

TYSER, C.J.
 &
 BERTRAM,
 J.
 }
 REX
 v.
 NEOCLI
 ANTONI

In this case the Court was of opinion that the finding of the gun under the circumstances under which it was found and the other evidence for the prosecution were sufficient to establish the accuracy of the witness. I cannot say that there is no "other material evidence," or that the Court could not have formed the opinion that it did.

The appeal must accordingly be dismissed and the judgment of the Court below affirmed.

BERTRAM, J.: It is quite true that the corroborative evidence as to the finding of the gun by the woman and the zaptieh did not of itself necessarily implicate the accused. But the effect of previous decisions of this Court seems to be that the corroborative evidence need not necessarily implicate the accused. See in particulars *Rex v. Mustafa Haji Ahmed* (1902) 6 C.L.R., 5.

The principle of the Article would appear to be that the corroborative evidence must be such as to satisfy the Court that the principal witness is a witness of truth.

In this case the principal witness, who purported to have seen the accused dispose of the gun in a particular manner is shortly afterwards questioned by a zaptieh. She makes a statement. Her statement is immediately tested and the finding of the gun in the place indicated confirms it in a substantial point.

I think that the Court may well have been justified in accepting this evidence as establishing the accuracy of the witness.

Appeal dismissed.

TYSER, C.J.
 &
 BERTRAM,
 J.
 }
 1907
 }
 July 12

[TYSER, C.J. AND BERTRAM, J.]

ARISTODEMOS PHOINIEFS,

Plaintiff,

v.

THEOPHANES THEODOTOU,

Defendant.

ELECTION LAW—CYPRUS LEGISLATIVE COUNCIL ORDER, 1882, ART. 14—
 DISQUALIFIED PERSON SITTING AND VOTING IN COUNCIL.

A person unseated on an election petition on the ground of corrupt practices by his agents and subsequently re-elected in pursuance of a fresh writ is not within any of the classes of disqualified persons against whom a penalty can be recovered for sitting and voting as a member of the Legislative Council under Art. 14 of the Cyprus Legislative Council Order, 1882.

Appeal from the District Court of Nicosia.

On the 11th October, 1906, as the result of an election held on 9th and 10th October, 1906, Kyrillos Papadopoulos, Metropolitan Bishop of Kition, Theophani Theodotou and Antoni Theodotou were returned as elected members of the Legislative Council for the Nicosia-Kyrenia District.

On 5th November, 1906, an election petition was presented against the said return, alleging that it was null and void on the ground of bribery, treating and other corrupt and illegal practices.

The petition was heard by the Chief Justice, and on the 2nd May, 1907, he delivered judgment declaring the election null and void, on the ground that the Respondents, through their agents, had been guilty of bribery and treating.

A new writ was accordingly issued. The Respondents to the petition were again nominated as candidates, and on the 22nd May, 1907, no other nominations being made, they were returned unopposed.

On the 4th and 5th of June, 1907, the Defendant sat and voted as a member of the Legislative Council.

On July 17th, 1907, the Plaintiff issued the writ in the present action claiming that "the Defendant do pay to him the sum of £100, on the ground that he sat on the meetings of the Legislative Council of Cyprus on the 4th and 5th June, 1907, not having the qualifications to be elected a member of the Legislative Council."

The District Court dismissed the action.

The Plaintiff appealed.

Sevasli for the Plaintiff.

The Defendant in person.

Judgment: This is a claim, which purports to be made under Art. 14 of the Cyprus Legislative Council Order, 1882, for the sum of £100 on the ground that the Defendant being a disqualified person sat and voted on two occasions as a member of the Legislative Council.

The Defendant does not come within any of the classes of disqualified persons enumerated in the Article on which the claim is based.

The appeal is dismissed and the judgment of the Court below affirmed with costs.

Appeal dismissed.

[TYSER, C.J.]

THE CYPRUS LEGISLATIVE COUNCIL ORDER, 1882,

AND

THE STATUTES OF THE IMPERIAL PARLIAMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND, STYLED, "THE PARLIAMENTARY ELECTIONS ACT, 1868 AND THE CORRUPT AND ILLEGAL PRACTICES PREVENTION ACTS, 1883 AND 1895."

BETWEEN

CHRISTODOULOS SOZOS,

AND

SPYROS ARAOUZOS,

Petitioner,

Respondent.

ELECTION PETITION—CYPRUS LEGISLATIVE COUNCIL ORDER, 1882, ART. 15—
COSTS—APPLICATION OF ENGLISH LAW.

TYSER, C.J.
&
BERTRAM,
J.

ARISTODE-
MOS
PHOINIEFS
v.
THEOPHANES
THEODOTOU

TYSER, C.J.
1907
July 17