge shall make an order that his name be removed from the roll :
- (j) If the Registrar appears, and the person objected to appears or forwards a statement as aforesaid, the Judge shall hear and determine the objection, and shall direct the Registrar to retain the name on the roll or to remove it therefrom, or to make such amendment of the roll as may be necessary to give effect to such determination :

(k) No grounds of objection shall be entertained except those specifically stated in the notice of objection.

30. Notwithstanding anything in these regulations, the Registrar on being satisfied that the name of any person has been omitted or removed from the roll by mistake or clerical error, or through false information, may restore the name of such person to the roll at any time not later than fourteen clear days before the day appointed for an election.

31. (1) Except as provided in the last preceding regulation, it shall not be lawful for the Registrar to enter on or remove from the roll the name of any person after the date fixed in accordance with Regulation 32 or Regulation 38 hereof for the closing of the roll until after the election in connection with which the roll has been closed.

(2) If the Registrar offends against the provisions of this regulation he is liable to a fine of £20 for every name improperly entered on or removed from the roll.

32. (1) In every year in which a general election is to be held the roll shall be closed on a date to be fixed by the High Commissioner, and after that date no names shall be added to the roll until after that election.

(2) At least fifteen days before the day so fixed the Returning Officer shall give public notice thereof.

(3) As soon as practicable after the closing of the roll the Registrar shall cause the roll to be printed containing the names, numbered consecutively in alphabetical order, of all persons whose names are lawfully on the roll.

(4) The roll shall be in the form numbered 5 in the Schedule hereto and shall be issued under the hand of the Registrar.

33. Such printed roll so formed, signed, added to, or altered from time to time as herein provided shall for the time being be the electoral roll for Western Samoa.

34. The Registrar may from time to time prepare supplementary rolls containing names added to the roll after the printing of the main roll and an indication of names removed from the roll and may cause the same to be printed, and every supplementary roll shall be deemed to be a part of the main roll.

35. The several persons whose names are on the said roll, and no other person, shall be entitled to vote at any election of European members.

36. A printed copy of the roll shall be kept for inspection by the public without payment during office hours at the office of the Registrar at Apia, at the post-office in Apia, and at the office of the Resident Commissioner in Savai'i, and at such other convenient places in Western Samoa as the Registrar directs.

37. Printed copies of the roll, certified as correct by the Registrar, shall be supplied by him to the Returning Officer as the same are required from time to time for the purpose of conducting any election.

38. Whenever a by-election is to be held the roll shall be closed on a date to be fixed by the High Commissioner, and at least fifteen days before the day so fixed the Returning Officer shall give public notice thereof; but unless the Registrar thinks fit a complete roll

shall not be printed for use at a by-election, but a supplementary roll may, if the Registrar thinks fit, be so printed and the provisions of Regulations 35 to 39 hereof shall, so far as applicable, apply.

39. The requirement of printing may, for the purposes of this Part of these regulations, be satisfied by typewriting and any mechanical process of reproducing typewritten copies, and the term "printed" wherever used in this Part shall, where necessary, be construed accordingly.

40. Every person who knowingly makes a false statement in any claim, application, or declaration mentioned or referred to in these regulations is liable to a fine of £20 or to three months' imprisonment.

41. Every person is liable for each offence to a fine of £50 who—

- (a) Wilfully misleads the Registrar in the compilation of the electoral roll, or wilfully enters, or causes to be entered, therein any false or fictitious name or qualification or the name of any person whom he knows to be dead; or
- (b) Signs the name of any other person, whether requested to do so or not, or any false or fictitious name, to any form of claim, application, or objection for the purpose of these regulations, either as claimant, applicant, objector, or witness; or
- (c) Signs his name as witness to any signature upon any such form of claim or objection without having seen such signature written or without hearing the person signing declare that the signature is his own handwriting and that the name so signed is his own proper name.

42. Every person is liable to a fine of £20 who, having obtained possession of a claim for enrolment signed by any other person for the purpose of being delivered to the Registrar for enrolment, fails so to deliver it so that the claimant's name is not placed on the roll.

PART VII.—ELECTIONS

43. A general election of European members to the Legislative Assembly shall take place in every third year, commencing with the year 1948, on a day in the month of April to be fixed by the High Commissioner by notice under his hand published in the *Western Samoa Gazette*.

44. For every general election the High Commissioner shall give notice in writing to the Returning Officer not less than thirty-five clear days before the day fixed for the election.

45. Not less than thirty days before an election the Returning Officer shall give public notice of such election, and shall in such notice appoint a place in Apia and a day not less than ten nor more than fifteen days (exclusive of the day of election) before the day of election for the nomination of candidates.

46. No person shall be deemed to be a candidate for election unless nominated as follows; a nomination-paper in the form numbered 6 in the Schedule, signed by two electors and by the candidate in token of his assent to such nomination, shall be delivered to the Returning Officer or addressed to him and delivered at the place named in the said public notice at any time after the publication thereof and before noon of the day appointed therein.

47. At the hour of noon on the day appointed for the nomination of candidates, or as soon thereafter as practicable, the Returning Officer shall post the names of all the candidates so nominated in a conspicuous public place outside the place named in the said public notice.

48. If the number of candidates is less than or equal to the number of vacancies to be filled by election, the Returning Officer shall report accordingly to the High Commissioner as prescribed by Regulation 73 hereof.

