

TRINIDAD AND TOBAGO.

No. 16.—1915.

*No 20 of 1916 reads as one with this Ordinance
9th August.*

AN ORDINANCE to provide for the manner of conducting
Municipal Elections, and other purposes incidental
thereto.

[L.S.]

GEORGE R. LE HUNTE,

GOVERNOR.

23rd August, 1915.

BE it enacted by the Governor of Trinidad and Tobago
with the advice and consent of the Legislative Council
thereof as follows:—

Preliminary.

1. This Ordinance may be cited as the Municipal Cor- Short Title.
porations (Elections) Ordinance, 1915, and in the case of a
Municipal Election in the City of Port-of-Spain shall be
read as one with the Port-of-Spain Corporation Ordinance,
1914, and in case of a Municipal Election in any other
Borough shall be read as one with the Municipal Corpora-
tions Ordinance, (No. 210.)

2. In this Ordinance—

“Register of voters” means the Burgess roll of the Interpreta-
tion.
Borough;

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“Borough” includes City.

“Prescribed” means prescribed by order of any borough.

Borough and Ward elections.

3.—(1.) Where a borough has no wards, there shall be one election of councillors for the whole borough.

(2.) Where a borough has wards, there shall be a separate election of councillors for each ward.

4.—(1.) At an election of councillors for a borough not divided into wards the Mayor shall be the returning officer.

(2.) At an election of Councillors in a borough divided into wards, the Returning Officer for each ward shall be an Alderman or some other fit and proper person, not being a Councillor for that ward, assigned for that purpose by the Council.

(3.) If the Mayor is dead or is absent or otherwise incapable of acting in the execution of his powers and duties as to elections under this Ordinance, and if the Deputy-Mayor (if any) is also incapable of acting for any of the reasons hereinbefore specified, the Council shall forthwith choose an Alderman or Councillor, or a Councillor if there are no Aldermen, to execute those powers and duties in place of the Mayor.

(4.) In the case of the death, illness, absence or incapacity to act of the Alderman or other person assigned to be returning officer for any ward, the Mayor may appoint to act in his stead another Alderman or a Councillor not being a Councillor for that ward.

5. Ten days at least before the date fixed for the election of any Councillors, the Town Clerk shall prepare and sign a notice thereof, and shall publish the same by affixing a copy thereof on the outer door of the Town Hall, or in some conspicuous place therein, and shall in such notice name a day, not being less than seven clear days before the date so fixed as aforesaid, on which the nomination of candidates for seats to be filled by election will be received by the Mayor.

Returning Officer

is repeated from as the City of Cork. of Spain concerned
Sec: 2 of 1920

Notice of election.

Repealed so far as is concerned in new section added in Sec 2 of 20/1916.

Again repealed by Sec: 3 of 19/1920 which is the new Section in lieu

6.—(1.) On the day so named in such notice the Mayor shall attend at the Town Hall for a sufficient time between the hours of 9 and 10 o'clock in the forenoon for the purpose of receiving the valid nominations of any duly qualified candidates for the seat or seats to be filled.

Nomination of candidate.

Repealed by Sec: 3 of 20/15

(2.) Every nomination paper shall be delivered to the Mayor by the candidate himself, or by his proposer or seconder.

7.—(1.) Every candidate for the office of Councillor shall be nominated in writing by two burgesses of the borough, or, in the case of a borough divided into wards, of the ward for which the candidate is nominated as a Councillor. One of such burgesses shall subscribe as proposer and the other as seconder of the nomination.

Nomination of candidate.

Repealed as to Borough of Spai... Sec: 4 of 19/19... Section

(2.) Every candidate must be nominated by a separate nomination paper, but the same burgesses or either of them may subscribe as many nomination papers as there are vacancies to be filled but no more.

(3.) Every candidate nominated must be enrolled in the burgess roll.

(4.) The Mayor may reject any nomination paper which does not comply with the provisions of this section or any of them.

8.—(1.) At an election of councillors a person shall be entitled to subscribe a nomination paper, and to demand and receive a voting paper, and to vote if he is enrolled in the burgess roll, or in the case of a borough divided into wards if he is enrolled in that portion of the Burgess roll relating to the ward in which the election takes place.

