

ANNO VICESIMO QUARTO ET VICESIMO QUINTO

VICTORIÆ REGINÆ.

ANALYSIS :

Title.		3. Further alterations, elimination of
Preamble.		sections 2 and 3.
1. Election Petition Act, 1862, to regulate		4. Further alterations, elimination of
trial of Election Petitions.		section 7.
2. Alteration of Election Petitions Act, 1858.		5. Alteration of section 31.

A BILL, INTITULED :

An Act to amend the "Election Petitions Act, 1858." Title.

WHEREAS it is expedient that all the laws for the trial of Preamble.
the election of Members of the House of Representatives
should be contained in an Act or Acts of the General Assembly :

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

1. The "Election Petitions Act, 1858," shall, subject to the alterations and amendments made therein by this Act, be the sole law for regulating the trial of Petitions concerning the Return of Members to serve in the House of Representatives, and shall be read and construed as if such alterations and amendments had existed therein at the time of the passing thereof, and shall with such alterations and amendments have the Short Title of the "Election Petitions Act, 1862." Election Petitions Act, 1862, to regulate trial of Election Petitions.

II. Immediately after section I. in the said Act there shall be deemed to be inserted the following section : Alteration in Election Petitions Act, 1858.

Every Petition shall allege the specific grounds on which the Return is impugned, and no other grounds than such as are stated in the Petition shall be investigated. No Election Petition shall be received by the House of Representatives unless the provisions, stipulations, and requirements of the "Election Petitions Act, 1862," which should be performed and obeyed previously to the presentation thereof, shall have been duly performed and obeyed by the persons subscribing and promoting the same, and a certificate signed by the Examiner of Election Bonds to that effect shall have been endorsed on such Petition.

Further alterations,
elimination of sections
2 and 3.

III. Sections II. and III. of the "Election Petitions Act, 1858," shall be deemed to be erased therefrom, and in lieu thereof there shall be inserted the following words :

Every Election Petition shall be signed by an elector who had a right to vote at the election to which the same shall relate, or by some person who had been a candidate at such election, and 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 month after the declaration of the state of the poll by the Returning Officer.

On the delivery of the Petition as aforesaid to the Returning Officer, or Resident Magistrate, the Petitioners or some or one of them shall enter into a Bond to the Queen, with a penalty of £200, with two sureties in £100 each, to prosecute the petition in a *bona fide* manner at the next Session of the General Assembly, and to pay all such costs and penalties as may be specified in this behalf in a Resolution of the House of Representatives.

Further alterations,
elimination of section
7.

IV. Section VII. of the "Election Petitions Act, 1858," shall be deemed to be erased therefrom, and in lieu thereof there shall be inserted the following words :

The Returning Officer, or Resident Magistrate, shall deliver the Petition and Bond and Affidavit as soon as possible after the receipt thereof, to the Clerk of the House of Representatives.

As soon as the Speaker shall have taken the Chair at the next sitting of the House, the Clerk shall place the Petition, Bond, and Affidavit with the necessary certificates in his hands, and the Speaker shall then communicate the same to the House.

A copy of the Petition shall be served by the Petitioner, or his Agent, on the person petitioned against, or left at his usual or last known place of abode within fourteen days after the delivery thereof to the Returning Officer or Resident Magistrate.

Alteration of section
31.

V. From section XXXI. of the "Election Petitions Act, 1858," there shall be deemed to be erased the following words :

"And provided also that such proceedings shall not in any case extend beyond seven sitting days, and if no decision be come to within that period, the Chairman of such Committee shall, on such evidence as is then before such Committee, pronounce a decision, and every decision, whether so pronounced by the Committee or by the Chairman, shall be final and conclusive without appeal,"

and in lieu thereof there shall be deemed to be inserted the following words : "and every decision of the Committee shall be final and conclusive."