49. If the number of candidates is less than the number of vacancies to be filled by election, the High Commissioner may, by warrant and notification as prescribed by Regulation 73 hereof, appoint such further persons qualified to be elected as will with the candidates already reported to be elected make up the number required.

50. If the number of candidates exceeds the number of vacancies then to be filled, the Returning Officer shall forthwith give public notice of the day on which the poll is to be taken, being the day fixed by the High Commissioner for the election, and of the names of the several candidates, and shall in such notice appoint polling places for the taking of the poll.

51. If a candidate at an election signs and delivers to the Returning Officer, not later than seven clear days before the polling-day, a paper in the form numbered 7 in the Schedule stating that such candidate retires from the election, the Returning Officer shall give public notice thereof; and if by such retirement the number of candidates is reduced to the number of vacancies to be filled, the provisions of Regulation 48 shall apply; if the said number of candidates is not so reduced the poll shall proceed, but the person so retiring shall not be capable of being elected.

52. If a candidate retires after the voting-papers have been printed; the Returning Officer shall, before the poll, erase his name from every voting-paper.

53. The Returning Officer shall provide the following things for taking the poll:—

- (a) One or more rooms for polling-booths, and in each booth one or more inner compartments, separated from but opening into the booth, and having no other opening;
- (b) In each booth a ballot-box, having a lock and key, and a slit in the upper side by which the voting-papers may be put into the box;
- (c) In each booth one or more copies of the roll and a sufficient number of voting-papers;
- (d) In each inner compartment pencils for the use of the voters.

54. (1) The voting-papers to be used at any election held under this Division of the Regulations shall be in the form numbered 8 in the Schedule hereto.

(2) Every voting-paper shall have a counterfoil and shall have printed on the back thereof and on the counterfoil respectively the matter contained in the form numbered 9 in the Schedule hereto.

(3) The voting-papers to be used at any election shall be printed on paper of uniform colour.

55. Each candidate may, by writing under his hand, appoint one scrutineer for each polling-booth at any election.

56. The Returning Officer, and every Deputy Returning Officer, clerk, and other officer who may be appointed in connection with the holding of an election under this Division of these regulations, shall, before acting as such, and every scrutineer shall, before being allowed to act, make and subscribe a declaration in the form numbered 10 in the Schedule hereto.

57. The poll at every election shall commence at nine o'clock in the forenoon of the day appointed and shall close at six o'clock in the afternoon of the same day, provided that every elector who on the close of the poll is present in a polling-booth for the purpose of voting shall be entitled to receive a voting-paper and to record his vote.

58. The Returning Officer shall, before the opening of the poll and in the sight of any scrutineers present, see that the ballot-box is empty, and shall close and lock it, and retain the key in his possession, and the ballot-box shall not again be opened till after the close of the poll.

59. Not more than six voters shall be allowed in a polling-booth or more than one voter in any inner compartment at one and the same time, and no person shall be allowed to remain in any polling-booth except the Returning Officer and his clerks, any of the scrutineers, and as many constables as the Returning Officer thinks necessary to keep the peace.

60. (1) No scrutineer or other official or unofficial person shall speak to any voter in a polling-booth either before or after such voter has given his vote, except only the Returning Officer (with an interpreter, if necessary), who may ask the questions he is authorized to put, and give such general directions as may assist any voter to give his vote.

(2) Every person who offends against this regulation is liable to a fine not exceeding £20 and may be at once removed from the booth by order of the Returning Officer.

61. Every person proposing to vote shall inform the Returning Officer of his name, and the Returning Officer, having satisfied himself by reference to the roll that such person is entitled to vote and has not already voted, shall deliver to him one voting-paper.

62. (1) The Returning Officer may, and if so required by any scrutineer shall, before giving any voting-paper put the following questions to any person proposing to vote :—

(a) Are you the person whose name appears as A. B. in the roll now in force for Western Samoa ?

(b) Are you twenty-one years of age ?

(c) Are you still possessed of the qualification in respect of which you are enrolled ?

(d) Have you already voted at this election ?

(2) Any person to whom such questions are put who does not answer the same, or does not answer the first three in the affirmative and the fourth in the negative, shall not be permitted to vote.

63. (1) Before giving any voting-paper to a voter the Returning Officer shall enter on both the counterfoil and the top right-hand corner of the back of the voting-paper a number (called a consecutive number) beginning with the number one in the case of the first voting-

paper issued by him, and on all succeeding voting-papers issued by him the numbers shall be consecutive, so that no two voting-papers issued in any booth shall bear the same number ; he shall then fold over the corner of the voting-paper so as to conceal the consecutive number, and shall secure the corner by gum or other effective means ; on the counterfoil of the voting-paper he shall also write his initials, and the number appearing on the roll against the name of the elector to whom the voting-paper is to be given ; on both the counterfoil and the back of the voting-paper he shall place his official mark, and then draw a line in pencil or ink through the number and name of the voter on the roll as evidence that the voter has applied for and has received a voting-paper.

(2) Every Returning Officer or Deputy Returning Officer who fails faithfully to perform any duty imposed on him by this regulation by reason whereof any of the requirements of this regulation are not effectively fulfilled is liable to a fine of £10 :

Provided that in so far as relates to the duty of securing the corner of the voting-paper by gum or other effective means it shall be a sufficient defence if he satisfies the Court that he took all reasonable precautions to secure the same.