Title to vote.

(2.) No person shall subscribe a nomination paper in or for more than one ward, or vote in more than one ward.

(3.) Nothing in this section shall entitle any person to do any act therein mentioned who is prohibited by law from doing it, or relieve him from any penalty to which he may be liable for doing it.

9.—(1.) If the number of valid nominations exceeds that of the vacancies, the councillors shall be elected from among the persons nominated.

Relation of nomination to election.

(2.) If the number of valid nominations is the same as that of the vacancies, the persons nominated shall be deemed to be elected.

(3.) If the number of valid nominations is less than that of the vacancies, the persons nominated shall be deemed to be elected, and such of the retiring councillors as are selected for that purpose by the Mayor, shall be deemed to be re-elected to make up the required number.

(4.) If there is no valid nomination, the retiring councillors shall be deemed to be re-elected if qualified under the provisions of the Port-of-Spain Corporation Ordinance, 1914, or the Municipal Corporations Ordinance, No. 210, as the case may be.

Publication of uncontested election.

10. If an election of councillors is not contested, the Town Clerk shall publish a list of the persons elected not later than twelve o'clock in the morning on the day of election.

Contested Elections.

Votes to be given by ballot.

11. If an election of councillors is contested there shall be a poll and the votes shall be given by ballot. The ballot of each voter shall consist of a paper (in this Ordinance called a ballot paper) showing the names of the candidates. Each ballot paper shall have a number printed on the back, and shall have attached to it a counterfoil with the same number printed on the face.

Place for holding elections.

12. Every election shall be held at the Town Hall, or at such other place or places within the borough as the Council may from time to time appoint.

Period of election.

13. The voting at every election shall take place between the hours of nine o'clock in the forenoon, and 12 noon, and between 2 o'clock and 5 o'clock in the afternoon of the same day.

Size and construction of ballot box.

14.—(1.) The ballot box shall be of convenient size, and shall be so constructed that the ballot paper can be introduced therein, but cannot be withdrawn without the box being unlocked. It shall be provided with a lock and key.

(2.) It shall be exhibited empty to such persons as may be in the polling-station immediately before the taking of the poll, and shall then be securely locked, and not be again

W. J. ... 124 A.

unlocked except by the Returning Officer at the close of the poll in manner hereinafter mentioned.

14 ¹⁴ 15.—(1.) The Mayor shall, in the case of a borough ^{vide Ord. 19 of 1920 Sec. 6.} divided into wards, appoint a separate polling station for each of such wards, and shall, at least three clear days before the day of election, give public notice, by advertisement in two newspapers circulating in the Colony, of the situation of every polling station so appointed by him; and shall fix, in a conspicuous place on each such polling station, a notice naming the ward for which such polling station has been appointed, together with a copy of the register of voters containing the names of the persons entitled to vote at such polling station. Polling stations and clerks.

(2.) No person shall be admitted to vote at any polling station except the one appointed for voters of the ward in which he is entered as a burgess in the Burgess Roll in force.

16. The Mayor shall take care beforehand that each polling station is provided with proper conveniences for taking the poll, and that the same are properly arranged for carrying out the provisions of this Ordinance, and he shall also provide a proper ballot box for each polling station and a sufficient number of ballot papers. Preparing polling stations.

17. The Mayor shall, on or before the day fixed for the taking of the poll, visit each polling station, and see that it is provided with the proper conveniences as aforesaid for taking the poll. Inspection of polling stations.

18. For the guidance of electors in voting, notices shall be printed in conspicuous characters and placarded in various places, outside and inside of each polling station, in the following form:— Placarding directions to voters.

Directions.

- (1.) To mark your vote, you must place a cross opposite the name or names of the candidate or candidates for whom you wish to vote.
- (2.) You can vote for one candidate only for each vacant seat.

- (3.) When you have marked your vote, fold your ballot paper in two so as to conceal your vote, but so as to show the official mark on the back, show the Returning Officer the official mark, and then put your ballot paper in the ballot box and leave the room.

