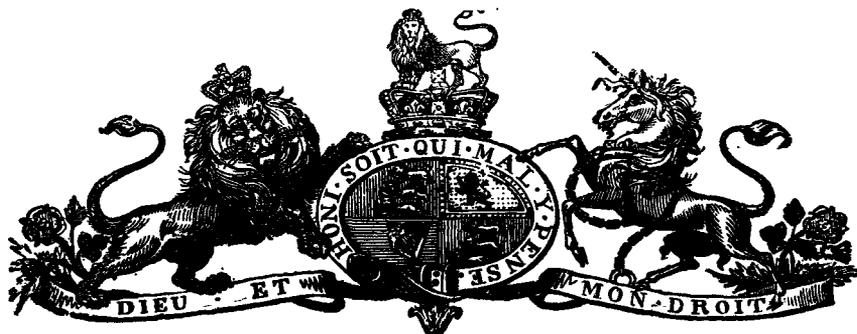


NEW ZEALAND



ANNO VICESIMO PRIMO ET VICESIMO SECUNDO

VICTORIÆ REGINÆ.

No. 57.

ANALYSIS :

Title.

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AN ACT to make provision for the Prevention of Corrupt Practices at Elections. [19th August, 1858.]

Title.

WHEREAS it is expedient to make provision for the prevention of Bribery and Corruption at Elections :

Preamble.

BE IT THEREFORE ENACTED by the General Assembly of New Zealand, in Parliament assembled, and by the authority of the same, as follows :

*Corrupt Practices Prevention.**Bribery defined.*

I. The following persons shall be deemed guilty of Bribery, and shall be punishable accordingly :

1. Every person who shall directly or indirectly, by himself or by any other person on his behalf, give, lend, or agree to give, or lend, or shall offer, promise, or promise to procure, or to endeavour to procure, any money, or valuable consideration to or for any Elector, or to or for any person on behalf of any Elector, to or for any other person in order to induce any Elector to vote or refrain from voting, or shall corruptly do any such act as aforesaid, on account of such Elector having voted or refrained from voting at any election.
2. Every person who shall directly or indirectly, by himself or by any other person on his behalf, give or procure, or agree to give or procure, or offer, promise, or promise to procure, or to endeavour to procure, any office or place of employment to or for any Elector, or to or for any person on behalf of any Elector, or to or for any other person in order to induce such Elector to vote or refrain from voting, or shall corruptly do any such act as aforesaid, on account of any Elector having voted or refrained from voting at such Election.
3. Every person who shall directly or indirectly, by himself or by any other person on his behalf, make any such gift, loan, offer, promise, procurement, or agreement as aforesaid, to or for any person in order to induce such person to procure, or endeavour to procure the return of any person to serve in the General Assembly, or the vote of any Elector at any Election.
4. Every person who shall upon or in consequence of any such gift, loan, offer, promise, procurement, or agreement, procure, or engage, promise, or endeavour to procure the return of any person to serve in the General Assembly, or the vote of any Elector at any Election.
5. Every person who shall advance or pay, or cause to be paid any money to or to the use of any other person, with the intent that such money or any part thereof, shall be expended in Bribery at any Election, or who shall knowingly pay or cause to be paid, any money to any person in discharge or repayment of any money wholly or in part expended in Bribery at any Election.

And any person so offending shall be guilty of a Misdemeanour, punishable by fine and imprisonment, and shall also be liable to forfeit the sum of One Hundred Pounds, to any person who shall sue for the same, together with full costs of suit.

Bribery further defined.

II. The following persons shall also be deemed guilty of Bribery, and shall be punishable accordingly :

1. Every Elector who shall before or during any Election, directly or indirectly, by himself, or by any other person on his behalf, receive, agree, or contract for any money, gift, loan, or valuable consideration, office, place of em-

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ployment for himself or for any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting at any Election.

2. Every person who shall after any Election, directly or indirectly, by himself or by any other person on his behalf, receive any money or valuable consideration on account of any person having voted or refrained from voting, or having induced any other person to vote or to refrain from voting at any Election.

