



PURITY OF ELECTIONS ACT, 1856.

As passed by the House of Representatives, and transmitted to the Legislative Council.

IN THE TWENTIETH YEAR OF THE REIGN OF HER MAJESTY, QUEEN VICTORIA.

SESSION 4, No.

ANALYSIS.

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| <p>Title.
Preamble.
1. Bribery defined.
2. Bribery defined.
3. Treating defined.
4. Punishment for bribery.
5. Punishment for treating.
6. Cockades, &c., prohibited.
7. Personation prohibited.
8. Committees not to meet at Public Houses.</p> | <p>9. Nomination of candidates and poll not to be taken at public houses.
10. Returning Officer to obey Standing Orders of House of Representatives.
11. Attorney-General to prosecute on certain bonds.
12. Commissioners to try disputed returns.
13. False evidence before Commissioners punishable as perjury.
14. Short title.</p> |
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AN ACT to Secure the Purity of Elections.

Title.

WHEREAS it is expedient to prevent Bribery and Treating at Elections, and to make further provision for deciding disputed returns thereat. Be it enacted by the General Assembly of New Zealand—

Preamble.

1. Every person who shall directly or indirectly give, lend, promise, procure, or promise to procure any money, land, chattel, office, place, employment, or other valuable consideration to, for or on behalf of any elector or other person in order to induce any elector to vote or refrain from voting, or as payment or reward for having so voted or refrained, at any election of a member or members to serve in the House of Representatives, or in any Provincial Council, or as Superintendent of a Province, or at any other election for any office or employment for which any person or persons is or are to be elected under any Act or Parliament, Act of the General Assembly, or of any Provincial Council, shall be guilty of bribery.

Bribery defined.

2. Every person who shall vote or refrain from voting as aforesaid by reason

Bribery defined.

of any such gift, loan, or promise, or who shall receive any such payment or reward for having so voted or refrained from voting, shall be guilty of bribery.

Treating defined.

3. Every person who shall, with corrupt intent, directly or indirectly give or provide for any elector any meat, drink, wine, spirits, or other entertainment or refreshment, in order to induce such elector to vote or refrain from voting at any such election as aforesaid, or on account of his having voted or refrained from voting as aforesaid, and every person who shall either in money or otherwise pay for any such meat, drink, wine, spirits, or other entertainment or refreshment so given as aforesaid, either before or after the same shall have been given or provided, or shall pay any expenses incurred in chairing any candidate when elected, shall be guilty of treating.

Punishment for bribery.

4. Every person who shall be convicted of bribery under this Act before the Supreme Court of New Zealand, shall be guilty of a misdemeanour and shall pay such fine not exceeding £100, and be liable to such imprisonment not exceeding six months for every offence as the Court shall direct.

Punishment for treating.

5. Every person who shall be convicted of treating under this Act before the said Supreme Court shall for every such offence be liable to such penalty not less than £10 nor more than £50, which may be recovered by any person who shall sue for the same in the Supreme Court.

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

6. 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 person having a vote at such election, or to or for any other person, any cockade, ribbon, or other mark of distinction, and every person so giving or providing shall for every such offence forfeit the sum of not less than £2 nor more than £10 to such person as shall sue for the same, together with full costs of suit.

Penalty,

Personation of voters made penal.

7. Every person who shall at any such election as aforesaid, personate any elector by falsely pretending to be such elector, and voting or tendering a vote in the name of such elector shall be guilty of misdemeanour, and on conviction in the Supreme Court, shall be liable to such punishment as is hereinbefore provided for the offence of bribery, and every Returning Officer at any such election shall have power to order the arrest, by a police constable, of any person who he shall be satisfied is guilty of the offence of personation, and such person shall be detained in custody until he shall either give bail with securities before a Justice of the Peace to take his trial, at the next sittings of the Supreme Court, or shall be discharged on such trial.

Committees not to sit at public houses.

8. No Committee or other body organised for promoting the return of any candidate at any such election as aforesaid, shall sit or hold meetings at any licensed public house, or in any building thereto annexed or belonging, and every person being a member of such Committee and so sitting or attending any such meeting at such public house, shall be liable to a penalty of £5 for every such offence, to be summarily recovered by any person who shall sue for the same.

Nomination and Poll not to be taken at public-houses.

9. No nomination of candidates, nor any poll at any such election shall be taken or conducted at any such licensed public house, or building annexed or belonging thereto. And every Returning Officer taking or conducting such nomination or poll thereat shall be liable to a penalty of £100 for every such offence, to be recovered in the Supreme Court by any person who shall sue for the same.

