

Hon. Mr. Stout.

Electoral.

ANALYSIS.

- Title.
- 1. Short Title.
- 2. Date when Act comes into operation.

PART I.

GENERAL PROVISIONS.

- 3. Repeal of Acts. Saving of things done. Matters pending may be completed.
- 4. Saving of appointments, existing rolls, &c.
- 5. Interpretation.
- 6. Provision as to Sundays and holidays.
- 7. Registration and Returning Officers to be paid such salaries as may be appropriated by the General Assembly.
- 8. Offices of Registration and Returning Officer and Clerk of Revision Court may be held by same person.
- 9. Misnomer or inaccurate description not to vitiate list of voters or electoral roll.
- 10. Election not to be questioned for defect in title of Returning Officer.
- 11. Election not to be void if no Returning Officer, or for delay in return of writ.
- 12. Penalty for wilful misfeasance, &c., of Registration or Returning Officer.
- 13. Accidental misfeasance or omissions may be rectified by Governor in Council.
- 14. Penalties to be recovered summarily.

PART II.

QUALIFICATION OF ELECTORS.

- 15. Qualification of electors. (1.) Freehold. (2.) Household. (3.) Residential.
- 16. Meaning of term "date of claim to vote."
- 17. Persons enrolled on ratepayers' roll entitled to vote.
- 18. Maoris entitled to vote if on ratepayers' roll.
- 19. Aliens, and persons attainted or convicted of treason, felony, &c., not entitled to vote.
- 20. Trustees or mortgagees not entitled to vote unless in possession or receiving rents, &c.
- 21. Person possessing more than one qualification to have only one vote.
- 22. Every duly qualified and registered elector qualified to be a member for any electoral district.
- 23. Member ceasing to have qualification may continue to hold seat.
- 24. Person may stand for more than one seat at general election. Must choose which seat he will retain.

PART III.

REGISTRATION OF ELECTORS.

- 25. Governor may appoint or remove Registration Officers.
- 26. Registration Officer to make up lists for revision.
- 27. No person entitled to vote unless registered.
- 28. Claims to vote, how to be made.
- 29. Claimant must declare that he has not been previously registered for same qualification.
- 30. Form of claims.
- 31. Claims to be signed and attested.
- 32. Claims to be lodged with Registration Officer.
- 33. Clerks of County Councils and Town Clerks to send in ratepayers' rolls.
- 34. Provision when county or borough lies in different districts.
- 35. Lists of ratepayers and ratepayers' roll to be signed by Chairman or Mayor.
- 36. Where Counties Act not in force, ratepayers' roll of road districts to be transmitted.
- 37. How ratepayers' rolls to be dealt with.
- 38. When voter's list to be made up.
- 39. How claims to be signed in certain cases. Claims upon a residential qualification.
- 40. Objections may be made.
- 41. Where Registration Officer considers objection frivolous he may require a deposit of £5. Application of deposit.
- 42. Notice of objection may be given on post card.
- 43. Registration Officer to send duplicate to person objected to.
- 44. Person desirous of having his name omitted may give notice to Registration Officer.
- 45. Registration Officer to make out list of persons objected to.
- 46. Registration Officer may omit names of persons in certain cases.
- 47. No objection to person on ratepayers' roll, other than that he is already registered.
- 48. List of objections to be posted.
- 49. Posting of list to be publicly notified.
- 50. Penalty for destroying posted lists.
- 51. Lists not invalidated by imperfect publication.
- 52. List of claimants and electoral roll to be list of voters for revision.
- 53. If no list made out, a posted roll in force deemed to be list for revision.
- Provision as to Holders of Miners' Rights and Business Licenses.*
- 54. Holders of miners' rights and business licenses may claim to vote in year 1879.
- 55. Form of claim.

56. Holders of miners' rights and business licenses may vote upon their existing qualification till 1st July, 1879.

REVISION COURTS.

57. District Courts of limited jurisdiction to be Revision Courts.
 58. When Courts to sit. Notice to be given by Clerk. Court may be adjourned.
 59. Proceedings of Revision Court.
 60. Power to take and receive evidence. General provisions as to witnesses in District Courts applicable to witnesses under this Act.
 61. Duty of Revision Court. Procedure where name objected to.
 62. If qualification not proved, name to be expunged.
 63. Proof of qualification when name objected to. If proof not satisfactory, name to be expunged.
 64. Personal attendance of person objected to not compulsory unless summoned.
 65. Provision where a householder objected to for having changed his abode.
 66. Court may order Clerk to give notice of objection in certain cases. Proceedings may be adjourned.
 67. Court to insert names in certain cases on proof that notice of claim given.
 68. Court may allow costs in case of frivolous objection. Costs not to be given against Registration Officer or Clerk of Court.
 69. Order for costs may be made notwithstanding appeal.
 70. Further objections by same person not to be heard till costs paid. Exception.
 71. Procedure to enforce order of costs.
 72. In case of default, warrant of commitment may issue.
 73. How list of voters to be signed and certified.
 74. Lists to be sent to Returning Officer.
 75. When alterations not numerous, roll of former half-year with additions to be new roll.
 76. Duty of Returning Officer in completing rolls. Copies to be made.
 77. Copy kept by Returning Officer to be roll in force.
 78. Returning Officer to keep copies of roll for sale.
 79. Original lists and copies to be sent to Returning Officer.

Appeals from Revision Court.

80. Appeal from decision of Revision Court.
 81. No appeal on questions of fact.
 82. Revision Court to state case. Procedure thereon.
 83. Statement to be sent to Registrar of Supreme Court.
 84. Appeals to be determined by the Supreme Court.
 85. Appeal may be heard in a summary manner.
 86. Judge may remit statement of matter of appeal to be amended.
 87. If decision of Revision Court altered, correction to be made in the electoral roll accordingly.
 88. Mode of making such alteration.
 89. Force and effect of alteration.
 90. Right of voting not to be affected by appeal pending.
 91. Judge may give costs on appeal.

Miscellaneous Provisions.

92. Provision as to time for service of notices, &c.
 93. If no roll made out, previous roll in force to remain in force.
 94. Clerk of County Council or Town Clerk guilty of wilful negligence to be liable to penalty.

PART IV.

REGULATION OF ELECTIONS.

Appointment of Returning Officers and Polling-places.

95. Governor to appoint Returning Officers.
 96. Members of House of Representatives not to be Returning Officers.
 97. Returning Officer or Deputy not to be a candidate for district in which he acts.
 98. Returning Officer to make declaration.
 99. Governor may appoint polling-places.
 100. Regulation as to appointment of polling-places.

Issue of Writs.

101. Writs to be issued by Clerk of the Writs.
 102. Clerk of Writs to have seal.
 103. Writs for general election to be issued on warrant of the Governor.
 104. Committee to act in place of Speaker in certain cases.
 105. In cases of absence of Speaker any two members of Committee may act.
 106. Writ to fill vacant seat during session to issue on warrant of Speaker.
 107. And also to fill vacant seats during a recess.
 108. Time for issue of Speaker's warrant in certain cases.
 109. Quorum of Committee for exercise of functions.
 110. *Supersedeas* to writs unduly issued.
 111. Date of return of writs.
 112. *Proceedings prior to Elections.*
 113. Returning Officer to fix day of nomination.
 114. Duty of Returning Officer on receipt of writ.
 115. Returning Officer to appoint a substitute.
 116. When substitute may act.
 117. Returning Officer to post names of candidates.
 118. How candidates to be nominated.
 119. When candidates do not exceed number of persons to be elected, Returning Officer to declare them elected.
 120. Writ to be indorsed and returned accordingly.
 121. When candidates exceed number of members to be elected, poll to be taken.
 122. Candidate may withdraw.
 123. If thereafter there are no more candidates than members to be elected, the poll to be taken.
 124. If after withdrawal candidates exceed number of members to be elected, names to be omitted from ballot-papers, and poll taken.
 125. Ballot-papers to be printed.
 126. Booths to be provided. Division of booths.
 127. Publichouses to be closed on election day.
 128. Internal arrangement of booths.

Proceedings at Election.

128. Returning Officer and Deputies to conduct election.
 129. Substitute and Deputy of Returning Officer and Poll Clerks to make declaration.
 130. Rolls and signed ballot-papers to be issued to Deputies.
 131. Scrutineers may be appointed.
 132. Declaration by scrutineer.
 133. Who may be in polling-booth.
 134. Ballot-box to be exhibited empty.
 135. Commencement and close of poll.
 136. Persons entitled to vote.
 137. Particulars to be stated by person tendering vote.
 138. Returning Officer to ascertain voter's name is on roll.
 139. Question to be put to voter.
 140. Declaration against bribery may be demanded.
 141. Voter not answering questions properly not to vote. Penalty.
 142. Ballot-paper to be delivered to voter. Stamp, &c., on ballot-paper.
 143. Voter to strike out names, and deposit paper in box.
 144. Number of votes to be given by each voter.
 145. Proceeding when second vote tendered in same name.
 146. Provision for voter unable to read.
 147. Penalty for taking ballot-paper out of booth.
 148. Penalty for entering compartment or remaining there without reason.
 149. Penalty for giving false answer. Personation and double voting.
 150. Maintenance of order.

Provision as to Miners' Rights and Business Licenses.

151. Special provision as to holders of miners' rights and business licenses.
 152. Mark to be made upon miner's right or business license.

Result of Poll.

153. Number of votes to be ascertained on close of poll.
 154. Books and papers to be made up in parcels.
 155. Deputies to make returns to Returning Officer.

177

156. Returning Officer to make up parcels.	164. Of what a ballot-paper used at election shall be evidence.
157. Returning Officer to compare rolls. May select ballot-papers and disallow votes in certain cases.	165. Packets not to be opened except by order of Court.
158. After selection, parcels to be sealed up.	166. Adjournment of poll.
159. Selected papers to be sealed up.	167. Declaration of poll to be postponed in case of adjournment.
160. State of poll to be made up, and result declared. Casting vote of Returning Officer.	168. Adjournment not to extend beyond return-day of writ.
161. Names of persons elected to be indorsed on writ, and writ returned.	169. Votes not to be disclosed by Returning Officers or others except in certain cases. Penalty for breach of this enactment.
162. Parcels to be made up in packets and sent to Clerk of House of Representatives.	Schedules.
163. Papers taken from parcels to be evidence in certain cases.	

A BILL INTITULED

AN ACT to amend the Law relating to Electors qualified to vote at Elections of the Members of the House of Representatives, and to make provision for the Regulation and Conduct of such Elections. Title.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows (that is to say):—

1. The Short Title of this Act shall be “The Electoral Act, 1878.” Short Title.

2. This Act shall come into operation on the *first* day of *January*, one thousand eight hundred and seventy-nine; and it is divided into Parts as follows:— Date when Act comes into operation.

PART I.—General Provisions.

PART II.—Qualifications of Electors.

PART III.—Registration of Electors.

PART IV.—Regulation of Elections.

PART I.

GENERAL PROVISIONS.

3. The several Acts and parts of Acts mentioned in the *First* Schedule to this Act to the extent to which such Acts and parts of Acts are in and by the said Schedule expressed to be repealed shall be and the same are hereby repealed: Repeal of Acts.

But all acts, matters, and things had, done, or happened under the enactments hereby repealed or any of them shall be of the same force and effect, and all offences against and punishments and penalties incurred under the said enactments or any of them may be dealt with inflicted and enforced upon and against all persons liable thereto in like manner as to each case herein mentioned, as if no such repeal had taken place. Saving of things done.

All acts, proceedings, and things which at the time of the coming into operation of this Act shall, under the enactments hereby repealed or any of them, have been begun and be pending, shall and may be respectively continued, carried on, and completed under and in pursuance of the provisions of this Act in the like behalf. Matters pending may be completed.

4. All appointments of officers and other persons and of polling-places lawfully made and in force, and all lists and rolls and copies thereof respectively, and all cancellations, notices, advertisements, impressions of stamps, rules, regulations, declarations, writs, indorsements, and all other books, papers, writings, and documents whatsoever (whether of the same kind as any of those hereinbefore in this section enumerated or not) which at the time of the coming into operation of this Act shall lawfully have been made, kept, issued, made Saving of appointments, existing rolls, &c.

out, used, signed, certified, transmitted, or otherwise howsoever of virtue under the said enactments or any of them, shall respectively, according to the tenor thereof, be and be deemed to be and to have been of the same force and effect to all intents and purposes as if made, kept, issued, made out, used, signed, certified, transmitted, or otherwise of virtue under the provisions of this Act in the like behalf. 5

Interpretation.

5. In the interpretation of this Act the following words and expressions shall have the meanings hereby assigned to them, unless there be something in the context repugnant thereto or inconsistent therewith:— 10

“Electoral district,” “district,” means a division of the colony in respect of which one or more members is returned to serve in the General Assembly.

“Maori” means a person of the aboriginal Native race, and includes a half-caste of that race if living as a member of a Native tribe or community. 15

“Revision Court” means a District Court having jurisdiction to revise lists of electors under this Act, and includes the District Magistrate presiding in that Court.

“County Council” has the like meaning that the same expression has in “The Counties Act, 1876.” 20

“Borough” has the like meaning that the same expression has in “The Municipal Corporations Act, 1876.”