And any person so offending, shall be guilty of a Misdemeanour, punishable by fine and imprisonment, and shall also be liable to forfeit the sum of Ten Pounds, to any person who shall sue for the same, together with full costs of suit.

III. Every Candidate at any Election who shall corruptly, by himself, or by or with any person, or by any other ways or means on his behalf, at any time, either before, during, or after any Election, directly or indirectly, give or provide, or cause to be given or provided, or shall be accessory to the giving or providing, or shall pay wholly or in part any expenses incurred for any meat, drink, entertainment or provision to or for any person in order to be elected, or for being elected, or for the purpose of corruptly influencing such person, or any other person to give or refrain from giving his vote at such Election, or on account of such person having voted or refrained from voting, or being about to vote or refrain from voting at such Election, shall be deemed guilty of the offence of Treating, and shall forfeit the sum of Fifty Pounds to any person who shall sue for the same, with full costs of suit: And every Elector who shall corruptly accept or take any such meat, drink, entertainment, or provision, shall be incapable of voting at such Election, and his vote if given shall be utterly void and of none effect.

Treating defined.

IV. Every person who shall directly or indirectly, by himself or by any other person on his behalf, make use of, or threaten to make use of any force, violence, or restraint, or inflict, or threaten the infliction by himself, or by or through any other person, of any injury, damage or loss, or in any other manner practice intimidation, upon or against any person, in order to induce or compel such person to vote or refrain from voting, or on account of such person having voted, or refrained from voting, at any Election, or who by abduction, duress, or any fraudulent device or contrivance, impede, prevent, or otherwise interfere with the free exercise of the Franchise of any Elector, or shall thereby compel, induce, or prevail upon any Elector either to give or to refrain from giving his vote at any Election, shall be deemed to have committed the offence of Undue Influence, and shall be guilty of a Misdemeanour, punishable by fine and imprisonment, and shall also be liable to forfeit the sum of Fifty Pounds to any person who shall sue for the same, together with costs of suit.

Undue Influence defined.

V. Whenever it shall be proved before a Revising Officer that any person who is or claims to be placed on the List or Roll of Electors for any Electoral District, has been convicted of Bribery, or Undue Influence at an Election, or that judgment

Names of persons convicted of bribery and undue influence to be expunged from Electoral Roll.

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has been obtained against any such person for any penal sum hereby made recoverable in respect of the offences of Bribery, Treating, or Undue Influence, or either of them, then such Revising Officer shall in case the name of such person is in the List of Electors expunge the same therefrom, or shall in case such person is claiming to have his name inserted therein disallow such claim; and the names of all persons which shall be so expunged from the List of Electors and of all persons whose claims shall be so disallowed shall be thereupon inserted in a separate List to be entitled "The List of Persons disqualified for Bribery, Treating or Undue Influence," which last mentioned List shall be appended to the List or Roll of Electors, and shall be published therewith in three successive annual publications thereof.

Persons giving refreshment on day of polling on account of vote to forfeit 40s.

VI. Every person who shall give, or cause to be given, to any Elector on the day of Polling, on account of such Elector having polled or being about to poll, any meat, drink, or entertainment, by way of refreshment, or any money or ticket to enable such Elector to obtain refreshment, shall be deemed to have committed an illegal act, and shall forfeit the sum of Forty Shillings for each offence, to any person who shall sue for the same, with full costs of suit

No Cockades, &c., to be given at election.

VII No Candidate before, during, or after any Election, shall in regard to such Election, by himself or Agent, directly or indirectly, give or provide to or for any Elector, or to or for any other person whomsoever, any Cockade, Ribbon, or other mark of distinction, and every person so giving or providing shall for every such offence forfeit the sum of Forty Shillings to such person as shall sue for the same with full costs of suit. And every person who shall during such Election display or cause to be displayed any flag, banner or party emblem, or shall employ or cause to be employed publicly any band of music or musical instruments, shall for every such offence forfeit the sum of forty shillings to such person as shall sue for the same.