Returning
Officer to
preside

19. A returning officer shall preside at the polling station during the whole time that the poll is being taken.

and to keep
order.

20. The returning officer shall keep order at his station, shall regulate the number of voters to be admitted at a time and shall exclude all persons except his assistants and clerks, the candidates, and the constables on duty.

erks.

21. The returning officer may appoint fit and proper persons to be clerks at each polling station for attendance at such station on the day fixed for the taking of the poll, and, in the case of a contested election, may appoint competent persons to assist him in counting the votes.

vide Sec 7

19/1920

new

Register of
voters.

22. The Mayor shall provide each returning officer with a copy of the register of voters certified under the hand of the Town Clerk.

Duty of voter
on coming to
vote.

23. Each person on coming to vote shall address himself to the Returning Officer and shall state his name and address in an audible voice.

Duties of
Returning
Officer and
voter at time
of voting.

24. The Returning Officer shall proceed to write on the counterfoil of a ballot paper, the number of such elector on the register of voters, mark the ballot paper with an official mark and, calling out the name of the voter in an audible voice, deliver such paper to the voter within the polling station. The voter shall then retire to a screened table apart, but within the polling station, and having secretly marked his vote on the paper, and folded it in two so as to conceal his vote, but so as to show the official mark at the back, shall place it in the ballot box in the presence of the Returning Officer after having shown to him the official mark at the back. The voter having voted, shall forthwith leave the polling station. The Returning Officer after having delivered to the voter a ballot paper, and while the voter is recording his vote, shall make a mark against the name of

such voter on his copy of the register of voters to indicate that such voter has voted at the election, but not so as to show the particular ballot paper given to such voter.

25. The voter shall mark his vote on the ballot paper by placing a cross opposite the name of the candidate for whom he wishes to vote. How to mark a vote.

26. The Returning Officer shall, on request, give such instructions as may appear to be necessary to any voter as to the manner in which he should record his vote. Returning Officer to instruct voter.

27. The voter shall vote without undue delay and shall quit the polling station as soon as he has put his ballot paper into the ballot box. Voter to leave station after voting.

28. No person shall be admitted within any polling station during the hours appointed for taking the poll, except the Returning Officer and his assistants and clerks and the constables on duty, the candidates, and such number of voters as are admitted by the returning officer under Section 20 hereof. Who are to be admitted within polling place.

29. Any candidate present as aforesaid shall be posted in such a position that he can see each person who presents himself as a voter and hear his name as given by him, but so that he cannot see how any voter votes or otherwise interfere. Candidates how to be placed.

30. If any candidate persists, after being warned, in contravening the provisions of the last preceding section, it shall be lawful for the Returning Officer to have him turned out of the polling station. The Returning Officer may at any time summon constables within the polling station for the purpose of preserving order. Preservation of order.

31. The non-attendance of any candidate shall not in any wise invalidate any act or thing done under this Ordinance, if such act or thing is otherwise duly done, notwithstanding such act or thing is required or authorised to be done in the presence of such candidate. Non-attendance of candidate not to invalidate any act.

32.—(1.) No inquiry shall be permitted at any election as to the right of any person to vote as a burgess except only as follows; that is to say, that the Returning Officer shall, if required by any two burgesses, or by a candidate, put to any voter at the time of his delivering in his Limitation of inquiry as to right to vote.

ballot paper, but not afterwards, the following questions, or either of them, but none other:—

- (a.) Are you the person enrolled under the following description in the burgess roll for this City or Borough? (*Here read entry in roll in full.*)
- (b.) Have you already voted at the present election?

(2.) The vote of a person required to answer any of these questions shall not be received until he has answered them.

(3.) If any person makes a false answer to any such question, he shall be guilty of a misdemeanour, and liable to imprisonment for any term not exceeding one year with or without hard labour.

(4.) Save as by this Ordinance authorised, no enquiry shall be permitted at any election as to the right of any person to vote.

Where person claims to vote as an elector after another has voted as such elector.

