

(4.) When any such thing is seized and brought before the person by whom the warrant was issued, such person may either order it to be detained for the purpose of evidence on the trial of any person for any such offence as aforesaid or may direct it to be delivered to any person believed by the person so issuing the warrant to be entitled thereto.

(5.) No such order of delivery shall in any manner affect the right of any person to the ownership or possession of the thing.

(6.) Any thing so ordered to be detained as evidence of an offence may be detained in pursuance of the order for such time as is reasonably necessary for the purpose of any proceedings instituted or to be instituted in respect of the offence.

Pardon, and remission of sentence.

235. (1.) When any person has been convicted of an offence by the High Court, the Governor-General by warrant signed by him may pardon the offender, or may remit any portion of a sentence of imprisonment or exile passed upon the offender or any portion of a fine imposed upon him, or may commute a sentence of death to one of imprisonment.

(2.) In the case of an offender sentenced to imprisonment for a term not exceeding six months, or to pay a fine not exceeding fifty pounds, the Administrator may exercise the like powers of pardon or remission.

(3.) Any such pardon or remission may be made subject to such conditions as the Governor-General or the Administrator, as the case may be, thinks fit.

(4.) The Governor-General may in like manner pardon any offender who has given evidence which leads to the conviction of an accomplice.

## PART VII.

### LAW OF EVIDENCE.

Definitions.

236. In this Part of this Order, except where a contrary intention appears,—

“ Court ” includes any person acting in any judicial capacity or having by law or by consent of parties authority to hear, receive, and examine evidence :

“ Proceeding ” includes any action, trial, inquiry, cause, or matter, whether civil or criminal, depending or to be inquired of or determined in or by any Court.

Discretionary power of admitting evidence.

237. Subject to the provisions of this Order, a Court may in any proceeding admit and receive such evidence as it thinks fit, and accept and act on such evidence as it thinks sufficient, whether such evidence is or is not admissible or sufficient at common law.

Discretionary power of rejecting evidence.

238. A Court may in any proceeding refuse to receive any evidence, whether admissible or not at common law, which it considers irrelevant, or needless, or unsatisfactory as being hearsay or other secondary evidence.

All witnesses competent.

239. No witness in any proceeding shall be deemed incompetent by reason of interest or on any other ground whatever.

Evidence of parties and their husbands and wives.

240. In any civil proceeding the parties thereto, and the persons on whose behalf such proceeding is brought or defended, and the husbands and wives of such parties or persons respectively, shall be competent and compellable to give evidence on behalf of either or any of the parties to such proceeding.

Evidence of accused persons and their husbands and wives.

241. (1.) Every person charged with an offence shall be a competent but (except where the contrary is expressly provided by any Act) not a compellable witness upon his trial for that offence.

(2.) The wife or husband of any person charged with an offence shall be a competent witness on the trial of that person, but shall not be a compellable witness, except in the following cases :—

(a.) When called as a witness by the accused :

(b.) When the offence of which the accused is charged is an offence against the wife or husband of the accused or against a child of the accused.