Committee for promoting return of Candidates not to sit at Licensed Public House.

VIII No Committee, or other body organized for promoting the Return of any Candidate at any Election, shall sit or hold meetings at any licensed Public House, or any building thereto annexed or belonging, and every person being a member of any such Committee or organized Body who shall attend any such meetings at any such Public House or Building shall forfeit the sum of Five Pounds to any person who shall sue for the same, together with full costs of suit.

Poll not to be taken at Licensed Public House.

IX. No Poll shall be taken at any Licensed Public House or any building annexed or belonging thereto, and every Returning Officer who shall take or cause to be taken any Poll at such Public House or Building, shall for every such offence forfeit the sum of One Hundred Pounds to any person who shall sue for the same, together with full costs of suit.

Penalties how recoverable.

X. The Pecuniary Penalties hereby imposed for the offences of Bribery, Treating, or Undue Influence, and for taking a Poll at a Licensed Public House shall respectively be recoverable by suit in the Supreme Court of New Zealand, and all other Penalties by this Act shall be recoverable in any inferior Court having jurisdiction to the amount claimed.

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XI. Every Indictment for Bribery or Undue Influence shall be tried before the Supreme Court only, and it shall be lawful for the said Court to order payment to the Prosecutor of such costs and expenses as to the said Court shall appear to have been reasonably incurred in and about the conduct of such prosecution.

Court may order costs of prosecution to be paid to prosecutor.

XII. In case of any Indictment or Information by a Private person, for any offence against the provisions of this Act, if judgment shall be given for the defendant, he shall be entitled to recover from the Prosecutor the Costs, to be taxed by the proper Officer of the Court, which the defendant shall have sustained by reason of such Indictment or Information.

In case of private prosecution, defendant may recover costs,

XIII. It shall not be lawful for the said Court to order payment of the costs of a prosecution for any offence against the Provisions of this Act unless the Prosecutor shall, before or upon the finding of the Indictment, or the granting of the Information, enter into a recognizance with two sufficient Sureties, to be approved of by the Registrar or Deputy-Registrar in the Supreme Court, in the sum of One Hundred Pounds, to be acknowledged before a Judge of the Supreme Court, with the condition following: that is to say that the Prosecutor shall conduct the Prosecution with effect, and shall pay to the Defendant or Defendants, in case he or they shall be acquitted, his or their Costs.

Prosecutor not to be entitled to Costs unless he shall have entered into Recognizance.

XIV. No person shall be liable to any Penalty or Forfeiture hereby imposed, unless some Prosecution, Action, or Suit for the offence committed shall be commenced against such person within the space of one year next after such offence against this Act shall have been committed, and unless such person shall be summoned or otherwise served with Writ or Process, within the same space of time, so as such Summons or Service of Writ or Process shall not be prevented by such person absconding or withdrawing out of the Jurisdiction of the Court out of which such Writ or other Process shall have been issued, and in case of any Prosecution, Suit, or Process as afore-said, the same shall be proceeded with, and carried out, without any wilful delay.

Limitations of actions and prosecutions.

XV. If any Candidate at any Election for any Electoral District shall be declared by any Election Committee, or any other Tribunal appointed to try the merits of any Election Petition, guilty, by himself or his Agents, of Bribery, Treating, or Undue Influence, such Candidate shall be incapable of sitting or being elected as a Member for such District, before the next General Election.

Candidates guilty of Bribery incapable of being elected for same District before next General election.

XVI. Throughout this Act, and in the construction thereof, the word "Election" shall mean the Election of any Member or Members of the House of Representatives, the word "Elector," shall mean any person who shall have a right to vote at any such Election; and the word "Candidate" shall mean any person who shall have been nominated as required by law at any such Election, or who shall have declared himself a Candidate at or before any such Election.

Interpretation clause.

XVII. The Short Title of this Act shall be "Corrupt Practices Prevention Act, 1858."

Short Title: