

Regulation of Elections Act Amendment Act 1874

Public Act 1874 No 63
Date of assent 22 August 1874

Contents

	Page
Title	1
1 Short Title.	1
2 Interpretation clause.	2
3 Certain documents may be transmitted by telegraph under restrictions.	2
4 Original documents of which copies transmitted to be open to inspection.	3
5 Penalty for wilful delivery of message to wrong person.	3
6 Penalty for signing another's name to message to be sent.	3
7 Penalty for false certificate of sending message under provisions of this Act.	4
8 Signing false certificate upon copy under section three to be felony.	4
9 All the provisions of "The Regulation of Elections Act, 1870," to apply to elections of Superintendents and Members of Provincial Councils.	4

An Act to amend "The Regulation of Elections Act, 1870."

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

1 Short Title.

The Short Title of this Act shall be "The Regulation of Elections Act Amendment Act, 1874."

2 Interpretation clause.

. The following terms, within inverted commas, shall for the purposes of this Act bear the meanings set against them respectively, unless where the context implies otherwise:—

“The said Act” means “The Regulation of Elections Act, 1870.”

“Electric telegraph” means and includes any telegraph line established under “The Electric Telegraph Act, 1865,” and any telegraph line the property of the Government and worked by electricity under their control within the colony.

“Telegraphic message”—Any message or other communication transmitted or intended for transmission or purporting to have been transmitted by electric telegraph.

“Telegraph station”—Any station appointed for the receipt and transmission of telegraphic messages.

3 Certain documents may be transmitted by telegraph under restrictions.

It shall be lawful for the Governor, the Speaker of the House of Representatives, the Clerk of the Writs and his Deputy, and any Members of the Committee constituted under the tenth section of the said Act, and any Member desiring to resign his seat, and any Returning Officer or substitute for a Returning Officer, to cause to be transmitted by electric telegraph the contents of any writ warrant return notice authority or other communication which under the provisions of the said Act are required or authorized to be made or issued by the Governor, Speaker, or any or such other officer or person as aforesaid, whether requiring signature or seal or not, subject to the provisions following, that is to say,—

- (1.) The original document shall be delivered at a telegraph station, and in the case of such officers and persons as aforesaid other than the Governor, Speaker, and Members of the said Committee, such delivery shall be made in the presence and under the inspection of some Justice of the Peace.
- (2.) The person to whom the contents of any such document shall be sent shall forthwith, in the presence and under the supervision of a Justice of the Peace, cause to be sent back by electric telegraph a copy of the message received by him; and in the event of any error appearing therein, the process shall be repeated, under the like supervision, until it shall appear that a true copy of such document has been received by the person to whom it shall have been sent.
- (3.) When it shall appear that such true copy has been so received, the officer or person who delivered the original document to the Telegraph Officer shall indorse upon the original document a certificate that a true copy thereof has been sent, under the provisions of this Act, to the person to whom the same shall have been so sent, and shall forthwith, by electric telegraph, inform such person that such certificate has been so indorsed; and in the case of every

officer or person other than the Governor, Speaker and Members of such Committee as aforesaid, the certificate shall be indorsed in the presence of the Justice of the Peace who was present at the delivery of the original document.

- (4.) The person so receiving such true copy shall, upon receiving information of such certificate, indorse upon the copy of the original document received by him a certificate that the same has been duly received under the provisions of this Act, which certificate shall be signed by him and by the Justice so supervising the receipt of such copy as hereinbefore provided.

Copies so transmitted to be as valid and effectual as originals.

Every copy so indorsed and certified shall be as valid to all intents and purposes as the original whereof it purports to be a copy would have been, and shall be admissible in evidence in any case in which the original would have been so admissible; and any person by whom such copy shall have been so received, or who shall be thereby authorized instructed or commanded, or who shall or may be lawfully charged with any duty in respect thereof, shall have and become liable to the same rights and duties in respect thereof as if he had received such original document duly signed and sealed, or signed or sealed, as the case may be.

4 Original documents of which copies transmitted to be open to inspection.

Every original document a copy whereof shall have been transmitted under the preceding section of this Act, shall be kept at the telegraph station at which it was delivered for the purposes of such transmission, and shall after the expiration of two days from the date of the certificate under subsection three of the said section being indorsed upon it, be open within reasonable hours to the inspection of any person upon payment of a fee of one shilling.

5 Penalty for wilful delivery of message to wrong person.

Any person who, being charged with the delivery of any such telegraphic message as aforesaid, shall wilfully deliver the same to any person other than the person to whom the same shall be addressed, shall be guilty of a misdemeanour, and being convicted thereof shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding two years, with or without hard labour.

6 Penalty for signing another's name to message to be sent.

Whosoever without lawful authority or excuse (the proof whereof shall be on the person accused) shall sign the name of any other person to any such telegraph message as aforesaid, with intent to procure such message to be sent as a message from such other person, shall be guilty of a misdemeanour, and being convicted thereof shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding two years, with or without hard labour.

7 Penalty for false certificate of sending message under provisions of this Act.

Any Justice who shall wilfully and falsely indorse upon any original document delivered at a telegraph station for the purpose of being transmitted under the provisions of this Act, a certificate that a true copy thereof has been sent under this Act, or who shall by telegraph wilfully and falsely inform any person to whom such document shall have been so sent that a certificate under the provisions of this Act has been indorsed thereon, shall forfeit a sum not exceeding one hundred pounds, which may be sued for and recovered by the first person who shall for his own benefit and without collusion sue for the same.

8 Signing false certificate upon copy under section three to be felony.

Any person by this Act required to sign any certificate upon any copy of a document that such copy has been duly received under the provisions of this Act, who shall wilfully sign any such certificate knowing the same to be false, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding fourteen years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

9 All the provisions of “The Regulation of Elections Act, 1870,” to apply to elections of Superintendents and Members of Provincial Councils.

Subject to the provisions of the said Act expressly relating to the election of Superintendents of provinces and Members of Provincial Councils, all the provisions contained in the sections of the said Act numbered from eighteen to sixty-nine, both inclusive, shall *mutatis mutandis*, and so far as applicable, apply to the election of Superintendents and Members of Provincial Councils.