“Road Board” and “road district” have respectively the meanings assigned to these expressions in “The Counties Act, 1876.” 25

“Ratepayers’ roll” means a roll of county electors or a Burgess roll in force within a county, borough, or road district respectively, or any riding, ward, or other division thereof respectively, in respect of which a roll may be prepared entitling the electors, burgesses, or ratepayers to vote at elections of members of a County Council, Borough Council, or Road Board respectively. 30

“Gazette” means the *New Zealand Gazette*, and “gazetted” means published in such *Gazette*. 35

When a thing is required to be “publicly notified,” or when “public notice” of anything is to be given, it is meant that a notice thereof shall be published in some newspaper circulating in the district in which such thing arises or to which it relates, and, if there is no such newspaper, then the publication by means of placards posted in conspicuous places throughout the district. 40

Provision as to Sundays and holidays.

6. Whenever any day provided or appointed by or under this Act for any purpose shall in any year happen on a Sunday, Good Friday, Christmas Day, or New Year’s Day, or on a day set apart as a public holiday, then such provision and appointment shall take effect for the day following, and all further changes of time rendered necessary by any such alteration may also lawfully be made. 45

Registration and Returning Officers to be paid such salaries as may be appropriated by the General Assembly.

7. It shall be lawful for the Governor to fix from time to time the remuneration by way of salary or otherwise which shall be paid to the several persons who shall be employed as Registration Officers or Returning Officers or in any other capacity for the purpose of carrying this Act into execution, and such remuneration shall be payable and paid by the Colonial Treasurer out of such sums as shall from time to time be appropriated by the General Assembly for that purpose, and for carrying into effect the provisions of this Act. 50 55

Offices of Registration and Returning Officer and Clerk of Revision Court may be held by same person.

8. The several offices of Registration Officer, Returning Officer, and Clerk of the Revision Court may be held and exercised by one and the same person at the same time anything in this Act contained or implied to the contrary notwithstanding. 60

9. No misnomer or inaccurate description of any person, place, or thing named or described in any list of voters or electoral roll, or in any notice required by this Act, shall in any wise prevent or abridge the operation of this Act with respect to such person, place, or thing:

Misnomer or inaccurate description not to vitiate list of voters or electoral roll.

5 Provided that such person, place, or thing shall be so designated in such list, roll, or notice as to be commonly understood.

10. No election shall be liable to be questioned by reason only of any defect in the title, or any want of title, of the person by or before whom such election or any polling for the same shall have been held, if such person have been actually appointed to preside or have been acting in the office giving the right so to preside at such election.

Election not to be questioned for defect in title of Returning Officer.

11. No election shall be void in consequence only of there having been no Returning Officer at the time of the issue of the writ, or of any delay in the return of the writ.

Election not to be void if no Returning Officer, or for delay in return of writ.

12. If the Registration or Returning Officer of any district, or if any person, having been appointed substitute for a Returning Officer or Deputy Returning Officer at any election for the same respectively, and having undertaken so to act, shall be guilty of any wilful misfeasance, or wilful or negligent act of commission or omission, contrary to any of the provisions contained in this Act, and not otherwise provided for, he shall forfeit and pay for every such offence a penalty of not less than *ten* nor more than *two hundred* pounds.

Penalty for wilful misfeasance, &c., of Registration or Returning Officer.

13. Where any accidental or unavoidable impediment, misfeasance, or omission shall have happened in the preparation or transmission or printing of any roll, or in or about the conduct of or proceedings at any election, the Governor may, by Order in Council, make such regulations or take such measures as may be necessary for removing such impediment or rectifying such misfeasance or omission, or may declare any such roll, or the conduct of or proceedings at any election, valid as to and notwithstanding such impediment, misfeasance, or omission, and every such Order in Council shall state specifically the nature of the impediment, misfeasance, or omission, and shall be forthwith gazetted.

Accidental misfeasance or omissions may be rectified by Governor in Council.

14. All penalties recoverable under this Act shall be recovered in a summary manner, as provided by "The Justices of the Peace Act, 1866," or any Act in force for like purposes.

Penalties to be recovered summarily.

PART II.

QUALIFICATION OF ELECTORS.

15. Every male person of the full age of twenty-one years, not subject to any legal incapacity, and being a natural-born or naturalized subject of Her Majesty, shall (subject to the provisions of this Act) be qualified to vote in the election of members of the House of Representatives for the electoral district in which his qualifications are situate if—

Qualification of electors.

45 (a.) He is seised at law or in equity of lands or tenements for his own life, or for the life of any other person, or for any larger estate, of the clear value of *twenty-five* pounds at the least, and has been seised of such estate for six months previous to the date of his claim to vote; or if

(1.) Freehold.

50 (b.) He is a householder within the electoral district in which he claims to vote, occupying a tenement of the clear annual value of *ten* pounds at the least, and has resided therein six months previous to the date of his claim to vote; or if

(2.) Household.

(3.) Residential.

(c.) He has resided for two years in the colony and for six months in the electoral district for which the vote is to be given previous to the date of his claim to vote, and is possessed of or entitled to no other qualification entitling him to vote under this Act in respect of the district for which he claims to vote, and such qualification is hereinafter referred to as a "residential qualification."

Meaning of term "date of claim to vote."

16. For the purposes of the last preceding section, the expression "date of his claim to vote" shall be taken to mean the day on which the person making a claim to vote gives or lodges the same to or with the Registration Officer as hereinafter provided.

Persons enrolled on ratepayers' roll entitled to vote.

17. Every person who is enrolled on a ratepayers' roll within the electoral district where such roll may be in force shall (subject to the provisions of this Act) be qualified to vote in the election of members for the House of Representatives for such electoral district.

Maoris entitled to vote if on ratepayers' roll.

18. Every Maori shall (subject to the provisions of this Act) be qualified to vote in the election of members for the House of Representatives, but shall only be so qualified if his name is enrolled upon a ratepayers' roll in force within the district in respect of which he claims to vote.

Nothing herein shall affect any right or privilege conferred upon or granted to Maoris under "The Maori Representation Act, 1867," or any Act amending the same.

Aliens, and persons attainted or convicted of treason, felony, &c., not entitled to vote.

19. No person who is an alien, or who at any time theretofore shall have been attainted or convicted of any treason, felony, or infamous offence within any part of Her Majesty's dominions, unless he shall have received a free pardon, or shall have undergone the sentence or punishment to which he shall have been adjudged for such offence, shall be qualified to vote at such elections.

Trustees or mortgagees not entitled to vote unless in possession or receiving rents, &c.

20. No trustee or mortgagee shall be deemed to be qualified as a freeholder at such elections in respect of any trust or mortgage estate (as the case may be), unless he be in actual possession or receipt of the rents and profits of the estate, but the *cestui que* trust or mortgagor (as the case may be) in such possession or receipt shall be deemed to be qualified in respect of the same estate notwithstanding such trust or mortgage.

Person possessing more than one qualification to have only one vote.

21. It is hereby expressly declared that no person possessing more than one qualification in the same electoral district shall possess or exercise any greater or other number of votes within such electoral district than he would if he had possessed only one qualification.

Every duly qualified and registered elector qualified to be a member for any electoral district.

22. Every person who shall be duly qualified and registered as an elector of the House of Representatives in any part of the colony shall be qualified to be elected a member of the said House for any electoral district in the colony.

Member ceasing to have qualification may continue to hold seat.

23. If a member of the House of Representatives shall, after his election, cease to possess the necessary qualification, he shall not, by reason only of his ceasing to possess such qualification, be deemed incapable of continuing to hold his seat, but shall continue to hold the same until he shall cease to be a member from some other cause according to the law for the time being in force.

Person may stand for more than one seat at general election. Must choose which seat he will retain.

24. Any person duly qualified and registered under this Act may, at a general election, stand for more than one seat at the same time, and, if returned for more than one seat, shall choose which he will retain: Provided that such choice is made within twenty-eight days after he shall have been declared elected for the district for which he has chosen to retain his seat, and that notice of such choice be, within the same time, given to the Clerk of the Writs; and a new writ or writs shall then be issued for the seat or seats vacated by him by the Governor or by the Speaker of the said House, or the Committee appointed to act in place of the Speaker, as hereinafter provided.

PART III.

REGISTRATION OF ELECTORS.

25. The Governor shall, as soon as conveniently may be after this Act shall come into operation, by warrant under his hand, appoint a fit person in each electoral district to be Registration Officer for that electoral district, and from time to time may remove any such Registration Officer, and fill up any vacancy that may at any time occur by death, removal, resignation, or otherwise in the office of such Registration Officer for any such electoral district.
- 5
10 Any such person may be appointed for more than one electoral district.
26. It shall be the duty of the Registration Officer for every electoral district to make up, in manner hereinafter described, a list of all persons entitled or claiming to vote in the election of members of the House of Representatives for such district, which lists are hereinafter referred to as "the lists of voters," and shall be revised in manner hereinafter provided.
- 15
20 Subject to the provisions of this Act, no person shall be entitled to vote in the election of any member to serve in the General Assembly for any electoral district unless his name shall be upon an electoral roll in force for the time being for the district in which he claims to vote.
28. Every duly qualified person, except persons entitled to vote by reason of being enrolled upon a ratepayers' roll, desirous of having his name placed on any electoral roll, may make a claim for that purpose in such one of the forms in the *Second* Schedule to this Act as may be applicable, or to the like effect.
- 25
30 Any person making application to be registered as a qualified elector must declare that he has not been previously registered in respect of the qualification for which such application is made.
30. Every person claiming to vote shall make a claim in such one of the forms in the said *Second* Schedule as may be applicable, or to the like effect, as follows:—
- (1.) A freeholder shall make such claim in the form numbered one in the said Schedule.
- 35
(2.) A householder shall make a claim in the form numbered two in the said Schedule.
- (3.) A person claiming upon a residential qualification shall make a claim in the form numbered three in the said Schedule.
- 40 Such claims may be made at any period of the year, and shall be dealt with as hereinafter provided.
31. Every such claim shall be signed by the claimant, and shall be attested before a Justice of the Peace, the Registration Officer, or an elector of the district, without any fee; and any person who knowingly or wilfully makes a false statement in any such claim, or makes a false declaration, shall be guilty of a misdemeanour.
- 45
50 No such claim and declaration shall be allowed unless it be given to or lodged with the Registration Officer of the electoral district in respect of which such claim shall be made.
- Every such Registration Officer shall have an office in the district for which he shall be Registration Officer, upon some conspicuous part of which there shall be affixed a legible notice, in painted or printed characters, not less than one-half inch long, indicating where such claims may be lodged.
- 55
33. Between the *fourteenth* and *last* days of the month of *August* in every year, the Clerk of every County Council and the Town Clerk of every borough in the district shall forward to the Registration Officer a copy of every ratepayers' roll for the time being in force within the district.

Governor may appoint or remove Registration Officers.

Registration Officer to make up lists for revision.

No person entitled to vote unless registered.

Claims to vote, how to be made.

Claimant must declare that he has not been previously registered for same qualification.

Form of claims.

Claims to be signed and attested.

Claims to be lodged with Registration Officer.

Clerks of County Councils and Town Clerks to send in ratepayers' rolls.

Provision when county or borough lies in different districts.

34. When any county or borough is in part comprised within two or more electoral districts, then the Clerk to the Council of such county or borough shall, from the existing ratepayers' roll, make a separate list for each of such portions of the county or borough as aforesaid, and shall forward the same to the Registration Officer as

Lists of ratepayers and ratepayers' roll to be signed by Chairman or Mayor.

35. Every such list as last aforesaid when so prepared shall be signed by the Clerk, and shall be countersigned by the Chairman or Mayor, as the case may be; and every ratepayers' roll shall be signed in like manner previous to transmission.

Where Counties Act not in force, ratepayers' roll of road districts to be transmitted.

36. Where the whole of "The Counties Act, 1876," is not in force in any electoral district, then the ratepayers' roll for every road district comprised in such electoral district shall be forwarded to the Registration Officer as before provided; and in any such case the enactments applicable to a county, or the Chairman or Clerk of the Council of such county, shall extend to the Chairman and Clerk of any such Road Board in respect of any road district affected by this provision.

How ratepayers' rolls to be dealt with.

37. The Registration Officer of every electoral district shall, on the receipt of such ratepayers' rolls and lists, accept and deal with the same as claims to be inserted on the list of voters for the electoral district as effectually in all respects, *mutatis mutandis*, as if the same were claims to vote made, signed, attested, and lodged in accordance with the provisions of this Act.

When voters' list to be made up.

38. In the first week of the months of *March* and *September* in every year the Registration Officer of each electoral district shall make an alphabetical list, in the form set forth in the *Third* Schedule, of all those persons who shall, during the period which has elapsed since the previous revision of the electoral rolls, have preferred claims as aforesaid; and shall forthwith cause such list to be posted in some public place within the electoral district for which such list shall be made, and shall cause the fact of such posting to be publicly notified.

The Registration Officer shall not insert in such list the name of any person whose claim shall not purport to be signed by him, or whose claim shall not purport to have been duly declared; but this provision shall not apply to claims made under or by virtue of a ratepayers' roll.

How claims to be signed in certain cases.

39. In the case of a claim by a freeholder, or a householder, every such claim shall be signed by such person in any manner that would be legally binding on him; but, if made by a marksman, the person attesting the mark shall state in his attestation that the claim was read over to the claimant and that he fully understood the nature and purport thereof.

Claims upon a residential qualification.

Where any person claims upon a residential qualification, every such claim shall be signed with the actual sign manual of the person making the claim, unless he shall at the date thereof be physically unable from any cause to write his name, in which case the fact and nature of the inability shall be stated in the attestation, as the case may require.