64. (1) The voter, having received the voting-paper, shall immediately retire into one of the inner compartments provided, and shall there alone and secretly on the voting-paper indicate the candidate or candidates for whom he desires to vote by marking a cross in a square set opposite to the name of each such candidate :

Provided that no voting-paper shall be rejected as informal that clearly indicates the candidate or candidates for whom the voter intended to vote, whether such indication is made in the manner prescribed by this regulation or otherwise.

(2) Every voter shall, before leaving the inner compartment, fold the paper so that the contents cannot be seen, and shall then deposit it so folded in the ballot-box.

65. (1) Any voter who, not having deposited his voting-paper in the ballot-box, satisfies the Returning Officer that he has spoilt it by inadvertence may be supplied with a fresh voting-paper, but only after the spoilt one has been returned to the Returning Officer.

(2) The Returning Officer shall cancel such spoilt voting-paper by writing across the face thereof the words "Spoilt by voter and a fresh voting-paper issued in lieu thereof," and shall affix his initials thereto, and shall retain the spoilt voting-paper in his possession until the close of the poll.

(3) The Returning Officer or Deputy Returning Officer presiding at a polling-place shall make up into separate packets, and a Deputy Returning Officer so presiding shall deliver to the Returning Officer as soon as practicable after the close of the poll, all spoilt voting-papers returned to him at the polling-place at which he presided.

(4) The provisions of clause (1) of Regulation 75 hereof, providing for the disposal of voting-papers, shall apply with respect to the disposal of such spoilt voting-papers.

66. If any voter is blind, or is unable to read or write, and so desires, the Returning Officer, shall together with any scrutineers present not exceeding two, and if necessary an interpreter, retire with him into

the inner compartment and there make up the voting-paper according to the instruction of the voter, and such Returning Officer shall sign his own name at the foot thereof.

67. (1) The Returning Officer or Deputy Returning Officer presiding at a polling-place shall, as soon as practicable after the close of the poll, make up into a parcel the copy of the roll supplied to him on which the fact of any person having received a voting-paper has been noted, together with all the counterfoils of voting-papers that have been issued to voters, and such parcels shall be sealed by him and by such scrutineers as are present and desire to do so.

(2) The Returning Officer or Deputy Returning Officer shall then in the presence of such of the scrutineers as choose to be present, and the poll-clerks (if any), but of no other person, open the ballot-boxes, and, taking therefrom all the voting-papers therein, and setting aside as informal all voting-papers which do not clearly indicate the candidate or candidates for whom the voter desired to vote, shall proceed to ascertain the number of votes recorded for each candidate.

(3) Immediately after ascertaining the number of votes recorded for each candidate the Returning Officer or Deputy Returning Officer shall announce the result of the voting at the polling-place at which he presides, and, if a Deputy Returning Officer, shall forthwith send the said numbers to the Returning Officer, who shall make up the total number of votes received by each candidate at the election.

68. (1) Immediately after ascertaining the number of votes received by each candidate the Returning Officer and each Deputy Returning Officer shall make up into a packet all the voting-papers used by him at the polling-place at which he presided; and shall seal the same, and endorse it with a description of its contents, the name of the polling-place, and the date of the polling; and such endorsement shall be signed by the Returning Officer or Deputy Returning Officer, as the case may be.

(2) Each Deputy Returning Officer shall deliver the said packet to the Returning Officer, together with the packet containing the counterfoils and the copy of the roll on which the fact of any person having received a voting-paper has been noted.

69. (1) The Returning Officer shall make arrangements for a scrutiny of the rolls as soon as practicable after the close of the poll, and shall give notice in writing to each of the candidates or their scrutineers of the time and place at which he will commence the scrutiny.

(2) No person other than the Returning Officer and his assistants, and one person appointed as scrutineer by each candidate for the purpose, shall be present at the scrutiny.

(3) No candidate shall act as scrutineer under this regulation.

70. (1) The Returning Officer shall, in the presence and hearing of such scrutineers as are present, compare one with another all the certified copies of rolls on which the fact of any person having received a voting-paper has been noted.

(2) If on such comparison it appears that the same person has received a voting-paper at two or more polling-places, the Returning Officer shall, in the presence of such scrutineers as choose to be present,

open the packets of voting-papers used at the several polling-places at which such person appears to have received a voting-paper, and shall select therefrom the voting-papers on which the number corresponding to the name of that person appears, and shall disallow every vote appearing to have been given by means of the voting-papers so selected.

(3) Upon and after the opening of such packets the Returning Officer shall abstain from inspecting the faces of the voting-papers in the several packets so opened, other than the voting-papers selected therefrom, and shall take care that the faces of the same are not seen by any person present.

71. (1) When the Returning Officer has selected from any packet all the voting-papers he is required to select therefrom, he shall forthwith, in the presence of the scrutineers, close and seal up the said packet, and shall endorse thereon a memorandum of the fact of such voting-papers having been selected from such packet, specifying the same by the name of the person to whom the same appear to have been delivered, and shall sign the endorsement with his name.

(2) The Returning Officer shall set aside all voting-papers selected by him from any packet, as herein provided, and shall, in the presence of the scrutineers, seal up the same in a separate packet, and shall endorse the same with a description of the contents thereof, and shall sign the endorsement with his name.

