

New Zealand.

ANNO TRICESIMO PRIMO

V I C T O R I Æ R E G I N Æ .

No. 49.

AN ACT to Disqualify Public Offenders Title.
from holding certain Public Offices
and from sitting in either House of
Assembly. [10th October 1867.]

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

1. The Short Title of this Act shall be “The Public Offenders Short Title.
 Disqualification Act 1867.”

2. Every person coming within the meaning of either of the following sub-sections that is to say— Persons disqualified.

- (1.) Every person attainted of treason or convicted of felony or of any infamous offence
- (2.) Every person convicted under the provisions of this Act or of “The Provincial Audit Act 1866” or of any other Act of wrongfully expending using or taking any public money and
- (3.) Every person indebted upon any judgment recovered against him at the suit of Her Majesty under the provisions of this Act or at the suit of any Provincial Auditor under the provisions of “The Provincial Audit Act 1866” if such judgment shall have remained unsatisfied for a period of thirty days and during such time thereafter as it shall remain unsatisfied

shall be incapable of being elected or of being or continuing to be a Superintendent of any Province a member of the House of Representatives a member of any Provincial Council a Mayor of any municipality and of being nominated to or of holding or continuing to hold a seat in the Legislative Council and generally of being appointed or elected to or of holding any office or employment in the public service whether of the Colony or of any Province therein and every such election nomination and appointment shall be null and void and every public office or seat held by any such person shall be and be deemed to be vacant.

3. After the passing of this Act whenever it shall appear to the Auditor that any public money has been expended used or taken by any person for any other purpose than the public service he shall at once report the same to the Attorney-General and thereupon it shall be the duty of the Attorney-General to commence a criminal prosecution or if it shall seem to him fit to issue his fiat for a writ of *capias ad respondendum* as provided by the sixth section of “The Crown Debts Act 1866” with or without such endorsement as in the same section is specified against the person so reported as having wrongfully Procedure in case of default.

Public Offenders Disqualification.

expended used or taken such money and shall continue and carry on such prosecution or suit in due course of law.

Proceedings may be
by prosecution on
civil suit.

4. Every Provincial Auditor taking proceedings against any person under the twenty-first section of "The Provincial Audit Act 1866" may proceed by a criminal prosecution or by way of a civil suit for the recovery of public money as shall seem to him best.

Interpretation.

5. In construing this Act and "The Provincial Audit Act 1866" the term "public money" shall be taken to include all moneys the property of Her Majesty and all moneys the property of any Province within the meaning of "The Provincial Lawsuits Act 1858" and all moneys which by the said last-mentioned Act are to be deemed to be the property of any Superintendent of any Province and all moneys which shall be legally payable for or on account of the revenues of any Province.

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