

be wrong and lead to pedantry and technicality in those circumstances if we scrutinised it too strictly. On the other hand the court must take care that the case was properly put to the assessors so that they understood the points at issue. In our opinion, the case for both sides was put perfectly fairly by the trial judge.

Objection was also taken that the learned judge expressed his own views on some aspects of the case and that they influenced the assessors. Here again, I will quote from a couple of reported cases of which learned counsel did not seem to be aware. In *R. v. Bryant* (1), Lord Reading, C.J. said (13 Cr. App. R. at 51):

“ . . . [T]his Court has often said that the mere fact that a judge expresses a strong view on the facts is not sufficient to entitle a prisoner to have his conviction quashed. A judge is entitled to express his views, so long as he does not take the decision out of the hands of the jury.”

Again in the case of *R. v. Mason* (2) Lord Hewart, C.J. said (18 Cr. App. R. at 132):

“ . . . [I]t is proper for a judge, in dealing with the evidence, to express, sometimes strongly, the view that the facts ought to be dealt with in a particular way . . . .”

In the present case, we can see nothing in which the learned trial judge contravened the principles laid down in those cases. There is no merit in the appeal, and the appeal is dismissed.

*Appeal dismissed.*

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IN RE REGISTRATION OF MARGAI and IN RE APPEAL FROM  
DECISION OF REVISING OFFICER

SUPREME COURT (Smith, C.J.): April 3rd, 1950  
(Civil Case No. 96/50)

[1] Elections—qualifications of electors—alteration—revising officer not permitted to change nature of elector’s qualification—only correction of errors in register permitted: While a revising officer has the power under s.6(6), as amended, of the Schedule to the Sierra Leone (Legislative Council) Order in Council, 1924 to correct any apparent errors or mistakes in the register of electors, he has no similar power to change the nature of the qualification put forward by a prospective elector (page 32, lines 28–31).

The appellant appealed against the respondent’s decision to strike his name off the register of voters.

In a form of application for registration as a voter, the appellant, with regard to the value of his qualifying property, wrote "Annual rentage paid exceeds £10." The revising officer (the respondent) subsequently struck the appellant's name off the register of voters on the ground of insufficient qualifications under the Sierra Leone (Legislative Council) Order in Council, 1924. The appellant appealed against this action, seeking the ruling of the Supreme Court. 5

**Legislation construed:**

Sierra Leone (Legislative Council) Order in Council, 1924 (No. 1159), s.23(1): 10

The relevant terms of this section are set out at page 32, lines 8-9.

s.23(2): "The annual value of any qualifying property in respect of which any person shall claim to be registered as an elector shall be determined in the first instance . . . according to the amount at which such property is assessed for the purposes of city rates or house tax . . . ." 15

Legislative Council (Election Regulations) Proclamation, 1924 (Proclam. No. 4 of 1924), Schedule, reg. 1(2):

The relevant terms of this regulation are set out at page 32, lines 14-22. 20

reg.6(6), as substituted by the Legislative Council (Election Regulations) (Amendment) Ordinance, 1938 (No. 29 of 1938), s.4:

"The Revising Officer shall have the following powers in addition to any other powers given him under these Regulations:—

(b) to correct any errors or mistakes . . . ." 25

The appellant appeared in person.  
*O.I.E. During for the respondent.*

SMITH, C.J.: 30

This appeal comes before the court by way of case stated by the revising officer. This court is asked for its opinion on the following three points:

(i) Whether Margai, having filled in his notice of claim to be registered as a voter in this manner "Annual rentage paid exceeds £10," has complied with s.23(1)(d)(i) of the Sierra Leone (Legislative Council) Order in Council, 1924? 35

(ii) Whether, having found as a fact that there were four other occupiers of the said premises, the revising officer was right in considering them as joint occupiers? 40

(iii) Whether, in view of these findings of fact and applying the

law, the revising officer was right in expunging the name of Margai from the register of voters?

As regards the first question propounded, it would read better, I think, as follows: "Has Margai, by the use of the words 'Annual  
 5 rentage paid exceeds £10' disclosed any qualification as required by s.23(1)(d)(i)?" Section 23(1)(d)(i) deals with the qualifications of voters and reads, so far as is material to this question, as follows: "[T]he owner or occupier (jointly or severally) of any house . . . of  
 10 which the annual value is . . . not less than ten pounds." Section 23(2) lays down how the annual value of any qualifying property shall be determined in the first instance.

Turning to the Schedule to the Legislative Council (Election Regulations) Proclamation, 1924, we have at reg. 1(2) the following:

"Every claim shall be in the form A in the Appendix . . . and  
 15 *shall* [and I accent the word "shall"] contain the following particulars, namely:—

- (i) The electoral district in respect of which the claim is made;
- (ii) The name in full of the claimant;
- 20 (iii) The claimant's address and occupation;
- (iv) The claimant's age at his last birthday;
- (v) The qualification in virtue of which a vote is claimed."

In his notice of claim to be registered as a voter the appellant put in as his "qualification" the following: "Annual rentage paid  
 25 exceeds £10 (ten pounds)." I am of the opinion that those words disclose no qualification at all under s.23(1)(d)(i) of the Order in Council.

As far as I can see, the revising officer has no power of changing the nature of the qualification put forward by the would-be voter,  
 30 though he has power under reg. 6(6) of the Schedule to correct any apparent errors or mistakes. In this case, however, while there is no apparent error or mistake there is a complete failure to disclose any qualification under s.23(1)(d)(i) of the Order in Council.

In view of the above finding there is no need for the court to  
 35 deal with the second question propounded. As regards the third question, I find for the reason stated above that the learned revising officer was correct in expunging the name of the appellant from the register of voters.

The appeal is dismissed with costs limited in accordance with  
 40 the earlier ruling herein. The registrar is to comply with the requirements of reg. 9(6) of the Schedule.

*Appeal dismissed.*