Objections may be made.

40. Any person whose name appears on any list of voters for revision may object to the name of any other person being retained in any list for any electoral district—that is to say, the objector shall, in the month of *April* or *October*, as the case may require, sign and deliver, or cause to be delivered, to the Registration Officer for the district, a written or printed notice of such objection in duplicate, according to the form in the *Fourth* Schedule to this Act, stating the grounds of his objection, and pay to the Registration Officer on the delivery of such notice of objection the sum of one shilling.

Where Registration Officer considers objection frivolous he may require a deposit of £5.

41. In any case where the Registration Officer considers the notice of objection to be frivolous, he may require the person objecting to deposit the sum of five pounds, to abide the decision of the Revision

Court, and if any person shall decline or neglect to make such deposit the notice of objection shall be void and of no effect.

If the Revision Court shall sustain the objection, the amount shall be returned to the objector; but if such objection shall not be sustained, the Court may order the same to be applied in paying the costs of the person objected to, as it shall think fit.

Application of deposit.

42. Every notice of objection and the duplicate thereof may be given to the Registration Officer upon a post card, in the form hereinbefore prescribed, and subject to the regulations in force relating to post cards.

Notice of objection may be given on post card.

43. The Registration Officer shall cause one of the notices so delivered to him to be forwarded to the address of the person objected to, as stated in the notice of objection, and shall keep the duplicate thereof, and may require the Postmaster to mark or stamp such duplicate, which the Postmaster shall do without any fee, upon being satisfied that the card sent and the duplicate are alike.

Registration Officer to send duplicate to person objected to.

The production by the Registration Officer of the marked or stamped duplicate shall be evidence of the notice having been given to the person objected to, at the address mentioned in such duplicate, on the day on which such notice would, in the ordinary course of post, have been delivered.

44. If any person whose name shall be on any such list of voters shall be desirous of having his name removed therefrom, he shall, in the month of *April* or *October*, as the case may require, give notice in writing (to be signed by him in the presence of and attested by a Justice of the Peace), in the form, or to the effect of the form, in the *Sixth* Schedule, to the Registration Officer of the district; and the said Registration Officer shall strike the name of such person out of the said list, or shall strike out such qualification as he shall desire to have omitted, accordingly.

Person desirous of having his name omitted may give notice to Registration Officer.

45. The Registration Officer shall within the first seven days of the months of *May* and *November* in each year, as the case may require, make out for the district of which he is Registration Officer a list of the names of all persons so objected to in respect of such district, arranged in alphabetical order of the surnames, according to the form in the *Fifth* Schedule, and shall state therein against each name the several particulars required in and by such Schedule, as appearing by the notice of objection.

Registration Officer to make out list of persons objected to.

46. If the Registration Officer shall have reasonable cause to believe that any person whose name shall be on the said list of voters is dead, or, from any cause whatever, is not entitled to be on the electoral roll in respect of any qualification stated in such list, and is not objected to, or is already upon any existing roll or list in respect of the same qualification, he shall insert the name of such person in the list of persons so objected to, and shall affix his name as the objector thereto.

Registration Officer may omit names of persons in certain cases.

47. Nothing hereinbefore contained shall be deemed to authorize any objection to any person whose name may be inserted upon a ratepayers' roll transmitted to the Registration Officer under this Act, other than that the person objected to has been already registered upon a different qualification which is still in existence.

No objection to person on ratepayers' roll, other than that he is already registered.

48. The Registration Officer shall forthwith cause the list of persons objected to to be posted in some public and conspicuous place within the district.

The Registration Officer shall also, at the same time and in the same manner, cause to be posted, in some public and conspicuous place within the district, an alphabetical list, in the form in the *Seventh* Schedule, of all persons whose names shall have been removed from the list of voters at their own request.

List of objections to be posted.

49. The Registration Officer shall publicly notify the place where each such list is posted, and shall state upon each such list, and in the notification aforesaid, the place where and date when such objections will be heard by the Revision Court.

Posting of list to be publicly notified.

Every list required to be posted as aforesaid shall be kept so posted by the Registration Officer until the day before the holding of the Revision Court, and the Registration Officer shall also keep a true copy or copies thereof at his office, and permit the same to be inspected at all reasonable hours without any charge or fee.

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Penalty for destroying posted lists.

50. Every person who shall wilfully destroy remove, deface, or otherwise injure or interfere with any notice, list, or other document posted for the purpose of publication under the provisions of this Act, during the period for which the same is hereinbefore required to remain so posted, shall for every such offence be liable to a penalty not exceeding *twenty* pounds nor less than *forty* shillings.

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Lists not invalidated by imperfect publication.

51. No list shall be invalidated by reason that it shall not have been posted or notified in such manner, in every place, and for the full time hereinbefore provided, nor by reason of any error in the copying or printing of the same; but the Revision Court shall proceed to revise and adjudicate upon every such list which shall have been posted in any manner and for any part of the time hereinbefore mentioned in that behalf.

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Nothing herein contained shall be construed to exempt the Registration Officer or other person charged with the duty of posting or notifying any such list as aforesaid from the penalties and other consequences of his neglect or wilful default.

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List of claimants and electoral roll to be list of voters for revision.

52. In every district the electoral roll for the time being, together with the list of claimants to be made out and published as aforesaid, shall together constitute the list of voters for revision, and a copy of such roll and the list of claimants made out as aforesaid, together with an authentic copy of the lists to be posted in pursuance of the *forty-sixth* section of this Act, and all the original claims and notices of objection which the Registration Officer shall have received, shall, on or before the *twenty-first* days of *May* and *November* in each year, be transmitted to the Clerk of the Revision Court for the district by the Registration Officer.

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If no list made out, a posted roll in force deemed to be list for revision.

53. In case no list of voters shall have been made out for any electoral district in any one year, or in case such list shall not have been posted or notified as hereinbefore mentioned in that behalf, the electoral roll for such district then in force shall be taken to be the list of voters for the purposes of revision for such district for the period then next ensuing, and until a new roll shall be made out under the provisions of this Act.

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The provisions herein contained respecting any such list of voters shall be taken to apply to such electoral roll as aforesaid.

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Provision as to Holders of Miners' Rights and Business Licenses.

Holders of miners' rights and business licenses may claim to vote in year 1879.

54. Every person who is the holder of a miner's right or business license upon the *first* day of *January*, one thousand eight hundred and seventy-nine, and which miner's right or business license (whether an original or a renewed miner's right or business license) would then entitle him to vote at the election of a member of the House of Representatives, shall be entitled to make a claim to have his name inserted in the list of voters to be made out in the next succeeding month of *March* in that year for the electoral district in which he is so entitled to vote.

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Form of claim.

55. Every such claim shall be made in the form set forth in the *Eighth* Schedule, or to the like effect, and shall be signed by the person claiming, and every such signature shall be attested before a Justice of the Peace or the Registration Officer of the district, and shall be lodged with such Registration Officer, and be by him dealt with in all respects as claims to vote are or may be dealt with under the preceding provisions of this Act.

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But, in making up the list of voters for revision as hereinbefore provided, the names of every person who shall claim under the provisions of section *fifty-four* shall be kept in a separate part of such list, and shall have a heading or note to the following effect: "Special list of claimants to be enrolled as holders of miners' rights or business licenses."

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56. Notwithstanding anything in this Act contained, until the first day of July, one thousand eight hundred and seventy-nine, and until the rolls which under the preceding provisions of this Act shall come into force, all persons who may be qualified to vote at any election as holders of miners' rights or business licenses shall, until the day after such rolls shall come into force as aforesaid, continue to have and may exercise the like electoral privileges which they are entitled to have and exercise as the holders of such miners' rights or business licenses; the meaning hereof being that until the date hereinbefore mentioned none of the persons to whom this section refers shall be deprived of any privileges which but for this Act they would have had or enjoyed.

Holders of miners' rights and business licenses may vote upon their existing qualification till 1st July, 1879.

REVISION COURTS.

57. The Revision Court for each district shall be the District Court of limited jurisdiction holden within the district, and, if there be two or more such Courts within the district, then such Court shall be that one of such District Courts which shall be holden nearest to the office of the Registration Officer.

District Courts of limited jurisdiction to be Revision Courts.

If there be no District Court held within the district, then the Revision Court may be held at such place without the limits of the district as the Governor shall appoint for that purpose.

58. A Revision Court for each district shall sit at the place appointed for holding such District Court according to law, and at ten of the clock in the forenoon upon some day to be notified between the twenty-first and last days of the months of May and November in each year.

When Courts to sit.

The Clerk of each Revision Court shall give at least seven days' previous public notice of the time and place for holding the Court, and such notice shall be signed by the Clerk, and shall state, as nearly as may be, the business for which such Court is to be held.

Notice to be given by Clerk.

Every such Court may from time to time be adjourned, and if, for one hour after the time appointed for holding any such Court, or to which any Court has been adjourned, no District Magistrate shall be present, then the Clerk of the District Court, herein called "the Clerk of the Court," may from time to time adjourn the Court to a future day:

Court may be adjourned.

But no such Court shall be adjourned beyond eight days from the time appointed for holding the same.

59. The Revision Court for each district shall, at the time and place aforesaid, revise, as hereinafter provided, the list of voters which shall have been last made out by the Registration Officer of the district and transmitted to the Clerk of the Court.

Proceedings of Revision Court.

The Registration Officer, or, if he be unavoidably prevented, some person on his behalf, shall attend the Court, and shall produce to the said Court all books, and notices of objection, and other books, lists, papers, and documents connected with his office which shall be in the custody of the Registration Officer or under his control; and the Clerk of the Court shall produce to the Court the several lists which shall have been transmitted to him as herein provided.

60. The Court shall have authority to hear, receive, and examine evidence, and, by summons under the hand of the District Magistrate, to require all such persons as he may think fit to appear personally before the Court, at a time and place to be named in such summons, and to produce to the Court all such books and papers in their possession or under their control as may appear necessary for the purpose of their examination.

Power to take and receive evidence.

All the provisions for the time being applicable or in force relating to the examination of witnesses in District Courts shall extend and apply to persons summoned to give evidence under this Act.

General provisions as to witnesses in District Courts applicable to witnesses under this Act.

61. The Court shall retain on the list under revision the names of all persons to whom no objection shall have been duly made, and

Duty of Revision Court.

shall also retain on the list the name of every person who shall have been objected to by any other person, unless the party so objecting shall appear in person in support of such objection, and prove the due delivery of his notice of objection, and publication thereof in the lists of objections.

Procedure where name objected to.

When the name of any person inserted in any list shall have been duly objected to, and the person objecting shall appear in person in support of such objection, and make proof of the matters aforesaid, the Court shall require proof of so much of the qualification of the person so objected to as shall be embraced in the grounds of objection so to be stated as aforesaid, and no more.

If qualification not proved, name to be expunged.

62. In case such qualification of such person shall not be proved to the satisfaction of the Court, the Court shall expunge the name of every such person from the list, and shall also expunge therefrom the name of every person of whose death the Court shall be satisfied by evidence or otherwise; and the Court shall correct any mistake and supply any omission which shall be proved to have been in the list in respect of the name or names or place of abode of any person who shall be included therein, or in the local description of his residence or qualification.

But no person's name shall be expunged from any list, except in the case of death, or of his name being on the list of ratepaying electors, unless notice shall have been given as is hereinbefore required in that behalf.

Proof of qualification when name objected to.

63. Where any person shall have been objected to as hereinbefore provided, and the person objecting (except the Registration Officer) shall appear in person, or by some one authorized in writing on his behalf, in support of such objection, the Revision Court shall then require it to be proved that the person so objected to was entitled on the day of the date of his claim to have his name inserted in the list of voters in respect of the qualification objected to as described in such list.

If proof not satisfactory, name to be expunged.

In case the same shall not be so proved to the satisfaction of such Revision Court, or in case it shall be proved that such person was then incapacitated by any law from voting at an election, such Revision Court shall expunge the name of every such person from the said lists of voters, or shall expunge the qualification objected to, as the case may require.

Personal attendance of person objected to not compulsory unless summoned.

64. No person who shall have been objected to shall be compelled to appear in person to make proof of the nature and sufficiency of his qualification unless summoned to attend by the Revising Court.

Provision where a householder objected to for having changed his abode.

65. Where any person whose name appears on any list of voters for any district in respect of a household qualification shall be objected to on the ground of having changed his place of abode or having ceased to occupy the particular tenement in respect of which his name appears on such list, without having sent in a fresh notice of claim, the Revision Court shall retain the name of such person on the list of voters:

Provided that such person, or some one on his behalf, shall prove that he possessed a household qualification on the last day of April or the last day of October then next preceding, as the case may be, and shall also supply his true place of abode and the particulars of his qualification, which the Court shall insert in such list.

Court may order Clerk to give notice of objection in certain cases.

66. The Court may order the Clerk to cause notice of objection, in the form in the Ninth Schedule, to be forthwith given to any person whose name shall appear upon any list under revision by such Court, and who shall be deemed by such Court not to be entitled to be retained thereon, or to be left at, or sent by post card addressed to such person at, the premises at which, by the list, he shall appear to reside.

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The question relating to such name may be adjourned to some future day, not less than three days from the making of such order, to which such Court may be lawfully adjourned for the revision of such list, and such Clerk shall not be bound to appear in support of such objection in any case; and, on proof of the Clerk so having given such notice, the Court shall proceed as in other cases of objections.

Proceedings may be adjourned.

67. The Court shall insert in the list of voters for any electoral district the name, and particulars of abode, and qualification of every person omitted who shall be proved to the satisfaction of such Court to have given due notice of his claim, and to have been entitled on the day of the date of his claim to have his name inserted therein in respect of the qualification described in such notice of claim.

Court to insert names in certain cases on proof that notice of claim given.

The Registration Officer, or any person whose name shall be on the list of voters for any electoral district may, without any previous notice, oppose the claim of any person so omitted as aforesaid to have his name inserted on the electoral roll for such district.

68. In case it shall appear to the Court that any person has made or attempted to sustain a frivolous or vexatious objection to any name being retained on any list, or has failed to appear in support of any objection, or fails to pay any costs which he may be ordered to pay under the provisions hereinafter contained, it shall be lawful for them to award such costs, not exceeding *five* pounds, as to them shall seem meet, to be paid by such person to the person resisting such objection.

Court may allow costs in case of frivolous objection.

Such costs may, in default of payment, be recovered before any Justice.

Costs may be so awarded in respect of each name objected to, although the objections may have been made by one person.

Costs not to be given against Registration Officer or Clerk of Court.

But costs shall in no case be given against any Registration Officer, or against a Clerk of Court giving notice of objection in obedience to the direction of the Court; and no writ or process for removal of any such order or of any warrant issued in respect of the same into the Supreme Court of New Zealand shall be allowed or granted.

69. Such order for the payment of costs as aforesaid may be made in any case, notwithstanding any party shall have given notice of his intention to appeal against any decision of the Revision Court in the same case; but in case of such appeal the said order for the payment of costs shall be suspended, and shall abide the event of such appeal, unless the Court of Appeal shall otherwise direct, but no appeal shall be entertained against or only in respect of any such order for the payment of costs.

Order for costs may be made notwithstanding appeal.

70. Whenever any Revision Court shall have made any such order for the payment of any sum of money for costs by any person who shall have made any objection as aforesaid, the Revision Court shall not hear or admit proof of any other objection, or notice of objection, made or signed by the same person, until the sum of money so ordered to be paid by him for costs be paid to the person entitled to receive the same, or, in case of notice of appeal, until the said sum shall have been deposited in the hands of the Clerk of the Revision Court to bide the event of such appeal, unless the Court shall, in its discretion, think fit to allow such other objection to be proceeded with, notwithstanding such sum of money has not been paid or deposited as aforesaid.

Further objections by same person not to be heard till costs paid.

Exception.

71. In case any sum of money directed by the order of any Revision Court to be paid by any person for costs shall not be paid according to the terms of such order, any Justice of the Peace may, and he is hereby required, upon proof before him that a true copy of the said

Procedure to enforce order of costs.

order has been served upon or left at the usual or last known place of abode in New Zealand of the person in the said order directed to pay such sum, and that the said sum has been demanded of such person either personally or at such place of abode, and that he has refused or neglected to pay the same, to order, by warrant under his hand and seal, the said sum of money, together with reasonable costs attending the said warrant, to be fixed by such Justice, to be levied by distress and sale of the goods and chattels of such person so making default which may be found within the jurisdiction of such Justice. 5

After the said sum of money and costs and the charges of such distress and sale are deducted, the overplus (if any) shall be paid on demand to the owner of the said goods and chattels. 10

In case of default, warrant of commitment may issue.

72. In case it shall appear to the satisfaction of the Justice issuing any such warrant as aforesaid that the person against whom any such warrant has been applied for has not sufficient goods and chattels to satisfy such levy, or, if upon the return of such warrant it shall appear that no sufficient distress can be had, it shall be lawful for such Justice by warrant to commit such person to gaol for any time not exceeding two months. 15

How list of voters to be signed and certified.

73. The Clerk of the Court shall, in open Court, write his initials against the names struck out of the list as hereinbefore provided, and against any part of any list in which any mistakes shall have been corrected or omission supplied, and shall sign his name to every page of the list so settled, and shall then cause to be written at the foot or end of each list a certificate that the same has been revised and is correct; and the District Magistrate presiding at such Court shall date and sign such certificate. 20 25

Lists to be sent to Returning Officer.

74. The list of voters for each electoral district so signed and certified shall forthwith, and in every case before the *fifteenth* day of *June* or the *fifteenth* day of *December* in the year in which such list shall have been completed as aforesaid, be transmitted by the Clerk of the Court to the Returning Officer of the district. 30

The Returning Officer shall forthwith cause the said lists to be written or printed in the form in the *Tenth* Schedule, arranged with the names in alphabetical order according to the surnames, and shall in the said lists prefix to every name its proper number, beginning the numbers from the first name and continuing them in a regular arithmetical series down to the last name. 35

It shall not be compulsory to adopt the tabular form of roll herein prescribed, but the names may be printed in any other form convenient so that the same order is preserved. 40

When alterations not numerous, roll of former half-year with additions to be new roll.

75. Whenever the electoral roll of the previous half-year shall have been printed, and the alterations required are not so numerous or important as to render it, in his opinion, necessary to reprint the same, it shall be lawful for the Returning Officer to cause the necessary corrections to be made in the printed copies for such previous half-year in a clear, intelligible form, and any new names to be added shall be printed separately, and numbered consecutively from one upwards; and such roll of the previous half-year, with such corrections and additions, shall for all purposes be deemed the same as though it had been written or printed as hereinbefore provided. 45 50

Duty of Returning Officer in completing rolls.

Copies to be made.

76. The Returning Officer shall carefully examine the written or printed copies with the original lists so signed as aforesaid, and, such copies being made strictly accurate, shall sign three copies—one for his own use, one for the use of the Registration Officer, and the third for transmission to the Colonial Secretary, as hereinafter provided, and shall also sign a sufficient number of accurate copies, so that at any election there may be signed a copy for the use of the person 55

who shall take the poll at each polling-place for the electoral district to which the same relates.

The copy to be made for the use of the Registration Officer shall be forwarded to him by the Returning Officer.

5 **77.** The copy so to be signed and kept by the Returning Officer for his own use shall be the electoral roll of persons entitled to vote at any election which shall take place for the same electoral district, according to the period of the year at which the roll shall be made, that is to say,—

Copy kept by Returning Officer to be roll in force.

10 (1.) The roll revised in the month of May shall be the roll for all elections between the *last* day of *June* in the year wherein such electoral roll shall have been made, and the *first* day of *January* in the next succeeding year; and

15 (2.) The roll revised in the month of November shall be the roll for all elections between the *last* day of *December* in the year wherein such electoral roll shall have been made, and the *first* day of *July* in the next succeeding year.

In case the Returning Officer's copy of the roll shall be lost or mislaid the copy to be forwarded to the Registration Officer as herein-
20 before provided shall be deemed the electoral roll for such purpose.

78. Every Returning Officer shall keep, or cause to be kept, at some convenient place in the district, copies of the electoral roll for the electoral district in respect of which he is Returning Officer, and a copy of such roll shall be delivered to any person applying for the
25 same, upon payment of a price after the rate contained in the table set forth in the *Eleventh* Schedule.

Returning Officer to keep copies of roll for sale.

79. The Returning Officer of each electoral district, having completed the roll as hereinbefore provided, shall forthwith transmit to the Colonial Secretary the original lists, as signed by the Clerk of the
30 Revision Court and certified by the District Magistrate, together with the triplicate copy of the electoral roll as hereinbefore provided, and three of the copies thereof which shall have been prepared for sale as hereinbefore provided.

Original lists and copies to be sent to Returning Officer.

Appeals from Revision Court.

35 **80.** Any person who, under the provisions hereinbefore contained, shall have made any claim to have his name inserted in any list, or whose name shall have been expunged from any list, and who in any case shall be aggrieved by or dissatisfied with any decision of
40 any Revision Court on any point of law material to the result of such case, either himself or by some person on his behalf shall give to the Clerk of the Court in Court, before the rising of the Court, on the same day on which such decision shall have been pronounced, or on the following day, if the Court shall be sitting on such following day, a notice in writing that he is desirous to appeal, and in such notice
45 he shall shortly state the decision against which he desires to appeal.

Appeal from decision of Revision Court.

81. No appeal or notice of appeal shall be received or allowed against any decision of any Revision Court upon any question of fact only, or upon the admissibility or effect of any evidence adduced or
50 tendered in any case to establish any matter of fact only; and no appeal shall be heard unless the appellant shall give security to the Revision Court for the costs of such appeal on giving notice of appeal.

No appeal on questions of fact.

82. Upon receiving such notice of appeal as aforesaid the District Magistrate presiding at the Revision Court shall state in writing the facts which, according to his judgment, shall have been
55 established by the evidence in the case, and which shall be material to the matter in question, and shall also state in writing his decision upon the whole case and upon the point of law in question appealed against.

Revision Court to state case.

The Clerk of the Court shall read the statement to the appellant in open Court, and shall then and there sign the same; and the

Procedure thereon.

appellant, or some one on his behalf authorized in writing for that purpose, shall, at the end of the statement, make a declaration in writing under his hand to the following effect: "I appeal from that decision;" and the Clerk of the Court shall then indorse upon such statement the name of the electoral district to which the same shall relate, and the Christian and surname and place of abode of the appellant, and shall sign and date such indorsement.

Statement to be sent to Registrar of Supreme Court.

83. The said statement shall be sent by the Clerk of the Court to the Registrar or Deputy-Registrar of the Supreme Court in the judicial district within which such electoral district is situated nearest to the Revision Court.

Appeals to be determined by the Supreme Court.

84. All appeals or matters of appeal from or in respect of any decision of any Revision Court entertained in manner hereinbefore mentioned shall be determined by a Judge of the Supreme Court in such manner and form and subject to such rules and regulations as the Judge of any judicial district shall from time to time, by any rule or order made for regulating the practice and proceedings in such appeals, order and direct in respect of such judicial district.

Until any rules shall be so made the rules for the time being in force as to appeals to the Supreme Court from the decision of a District Court in its ordinary jurisdiction shall apply to appeals under this Act.

Appeal may be heard in a summary manner.

85. Any Judge may determine any such matter of appeal, without any argument, in open Court, or may direct an argument in open Court, if he shall think fit; and in such latter case he shall cause notice to be given by the Registrar or Deputy-Registrar to the persons who shall in his opinion be the proper parties to the appeal to appear on a day and at a place to be fixed by the Judge for that purpose.

If both or any of the parties shall neglect to attend, it shall be lawful for the Judge to determine the appeal in their or his absence.

Judge may remit statement of matter of appeal to be amended.

86. If any Judge of the Supreme Court shall be of opinion in any case that the statement of the matter of the appeal is not sufficient to enable him to give judgment in law, it shall be lawful for such Judge to remit the said statement to the District Magistrate presiding at the Revision Court by whom it shall have been signed, in order that the case may be more fully stated.

If decision of Revision Court altered, correction to be made in the electoral roll accordingly.

87. Whenever by any judgment or order of a Judge of the Supreme Court any decision or order of any Revision Court shall be reversed or altered upon appeal as aforesaid, so as to require any alteration or correction of the electoral roll for any electoral district, notice of the said judgment or order of the said Judge shall be forthwith given, under the hand of the said Registrar or Deputy-Registrar, to the Returning Officer or other person having the lawful custody of the electoral roll, specifying exactly every alteration or correction to be made in the electoral roll in pursuance of the said judgment or order.

Mode of making such alteration.

88. Such Returning Officer or other person shall forthwith, upon receipt of the said notice, alter and correct the said electoral roll accordingly, and shall sign his name against every such alteration or correction in the said electoral roll, and shall safely keep with the electoral roll every such notice received by him from the Registrar of the Supreme Court, and shall also transmit to the Colonial Secretary and Registration Officer respectively an accurate copy of such notice,

Force and effect of alteration.

89. Every such alteration or correction in the electoral roll shall have the like force and effect at and from the time of making the same as though the same had been duly made as an original entry, or duly omitted in making up the electoral roll under this Act, and the several copies for the persons who shall take the poll, and also those which shall be for sale, shall be corrected or altered accordingly.

90. No right of voting at any election shall be affected by any appeal pending, but it shall be lawful for every person to exercise the right of voting at such election as effectually as if no such appeal was pending; and the subsequent decision of any appeal pending shall not in any way alter or affect the poll taken at such election, or the return made thereat by the Returning Officer.

Right of voting not to be affected by appeal pending.

91. It shall be lawful for the Judge who shall determine an appeal to make any order respecting the payment of the costs of the same, or any part thereof, as to him shall seem meet, but so as no such order shall be made for the payment of costs to an amount exceeding fifty pounds.

Judge may give costs on appeal.

Miscellaneous Provisions.

92. Whenever any notice, claim, or declaration is required to be given under this Part of this Act to any public officer or other person, it shall be sufficient if such notice, claim, or declaration shall be delivered personally to such public officer or other person, or shall be left at his usual place of abode, or office, or other place for transacting business in New Zealand, and no such notice, claim, or declaration shall be valid unless given before four o'clock p.m. on the last day appointed for giving the same.

Provision as to time for service of notices, &c.

93. In case any electoral roll for any district shall not, from any cause whatever, be made out and completed for any half-year, as prescribed by this Act, the electoral roll for that district for the half-year preceding shall be in force for the period of the year for which a roll shall not have been made out and completed as aforesaid.