33. If a person representing himself to be a particular elector named on the register of voters applies for a ballot paper after another person has voted as such elector, the applicant shall, upon duly answering the questions set forth in the last preceding section, be entitled to mark a ballot paper in the same manner as any other voter; but the ballot paper (hereinafter called a tendered ballot paper) shall be of a colour differing from the other ballot papers, and instead of being put into the ballot box, shall be given to the Returning Officer and endorsed by him with the name of the voter and his number in the register of voters, and set aside in a separate packet, and shall not be counted by the Returning Officer. And the name of the voter and his number on the register shall be entered on a list to be called "the tendered votes list."

Spoilt ballot paper.

34. A voter who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper may, on delivering to the Returning Officer the ballot paper so inadvertently dealt with, and proving the fact of the inadvertence to the satisfaction of the Returning Officer, obtain another ballot paper in the place of the ballot paper so delivered up (hereinafter called a spoilt ballot paper) and the spoilt ballot paper shall be immediately cancelled by the Returning Officer writing the word "cancelled" across the face of the same and across the face of the corresponding counterfoil.

35. If any voter is incapacitated by blindness or other physical cause from voting in the manner prescribed by this Ordinance, or if any voter makes in the presence of the Returning Officer a declaration of his inability to read, the Returning Officer shall, at the request of such voter, cause his vote to be marked on a ballot paper in the manner directed by such voter, and the ballot paper so marked to be placed in the ballot box; and the name and number on the register of voters of every voter whose vote is so marked for him, and the reason why it is so marked, shall be entered on a list (in this Ordinance referred to as "the list of votes marked by the Returning Officer") which shall be kept by the Returning Officer.

Where voter is physically incapacitated from voting in manner prescribed.

Repealed by Sec. 8 of 1911 which Section new

36. In any case where the proceedings at an election are interrupted or obstructed by any riot or open violence at the polling station, the Returning Officer may adjourn the further holding of the election at such polling station until the next working day, and so on as often as may be necessary.

Procedure in case of obstruction of election.

37. The Returning Officer shall at the close of the poll, make arrangements for counting the votes in the presence of the candidates as soon as practicable after the close of the poll, and shall give to the candidates notice of the day, time and place on and at which he will begin to count the votes.

Notice of time and place when and where the votes will be counted.

38. The Returning Officer, his assistants (if any) and clerks, and the candidates and no other person, except with the sanction of the Returning Officer, may be present at the counting of the votes.

Counting of votes and other duties of Returning Officer at close of poll.

39. On the day fixed by him for the counting of the votes, the Returning Officer shall proceed in the presence of the candidates to count the votes contained in the ballot box, keeping the ballot papers with their faces upwards and taking all proper precautions for preventing any person from seeing the numbers on the back of such papers. He shall, after ascertaining the result of the poll by counting the votes given to each candidate, make up into separate packets, (a) the ballot papers taken from the ballot box together with the marked copy of the register of voters,

Idem.

(b) the tendered ballot papers, (c) the spoilt ballot papers, and (d) the unused ballot papers with the counterfoils of the used ballot papers; and shall wrap together into one parcel the packets and seal such parcel in such a manner that it cannot be opened without breaking the seal. The Returning Officer shall not himself refer, and shall take all proper precautions to prevent any other person from referring to the counterfoils of the used ballot papers.

Counting of votes to be continuous.

40. The Returning Officer shall, as far as practicable, proceed continuously with the counting of the votes, allowing only time for refreshment, and excluding the hours between 7 p.m. and 8 a.m. During the excluded period, the returning officer shall place the ballot papers and other documents relating to the election under his own seal, and shall otherwise take proper precautions for the security of such papers and documents.

What ballot papers not to be counted.

41. Any ballot paper which has not on its back the official mark, or on which votes are given to more candidates than the voter is entitled to vote for, or on which anything except the said number on the back is written or marked by which the voter can be identified, shall be void and not counted.

Rejected ballot papers.

