

Hon. Mr. Oliver.

PHARAZYN DISABILITY REMOVAL.

ANALYSIS.

Title.
Preamble.
1. Short Title.

2. Release of C. J. Pharazyn from penalties, &c.,
and restoration to his former status. Pro-
viso.

A BILL INTITULED

AN ACT to relieve the Honorable Charles Johnson Pharazyn from Title.
certain Disabilities and Incapacities incurred by him under
"The Corrupt Practices Prevention Act, 1881."

5 WHEREAS the Honorable Charles Johnson Pharazyn, a member Preamble.
of the Legislative Council of the colony, was, on the
day of January last, at a sitting of the Supreme Court held at
Wellington, convicted of personation under the twenty-seventh section
of "The Corrupt Practices Prevention Act, 1881," upon an indictment
10 charging him that he, on the ninth day of December last, having voted
at one polling-booth, at an election then being held for a member of
the House of Representatives for the Electoral District of Thorndon,
again voted at another polling-booth for the same election: And
whereas upon the trial of the said indictment the said Charles
15 Johnson Pharazyn was found guilty, but the jury who tried the case
found their verdict in the following terms: "The jury find that Mr.
Pharazyn, having voted once at the election for Thorndon, did apply at
the same election for a voting-paper in his own name, but so applied
under the impression that he was voting at a different electorate for
20 another candidate, and believe the mistake was honestly made;" and
the Chief Justice, who presided at the said trial, in passing sentence
upon the said Charles Johnson Pharazyn, made the following observa-
tions: "All I can say, Mr Pharazyn, is that I regret there may be
possible inconveniences arising from your having committed this
25 offence. I am satisfied, even more so than the jury expressed them-
selves, that there was not the slightest intention on your part to com-
mit an offence. On the contrary, I am satisfied you recorded your
vote under an honest mistake, and that you adopted the same means
of ascertaining whether you were going into the proper district as
30 other people. Some may have seen in the newspapers a list of the

polling-places, and become confused; others might have been more attentive, and proceeded to the proper booth; and a great many others may very likely have been content with simply the information given to them by persons standing in the street, and content to act on information given by persons who had the appearance of authority; and, 5
 so far as I can form an opinion, I cannot say it was unreasonable on your part to act as you did. On the whole, I think it better to dispose of the case at once. I might take either of two courses. I might not pass judgment at all, simply accepting your own bail to come up for judgment whenever called upon by the Crown, or I might pass a 10
 nominal sentence. On the whole, I think it best to pass a nominal sentence. The sentence of the Court, therefore, is that you be confined one hour, to commence from the commencement of the sessions, which period, of course, has long since passed, and therefore your confinement is also passed, and you are now at liberty to leave:” And 15
 whereas the offence of which the said Charles Johnson Pharazyn was so found guilty is, by the provisions of “The Corrupt Practices Prevention Act, 1881,” a corrupt practice, and entails upon a person found guilty thereof certain penalties, punishments, and disabilities in the said Act particularly set forth: And whereas under the circum- 20
 stances hereinbefore set forth it is just that the said Charles Johnson Pharazyn should be restored to his former status and capacity as hereinafter provided, notwithstanding his said conviction:

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as 25
 follows:—

Short Title.

1. The Short Title of this Act is “The Pharazyn Disability Removal Act, 1882.”

Release of C. J. Pharazyn from penalties, &c., and restoration to his former status.

2. The said Charles Johnson Pharazyn is hereby freed, discharged, and indemnified from and against all penalties, punishments, forfeitures, 30
 incapacities, or disabilities which he may have become liable to or incurred by reason of his conviction for the offence of personation as aforesaid, and is also restored to every status, capacity, or office which he was entitled to, held, or enjoyed immediately prior to his said conviction as effectually as if he had never been so convicted. 35

Proviso.

Provided that this enactment shall not be deemed to restore the said Charles Johnson Pharazyn to any status, capacity, or office which since his said conviction he has ceased to be entitled to or hold for some reason other than such conviction.