72. (1) On completion of the scrutiny hereinbefore directed, the Returning Officer, with such assistance as he deems necessary, and in the presence of such scrutineers as are present, shall open all the packets of voting-papers used at the election other than the separate packet mentioned in clause (2) of the last preceding regulation, and, setting aside all informal papers, shall ascertain and report to the High Commissioner, the total number of votes received by each candidate at the election and the names of those candidates, not exceeding the number of vacancies to be filled, who have received the highest number of votes.

(2) Where there is an equality of votes between candidates and the addition of a vote would entitle any of those candidates to be reported to the High Commissioner as aforesaid, the Returning Officer shall determine by lot which candidate shall be so reported.

(3) For the purposes of this regulation a voting-paper shall be deemed to be informal:—

- (a) If it does not bear the official mark and there is reasonable cause to believe that it was not issued to a voter by the Returning Officer or any Deputy Returning Officer; or
- (b) If anything not authorized by these regulations is written or marked thereon by which the voter can be identified; or
- (c) If the number of candidates for whom the elector has voted exceeds the number of candidates to be elected; or
- (d) If it does not clearly indicate the candidates for whom the elector desired to vote:

Provided that a voting-paper shall not be deemed informal merely on the ground of some informality in the manner in which it has been dealt with by the elector if it is otherwise regular, and if in the opinion of the Returning Officer the intention of the elector in voting is clearly indicated.

73. The Returning Officer shall report the result of every election to the High Commissioner, who shall, by warrant under his hand, forthwith declare the successful candidates to be elected, and shall notify the election and the date of the warrant in the *Western Samoa Gazette*, together with the number of votes received by each candidate.

74. (1) If a declaration that the seat of a European member is vacant during the term for which such member was elected is published six months or more before the earliest date upon which the next general election of European members can take place, the Returning Officer shall forthwith, by public notice, appoint a day not less than thirty nor more than thirty-five clear days after the date of publication for a by-election to fill the same, and shall in such notice appoint a place in Apia and a day not less than ten or more than fifteen days (exclusive of the day of election) before the election for receiving the nomination of candidates.

(2) Except as provided by this regulation, all the proceedings in a by-election shall be the same as in the case of a general election.

(3) If a declaration that the seat of a European member is vacant is published less than six months before the earliest date upon which the next general election of European members can take place, the seat shall remain vacant until the next general election.

75. (1) Where any candidate has reason to believe that the Returning Officer's report to the High Commissioner of the number of votes received by each candidate is incorrect, and that on a recount thereof such first-mentioned candidate might be found to be elected, he may within three days after such public declaration apply to a Judge of the High Court for a recount of the votes.

(2) Every such application shall be accompanied by a deposit of £10.

(3) The Judge shall, as soon as practicable after receiving the application and deposit as aforesaid, cause a recount of the votes to be made, and shall give at least two days' public notice of the time and place at which the recount will be made.

(4) At the recount the Returning Officer shall produce to the Judge all the voting-papers used at the election.

(5) The recount shall be made in the presence of the Judge, or of an officer appointed by him for the purpose, and shall, as far as practicable, be made in the manner provided in the case of the original count, and the provisions of clause (3) of Regulation 70, relating to the secrecy of the ballot, shall, with the necessary modifications, apply to such recount.

(6) If on the recount the Judge finds that such public declaration was incorrect, he shall order the Returning Officer to give to the High Commissioner, an amended report of the total number of votes received by each candidate as disclosed by such recount, and the candidates then found to have received the highest number of votes not exceeding the number of vacancies to be filled shall be declared by the High Commissioner to be elected.

(7) The Judge may make such order as to the costs of and incidental to the recount as he deems just, and, subject to any such order, shall direct the deposit made under this regulation to be returned to the person who made the same.

76. (1) As soon as practicable after the day of the polling the Returning Officer shall make up into one packet all the packets of voting-papers used at the election and all counterfoils corresponding to those voting-papers, and shall seal the packet and endorse it with a description of its contents and the date of the polling, and shall sign such endorsement, and shall transmit the packet to the Registrar of the High Court, who shall note thereon the date of receipt thereof and keep the same for six months thereafter, and shall not open the packet or permit the same to be opened, except on the order of the High Court, and shall at the end of six months effectually destroy the same.

(2) Every person who opens any such packet, or destroys the same or any of the contents thereof, except as provided by the last preceding clause, is liable to a fine of £50.

(3) All copies of the roll on which the fact of any person having received a voting-paper has been noted shall be forwarded by the Returning Officer to the Registrar of the High Court, and shall be retained by him until the close of the next succeeding general election.

77. (1) Every Deputy Returning Officer shall be personally responsible for the safe custody of all voting-papers used at the polling-booth at which he presides from the time each voting-paper was placed in the ballot-box by the voter until the parcel of used voting-papers has been delivered to the Returning Officer as prescribed by Regulation 68, and the Deputy Returning Officer has obtained from the Returning Officer a receipt in writing for the same, which receipt the Returning Officer is in all cases required to give on such delivery.