42. The Returning Officer shall endorse "rejected" on any ballot paper which he may reject as invalid, and shall add to the endorsement "rejection objected to" if an objection be in fact made by any candidate to his decision. The Returning Officer shall report to the Council the number of ballot papers rejected, and not counted by him, under the several heads of—

1. Want of official mark,
2. Voting for more candidates than entitled to,
3. Writing or mark by which voter could be identified,
4. Unmarked or void for uncertainty,

and shall, on request, allow any of the candidates, before such report is sent in, to copy it.

43. The decision of the Returning Officer as to any question arising in respect of any ballot paper shall be final, subject to reversal on petition questioning the election or return.

How far
decision of
Returning
Officer final.

44. In case of an equality in the number of votes given for any two or more persons voted for, the Mayor shall select which of such persons shall be a Councillor; and the person so selected by the Mayor shall be deemed to have been duly elected.

Equality of
votes.

45.—(1.) The Returning Officer shall, as soon as he shall have ascertained the result of the poll, forthwith declare to be elected the candidate or candidates for whom the majority of votes have been given, or, in the case of an equality in the votes, the candidate who has been selected by the Mayor under the provisions of Section 44 hereof; and shall immediately thereafter make a return to the Town Clerk shewing the names of each of the candidates, their respective addresses, the number of votes polled for each, and the name of the candidate or candidates whom he has declared to be elected.

Return of
election of
Councillors.

(2.) The Returning Officer shall also, as soon as may be after any election, forward to the Town Clerk a statement showing:—

- (a.) The number of persons who, from the counter-foils, appear to have been supplied with ballot papers;
- (b.) The number of persons who voted;
- (c.) The number of rejected votes;
- (d.) The number of spoilt ballot papers;
- (e.) The number of unused ballot papers, and
- (f.) The number of ballot papers marked by the Returning Officer.

(3.) The Returning Officer shall, at the same time send the parcel made up by him in accordance with Section 39 hereof to the Town Clerk, who shall keep the same in safe custody and shall allow no person to have access to the same.

(4.) Provided always that when an election petition has been presented questioning the validity of any election or return, the Town Clerk shall, on the order of a Judge of the Supreme Court, deliver to such Judge the parcel of papers relating to the election that is in dispute.

(5.) The Town Clerk shall retain for one year from the date of the election all documents relating to an election forwarded to him by the Returning Officer under Sub-section (3) hereof, and at the expiration of such year, unless there are pending any legal proceedings calling in question such election, shall cause such documents to be destroyed.

(6.) No person shall be allowed to inspect any rejected ballot papers in the custody of the Town Clerk except under the order of the Supreme Court or a Judge, to be granted by such Court or Judge on being satisfied by evidence on oath that the inspection or production of such ballot papers is required for the purpose of instituting or maintaining a prosecution for an offence relating to ballot papers or for the purpose of a petition questioning a return or election; and any such order for the inspection or production of ballot papers may be made subject to such conditions as to persons, time, place and mode of inspection or production as the Court or Judge making the same may think expedient, and shall be obeyed by the Town Clerk.

(7.) No person shall, except by order of the Court or a Judge, open the sealed packet of counterfoils after the same has been once sealed up, or be allowed to inspect any counted ballot papers in the custody of the Town Clerk; such order may be made subject to such conditions as to persons, time, place and mode of opening or inspection as the Court or Judge may think expedient; provided that on making and carrying into effect any such order, care shall be taken that the mode in which any elector has voted shall not be discovered until he has been proved to have voted and his vote has been declared by the Court to be invalid.

(8.) Nothing in this section contained shall be held to prevent a Judge of the Supreme Court from inspecting any paper delivered to him as provided in Sub-section (4) of this section.

46.—(1.) The Town Clerk, shall, as soon as possible, publish a list of the persons elected, specifying the wards for which each of such persons has respectively been elected, and the number of votes which he received. Declaration of result of poll.

(2.) Such publication shall be made by affixing a copy of the list to the outer door of the Town Hall or in some conspicuous place therein.

47. No voter who has voted at any election shall in any proceeding to question the election be required to state for whom he has voted. Protection to voter.

