NETTLETON, C.J. & DICKINSON, P.J.

THEODOROS FRANGOS AND OTHERS v. CHRISTODOULOS HAJIPAVLOU AND OTHERS

management of the Municipality and from exercising any of the rights or duties of members of the Municipal Council is premature, inasmuch as, in substance, the Court was invited to grant an interim injunction to restrain defendants from doing something which plaintiffs knew well they were about to or likely to do. They were right in losing no time in presenting their claim, whatever it may be worth, by action; delay in such a case might have been construed unfavourably by the Court.

We allow this appeal on the question of jurisdiction, but make no order as to costs. Into the merits of the case it is not our province to enter.

In conclusion we think we may invite attention to the following passage in Rogers on Elections, Vol. II., at p. 257:—

" It is to be borne in mind by the tribunal which has to consider the " validity of elections that it ought to act with great caution."

In the words of Mr. Baron Martin in the Warrington case (1869), " I adhere to what Mr. Justice Willes said at Lichfield, that a judge " to upset an election ought to be satisfied beyond all doubt that the " election was void; and that the return of a member is a serious matter, " and not likely to be set aside."

NETTLETON, C.J. & DICKINSON, P.J. 1926

June 21

[NETTLETON, C.J. AND DICKINSON, P.J.]

SAID MOULLA

v.

AHMED RASHID.

ART. 213 OF THE ORDER IN COUNCIL, 1882—MEHKEME-I-SHERIE (SHERI COURTS).

Application ex parte for an order of the Supreme Court to issue, ordering respondent (the editor of a newspaper) to appear before the Court and show cause why he should not be punished for publishing a statement in his newspaper which, it was stated, was likely to prejudice the fair trial of a case pending before the Mahkeme-i-Sherie.

Amirayan for Applicant.

HELD: Following the ruling in *Moustafa Masha v. Haji Kadin Haji Hussein & another* reported in Vol. I. C.L.R., p. 24, that the Mahkeme-i-Sherie are not Courts within the meaning of clause 213 of the Cyprus

Courts of Justice Order, 1882, inasmuch as the Mahkeme-i-Sherie are not among the Courts established by the Order in Council, 1882.

The Mahkeme-i-Sherie were religious tribunals in existence long before the Order in Council was issued, and the Order in Council only varied their jurisdiction, by vesting all the powers, previously exercised by such tribunals, other than those dealing with religious matters between Moslems, in the District Courts, and these tribunals still continued to have jurisdiction in such religious matters.

Application refused.

Appeal No. 3136.

[NETTLETON, C.J. AND DICKINSON, P.J.]

G. SARIOGHLOU

v.

& COSTI HAJI PIERI AND OTHERS.

PRIVY COUNCIL APPEAL—PAUPER RULES, 1908—COURTS OF JUSTICE—ORDER IN COUNCIL, 1882, CLAUSE 41, SEC. 27.

Application by plaintiff (appellant) for leave to appeal to His Majesty in Council from an Order of the Supreme Court of Cyprus dated 7th May, 1926, dismissing an appeal from the District Court of Larnaca, and, if leave is so granted, application further for leave to be allowed to prosecute the appeal before the Privy Council under the Rules of Court (Pauper) of 1908.

HELD: *Local Rules of Court are not applicable to appeals before the Privy Council.*

For Applicant *Fadil.*

For some of the Respondents (Defendants) *N. Chrysafinis.*

Other Respondents absent.

Judgment: Leave to appeal to the Privy Council granted subject to applicant entering into good and sufficient security in the sum of £500 within three months from to-day.

Application for leave to appeal under the Pauper Rules refused. Pauper Rules do not apply to appeals before the Privy Council. The applicant may apply to His Majesty the King in Council for leave to appeal under clause 41, (27) of the Courts of Justice Order, 1882, which expressly preserves the prerogative right to grant special leave to appeal.