(2) In like manner every Returning Officer shall be personally responsible for the safe custody of all voting-papers used at the polling-booth at which he presides until the same have been dealt with in the manner prescribed by the last preceding regulation, and also for the safe custody of all parcels of used voting-papers for which he has given a receipt under the last preceding clause until the same have been dealt with by him as aforesaid.

(3) Every Returning Officer or Deputy Returning Officer who on any inquiry under Regulation 91 is reported by the High Court as having failed to take reasonable steps to secure the safe custody of all voting-papers for which he is responsible, and thereby any such voting-paper was removed from his custody, shall be liable to a fine not exceeding £50 or to six months' imprisonment.

78. The Returning Officer shall have power to enforce order and keep the peace at any election, and may, without other warrant than these regulations, cause to be arrested and taken before a Judge of the High Court any person reasonably suspected of knowingly and wilfully making a false answer to any of the questions the Returning Officer is authorized to put, or who attempts to personate any voter, or to vote more than once at the same election, or obstructs the approaches to any polling-booth, or otherwise behaves in a disorderly manner or causes disturbances at any election; and all constables shall aid and assist the Returning Officer in the performance of his duty.

79. If the proceedings at any polling-booth are interrupted or obstructed by riot or violence, the Returning Officer or Deputy Returning Officer may adjourn the polling at such booth to the following day, and if necessary may so adjourn the polling from day to day till the riot ceases, when he shall again proceed therewith.

80. The Returning Officer and every Deputy Returning Officer, scrutineer, clerk, or other person is liable to a fine not exceeding £50 who makes known the state of the poll, or gives or pretends to give any information by which the state of the poll may be known, before the close of the poll, or who makes known for what candidate any voter has voted.

81. The Returning Officer and every Deputy Returning Officer is liable to a fine not exceeding £50 who is guilty of any wilful or negligent act of commission or omission contrary to the provisions of these regulations in respect of any election, and for which no other penalty is imposed by these regulations.

82. Every person is liable to a fine not exceeding £20 who at an election—

- (a) In any way interferes with any elector, either in the polling-booth, or while on his way thereto, with the intention of influencing him or advising him as to his vote ; or
- (b) Prints or distributes or delivers to any person on the day of the poll, anything being or purporting to be in imitation of any voting-paper to be used at the poll and having thereon the names of the candidates, or any of them, together with any direction or indication as to how any person should vote, or in any way containing such direction or indication, or having thereon any matter likely to influence any vote ; or
- (c) During the hours in which the poll is being taken makes any public demonstration having reference to the poll by means of living figures, effigies, paintings, placards, or other like means ; or
- (d) At any time on polling-day before the close of the poll makes any statement having reference to the poll by means of any loud-speaker or public-address apparatus.

83. Every person is liable to a fine not exceeding £50 or to imprisonment for any period not exceeding three months who, at any time after public notice has been given by the Returning Officer pursuant to these regulations of any election and before the close of the poll, publishes or exposes, or causes to be published or exposed, to public view any document, or writing, or printed matter containing any untrue statement defamatory of any candidate and calculated to influence the vote of any elector.

84. (1) Every person is liable, being an officer appointed in connection with the holding of any election, to two years' imprisonment, and, being any other person, to six months' imprisonment, who—

- (a) Forges, or counterfeits, or fraudulently defaces, or fraudulently destroys, any voting-paper, or the official mark on any voting-paper ; or
- (b) Without due authority supplies any voting-paper to any person ; or

- (c) Puts into any ballot-box any paper other than the voting-paper that he is authorized by law to put therein ; or
 - (d) Obtains possession of or has in his possession any voting-paper other than the one given him by the Returning Officer for the purposes of recording his vote, or retains in his possession any voting-paper after leaving the polling-booth ; or
 - (e) Without due authority destroys, takes, opens, or otherwise interferes with any ballot-box or box or packet of voting-papers then in use for the purposes of the election, or in course of transmission by post or otherwise, or thereafter wherever the same may be kept as a record of such election.
- (2) Every person is liable to two years' imprisonment who—
- (a) Votes or offers to vote more than once at the same election :
 - (b) Fraudulently abstracts any voting-paper that has been put into the ballot-box.
- (3) Every person is liable to a fine not exceeding £50 who wilfully makes a false answer to any question the Returning Officer is authorized to put to him.

85. Every person is guilty of a corrupt practice and is liable to two years' imprisonment who, in connection with any election, is convicted of bribery, treating, undue influence, or personation as defined by Regulations 86 to 89 hereof.

86. Every person commits the offence of bribery who in connection with any election—

- (a) Directly or indirectly gives or offers to give to any elector any money or valuable consideration or any office or employment in order to induce such elector to vote or refrain from voting ; or
- (b) Directly or indirectly makes any gift or offer as aforesaid to any person in order to induce such person to procure or endeavour to procure the return of any candidate or the vote of any elector ; or
- (c) Upon or in consequence of any such gift or offer, procures or endeavours to procure the return of any candidate or the vote of any elector ; or
- (d) Advances any money to any person with the intent that such money or any part thereof shall be expended in bribery within the meaning of this regulation :
- (e) Being an elector, directly or indirectly receives or agrees to receive any gift, money, valuable consideration, office, or employment as aforesaid in return for voting or refraining from voting or for agreeing thereto.

87. Every person commits the offence of treating who, being a candidate at any election, by himself or any other person on his behalf, gives or provides any meat, drink, entertainment, or other provision to or for any person for the purpose of procuring his own election or on account of his having been elected or for any other purpose calculated to influence the vote of such person.

88. Every person commits the offence of undue influence, who, by himself or any other person on his behalf, uses or threatens to use any force, violence, or restraint, or inflicts or threatens to inflict any injury, damage, harm, or loss upon or against any person in order to induce or compel such person to vote or refrain from voting or on

account of such person having voted or refrained from voting, or who by abduction, duress, or any fraudulent device or contrivance in any way interferes with the free exercise of the franchise by an elector.

89. Every person commits the offence of personation who at any election applies for a voting-paper in the name of some other person, living or dead, or of a fictitious person, or who, having voted once at any such election, applies again at the same election for a voting-paper in his own name.

90. (1) Every officer, clerk, scrutineer, interpreter, and constable in attendance at a polling-booth shall maintain and aid in maintaining the secrecy of the voting in such booth, and shall not communicate to any person, except for some purpose authorized by law, before the poll is closed, any information likely to defeat the secrecy of the ballot.

(2) No person, except as provided by these regulations, shall interfere with or attempt to interfere with a voter when marking his vote, or otherwise attempt to obtain in the polling-booth information as to the candidate for whom any voter in such booth is about to vote or has voted, or communicate at any time to any person any information obtained in a polling-booth as to the candidate for whom any voter at such booth is about to vote, or has voted, or as to the number on the back of the voting-paper given to any voter at such booth.

(3) Every person in attendance at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting, and shall not communicate any information obtained at such counting as to the candidate for whom any vote is given in any particular voting-paper.

(4) No person shall, directly or indirectly, induce any voter to display his voting-paper after he has marked the same, so as to make known to any person the name of the candidate for or against whom he has voted.

(5) Every person who offends against this regulation is liable to six months' imprisonment.

PART VIII.—ELECTION PETITIONS

91. (1) Where any candidate and five electors, or where any ten electors, are dissatisfied with the result of any election held or taken under these regulations they may, within fourteen days after the declaration of the result of the election, by petition filed in the High Court as hereinafter mentioned, demand an inquiry as to the conduct of the election, or of any candidate or other person thereat.

(2) Every such petition shall be accompanied by a deposit of £10.

(3) Such petition shall be in form numbered 11 in the Schedule hereto or to the like effect, and shall be filed in the High Court, and shall be heard and determined before a Judge of the High Court.

92. The petition shall allege the specific grounds on which the complaint is founded, and no grounds other than those stated shall be investigated except by leave of the Judge and upon reasonable notice being given, which leave may be given on such terms and conditions as the Judge deems just:

Provided that evidence may be given to prove that the election of any rejected candidate would be invalid in the same manner as if the petition had complained of his election.

93. Any candidate may, at any time before the commencement of the inquiry, file in the High Court in which the petition is filed a notice in writing of his intention to oppose the petition, and thereupon the candidate shall be deemed to be the respondent to the petition.

94. The inquiry shall be commenced within fourteen days after the filing of the petition, and not less than seven days' public notice shall be given of the time and place at which the inquiry will be held.

95. For the purposes of the inquiry the Judge shall have and may exercise all the powers of citing parties, compelling evidence, and maintaining order he would have in his ordinary jurisdiction, and, in addition, may at any time during the inquiry direct a recount or scrutiny of the votes given at the election, and shall disallow the vote of every person who—

- (a) Has voted, not being entitled to vote ; or
- (b) Has given more votes than he was entitled to give.

96. The Judge shall determine whether, by reason of some irregularity that in his opinion materially affected the result of the election, the election is void ; or whether the candidate whose election is complained of, or any and what other candidate, was duly elected.

97. Where on any such inquiry the Judge is of opinion that any irregularity has been wilfully committed by any person, he shall direct the chief officer of police to take proceedings for the prosecution of such person, who on conviction shall (unless some other penalty is elsewhere prescribed) be liable—

- (a) To a fine not exceeding £100 where the irregularity in the opinion of the Judge materially affected the result of the election ; or
- (b) To a fine not exceeding £20 where such irregularity did not in the opinion of the Judge materially affect the result, but defeated the fairness of the election ; or
- (c) To a fine not exceeding £5 where such irregularity did not in the opinion of the Judge either materially affect the result or defeat the fairness of the election.

98. (1) The Judge may order that the expenses of and incident to the inquiry shall be borne either by any party to the inquiry or, where he declares the election void on the ground or partly on the ground of any negligence or misfeasance of any Returning Officer or other person acting officially at the election, may order that such expenses or any part thereof shall be borne by that Returning Officer or other person ; and such order shall have the same effect and may be enforced in like manner as if it were a judgment for a sum of money obtained in the High Court :

Provided that no such order shall be made against any person other than a party to the inquiry unless he has been summoned to attend and give evidence at the inquiry.

(2) Subject to any such order, the Judge shall direct that the deposit accompanying any petition under Regulation 91 shall be returned to the person who paid the same, unless the Judge is of opinion that the petitioners have failed to establish the grounds specified in their petition, or any other grounds investigated by leave of the Judge, in which case the deposit or the surplus remaining after satisfying such order shall be forfeited to the Samoan Treasury.

99. Where an election is declared void, a fresh election shall, on a day to be fixed by the Returning Officer, being not later than thirty days after the date of such declaration, be held or taken under the same provisions, so far as practicable, as the voided election.

100. Every determination or order by a Judge of the High Court under these regulations shall be final and conclusive.

DIVISION III.—GENERAL

101. Every member of the Legislative Assembly who sits or votes in the Assembly being disqualified under Regulation 6 or Regulation 17 hereof and knowing himself to be so disqualified, or being liable to have his seat declared vacant under Regulation 7 or Regulation 18 and knowing himself to be so liable, is liable to a fine not exceeding £50 for every day whereon he so sits or votes.

102. If any person being a member of the Samoan Public Service or the New Zealand Public Service or the *Fono* of *Faipule* or in the employment of the New Zealand Reparation Estates is elected a member of the Legislative Assembly, he shall forthwith upon the date on which he is declared elected be deemed to have ceased to be a member of that Service or of that *Fono* or to have ceased to be so employed, as the case may be.

103. Any person being a member of the Samoan Public Service or the New Zealand Public Service or in the employment of the New Zealand Reparation Estates who desires to become a candidate for a seat as a European member of the Legislative Assembly shall, on application, be granted special leave of absence for the purposes of his candidature. Such special leave shall commence on a day to be selected by him, being not earlier than four weeks before the date fixed for the election, and in the event of his nomination as a candidate shall continue until the seventh day after that date, unless before the day fixed for the election he withdraws from the election. During the period of such special leave he shall not be required to carry out any of his official duties or duties of his employment, nor shall he be entitled to receive in respect of that period any salary or other remuneration as a public servant or in respect of his employment in the New Zealand Reparation Estates. Except as provided by these regulations, his rights as a public servant or as a servant of the New Zealand Reparation Estates shall not be affected by his candidature.

104. The Registrar of the High Court shall forthwith after adjudication as a bankrupt of a Samoan member or European member, or after his conviction of an offence as aforesaid, notify the fact to the High Commissioner.

105. The Registrar of Deaths by whom the death of any European member is registered shall within twelve hours of making such registration, and the Registrar of Deaths by whom the death of any Samoan member is registered shall as soon as possible, notify the fact to the High Commissioner.

106. (1) Every person making any claim, application, or declaration under these regulations shall sign the same in the presence of the Registrar or other officer appointed under Regulation 5 hereof, or a Postmaster, or an elector, and transmit such claim as aforesaid to the Registrar.

(2) The claim, application, or declaration shall be signed by the claimant, applicant, or declarant with his own hand, or, if he cannot write, his mark shall be attested by a Postmaster or the Registrar or by some person authorized in that behalf by the Registrar.

(3) The Registrar shall reject as informal every such document that is not complete in all particulars and duly signed as herein required.

107. Except as otherwise herein expressly provided, every declaration to be made under these regulations may be made before a Judge or Commissioner of the High Court, as well as before a Returning Officer or Deputy Returning Officer, as the case may be.

108. Every person is liable to a fine not exceeding £20 who—

- (a) Procures himself to be nominated as a candidate for election as a member of the Legislative Assembly knowing himself to be incapable under the provisions of these regulations of holding such office ; or
- (b) Signs any nomination-paper purporting to nominate to such office a person who is, to the knowledge of the person so signing, incapable as aforesaid ; or
- (c) Signs any nomination-paper knowing himself not to be qualified to vote at the election of the candidate so nominated.

109. (1) An election shall not be questioned by reason only of a defect in the title or any want of title of the person by or before whom the election was held, if such person was actually appointed or was acting in the office giving a right to preside at that election.

(2) An election shall not be declared invalid by reason of any irregularity in any of the proceedings preliminary to the polling, or by reason of any failure to hold a poll at any place appointed for holding a poll, or to comply with the directions contained or incorporated in these regulations as to taking of the poll or the counting of the votes, or by reason of any mistake in the use of the forms contained or incorporated in these regulations, if it appears to the Judge having cognizance of the question that the election or poll was conducted in accordance with the principles laid down in and by these regulations and that such irregularity, failure, or mistake did not affect the result of the election or poll.

(3) Where anything is omitted to be done or cannot be done at the time required by or under these regulations, or is done after such time, or is otherwise irregularly done in matter of form, or sufficient provision is not made by or under these regulations, the High Commissioner may, by Proclamation published in the *Western Samoa Gazette* and *Savali*, at any time before or after the time within which such thing is required to be done extend such time, or may validate anything so done after the time required or so irregularly done in the matter of form, or make other provision for such case as he thinks fit.

SCHEDULE

Form No. 1

CLAIM FOR ENROLMENT

To the Registrar of Electors for Western Samoa.

I, [*Name in full*], hereby claim to have my name inserted on the electoral roll for Western Samoa; and I declare that the answers to the following questions are true and correct in every particular:—

1. Have you attained the age of twenty-one years?.....
2. Do you reside in Western Samoa?.....
3. Have you continuously resided in Western Samoa for one year immediately preceding the date of this claim for enrolment?.....
4. Are you already enrolled?.....
5. What is your present full residential address?.....
6. What is your occupation?.....
7. Are you a European?.....
8. Are you a European by birth or by registration?.....
9. What is the full name of your father?.....

Signature of Claimant:.....

Signed and declared by the claimant, this day of, 19..

Signature of Witness:.....