48. Every borough may by resolution of the Council prescribe the form of any notice, return, advertisement or other document to be used in connection with the powers and duties of such borough under this Ordinance, and the forms so prescribed shall be sufficient in all cases to which those forms are applicable. Forms may be prescribed by each borough.

49. No election shall be declared invalid by reason of any non-compliance with the directions of this Ordinance as to the procedure at an election, or any mistake in the use of any of the prescribed forms, if it appears to the tribunal having cognisance of the question that the election was conducted in accordance with the principles laid down in the Ordinance, and that such non-compliance or mistake did not affect the result of the election. Saving validity of elections.

Offences relating to Elections.

50. Every person who at an election applies for a ballot paper in the name of another person, whether that name be the name of a person living or dead, or of a fictitious person, or who having voted once at any election applies at the same election for a ballot paper in his own name, is guilty of a misdemeanour and liable to imprisonment, with or without hard labour, for any term not exceeding two years. Punishment of personation.

51.—(1.) Every person who—

- (i.) Forges or counterfeits, or fraudulently defaces or destroys, any ballot paper or the official mark on any ballot paper ; or

Other offences.

- (ii.) Without due authority supplies a ballot paper to any person ; or
- (iii.) Fraudulently puts into the ballot box any paper other than the ballot paper which he is authorised by law to put in; or
- (iv.) Fraudulently takes out of the polling station any ballot paper ; or
- (v.) Without due authority destroys, takes, opens or otherwise interferes with the ballot box or packet of ballot papers then in use for the purposes of any election,

is guilty of a misdemeanour and liable, if he is the Returning Officer or a clerk employed at a polling station, to imprisonment for any term not exceeding one year, with or without hard labour, or to a fine not exceeding £100, and if he is any other person, is liable on conviction before a Magistrate to imprisonment for any term not exceeding three months, with or without hard labour, or to a fine not exceeding £20.

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

Treating.

52. Any person who—

- (1.) Corruptly, before, during, or after an election, provides, or pays in whole or in part the expenses of providing any food, drink or lodging, to or for any person on account of anything already done or omitted to be done, or to be afterwards done or omitted to be done, by an elector at the election in the capacity of an elector ; or
- (2.) Being an elector, corruptly receives any food, drink, or lodging, on account of any such act or omission ;

is liable on conviction before a Magistrate to imprisonment with or without hard labour for any term not exceeding six months or to a fine not exceeding £50.

53. Any person who—

Undue
influence.

- (1.) Uses or threatens to use any force or restraint, or does or threatens to do any temporal or spiritual injury, or causes or threatens to cause any detriment of any kind, to an elector in order to induce him to vote or refrain from voting at an election, or on account of his having voted or refrained from voting at an election ; or
- (2.) By force or fraud prevents or obstructs the free exercise of the franchise by an elector, or by any such means compels or induces an elector to vote or refrain from voting at an election ;

is liable on conviction before a Magistrate to imprisonment with or without hard labour for any term not exceeding six months or to a fine not exceeding £50.

54. Any person who—

Bribery.

- (1.) Gives, confers or procures, or promises or offers to give or confer or to procure or attempt to procure, to, upon, or for any person any property or benefit of any kind on account of anything done or omitted to be done, or to be afterwards done or omitted to be done, by an elector at an election in the capacity of an elector, or on account of any person acting or joining in a procession during an election, or in order to induce any person to endeavour to procure the return of any person at an election, or the vote of any elector at an election ; or
- (2.) Being an elector, asks, receives, or obtains, or agrees or attempts to receive or obtain, any property or benefit of any kind for himself or any other person on account of anything already done or omitted to be done, or to be afterwards done or omitted to be done, by him at an election in the capacity of an elector ; or
- (3.) Asks, receives or obtains, or agrees to or attempts to receive or obtain, any property or benefit of

any kind for himself or any other person, on account of a promise made by him or any other person, to endeavour to procure the return of any person at an election, or the vote of any person at an election ; or

- (4.) Advances or pays any money to or to the use of any other person with the intent that such money shall be applied for any of the purposes hereinbefore in this section mentioned, or in discharge or repayment of money wholly or in part applied for any such purpose ; or
- (5.) Corruptly transfers or pays any property or money to any person for the purpose of enabling that person to be registered as an elector, and thereby of influencing the vote of that person at a future election ; or
- (6.) Is privy to any such transfer or payment as last mentioned which is made for his benefit ; or
- (7.) Being a candidate at an election, convenes or holds a meeting of electors or of his committee in a house licensed for the sale of fermented or spirituous liquors ;

is liable on conviction before a Magistrate to imprisonment with or without hard labour for any term not exceeding six months or to a fine not exceeding £50.