If no roll made out, previous roll in force to remain in force.

94. If any Clerk of any County or Council, or the Town Clerk of any borough, or other officer or person, shall be guilty of any wilful misfeasance, or wilful or grossly negligent act of commission or omission, contrary to the provisions of this Part of this Act, he shall be liable, upon being convicted thereof, to forfeit and pay a sum of not more than fifty pounds nor less than five pounds, or, at the discretion of the Court, to be imprisoned for any period not exceeding three months.

Clerk of County Council or Town Clerk guilty of wilful negligence to be liable to penalty.

PART IV.

REGULATION OF ELECTIONS.

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Appointment of Returning Officers and Polling-Places.

95. The Governor, by warrant under his hand, shall appoint a Returning Officer for each of the electoral districts within the colony for the election of members of the House of Representatives, and may from time to time, by warrant as aforesaid, remove any Returning Officer and fill up any vacancy that may at any time occur by death, removal, resignation, or otherwise in the office of Returning Officer for any electoral district.

Governor to appoint Returning Officers.

96. No person shall be appointed to be Returning Officer, or substitute for the Returning Officer appointed under the provisions hereinafter contained, or Deputy Returning Officer for any such electoral district, who shall at the time be a member of the House of Representatives for such district, or who shall at the time be a candidate at any election for the district for which such appointment is made.

Members of House of Representatives not to be Returning Officers.

97. No Returning Officer, or Deputy Returning Officer, or substitute for the Returning Officer, for any such electoral district, and no person who shall have been such Returning Officer, and shall not, by writing under his hand addressed to the Governor, have resigned such his office at least thirty days before the day of nomination for any

Returning Officer or Deputy not to be a candidate for district in which he acts.

election for the same respectively, shall be a candidate, or be capable of being elected or returned, or be a member for such district.

Returning Officer to
make declaration.

98. Every Returning Officer shall, before he shall enter upon any of the duties hereby assigned to him, make and subscribe a declaration to the following effect before some Justice of the Peace, who is hereby authorized to take the same :— 5

I, A.B., do solemnly and sincerely declare that I will faithfully and impartially, according to the best of my skill and judgment, exercise and perform all the powers, authorities, and duties reposed in or required of me by "The Electoral Act, 1878," as Returning Officer for the Electoral District of ; and I do further solemnly promise and declare that I will not, at any election for the said District, attempt to ascertain, save in cases in which I am expressly authorized by law so to do, for what candidate any person shall vote or have voted, and that, if in the discharge of my said duties at or concerning any such election I shall have learned or have the means of learning for what candidate any person shall vote or have voted at such election, I will not by word, or act, or any other means whatsoever, directly or indirectly, divulge or discover, or aid in divulging or discovering, the same, save in answer to some question which I am legally bound to answer, or in compliance with the express provisions of the law relating to Parliamentary elections. 10
15
20

A. B.
Taken and declared before me, this day of , 18 .
C. D.,

A Justice of the Peace for the Colony of New Zealand. 25

Governor may ap-
point polling-places.

99. The Governor, by warrant under his hand, may from time to time appoint polling-places for each electoral district within or within one mile of the limits thereof, and may appoint any one of such polling-places to be the principal polling-place for the district, and all or any of such polling-places from time to time in like manner may abolish, 30
and, if he think fit, may appoint other polling-places in lieu of those abolished.

Regulation as to
appointment of
polling-places.

100. No polling-place shall be appointed by the Governor under this Act unless he shall be first satisfied that the place to be appointed is more convenient than any other for at least twenty electors to record 35
their votes thereat.

Notice of the appointment or abolition of any polling-place shall be gazetted.

Issue of Writs.

Writs to be issued by
Clerk of the Writs.

101. Writs for the election of members of the House of Repre- 40
sentatives shall in all cases be issued by and returnable to an officer to be appointed by the Governor, by a warrant under his hand, who shall be called "the Clerk of the Writs," and who shall hold office during the Governor's pleasure, or by the deputy of the said Clerk appointed in like manner, who shall act when the said Clerk is unable 45
to act, which deputy is hereinafter included in the term "Clerk of the Writs."

Clerk of Writs to
have seal.

102. The Clerk of the Writs shall have a seal of office, which shall be in such form as the Speaker shall approve, and he shall issue the said writs in obedience to warrants to be directed to him in the manner herein prescribed, and the said writs may be in the form in the 50
Twelfth Schedule hereto, or to the like effect.

Writs for general
election to be issued
on warrant of the
Governor.

103. All writs for each election to be issued upon the expiration of the period of continuance of the House of Representatives for the time being, or upon the previous determination of such House by its 55
dissolution, shall be issued upon the warrant of the Governor directed to the Clerk of the Writs.

Committee to act in
place of Speaker in
certain cases.

104. The Chairman of Committees (if any) of the House of Representatives and any three other members of the said House, to be from time to time nominated by the Speaker, shall form a Com- 60
mittee for the purposes hereinafter provided; and every such nomination shall be in writing under the hand of the Speaker, and be deposited with the Clerk of the Writs.

The expression "the Speaker" in this and the succeeding sections means the Speaker of the House of Representatives for the time being.

105. If any member of the House of Representatives wishes to resign his seat in the interval between two sessions of the General Assembly, and there is then no Speaker of the said House, or if the Speaker be absent from the colony, or if such member be himself the Speaker, he may address and cause to be delivered to any two members of the said Committee his resignation under his hand, and his seat shall thereafter become vacant; and such two members, upon being satisfied of the vacancy, shall forthwith address the warrant to the Clerk of the Writs, and a writ for the election of a new member shall issue accordingly.

In cases of absence of Speaker any two members of Committee may act.

106. During any session of the General Assembly, the Speaker shall forthwith, upon being ordered so to do by the House of Representatives, issue his warrant to the Clerk of the Writs to make out a new writ for electing a member of the said House in the room of any member whose seat shall have become vacant during such session or previous thereto, and a new writ shall issue accordingly.

Writ to fill vacant seat during session to issue on warrant of Speaker.

Where a vacancy has occurred prior to or immediately after the first meeting of a new Parliament, or within fourteen days after the return of the member whose seat is vacated, or if the seat which has been vacated be claimed on behalf of another candidate, no writ shall be issued until after the time limited for presenting election petitions under "The Bribery Act, 1878."

A certificate under the hand of a Registrar or Deputy-Registrar of the Supreme Court where any such election petition has been presented shall be evidence of the fact of such presentment according to the tenor thereof.

107. During any recess of the House of Representatives, whether by prorogation or adjournment, the Speaker shall issue his warrant to the Clerk of the Writs to make out a new writ for electing a member of the said House in the room of any member whose seat shall become vacant either during the recess or previous thereto, as soon as it shall be established to his satisfaction that such vacancy has occurred, and a new writ shall issue accordingly.

And also to fill vacant seats during a recess.

But the Speaker shall not issue his warrant until six days after the insertion by him in the *Gazette* of a notice of the alleged cause of vacancy.

108. The Speaker shall not issue such last-mentioned warrant unless the return of the writ by which the member whose seat has become vacant was elected shall have been made to the Clerk of the Writs fifteen days at least before the commencement of the recess, nor unless there is an interval of time between the issue of such warrant and the day then fixed for the next meeting of the said House for despatch of business sufficient to enable the writ to be issued before the day fixed for such meeting;

Time for issue of Speaker's warrant certain cases.

Nor shall such warrant issue if the seat shall have been vacated by a member against whose election or return a petition was depending at the time of the then last prorogation of the General Assembly or adjournment of the said House.

109. During any such recess as aforesaid any two members of the said Committee may execute all and singular the powers given to the said Speaker for issuing such warrants as aforesaid during a recess, subject nevertheless to such restrictions and regulations as are herein contained; but the powers conferred by this section shall be deemed to be conferred only in the case of there being no Speaker, or of the Speaker being absent from the colony, or in the case of the member whose seat is vacated being such Speaker.

Quorum of Committee for exercise of functions.

110. If any writ shall have been unduly issued during any

Supersedes to writs unduly issued.

session, the Speaker shall forthwith, on being ordered so to do by the said House, issue a warrant under his hand to the Clerk of the Writs, directing him to issue a writ of *supersedeas* to any such writ, and a writ of *supersedeas* shall issue accordingly.

If any writ shall have been unduly issued during any recess in pursuance of any warrant given by the Speaker, or any members of any such Committee as aforesaid, such Speaker or members of such Committee, as the case may be, may, during such recess, and before the nomination, issue his or their warrant to the Clerk of the Writs, directing him to issue a writ of *supersedeas* to any such writ, and a writ of *supersedeas* shall issue accordingly.

Date of return of writs.

111. Every writ shall be returnable to the Clerk of the Writs on such date, within *forty* days from the day of issue thereof, as shall be appointed in the warrant for the issue of the writ and in the writ.

Every such writ shall be directed to the Returning Officer of the district for which the election is to be held.

Proceedings prior to Elections.

Returning Officer to fix day of nomination.

112. The day before which nominations of candidates at and for any election must be made under this Act (herein called the day of nomination), and the day of polling, should the election be contested, shall respectively be appointed by the Returning Officer of the electoral district: Provided that the day of nomination shall be not less than *five* nor more than *fourteen* clear days from the date of the receipt of the writ by the Returning Officer, and that the day of polling shall be not less than *three* nor more than *seven* clear days from the day of nomination.

Duty of Returning Officer on receipt of writ.

113. The Returning Officer shall, upon receipt by him of any writ of election, forthwith indorse thereon the date of such receipt, and shall also forthwith publicly notify the purport of the said writ, and in such notice shall appoint the day of nomination, a place within the electoral district at which he will receive the nomination papers as hereinafter mentioned, the day of polling, and insert a list of the polling-places.

Returning Officer to appoint a substitute.

114. The Returning Officer shall forthwith, on the receipt by him of any such writ of election as aforesaid, appoint, by writing under his hand, some fit person to be substitute for such Returning Officer, and such Returning Officer shall in person, or by such substitute, attend at all reasonable hours in the daytime, in the interval between the receipt of such writ and the day of nomination, at the place so appointed for receiving the said nomination papers, and, if at any time during such interval the Returning Officer shall be absent at the time or place hereby appointed for the doing or suffering by him of any act or thing relating to such election, then such substitute may and shall do or suffer such act or thing.

When substitute may act.

115. If the Returning Officer shall die, or if, by reason of his sickness or any other unavoidable cause, he shall be unable to do or suffer any acts or things relating to such election, and shall notify the same to such substitute, then such substitute at any time may and shall, as and for the Returning Officer, do and suffer all such acts and things and subject in every such case to the like provisions as though he were the Returning Officer.

Returning Officer to post names of candidates.

116. The Returning Officer shall, upon each day between the receipt by him of any writ of election and the day of nomination for such election mentioned in such writ, post and keep posted, outside the place so named as aforesaid for receiving the nomination papers, in some public and conspicuous position, the name and description of

all persons who shall previously have duly become candidates for such election.

5 **117.** In order that any person may become or be a candidate at any election, he shall be nominated by not less than five persons entitled to vote at such election in manner following, that is to say,—

How candidates to be nominated.

10 After the issue of the writ, and before six o'clock in the evening of the day preceding the day of nomination, there shall be delivered to the Returning Officer, who shall if required give a receipt for the same, a nomination paper, in the form in the *Fourteenth* Schedule, naming such person as a candidate at such election, and signed by the persons nominating as aforesaid, and having at the foot thereof a statement under the hand of the person so nominated that he consents to such nomination.

15 **118.** If the number of persons who shall have become candidates at any election shall not exceed the number of members there and thereat to be elected, the Returning Officer shall, at noon on the day of nomination, at the place named as aforesaid for the delivery of the nomination papers, publicly declare such candidates to be duly elected, and make his return accordingly.

When candidates do not exceed number of persons to be elected, Returning Officer to declare them elected.

20 **119.** The names of the persons so declared to be elected shall be indorsed on the writ by the Returning Officer as the persons duly elected in pursuance thereof, and the writ shall be returned by him to the Clerk of the Writs forthwith.

Writ to be indorsed and returned accordingly.

25 **120.** If the number of such persons who shall have become candidates shall exceed the number of members to be elected, then, for deciding between such candidates, a poll shall take place on the day named in the writ for that purpose, and at the several polling-places for the district, and the Returning Officer shall, at noon on the day and at the place named as aforesaid for the delivery of the nomination papers, publicly announce that a poll will be so taken, and the names of the persons who shall have become candidates; and shall also forthwith give public notice to the like effect.

When candidates exceed number of members to be elected, poll to be taken.

30 **121.** It shall be lawful for any candidate so nominated as aforesaid, at any time thereafter, but not later than two clear days before the day of polling, to withdraw his name as a candidate by giving to the Returning Officer a notice in the form in the *Fifteenth* Schedule, or to the like effect, signed by the said candidate in the presence of and attested by a Justice of the Peace; and whenever any candidate shall so withdraw, the Returning Officer shall forthwith publicly notify the fact of such withdrawal.

Candidate may withdraw.

35 **122.** If after such withdrawal there shall be no more candidates than the number of members to be returned, no poll shall be taken, and the Returning Officer shall forthwith publicly declare the remaining candidates to be duly elected (as though the number of candidates had not exceeded the number of members to be elected), and shall insert, at the foot of the notification mentioned in the last preceding section, a notice, in the form in the *Sixteenth* Schedule, or to the like effect, that the remaining candidates are duly elected, and shall indorse the writ accordingly, and shall return the same to the Clerk of the Writs forthwith.