Returning Officers and Resident Magistrates to obey Standing Orders of House of Representatives.

10. And whereas by the Standing Orders of the House of Representatives of New Zealand respecting the hearing of petitions relating to the election of members of the said House, certain acts in reference to such petitions are required to

be done by or through certain Returning Officers and Resident Magistrates and certain bonds are directed to be entered into. Be it enacted that every Returning Officer and Resident Magistrate shall receive all such petitions and cause to be executed all such bonds and do all such other acts as by the said Standing Orders are or hereafter may be required to be done by or through such Returning Officer or Resident Magistrate, and on neglect or refusal to do or permit the same to be done, such Returning Officer or Resident Magistrate shall on conviction thereof in the Supreme Court be liable to a penalty not exceeding £100, to be recovered in the Supreme Court by any person authorised by warrant of the Speaker of the said House to sue for the same, the penalty to be applied as the said House shall direct.

11. The Attorney-General of New Zealand for the time being, on being required so to do by warrant from the Speaker of the House of Representatives shall institute and prosecute such suit or other legal proceeding in the Supreme Court as may be necessary to enforce a penalty of any bond so given as aforesaid in conformity with the said Standing Orders, and such penalty so recovered shall be paid to the Speaker, to be applied as the said House of Representatives shall direct.

Attorney-General to prosecute on bonds.

12. If any petitioner against the return of any member for the House of Representatives or the sitting member petitioned against, shall by petition presented to the House request the same, the Speaker of such House may issue a Commission addressed to such three persons as he may appoint to hear and report on such petition; and such Commissioners shall have power to enforce the attendance of witnesses, the production of books, papers, and documents, and may take evidence on oath or otherwise as they may think proper, and may exercise all powers vested by any Standing Order of the said House in Committees for hearing election petitions; and any person disobeying or neglecting to obey the order of such Commissioners or of any such Committee as aforesaid, or refusing to answer any question put by the same, shall be liable to a penalty of not less than £20 nor more than £50, to be recovered in the Supreme Court by any person who shall be authorized to sue for the same by warrant of the Speaker, and such penalty shall be applied as the House shall direct.

Appointment of Commissioners to try disputed returns.

13. Any person who shall wilfully give false evidence before any such Commission or Committee shall be deemed guilty of perjury, and on conviction thereof before the Supreme Court, be liable to the penalties attached to the offence of perjury though such evidence may not have been given on oath.

Persons giving false evidence before Commissioners guilty of perjury.

14. This Act may be cited for all purposes as "The Purity of Elections Act, 1856."

Short title.

CHARLES CLIFFORD,
Speaker.

Passed the House of Representatives,
this first day of August, one thousand eight
hundred and fifty-six.

F. E. CAMPBELL,
Clerk of House of Representatives.

I certify that this Bill is in accordance with the
Bill as reported.

HUGH CARLETON,
Chairman of Committees.

EXTRACT FROM THE STANDING ORDERS OF THE HOUSE OF
REPRESENTATIVES.

ELECTION PETITIONS.

149. Petitions against the return of any member of the House of Representatives shall be addressed to that House.

150. Such petitions shall be delivered to the Returning Officer of the district in which the election shall have taken place, or in case of his absence or incapacity to act, to the nearest Resident Magistrate, within one calendar month after the declaration of the state of the poll by the Returning Officer.

151. On delivery of such petition to the Returning Officer or Resident Magistrate, the petitioner shall enter into a bond to the Queen with a penalty of two hundred pounds, with two surities in one hundred pounds each, to prosecute the petition in a *bona fide* manner at the next session of the Assembly, and to pay all such costs and penalties as may be directed by the House. Such securities to be approved of by the Returning Officer or Resident Magistrate.

152. The Returning Officer or Resident Magistrate shall send the petition and bond, as soon as possible after the receipt thereof, to the Clerk of the House of Representatives.

153. So soon as Mr. Speaker shall have taken the chair at the next sitting of the House, the Clerk shall place such returns in his hands, and Mr. Speaker shall then communicate the same to the House.

154. Every petition shall set forth the specific grounds on which the return is impugned, and no other grounds than such as are stated in the petition shall be investigated.

155. A copy of the petition shall be served by the petitioner or his agent on the party petitioned against, or left at his usual or last known place of abode within fourteen days after its delivery to the Returning Officer or Resident Magistrate.