Further
penalty for
corrupt
practices.

55. Any person convicted of any of the offences defined in the last five preceding sections committed with respect to an election becomes incapable for seven years from the date of the conviction of being registered as an elector or voting at any election or of holding any corporate office, and if he holds any such office, the office is vacated.

Laying
property.

56. In any information or prosecution for an offence in relation to the ballot box, ballot papers and other things in use at an election, the property in such ballot box, ballot papers or things may be stated to be in the Mayor.

57. Every officer and clerk in attendance at the polling station shall maintain and aid in maintaining the secrecy of the voting in such station, and shall not communicate, except for some purpose authorised by law, before the poll is closed, to any person any information as to the name or number on the register of voters of any voter who has or has not applied for a ballot paper or voted at such station; and no person whosoever shall interfere with or attempt to interfere with a voter when marking his vote, or otherwise attempt to obtain in the polling station any information as to the candidate for whom any voter in such station is about to vote or has voted, or as to the number on the back of the ballot paper given to any voter at such station.

Secrecy by officer at polling station.

Interfering with voter.

58. Every officer and clerk in attendance at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting, and shall not attempt to ascertain at such counting the number on the back of any ballot paper, or communicate any information obtained at such counting as to the candidate for whom any vote is given in any particular ballot paper.

Secrecy by officer at counting of votes.

59.—(1.) No person shall, directly or indirectly, induce any voter to display his ballot paper after he has marked it, so as to make known to any person the name of the candidate for or against whom he has so marked his vote.

Inducing voter to display ballot paper.

(2.) Every person who acts in contravention of the provisions of this section shall be liable on conviction before a Magistrate to imprisonment for any term not exceeding six months, with or without hard labour.

60. If any candidate shall do or be guilty of doing, in manner and form therein mentioned, any of the matters or things prohibited in and by Sections 52, 53, and 54 of this Ordinance, contrary to the true spirit and meaning of this Ordinance, then and in every such case, upon proof of the same on petition questioning the election or return, the election of such candidate shall be declared null and void; and in case such candidate shall have a majority of votes on the poll, a new election shall take place.

On proof of certain offence, election to be void.

61. If any Returning Officer, clerk, or any person whosoever shall wilfully contravene or disobey the provisions of this Ordinance, or any of them, with respect to any matter

Officers contravening Ordinance liable to suit.

or thing which such Returning Officer or clerk or other person is required to do, he shall for such offence, be liable to be sued in the Supreme Court by any registered voter, candidate, member actually returned, or other party aggrieved for the sum of £100; and the defendant in such action being condemned, shall pay the sum so awarded, with full costs of suit, to the party who may sue for the same.

Election Petition.

Objection to return by candidate or voter.

62.—(1.) A petition complaining of an undue return or undue election of any Councillor, hereinafter called an election petition, may be presented to the Supreme Court within four days after such return or election either by any four or more persons who voted or had a right to vote at the election to which the petition relates; or by some person who alleges himself to have been a candidate at such election.

(2.) The Chief Justice with the concurrence of a Puisne Judge may make rules regulating the practice and procedure with respect to Election petitions.

Procedure on petition.

63.—(1.) On presenting an election petition the person presenting the same shall deposit with the Registrar a sum of £50, or give security with one or more sureties for payment of the like amount, the sum so deposited or secured to be security for costs.

(2.) The Registrar shall not receive and file any petition unless such sum is paid or secured as aforesaid.

Trial of election petition.

64.—(1.) Every election petition shall be tried by a Judge of the Supreme Court, sitting alone without a jury, in open Court.

