

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

TYSER, C.J. *The adjudication of an election petition includes the adjudication of the cost incidental to it.*

CHRISTO-  
DOULOS  
SOZOS  
AND  
SPYROS  
ARAOUZOS

*The English law and regulations are to be applied in principle "so far as practicable," but in determining the costs to be allowed the taxing officer may take into consideration local circumstances.*

This case consisted of applications by both parties to review the taxation of costs in the matter of an election petition, the facts in connection with which are reported on p. 48.

The applications were originally made before the Supreme Court, but the Court decided that they must be heard before the Judge who tried the petition and the case accordingly proceeded before the Chief Justice alone.

The Registrar taxed the costs.

Both parties appealed.

*Neoptolemos Pascal* for the Respondent to the petition:

The Registrar has proceeded upon a wrong principle. He has apparently considered himself bound by the Cyprus scale. The costs should be taxed according to the English scale, which is higher than that in force in the Cyprus Courts. The English scale allows certain items which the Registrar disallowed altogether, *e.g.*, Instructions for drawing particulars, Fee for drawing particulars, Fee for consultation, Retainer for leader and junior, Instructions for brief, *i.e.*, all the preliminary expenses made after filing the petition and before hearing. See 46 and 47 Vict., C. 51, Sec. 44, Sub-section 3 (1), Rogers, on Election Petition Vol. XI., pp. 712-714.

*Theodotou* for the Petitioner:

The Cyprus scale of costs applies. *Locus regit actionem.* The Order in Council says that English law shall apply "so far as practicable." Here its application is not practicable at all, because the profession is not divided into barristers and solicitors. The taxation of costs is not part of the "adjudication." The adjudication is complete upon the delivery of the judgment.

The Registrar explained to the Court that he had based the taxation on the principles of the English scale, and that he had not considered himself bound by the Cyprus scale. He had however, considered himself, entitled to have regard to the Cyprus scale in determining the amounts to be allowed on the various items.

*Judgment:* CHIEF JUSTICE: By Art. 5 of the Order in Council it is provided that "the Law in force in England for the time being relating to corrupt practices at elections and disputed elections, shall so

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(1) 46 and 47 Vict., C. 51, Sec. 44, Sub-section 3, "The Rules and Regulations of the Supreme Court with respect to costs to be allowed in actions causes and matters in the High Court shall in principle and so far as practicable apply to the costs of petition and other proceedings under the Parliamentary Elections Act, 1868, and under this Act, and the taxing officer shall not allow any costs, charges, or expenses on a higher scale than would be allowed in any action, cause or matter in the High Court on the higher scale as between solicitor and client."

far as practicable be applied by the Judge to the adjudication of such cases"—that is to say—election petitions. TYSER, C.J.

The adjudication of the cause includes the adjudication of the costs incidental to it.

In the taxation of the costs the English law and regulations are to be applied in principle and "so far as practicable."

Sec. 44 of the English Act of 1883 (which is the material section) does not say that the English High Court scale is to be followed in all particulars. It says that the costs allowed are not to exceed the maximum prescribed by that scale.

The taxing officer, acting on the principles of the English law and regulations and applying that law and those regulations "as far as practicable," has taxed this bill of costs.

I see nothing wrong in his decision.

In considering what amount of costs may be allowed, he may take into consideration the local circumstances. He may look at the Cyprus scale of costs for his guidance, although it does not bind him.

In each instance the taxing officer must be guided by the circumstances of the case.

The appeal and cross appeal are both dismissed. No order as to costs.  
*Appeal and cross appeal dismissed.*

CHRISTO-  
DOULOS  
SOZOS  
AND  
SPYROS  
ARAOUZOS

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

PANAYI KALAVA,

*Plaintiff,*

*v.*

GEORGIOS BASSILIOU AND G. CH. IOANNIDES,

*Defendants.*

TYSER, C.J.  
&  
BERTRAM,  
J.  
1907  
July 18

ACKNOWLEDGMENT GIVEN IN PURSUANCE OF A CONSPIRACY TO BREAK THE LAW—EX TURPI CAUSA NON ORITUR ACTIO—MEJELLE, ART. 1610.

*The Courts will not enforce an acknowledgment of debt (deyn senned) given in pursuance of a conspiracy to break the law.*

Appeal from the District Court of Kyrenia.

The action was brought by the Plaintiff upon a document signed by the Defendant, acknowledging an obligation to pay the sum of £500 with interest.

The substantial defence raised at the issues was that the document was void, as having been given for an unlawful purpose. "It was given for the transport and sale of antiquities, which have been got by unlawful excavation, and the exportation of such antiquities is prohibited."