

34. If at any election under this Order the number of candidates does not equal the number to be elected, the Governor-General may appoint such number of persons qualified to be elected members of the Council under this Order as will, with the candidates already elected, make up the number required, and such persons so appointed shall be deemed to be and shall continue as elected members of the Council for the same period as the candidates who were declared elected at such election after nomination.

35. If the seat of any elected member becomes vacant during the term for which such member was elected or was deemed to be elected, the Governor-General may appoint a person duly qualified as aforesaid to fill such vacancy. A member so appointed shall retain his seat for so long as the member whose seat became vacant would have retained it if such vacancy had not occurred.

36. Every declaration to be made under this Order 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.

37. Every person is liable to a fine not exceeding twenty pounds who—

- (a.) Procures himself to be nominated as a candidate for election as a member of the Legislative Council knowing himself to be incapable under the provisions of this Order 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.

#### TENURE OF OFFICE.

38. Every elected member of the Council shall come into office on the date of his election, and shall, unless his office sooner becomes vacant, continue to hold his seat until the election of members which takes place next after the date of his election, and no longer.

#### VALIDITY OF ELECTIONS.

39. (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 this Order 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 this Order, 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 this Order, 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 this Order, or is done after such time, or is otherwise irregularly done in matter of form, or sufficient provision is not made by or under this Order, the Administrator may, by Proclamation gazetted in the *Western Samoa Gazette*, 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 matter of form, or make other provision for such case as he thinks fit.