If thereafter there are no more candidates than members to be elected, the poll to be taken.

40 **123.** If after such withdrawal the number of candidates remaining exceed the number of members to be returned, the Returning Officer shall omit the name of every candidate whose name is withdrawn from the ballot-papers to be printed as hereinafter provided, or, if any such ballot-papers be already printed, he shall erase from such printed ballot-papers the name of every candidate whose name is withdrawn, and shall publicly notify the withdrawal of the name of every such candidate, and the poll shall be held as if the remaining candidates alone had been nominated.

If after withdrawal candidates exceed number of members to be elected, names to be omitted from ballot-papers, and poll taken.

Ballot-papers to be printed.

124. Forthwith, after a poll shall stand appointed for any election, the Returning Officer shall cause ballot-papers to be printed with the Christian names and surnames of all the candidates of such election, and of no other person, in full, in the form in the *Seventeenth* Schedule, and, if the Christian names and surnames of any two or more candidates be the same, they shall be distinguished upon such ballot-papers by the addition of their residence and occupation; and the directions in the said Schedule shall be of the same force as if they had been provisions contained in this Act. 5

Booths to be provided.

125. For taking the poll at any election, the Returning Officer shall cause booths to be erected, or rooms to be hired or otherwise provided and used as such booths, at each polling-place, as occasion may require, but so that there shall be at each polling-place one booth at least for every six hundred electors entitled to vote at such polling-place and for any fractional number exceeding six hundred or exceeding any multiple thereof to which the number of electors so entitled shall reach. 10 15

Division of booths.

If under this provision there shall be more than one booth at any polling-place, there shall be affixed over the entrance of each booth in succession so many letters of the alphabet, in their alphabetical order, as shall denote the booth at which each elector, according to the initial letter of his surname, is to vote, and no elector shall be permitted to vote in any booth save that which is so denoted by the initial letter of his surname: 20 25

No polling-booth shall be in any house licensed for the sale of fermented or spirituous liquors, or upon the premises appertaining to such house.

Publichouses to be closed on election day.

126. On the day for taking the poll, or any adjournment thereof, every house licensed for the sale of spirituous or fermented liquors, and every part thereof usually open to the public, and in which such liquors may be sold, used, or consumed, shall be kept closed during the hours fixed for the poll. 30

Every person being the licensee of any such who shall, either by himself or his servants or agents, in any manner knowingly commit or suffer a breach of this enactment shall be liable to a penalty of not less than *fifty* pounds and not exceeding *one hundred* pounds. 35

Internal arrangement of booths.

127. Each booth shall be so divided or arranged that there shall be in the same one or more inner compartments, opening only into that part of the booth in which the ballot-box is kept, and the Returning Officer or his Deputy shall provide in every such compartment pencils or pens and ink for the use of the electors, and shall also provide for each booth a ballot-box, having a lock and key, and with a cleft or opening therein capable of receiving the ballot-papers herein mentioned. 40 45

Proceedings at Election.

Returning Officer and Deputies to conduct election.

128. The Returning Officer of each electoral district shall conduct the election at some one booth at the principal polling-place, with such Clerks to be appointed by him as may be required, and shall appoint in writing, on the occasion of such election, a Deputy to act for him and take the poll at each of the other booths of the several polling-places for the district, and such Deputies shall appoint such Clerks as may be required to assist in taking the poll. 50

Substitute and Deputy of Returning Officer and Poll Clerks to make declaration.

129. Every substitute of a Returning Officer and every Deputy Returning Officer and Poll Clerk shall, before he shall enter upon any of the duties hereby assigned to him with regard to any election, make and sign before some Justice of the Peace a declaration to the effect following:— 55

I, A. B., do solemnly declare that I will faithfully and impartially, according to the best of my skill and judgment, exercise and perform all the powers, authorities, and duties reposed in or required of me by "The Elec-

toral Act, 1878," as substitute of the Returning Officer (or Deputy Returning Officer or Poll Clerk, as the case may be) with regard to the election of a member for the Electoral District of _____; and I do further solemnly promise and declare that I will not at the said election attempt to ascertain (add, in the case of a substitute, or of a Deputy Returning Officer, "save in the cases in which I am expressly authorized by law so to do") for what candidate any person shall vote or have voted at the said election; and that, if in the discharge of my duties at or concerning the said election I shall have learned or have the means of learning for what candidate any person shall vote or have voted thereat, I will not, by word or act, or by any other means whatsoever, directly or indirectly, divulge or discover, or aid in divulging or discovering, the same, save in answer to some question which I am legally bound to answer, or in compliance with the express provisions of the law relating to Parliamentary elections.

Taken and declared before me, this _____ day of _____, 187 .

C. D.,

A Justice of the Peace for the Colony of New Zealand.

Rolls and signed ballot-papers to be issued to Deputies.

130. Before the day of polling, the Returning Officer shall deliver to each of the Deputies, for use at each polling-booth, copies of all rolls in force for the district in and for which the poll is to be taken thereat, certified under his hand to be true copies, and shall also deliver to each Deputy, and himself retain such numbers respectively of the ballot-papers as shall be sufficient for the use of the electors who shall be entitled to vote at each booth at which such Returning Officer and Deputies respectively are to take the poll, and every Returning Officer and Deputy shall keep an exact account of the number of ballot-papers so delivered.

Scrutineers may be appointed.

131. Each candidate, or, if he omit to do so, his nominators, or any three of them together, shall be entitled to appoint, in writing under his or their hands, one person, not being a candidate, to be scrutineer on behalf of such candidate, at each polling-booth; and every such scrutineer shall be entitled to be present in that part of the booth in which the ballot-papers are received, as hereinafter provided.

Declaration by scrutineer.

132. Every scrutineer, before he shall act as such at any polling-booth, shall make and sign before the Returning Officer or Deputy (as the case may be) who shall take the poll at such booth a declaration to the effect following:—

I, A.B., scrutineer for C.D., a candidate at the present election for the Electoral District of _____ do solemnly declare that I will faithfully observe all the provisions of "The Electoral Act, 1878," which relate to such my office of scrutineer; and I do further solemnly promise and declare that I will not, as such scrutineer, at the said election, attempt to ascertain for what candidate any person shall vote or have voted at the said election; and that, if in the discharge of my duties at or concerning the said election I shall have learned or have the means of learning for what candidate any person shall vote or have voted thereat, I will not by word or act, or by any other means whatsoever, directly or indirectly, divulge or discover, or aid in divulging or discovering, the same, save in answer to some question which I am legally bound to answer, or in compliance with the express provisions of the law relating to Parliamentary elections.

Taken and declared before me, this _____ day of _____, 187 .

A. B.

Returning Officer
[or Deputy Returning Officer.]

Who may be in polling-booth.

133. The Returning Officer or Deputy, the Poll Clerks, and the scrutineers duly appointed hereunder, together with such number of constables to keep order as such Returning Officer or Deputy shall think fit, and any voters not exceeding six in number, being actually engaged in voting, to be designated if necessary by the Returning Officer or Deputy, shall alone be permitted at any one time, without the consent of the Returning Officer or Deputy, to enter or remain in the polling-room during the taking of the poll.

Ballot-box to be exhibited empty.

134. Immediately before proceeding to take the poll at any booth, the Returning Officer or Deputy (as the case may be) shall exhibit, for the inspection of the scrutineers and Poll Clerks who may be present, the ballot-box open and empty, and shall forthwith thereafter close and lock the same being still empty, and set and keep the same unopened upon the table at which he is to preside, and in view of such persons as shall from time to time be present in the polling-booth, and shall keep the key of the said box. 5

Commencement and close of poll.

135. Every polling shall commence, on the day appointed for the same, at *nine* of the clock in the forenoon, and shall, unless lawfully adjourned, finally close at *eight* of the clock in the evening of the same day, and shall be conducted in manner hereinafter mentioned. 10

Persons entitled to vote.

136. Every person who shall for the time being be enrolled upon an electoral roll in force for any district shall be entitled to vote in such district, and no person shall vote more than once at the same election. 15

Particulars to be stated by person tendering vote.

137. Every person tendering his vote shall do so in manner following, that is to say,—

He shall state to the Returning Officer or Deputy his Christian or other names and surname, and such other particulars of those required by law to be expressed in the electoral roll as the said Returning Officer or Deputy may, for the purpose only of ascertaining upon the roll the name intended by such person, require, and shall demand a ballot-paper. 20 25

Returning Officer to ascertain voter's name is on roll.

138. When any person shall have tendered his vote at any polling-place in manner hereinbefore required, the Returning Officer or Deputy shall ascertain that the name given by such person is upon the electoral roll of electors in force for the district.

Question to be put to voter.

139. After having found upon the proper roll the name intended by any person tendering his vote, the Returning Officer or Deputy may, if he think fit, and shall, if required so to do by any scrutineer or any two persons entitled to vote at the polling-place at which he presides, put to any such person, before he shall have received a ballot-paper, and not afterwards, the questions following hereafter, called "the prescribed questions," that is to say,— 30 35

(1.) Are you the person whose name appears as (A.B.) in the electoral roll in force for this district ?

If he claims for a residential qualification,—

(2.) Have you resided in this district for at least six months prior to this date ? 40

(3.) Have you already voted in this district at the present election ?

(4.) Are you a natural-born or a naturalized subject of Her Majesty Queen Victoria ? 45

(5.) Are you twenty-one years of age ?

Declaration against bribery may be demanded.

140. The Returning Officer or Deputy may, if he think fit, and shall, if called upon so to do by any scrutineer or by any two persons entitled to vote at the polling-place at which he presides, require of any person tendering his vote, before he shall receive a ballot-paper, to make a solemn declaration against bribery in the manner and form following, that is to say,— 50

I, A.B., do solemnly and sincerely declare (1) that my name is on the electoral roll for the Electoral District of New Zealand; (2) that I have not received or had by myself or any person whatsoever in trust for me, or for my use or benefit, or for the use or benefit of any member of my family or kindred, or any friend or dependant, directly or indirectly, any sum of money, office, place of emolument, gift, or reward, or any promise or security for, nor do I expect to receive any money, office, place of emolument, gift, or reward by way of consideration, either expressed, implied, or understood, for giving my vote at this election.

141. If any person, having tendered his vote, to whom the prescribed questions shall be so put as aforesaid,—

- 5 (1.) Shall refuse or omit distinctly to answer the same and each part thereof, or shall not answer absolutely in the affirmative the first two of the prescribed questions as shall apply to his claim to vote, and absolutely in the negative the third of the prescribed questions, and absolutely in the affirmative the fourth and fifth of the prescribed questions, if put to him;
- 10 (2.) Or if any person, having tendered his vote, and being so required to make such declaration as aforesaid, shall refuse or omit so to do,—

Voter not answering questions properly not to vote.

Then and in either of such cases, he shall be and be deemed prohibited from voting then or afterwards at such election, and shall be guilty of an offence, and on conviction shall forfeit and pay for the same a penalty not exceeding *twenty* pounds.

Penalty.

142. When any person shall have tendered his vote in manner hereinbefore mentioned, and the name in which he shall demand to vote shall appear in a roll in force for the district, the Returning Officer or Deputy shall, unless such person be prohibited from voting for some of the causes hereinbefore mentioned, forthwith write upon the back of one of the ballot-papers, as near as practicable to the lower edge thereof, the number corresponding to the number set opposite such person's name in such roll, or such other particulars as may be necessary to identify the same, and so that, in folding up such ballot-paper as hereinbefore mentioned, the voter may easily conceal from view the said writing, and shall cause such ballot-paper to be marked conspicuously on the back with a stamp, and shall deliver to such person such ballot-paper, and shall forthwith mark upon a certified copy of such roll against the name of such person the fact of his having received such ballot-paper.

Ballot-paper to be delivered to voter.

The form of stamp to be used by the Returning Officer or his Deputy shall be determined by the Governor in Council from time to time, and shall vary at each election.

Stamp, &c., on ballot-paper.

143. Every person to whom a ballot-paper shall have been delivered as aforesaid shall forthwith retire alone to some unoccupied compartment of the polling-booth, and shall there, alone and without delay, strike out from such ballot-paper the names of the candidates for whom he does not intend to vote, and shall forthwith fold up such ballot-paper in such manner as will conceal the names of the candidates, and will display the stamp on the back thereof, and deposit it in the ballot-box, in the presence of the Returning Officer or Deputy.

Voter to strike out names, and deposit paper in box.

The Returning Officer shall not allow any ballot-paper to be deposited in the box unless the stamp on the back thereof be displayed.

144. At every election for any district each elector may give and exercise as many votes as there are members to be then and there selected for such district, and at every such election every such elector may give not more than one vote to each or any candidate not exceeding the number of members then to be elected.

Number of votes to be given by each voter.

Any ballot-paper recording more than the legal number of votes at any election shall be rejected at the close of the poll.

145. If at any polling-booth any ballot-paper shall have been delivered to any person having tendered his vote, and if any other person shall afterwards tender his vote at such booth as of the same person in whose name such first-mentioned person shall have received such ballot-paper, the Returning Officer or Deputy shall put to the person so secondly tendering the prescribed questions, and such persons shall and may be dealt with in all respects in like manner as any other person having tendered his vote, but the ballot-paper of such person

Proceeding when second vote tendered in same name.

shall not be deposited in the ballot-box or allowed by the Returning Officer or Deputy, and shall be set aside by him for separate custody.