Residential Address of Witness:.....

Qualification of Witness: [Registrar, or other appointed officer, or Postmaster, or Elector].

Form No. 2

NOTICE OF OBJECTION BY ELECTOR

To the Registrar of Electors for Western Samoa.

I, [*Name in full*], of [*Postal address in full*], hereby give notice that I object to the retention of the name of A. B., of, on the electoral roll for Western Samoa; and that the grounds of my objection are the following: [*Here state grounds*].

Dated this day of, 19..

Signature:.....

Form No. 3

SUMMONS TO ANSWER OBJECTION

To

You are hereby summoned to attend at the High Court to be held at, on the day of, 19.., at the hour of o'clock in thenoon, to prove your right to have your name retained on the electoral roll for Western Samoa. If you do not attend, your name will be removed from the said roll.

Given under my hand at, this day of, 19..
....., Judge of the High Court.

The grounds of objection to your name remaining on the roll are as follows: [*Here set out grounds of objection as stated in the notice of objection*].

Form No. 4

REGISTRAR'S OBJECTION TO ENROLMENT

To

TAKE notice that I object to the retention of your name on the electoral roll for Western Samoa on the following grounds:

[Here state grounds].

Unless the annexed notice of appeal is signed by you and returned to me within days from this date, your name will be removed from the roll.

Dated this day of, 19..

....., Registrar.

Notice of Appeal

To the Registrar of Electors for Western Samoa.

TAKE notice that I appeal from your objection to the retention of my name on the electoral roll for Western Samoa on the following grounds: [Here state grounds].

Dated this day of, 19..

Signature and Address :

Form No. 5

ELECTORAL ROLL FOR WESTERN SAMOA

Roll of Persons entitled to vote for Elected Members of the Legislative Assembly

Number on Roll.	Name in full, Residence and Occupation.

....., Registrar.

Form No. 6

NOMINATION-PAPER

To the Returning Officer of Western Samoa.

WE, A. B. and C. D., being two qualified electors for Western Samoa, hereby nominate X. Y. [*Residence and occupation*], with his consent, as a candidate at the election of European members of the Legislative Assembly the holding of which is appointed for the day of, 19..

Dated this day of, 19..

A. B.

C. D.

(Full names, residences, and occupations of two or more electors nominating.)

I, X. Y., do hereby consent to the above nomination.

Signature of candidate :

Form No. 7

NOTICE OF RETIREMENT OF A CANDIDATE

To the Returning Officer for Western Samoa.

I HEREBY give notice that I withdraw my name as a candidate at the election of European members of the Legislative Assembly, the holding of which is appointed for the day of, 19.., for which I was nominated on the day of, 19..

Signature of candidate :

Received at the hour of on the day of, 19..

Signature of Returning Officer :

Form No. 8

ELECTION OF [Insert number] EUROPEAN MEMBERS OF THE LEGISLATIVE ASSEMBLY
VOTING-PAPER

ANDERSON, Thomas	
BERRY, Charles [Tailor]	
BERRY, Charles [Boot-maker]	
HIBBERD, Norman Frank	
MONTROSE, Alexander David	
PONSONBY, Murray	
SIMMONDS, Frank	

Form No. 9

MATTER TO BE PRINTED ON COUNTERFOIL AND BACK OF VOTING-PAPER

Consecutive No. :

To be entered here and also on the top right hand corner of the back of the voting-paper.

.....
No. on Roll :

To be entered here only.

Stamp across the perforation so that the number of the polling-place shall appear on both the counterfoil and the voting-paper.

.....
Official

}
Mark.

Initials of
Deputy Returning Officer :

.....

Form No. 10

DECLARATION BY RETURNING OFFICER, DEPUTY RETURNING OFFICER, POLL
CLERKS, SCRUTINEERS, AND OTHER OFFICERS

I, A. B., do solemnly declare that I will faithfully and impartially, according to the best of my skill and judgment, exercise and perform all the powers or duties reposed in or required of me by the Samoa Legislative Assembly Regulations 1948, and I do solemnly promise that I will not, except as provided by the said regulations, directly or indirectly, disclose any fact coming to my knowledge at any election or poll.

Signature of declarant :

Declared and signed at, this day of, 19.., before me—

Signature :

A person authorized by law to take the foregoing declaration.

Form No. 11

PETITION FOR INQUIRY

IN the matter of an election of European members of the Legislative Assembly held on, the day of, 19..

To Esquire, Chief [or a] Judge of the High Court of Western Samoa.

THE petition of the undersigned electors—namely, A. B., of, C. D., of, &c., humbly sheweth :—

1. Your petitioners state that the said election was held on the day of, 19.., when A. B., X. Y., and S. T. were candidates, and the Returning Officer has returned S. T. as being duly elected.
2. And your petitioners say that [*State the facts and grounds on which the petitioners rely*].

Wherefore your petitioners pray that it may be determined that the said S. T. was not duly elected, and that the election was void [or that the said A. B. was duly elected, and ought to have been so declared].

Dated at, this day of, 19..

. A. B.,
. C. D.,
&c.

T. J. SHERRARD,
Acting Clerk of the Executive Council.

Issued under the authority of the Regulations Act, 1936.
Dated of notification in *Gazette* : 11th day of March, 1948.
These regulations are administered in the Department of Island Territories.