(2.) At the conclusion of the trial, the Judge shall determine whether the Councillor 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 Council; 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.

65. 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 without a jury; 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.

Procedure at trial.

66. If any candidate or voter, after objecting to any such election or return, shall not proceed to try the validity of the same, or if the petition of any such candidate or voter shall be declared frivolous and vexatious, such candidate or voter shall be liable to pay all such costs and expenses as may have been incurred by the candidate whose election or return is so objected to, such costs and expenses to be paid by order of the Court out of the money to be deposited or secured as aforesaid, and if the money so deposited or secured shall not be sufficient to pay all the costs and expenses, the balance of the same shall be recovered by action in any Court of competent jurisdiction. Provided always that if the candidate or voter so objecting to any such election or return as aforesaid shall, within five days after such election or return, give notice to the candidate whose return is objected to, that it is not his intention to proceed to try the validity of such election or return, then and in such case such last mentioned candidate shall not be entitled to recover such costs or expenses as aforesaid.

Where objection not proceeded with or declared frivolous.

Election of Auditors.

67. In the Boroughs of San Fernando and Arima the following provisions shall apply with respect to the election of Auditors:—

Time and mode of election of Auditors.

- (a.) The ordinary day of election of Auditors shall be the 1st day of November.
- (b.) There shall be two Auditors, each of whom must be qualified to be a Councillor of the Borough, but may not be a member of the Council or the Town Clerk and Treasurer.
- (c.) The term of office of each Auditor shall be one year.

- (d.) An elector shall not vote for more than one person to be Auditor.
- (e.) Elections of Auditors shall be held at the Town Hall or some one other convenient place appointed by the Mayor.
- (f.) Save as in this section provided, all the provisions of this Ordinance with respect to the nomination and election of Councillors for a Borough not having wards shall apply to the nomination and election of Auditors.

Election of Mayor and Aldermen.

Date for
Election of
Mayor and
Aldermen.

68. Notwithstanding anything contained in the Port-of-Spain Corporation Ordinance, 1914, or the Municipal Corporations Ordinance (No. 210), the ordinary day for the election of a Mayor shall be the 9th day of November in each year and the ordinary day for the election of Aldermen shall be the 9th November.

General.

Computation
of time.

69.—(1.) Where by this Ordinance any limited time from or after any date or event is appointed or allowed for the doing of any act or the taking of any proceeding, then in the computation of that limited time, the same shall be taken as exclusive of the day of that date or of the happening of that event, and as commencing at the beginning of the next following day, and the act or proceeding shall be done or taken at the latest on the last day of the limited time so computed, unless the last day is a Sunday, Christmas Day, Good Friday, Easter Monday, Corpus Christi, or any other day declared by any Ordinance, present or future, or by any proclamation of the Governor issued under any Ordinance present or future to be a close holiday in all public offices, in which case any act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards not being one of the days in this section specified.

(2.) Where by this Ordinance any act or proceeding is directed or allowed to be done or taken on a certain day, then if that day happens to be one of the days in this

section specified, the act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards, not being one of the days in this section specified.

(3.) Where by this Ordinance any act or proceeding is directed or allowed to be done or taken within any time not exceeding seven days, the days in this section specified shall not be reckoned in the computation of such time.

70. Sections 71 to 78 (both inclusive), Section 87, the words "or a Mayor, or barrister appointed to act as "assessor, refuses or neglects to conduct or declare an "election as required by this Ordinance" in Section 88, and Sections 89 to 95 (both inclusive) of the Port-of-Spain Corporation Ordinance, 1914, and Sections 20 to 24 (both inclusive) and Sections 37 and 38 of the Municipal Corporations Ordinance, No. 210, are hereby repealed.

71. This Ordinance shall commence on a day to be proclaimed by the Governor in the *Royal Gazette*.

Repeal.
Commence-
ment.

Passed in Council this Ninth day of August, in the year of Our Lord one thousand nine hundred and fifteen.

1.9.15
20.56/1915

HARRY L. KNAGGS,
Clerk of the Council.