

VICTORIÆ REGINÆ.

No. 4.

ANALYSIS :

<p>Title. Preamble. 1. Short Title. 2. What shall be deemed an Election Petition. Grounds of Petition to be stated. No Petition to be received until preliminary requirements of Election Petitions Act 1858 and of this Act are fulfilled. 3. Repeal of sections 2 and 3 of Act 1858 Petition delivered to Returning Officer</p>	<p>or nearest Magistrate within one month. Bond with penalty and sureties. 4. Repeal of section 7 of Act 1858. Bond to be delivered to Clerk of the House. Practice thereon. Copy of Petition must be served on the person petitioned against. 5. Repeal of section 31 of Act 1858. Committee to regulate form of Proceedings. Decision of Committee to be final.</p>
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An Act to amend the "Election Petitions Act 1858." [9th September, 1862.] Title.

WHEREAS it is expedient the "Election Petitions Act 1858" should be amended: Preamble.

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

I. The Short Title of this Act shall be the "Election Petitions Act Amendment Act 1862." Short Title.

II. Section I of the "Election Petitions Act 1858" is hereby repealed and in lieu thereof it is hereby enacted :

Every Petition which shall be presented to the House of Representatives complaining of an undue election or return of a Member of the House of Representatives or complaining that no return has been made to any writ issued for the election of any Member of the House of Representatives or that no return has been made within the time within which any writ is made returnable or that any return is not according to the requisition of the writ or complaining of any special matters contained in any such return shall be deemed an Election Petition. What shall be deemed an Election Petition.

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. Grounds of Petition to be stated.

No Election Petition shall be received by the House of Representatives unless the provisions stipulations and No Petition to be received until preliminary require-

*Election Petitions Act Amendment.*

ments of Election Petitions Act 1858 and of this Act are fulfilled.

requirements of the "Election Petitions Act 1858" and of this Act 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.

Repeal of Sections 2 and 3 of Act 1858.

III. Sections II and III of the "Election Petitions Act 1858" are hereby repealed and in lieu thereof it is hereby enacted: that

Petition delivered to Returning Officer or nearest Magistrate within one month.

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.

Bond with penalty and sureties.

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 Such sureties to be approved of by such Returning Officer or Resident Magistrate.

Repeal of Section 7 of Act 1858.

IV. Section VII of the "Election Petitions Act 1858" is hereby repealed and in lieu thereof it is hereby enacted that

Bond to be delivered to Clerk of the House.

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.

Practice thereon.

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.

Copy of Petition must be served on the person petitioned against.

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.

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*Election Petitions Act Amendment.*


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V. Section XXXI of the "Election Petitions Act 1858" is hereby repealed and in lieu thereof it is hereby enacted that

Repeal of Section 21 of Act 1858.

Every Committee shall have power to regulate the form and manner of its proceedings and to adjourn from time to time subject nevertheless as hereinbefore mentioned. Provided always that every Committee shall be guided by justice and good conscience without regard to legal forms and solemnities and shall direct themselves by the best evidence they can procure or that is laid before them whether the same be such evidence as the Law would require in other cases or not. Provided also that the proceedings before any such Committee shall be open to the public except when the Committee shall think fit to deliberate amongst themselves before coming to a decision on any question and every decision shall be final and conclusive.

Committee to regulate form of proceedings.

Decision of Committee to be final.