Provision for voter unable to read.

146. If any person to whom a ballot-paper shall have been delivered as aforesaid shall be blind, or be unable to read, and shall signify the same to the Returning Officer or Deputy, such Returning Officer or Deputy may and shall, at the request of such person, and for him, and in presence of a witness, if so desired by such person, strike out in the polling-booth from such ballot-paper the names of such candidates as such person may designate. 5

Penalty for taking ballot-paper out of booth.

147. If during the polling at any election any person shall wilfully take any ballot-paper out of the polling-booth, save into one of the compartments aforesaid, he shall be guilty of a misdemeanour, punishable with fine, or fine and imprisonment, with or without hard labour, for any term not exceeding two years. 10

Penalty for entering compartment or remaining there without reason.

148. If any person shall knowingly and wilfully enter any of the compartments aforesaid while any other person shall be therein, or if any person, being in any such compartment, shall wilfully remain there for a longer time than such as shall be reasonably required for the purpose of striking out the names from his ballot-paper, or if any person shall otherwise wilfully obstruct or unnecessarily delay the proceedings at any such polling, he shall on conviction forfeit and pay for every such offence a penalty not exceeding fifty pounds. 15

Penalty for giving false answer.

149. If any person to whom any of the prescribed questions shall be so put as aforesaid shall wilfully make a false answer to the same or any part thereof, and if any person shall wilfully make a false declaration in manner aforesaid, or shall personate any elector for the purpose of voting at any election, or shall vote twice or oftener at any election for the same district, or wilfully and knowingly deposit in the ballot-box at any polling-place more ballot-papers than one, or any paper not being the ballot-paper delivered to him, he shall be guilty of a misdemeanour punishable with fine, or fine and imprisonment, with or without hard labour, for any term not exceeding two years. 20

Personation and double voting.

150. Every Returning Officer and Deputy shall have power and authority to maintain order and keep the peace at any election or polling held by him, and, without any other warrant than this Act, to cause to be arrested and taken before a Justice any person reasonably suspected of committing or attempting to commit at any polling-place any of the offences which are made misdemeanours, and also to cause to be removed any person who shall obstruct the approaches to any polling-booth, or wilfully or unnecessarily obstruct or delay the proceedings at the polling, or conduct himself in a disorderly manner, or cause a disturbance at any election; and all constables and police officers shall aid and assist such Returning Officer or Deputy in the performance of his duty. 25

Maintenance of order.

Provision as to Miners' Rights and Business Licenses. 45

Special provision as to holders of miners' rights and business licenses.

151. Until the first day of July, one thousand eight hundred and seventy-nine, and until the electoral rolls to be made under this Act shall come into force as hereinbefore provided, it is enacted that, where a person claims to vote as the holder of a miner's right or business license under the provisions of sections fifty-four to fifty-six inclusive, then in addition to the third, fourth, and fifth of the prescribed questions, the following question may be put to any such person, that is say,— 50

Are you the person whose name appears as (A.B.) on the miner's right (or business license) now presented? 55

And such question may be put in like manner and under like circumstances as any other of the prescribed questions; and if any person, having tendered his vote as the holder of a miner's right or business license, shall omit or refuse to answer such question absolutely in the

affirmative, he shall be subject to the disabilities and be liable to the penalties prescribed by the *one hundred and forty-first* section of this Act.

- 5 **152.** At any election where any person shall vote as the holder of a miner's right or business license, the Returning Officer or Deputy Returning Officer shall impress upon such miner's right or business license such distinguishing mark or stamp as the Governor in Council shall heretofore have appointed under any Act empowering him to do so in that behalf; and, if for any electoral district no such mark or stamp shall have been appointed, then the Governor in Council may
10 direct what mark or stamp shall be used for the purposes aforesaid.

Mark to be made upon miner's right or business license.

Result of Poll.

- 153.** Immediately upon the close of the poll, the Returning Officer and every Deputy, at the polling-place at which each shall
15 preside, shall, in the presence and subject to the inspection of such of the Scrutineers as choose to be present, and the Poll Clerks, if any, but of no other persons, open the ballot-box, and proceed to ascertain the number of votes for each candidate, and shall, upon and after such opening, both abstain himself from inspecting the writing upon the
20 back of the ballot-papers and take care that the same is not seen by any person present before the papers are enclosed in a sealed parcel as herein provided.

Number of votes to be ascertained on close of poll.

- 154.** Immediately after ascertaining the total number of votes as last aforesaid, each Deputy Returning Officer shall make up—
25 (1.) In one parcel the ballot-papers which shall have been used in voting at his polling-booth during the election;
(2.) In another separate parcel the ballot-papers which shall have remained unused thereat;
30 (3.) In another separate parcel the ballot-papers which shall, as herein provided, have been set aside for separate custody thereat;
(4.) In another separate parcel all books, rolls, and papers kept and used by him during the polling, except the certified
35 copies of rolls supplied to the said Deputy on which the fact of any person having received a ballot-paper has been noted, as by this Act provided; and shall
(5.) Seal up the said several parcels;
40 (6.) And shall permit any of the Scrutineers who may desire to do so to affix his or their seals to such parcels, and shall endorse the same severally with a description of the contents thereof, and with the name of the district, the name of the place of polling, and the date of the polling, and sign with his name the said endorsement, and shall
45 transmit the said parcels to the Returning Officer.

Books and papers to be made up in parcels.

- 155.** Each Deputy shall, together with the parcels aforesaid, transmit to the Returning Officer—
50 (1.) The certified copies of rolls supplied to the said Deputy on which the fact of any person having received a ballot-paper has been noted, as by this Act provided;
(2.) A list of the total number of votes received by each candidate;
55 (3.) An account in which such Deputy shall charge himself with the number of ballot-papers originally delivered to him specified therein, the number thereof delivered to and used by voters, and the number not so delivered, or left unused, and the number set aside as aforesaid for separate custody.

Deputies to make returns to Returning Officer.

Every such list and account respectively shall be verified as well by the signatures of the said Deputy and the Poll Clerk (if any), as also by the signatures of such of the scrutineers as shall be present and shall consent to sign the same.

Returning Officer to make up parcels.

156. The Returning Officer shall, in respect of the polling-booth at which he himself shall have presided,—

- (1.) Make up in separate parcels, in like manner as is herein required of Deputy Returning Officers, all ballot-papers used, unused, or set aside as aforesaid, and all books, rolls, and papers, except the certified copies of rolls on which the fact of any person having received a ballot-paper has been noted, as by this Act provided, kept or used by him at such polling-booth;
- (2.) Seal up and also permit to be sealed up by the Scrutineers, and shall endorse in like manner as aforesaid, the said several parcels, and deal with the same as herein-after provided, and shall also make out in respect of the said booth the like list as herein required in the case of Deputy Returning Officers, which said list shall be verified by the signature of the Returning Officer, the Poll Clerk (if any), and scrutineers in manner aforesaid.

Returning Officer to compare rolls.

157. The Returning Officer shall, in the presence and hearing of such scrutineers as shall be present, compare with one another all the certified copies of rolls on which the fact of any person having received a ballot-paper has been noted by himself or any Deputy, as by this Act provided.

May select ballot-papers and disallow votes in certain cases.

If on such comparison it shall appear that the same person has received a ballot-paper, or two or more ballot-papers, the Returning Officer shall, in the presence of such scrutineers as choose to be present, open the parcels of ballot-papers used at the several polling-places at which such person shall appear to have received any ballot-paper, and shall select therefrom the ballot-papers on which the number corresponding to the name of such person shall appear, and shall disallow every vote appearing to have been given by means of the ballot-papers so selected:

Provided that, upon and after the opening of such parcel, the Returning Officer shall both abstain himself from inspecting the faces of the ballot-papers in the several parcels other than the ballot-papers selected therefrom so opened, and shall take care that the faces of the same are not seen by any person present.

After selection, parcels to be sealed up.

158. When the Returning Officer has selected from any parcel all the ballot-papers which he is required to select therefrom, he shall forthwith close and seal up the said parcel, and shall also permit the Scrutineers to close and seal up the same, and shall endorse thereon a memorandum of the fact of ballot-papers having been selected from such parcel, specifying the same by the name of the person to whom the same shall appear to have been delivered, and shall sign the endorsement with his name.

Selected papers to be sealed up.

159. The Returning Officer shall set aside all ballot-papers selected by him from any parcel, as herein provided, and shall seal up the same in a separate parcel, and shall also permit the scrutineers to seal up the same, and shall endorse the same with a description of the contents thereof, and shall sign the endorsement with his name.

State of poll to be made up, and result declared.

160. The Returning Officer shall make up, from the list made out by him as last aforesaid, and from the list so transmitted by the Deputy Returning Officers as aforesaid (corrected by disallowing votes if need be) the general state of the poll, and shall, at the principal polling-place of the district and at a time to be fixed, of which at least forty-eight hours' notice shall have been given in such manner as

he may deem best calculated to give publicity to the same, announce the number of votes given to each candidate, and declare those candidates, not exceeding the number to be elected, who have received at all the polling-places the greatest number of votes to be duly elected as members for the district.

If two or more candidates shall have received an equal number of votes, the Returning Officer shall in such case have a casting vote, but shall not otherwise vote at such election.

Casting vote of Returning Officer.

161. The names of the persons so elected shall be endorsed on the writ by the Returning Officer, and the writ shall be by him returned to the Clerk of the Writs, and within the time specified therein, forthwith.

Names of persons elected to be indorsed on writ, and writ returned.

162. The Returning Officer shall, as soon as practicable after the day of polling, at any election, enclose in separate packets, in manner hereinafter mentioned, as well all the parcels so as aforesaid transmitted to him, as also those made up and sealed by himself in respect of the polling-booth at which he shall have presided (that is to say),

Parcels to be made up in packets, and sent to Clerk of House of Representatives.

(1.) He shall enclose in one separate packet all parcels of used ballot-papers, in another all parcels of unused ballot-papers, in another all parcels of ballot-papers set aside as aforesaid, and in another all parcels containing copies of rolls, books, or other papers, as herein provided ;

(2.) He shall seal up the said several packets, and endorse the same with a description of the contents thereof respectively, and the name of the district, and the date of the polling, and sign with his name the said endorsement, and shall forthwith forward the said packets, and also the parcel of ballot-papers selected as aforesaid, to the Clerk of the House of Representatives, to be by him safely kept for two years ;

(3.) And he shall also at the same time seal up and transmit to the said Clerk a parcel containing all ballot-papers which shall have been printed for the said election and not used by the Returning Officer or distributed for use to his Deputies.

The said Clerk shall forthwith give or send to the Returning Officer a receipt under his hand for the said packets and parcel.

163. Any ballot-papers, and any copy of a roll, and any book purporting to be taken from any such parcel as aforesaid, and having written thereon respectively, under the hand of the Clerk of the House of Representatives for the time being, a certificate of the several particulars hereby required to be endorsed upon such parcel, and that the same was so taken from such parcel, shall be evidence in any Court of justice, or before any Committee of the House of Representatives, that the same was so taken, and that the same, if a ballot-paper, was deposited, and, if a roll or book, was kept or used at the election and booth to which such endorsement and writing relate.

Papers taken from parcels to be evidence in certain cases.

164. Every such ballot-paper so certified shall be evidence of a vote given at such election, and the correspondence of the number appearing on such ballot-paper with the number appearing on any roll so certified as of the same election and booth, and according to the tenor of the said ballot-paper ; except in the case of the ballot-papers set aside or selected and set aside by a Deputy Returning Officer or by the Returning Officer, when such correspondence shall be evidence only of some person having voted in the name appearing on such roll.

Of what a ballot-paper used at election shall be evidence.

165. If any person shall knowingly and wilfully break the seal of or open any such sealed parcel or sealed packet as aforesaid, unless he be authorized by the lawful command of some competent Court or other tribunal so to do, or be called upon to produce some

Packets not to be opened except by order of Court.

portion of the contents of such parcel or packet, he shall be guilty of a misdemeanour :

Provided that, as to any parcel or packet containing ballot-papers set aside or selected under the provisions of this Act, it shall be lawful for the Court to direct any person to open any such packet or parcel and extract any ballot-paper therefrom. 5

Adjournment of poll.

166. When the proceedings for the taking of the poll at any election shall be interrupted or obstructed at any place by any riot or open violence, the Returning Officer or Deputy (as the case may be) shall not for such cause finally close the poll, but shall adjourn the taking of the poll, at the polling-place at which such interruption or obstruction shall have happened, to the following day, and, if necessary, such Returning Officer or Deputy shall further adjourn such poll till such interruption or obstruction shall have ceased, when such Returning Officer or Deputy shall again proceed with the taking of the poll at the place at which the same may have been so interrupted or obstructed, but so that the poll shall be kept open for seven hours in the whole, and no more. 10 15

Declaration of poll to be postponed in case of adjournment.

167. Where any poll shall have been adjourned as aforesaid by any Deputy of the Returning Officer, such Deputy shall forthwith give notice thereof to the Returning Officer; and in every such case the Returning Officer shall not notify the total number of votes given, nor finally declare upon which candidates the election has fallen, until the poll so adjourned shall have been finally closed and the ballot-papers transmitted to the Returning Officer. 20 25

Adjournment not to extend beyond return day of writ.

168. No such adjournment as aforesaid of the proceedings at any election shall be made or extend to the day named as "the return-day" in the writ for such election; and if the polling shall not have been completed before the day named, the Returning Officer shall forthwith endorse that fact upon the writ, and shall return the same to the Clerk of the Writs. 30

Votes not to be disclosed by Returning Officers or others except in certain cases.

169. If any Returning Officer, or the substitute of any Returning Officer, or any Deputy Returning Officer, Poll Clerk, or Scrutineer, shall, in the discharge of his duties under this Act, at or concerning any election, learn or have the means of learning for what candidate any person shall vote or shall have voted at such election, he shall not, by word, or act, or any other means whatsoever, directly or indirectly, divulge or discover, or aid in divulging or discovering, the same, save in answer to some question which he is legally bound to answer, or in compliance with the express provisions of the law relating to Parliamentary elections. 35 40

Penalty for breach of this enactment.

And every such Returning Officer, substitute, Deputy, Poll Clerk, or scrutineer who shall knowingly and wilfully offend against the provisions of this section shall be guilty of a misdemeanour. 45

SCHEDULES.

Schedules.

FIRST SCHEDULE.

Short Title of Act.	Extent of Repeal.
The Constitution Act, (the Act of the Imperial Parliament of 15 and 16 Vict., cap. 72)	Sections 7, 8, and 42.
"The Qualification of Electors Act, 1870"	The whole.
"The Lodgers Franchise Act, 1875"	"
"The Miners Representation Act, 1862"	"
"The Miners Representation Act Amendment Act, 1863"	"
"The Miners Representation Act Amendment Act, 1865"	"
"The Miners Representation Act Amendment Act, 1868"	"
"The Miners Rights Extension Act, 1872"	"
"The Registration of Electors Act, 1866"	"
"The Registration of Electors Act Amendment Act, 1868"	"
"The Registration of Electors Act, 1875"	"
"The Regulation of Elections Act, 1870"	"
"The Regulation of Elections Act Amendment Act, 1871"	"
"The Regulation of Elections Act Amendment Act, 1874"	"

SECOND SCHEDULE.

CLAIMS TO VOTE.—FORM NO. 1.

Claim by a Freeholder.

To the Registration Officer of the Electoral District of .

Surname in full.	Christian Name in full.	Residence.	Occupation.	Statement of Qualification, and Place where same is situate.
Smith ...	John ...	Willis St., Wellington	Merchant ...	I am the owner (and occupier) of a freehold section at <i>Kilbirnie</i> , in the Electoral District of <i>Wellington Country Districts</i> , of the value of £100. And I declare that I have not been previously registered in this electoral district for the same qualification upon which I now claim.

I, the above-named *John Smith*, hereby give you notice that I claim to have my name inserted in the list of voters for the Electoral District of [*Name of electoral district*], and that my names, place of residence, and the nature and description of my qualification are stated truly in the columns above.

John Smith.

Signed and declared by the claimant this day of , 18 , before me—

Justice of the Peace [or a Registration Officer for the district].

FORM NO. 2.

Claim by a Householder.

To the Registration Officer of the Electoral District of .

Surname in full.	Christian Name in full.	Residence.	Occupation.	Statement of Qualification, and Description of same.
Brown ...	Thomas ...	Grant Road, Wellington	Carter ...	I am a householder, occupying a tenement in <i>Grant Road</i> , in the Electoral District of <i>City of Wellington</i> , of the annual value of pounds, and I have resided in such house for six months previous to the date of this claim. And I declare that I have not been previously registered in this electoral district for the same qualification upon which I now claim.

I, the above-named *Thomas Brown*, hereby give you notice that I claim to have my name inserted in the list of voters for the Electoral District of [*Name of electoral district*], and that my names, place of residence, and the nature and description of my qualification are stated truly in the columns above.

Thomas Brown.

Signed and declared by the claimant this day of , before me—

Justice of the Peace [or a Registration Officer for the district].

FORM No. 3.

Claim upon a Residential Qualification.

To the Registration Officer of the Electoral District of

Surname in full.	Christian Name in full.	Residence.	Occupation.	Statement of Qualification.
Williams ...	Charles ...	Karori ...	Labourer ...	I am a natural-born [or naturalized, as case may be] subject of Her Majesty, and have resided in New Zealand for two years prior to the date hereof, and for the last six months prior to such date I have resided in the Electoral District of <i>Wellington Country District</i> . And I declare that I have not been previously registered in this electoral district for the same qualification upon which I now claim, and that I am not possessed of, or entitled to, any other qualification entitling me to vote in this electoral district under "The Electoral Act, 1878."

I, the above-named *Charles Williams*, hereby give you notice that I claim to have my name inserted in the list of voters for the Electoral District of [*Name of electoral district*], and that my names, place of residence, and the nature and description of my qualification are stated truly in the columns above.

Charles Williams.

Signed and declared by the claimant this day
of , 18 , before me—

Justice of the Peace [or a Registration Officer for the district].

THIRD SCHEDULE.

LIST of PERSONS who have preferred Claims to Vote in the Electoral District of
for the period commencing from the day of 18 , up to
the day of, 18 .

Surname in full.	Christian Name in full.	Residence.	Occupation.	Nature of Qualification.	Name of Justice, Registration Officer, or Elector who has attested signature to claim.
Adams ... [Here follow names, &c., in alphabetical order.]	Robert	Courtenay Place	Carpenter	Freeholder. Owner of [See particulars as set forth in claim lodged.]	J.C.C., Registration Officer.

I, J.C.C., Registration Officer for the above-named electoral district, hereby give notice that the above list will be revised by the Revision Court sitting at , on the day of , 18 .

J.C.C.

FOURTH SCHEDULE.

NOTICE OF OBJECTION TO CLAIM TO VOTE.

To the Registration Officer of the Electoral District of

I, A.B., of , hereby give you notice that I object to the name of the person mentioned and described below being retained on the list of voters for the Electoral District of , in respect of the qualification hereunder specified.

Surname of the Person objected to, as described in the List or Electoral Roll.	Christian Name of the Person objected to.	Place of Abode and Occupation, as described therein.	Nature of Qualification objected to, as described therein.	Ground of Objection concisely stated.

Dated the day of , 18 .

A.B.

FIFTH SCHEDULE.

LIST OF PERSONS OBJECTED TO.

THE following persons are objected to as not being entitled to have their names retained on the list of voters for the Electoral District of —

Surname of each Person objected to.	Christian Name of each Person objected to.	Place of Abode, and Occupation.	Nature of the supposed Qualification.	Ground of Objection.	Name and Place of Abode of Objector.

C.D.,
Registration Officer.

SIXTH SCHEDULE.

NOTICE OF DESIRE TO HAVE NAME OR QUALIFICATION OMITTED FROM ROLL OR LIST.

To the Registration Officer of the Electoral District of .

I, E.F., of , hereby give you notice that I am desirous of having my name omitted from the electoral roll [or list of claimants] for the Electoral District of , and that the particulars of my place of abode and qualifications are stated in the said electoral roll [or list of claimants] as follows:—

Surname as stated in Electoral Roll or List of Claimants.	Christian Name.	Place of Abode and Occupation, as therein stated.	Nature of Qualification, as therein stated.	Particulars of Qualification, as therein stated.

Dated the day of , 18 .

E.F.

Signed by the above-named E.F., in the presence of—

L.M.,

Justice of the Peace for the Colony of New Zealand.

SEVENTH SCHEDULE.

LIST OF PERSONS whose Names have been removed from the Electoral Roll or List of Claimants at their own request.

THE names of the following persons have been removed from the electoral roll [or list of claimants] for the Electoral District of , at their own request:—

Surname of Person, as stated in Roll or List.	Christian Name, as stated in Roll or List.	Place of Abode, as therein stated.	Nature of Qualification, as therein stated.	Nature and Particulars of Qualification, as therein stated.

Dated this day of 18 .

C.D.,
Registration Officer.

EIGHTH SCHEDULE.

CLAIM BY HOLDER OF A MINERS' RIGHT OF BUSINESS LICENSE.

To the Registration Officer of the Electoral District of .

Surname of Claimant.	Christian Name of Claimant in full.	Place of Abode.	Occupation.	Statement of Qualification.
Johnson ...	James	Kunara ...	Miner ...	I claim to have my name inserted on the list of voters for the above electoral district, as the holder of a miner's right issued to me on the day of 18 [or a renewal of a miner's right issued to me on the day of 18], at , in this electoral district, and which right is still in force.

I, the above-named James Johnson, hereby give you notice that I claim to have my name inserted in the list of voters for the Electoral District of [*Name of electoral district*], and that my names, place of residence, and the nature and description of my qualification are stated truly in the columns above.

JAMES JOHNSON.

Signed and declared by the claimant this
day of , 18 , before me—

A Justice of the Peace [*or* Registration Officer of the district.]

NINTH SCHEDULE.

NOTICE TO BE SENT BY CLERK OF REVISION COURT TO PERSON OBJECTED TO.

Surname of Person objected to, as stated in list of Electoral Roll.	Christian Name of Person objected to.	Place of Abode and Occupation: therein described.	Occupation, Nature of Qualification objected to, as stated therein.	Ground of Objection concisely stated.

To the above-named A.B.

I hereby give you notice that I object to your name being retained on the list now awaiting revision at , upon the grounds above stated, and I hereby give you notice to appear before the said Revision Court at , on , the day of , 18 , at o'clock in the noon, and prove so much of your qualification as is herein objected to, or your name will be expunged from the said list.

Dated this day of , 18 .

G.H.,

Clerk of Revision Court.

TENTH SCHEDULE.

LIST of PERSONS qualified to Vote at the Elections of Members of the House of Representatives for the Electoral District of .

Surname of each Elector.	Christian Name of each Elector at full length.	Place of Abode.	Occupation.	Nature of Qualification stating it concisely.

J.K.,

Returning Officer.

ELEVENTH SCHEDULE.

For every printed or written copy of any electoral roll containing any number of persons' names—

	s.	d.
Not exceeding 250 names	2	0
Exceeding 250 and not exceeding 500	3	0
Exceeding 500 and not exceeding 750	4	0
Exceeding 750 and not exceeding 1,000	5	0
Exceeding 1,000	6	0

And for any written copy treble the above rates.

TWELFTH SCHEDULE.

VICTORIA, by the grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith,

To the Returning Officer of the Electoral District of , Greeting.

WE command you that you proceed according to law to the election of member to serve in the House of Representatives for the said district. And we do hereby appoint the day of 18 , to be the day before which nomination of candidates at and for the said election are to be made. And we do further command you that, in the event of the said election being contested, the poll shall be taken on the day of at [*state the principal and other polling-places*]. And we do further command you that this our writ, with the name of the person

so elected indorsed hereon by you, shall be returned to the Clerk of the Writs on or before the day of , 18 .
 Witness—L.M., Clerk of the Writs at , this day of , 18 .

THIRTEENTH SCHEDULE.

In pursuance of "The Regulation of Elections Act, 1878," I, A.B., Returning Officer for the Electoral District of , do hereby give notice that, by virtue of a writ bearing date the day of , 18 , under the Public Seal of the Colony, an election will be held for the return of qualified person to serve as Member of the House of Representatives for the said Electoral District. And, in further pursuance of the said Act, I appoint , the day of , 18 , as the day before which nominations of candidates must be made as prescribed by the said Act, and also appoint my office at [or other convenient place], in the said Electoral District, as the place where I will receive nomination papers. And I also appoint that the poll, if necessary, will be taken on the day of , 18 .

The following are polling-places for the Electoral District of [Insert a list of polling-places].

A.B.,
 Returning Officer.

FOURTEENTH SCHEDULE.

FORM OF NOMINATION PAPER.

the day of , 18 .
 We, the undersigned electors of the Electoral District of , do hereby nominate N.O. [State Christian and surname], of [State occupation], for the office of member of the House of Representatives, at the election to be held for the said district, in pursuance of a writ issued the day of , 18 .
 [Here follow the signatures of the persons nominating]:—

A.B.
 C.D.
 E.F.
 G.H.
 I.J.
 N.O.

And I, the above-named N.O., do hereby consent to the above nomination.

Witness to signatures—

FIFTEENTH SCHEDULE.

To the Returning Officer for the Electoral District of .
 I, THE UNDERSIGNED, hereby give notice that I withdraw my name as a candidate at the election of member of the House of Representatives for the Electoral District of , the nomination wherefor was held on the day of 18 .

(Signature.)
 (Abode.)
 (Qualification.)

Signed in the presence of—
 P.Q.,
 Justice of the Peace.

SIXTEENTH SCHEDULE.

In consequence of the withdrawal of the above-named candidate, the following person [s] is [are] duly elected for the above-named district:—

Name.	Place of Abode.	Qualification.

R.S.,
 Returning Officer.

SEVENTEENTH SCHEDULE.

Electoral District of
 Candidates' names (arranged in alphabetical order of surnames).

A.B.
 C.D.

DIRECTIONS.

THE voter is to strike out the name of every candidate for whom he does not intend to vote, by drawing a line through the name with a pen or pencil. He must be careful not to leave uncanceled the names of more than [Insert number of members to be returned] or this paper will be invalid. The ballot-paper must then be folded so as to conceal the names of the candidates, and the number written on the lower edge of the back, and so as to show the stamp on the back.

The ballot-paper must then be put in the ballot-box by the voter.
 The ballot-paper must not be taken out of the booth.