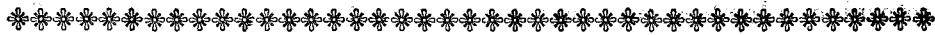




ANNO DECIMO-QUINTO

VICTORIÆ REGINÆ,

No. 1.



*By His Excellency SIR WILLIAM THOMAS DENISON, Knight,
Lieutenant-Governor of the Island of Van Diemen's Land
and its Dependencies, with the Advice of the Legislative
Council.*

*AN ACT to provide for the Establishment of a Legislative
Council the Division of the Colony of Van Diemen's
Land into Electoral Districts and the Election of
Members to serve in such Legislative Council.*

WHEREAS by an Act of the Imperial Parliament of Great Britain and Ireland passed in the fourteenth year of the Reign of Her present Majesty Queen VICTORIA intituled *An Act for the better Government of Her Majesty's Australian Colonies* it was amongst other things enacted that it should be lawful for the Legislatures now by law established within the Colonies of Van Diemen's Land and South Australia respectively by Laws or Ordinances to be for that purpose made and enacted in the manner and subject to the conditions now by law required in respect of Laws or Ordinances made by such Legislatures to establish within the said Colonies of Van Diemen's Land and South Australia respectively a Legislative Council to consist of such number of Members not exceeding Twenty-four as they should think fit and that such

PREAMBLE.
13 & 14 Vict.
cap. 59.



number of the Members of each Council so to be established as is equal to one-third part of the whole number of Members of such Council or if such whole number be not exactly divisible by three such number as is next greater than one-third of the whole number should be appointed by Her Majesty and that the remaining Members of such Council should be elected by the inhabitants of the Colony in which such Council should be established—AND WHEREAS by the said Act it was further enacted that it should be lawful for such Legislatures respectively by such Laws or Ordinances as aforesaid to make all necessary provisions for dividing the said Colonies of Van Diemen's Land and South Australia into convenient Electoral Districts and for appointing and declaring the number of Members of Council to be elected for each such District and for the compilation and revision of Lists of all persons qualified to vote at the Elections to be holden within such Districts and for the appointing of Returning Officers and for the issuing executing and returning of the necessary Writs for such Elections and for taking the Poll thereat and for determining the Validity of all disputed Returns and otherwise for ensuring the orderly effective and impartial conduct of such Elections—AND WHEREAS it is expedient to carry into effect the provisions of the said recited Act in the said Colony of Van Diemen's Land—BE IT THEREFORE ENACTED by His Excellency SIR WILLIAM THOMAS DENISON Knight Lieutenant-Governor of the Island of Van Diemen's Land and its Dependencies by and with the advice of the Legislative Council of the said Island that there shall be within the Colony of Van Diemen's Land a Legislative Council and that such Council shall consist of Twenty-four Members.

Establishes a
Legislative Council
consisting of
Twenty-four
Members.

Electoral Districts
and Members re-
turned by each.

Electoral District
of Hobart Town.

II. AND BE IT ENACTED that the Colony of Van Diemen's Land shall be divided into Electoral Districts for the purpose of returning Members to serve in the said Legislative Council in the manner following (that is to say) the City of Hobart Town shall form an Electoral District under the denomination of the Electoral District of Hobart Town and shall return Two Members to serve in the said Council and for the purposes of this Act the boundaries of the said Electoral District of Hobart Town shall be the boundaries of the Town of Hobart Town as the same are defined in the *Government Gazette* under date the Sixteenth day of January One thousand eight hundred and thirty-nine (that is to say) commencing at a mark at the angle of Arthur-street and Knocklofty-terrace and passing along Knocklofty-terrace to the boundary of an allotment belonging to William Harris and in a right line across Salvator Rosa's Glen to a mark on the rivulet at the angle of an allotment to Joseph Bowden thence continuing along the north-eastern boundary of that allotment to Forest-road across that road in a continued line to the north-eastern angle of an allotment to Peter Dudgeon and along the north-eastern boundary of that allotment to a mark on the Hobart Town Rivulet thence continuing along that rivulet to a mark at a point on the boundary of a grant belonging to the estate of the late Thomas William Birch where it is intersected by the Hobart Town Rivulet thence continuing along that boundary to Macquarie-street crossing that street in a continued line proceeding along the before-mentioned boundary by El Bodon-place to its angle with Holebrook-place and thence by the boundary of an allotment to Joseph Henry Moore to the Sandy Bay Rivulet from this point to the Derwent the Sandy Bay Rivulet forms the boundary and thence the Derwent by Secheron Mulgrave Battery and Sullivan's Cove to the mouth of a drain which formerly constituted the boundary of the

Domain thence the boundary passes along that drain to a mark in a line with the south-east boundary of an allotment to George Smith in Park-street thence across Park-street to the east angle of George Smith's allotment along that allotment to Argyle-street across that street to an allotment occupied as the Dallas Arms' Inn through that allotment to the New Town Road thence across the New Town Road to an allotment to Henry Condel through that allotment to Arthur-street and along Arthur-street to Knocklofty-terrace and the Town of Launceston shall form an Electoral District under the denomination of the Electoral District of Launceston and shall return one Member to serve in the said Council and for the purposes of this Act the boundaries of the said Electoral District of Launceston shall be the boundaries of the Town of Launceston as the same are hereinafter defined (that is to say) commencing from a mark on the South Esk River and running in a south-easterly direction to Hill-street along the north-east side of that street to Hillside-crescent and along the north-east and north-west sides of the crescent to Franklin-street continuing along the north-west side of that street to the south-west angle of a location to William Barnes and along the west boundary of that location to its angle with an allotment to St. John E. Browne to Abbott-street crossing Abbott-street to the west boundary of an allotment to Richard Willis and along that allotment to Alexander Patterson's allotment along which continuing to the Patterson's Plains Road crossing that road and thence proceeding along an allotment to George Parkinson and to one to Richard White and thence continuing along the front line of allotments to Joseph Archer William Archer Henry Arthur and Henry Dowling facing the racecourse to Henry-street thence crossing that street and proceeding by the north-west boundary of that street to the south angle of a location to Thomas Archer thence by that location and by allotments to Thomas Archer Robert Garrett and Charles Ross Nairne to the west angle of that allotment thence by the north-west boundary of that allotment and a continued north-easterly line to a mark on the North Esk River and afterwards by that river to its junction with the Tamar by that river to its junction with the South Esk River and by that river to the mark first before mentioned and all that part of this Colony bounded as follows (that is to say) bounded on the north-western side by Bass's Straits from Badger Head to Banks' Straits thence on the north-eastern side by Banks' Straits to the Great Muscle Roe River thence on the south-eastern side by that River to its source dividing this district from the Electoral District of Campbell Town as hereinafter defined thence by that district extending along the eastern side of Mount Cameron in a south-westerly direction to the source of the North Esk thence on the south-eastern and southern sides by that river to the north-western boundary of a location to Elizabeth Paterson extending south-westerly from the North Esk River to the Perth and Launceston Road by locations to Roderick M'Donald John Eagan Arthur Maynes Thomas Cooke Dyball and John Eddison to the South Esk River thence on the south-western side by that river to the junction of the Meander thence on the south-eastern and southern sides by that river on the west by the Electoral District of Westbury as hereinafter defined extending northerly along the east boundaries of a location to Samuel Spode and of Lots 347 and 549 to Lot 710 thence by a north-westerly line to Badger Head aforesaid shall form an Electoral District under the denomination of the Electoral District of Cornwall and shall return One Member to serve in the said Council provided that no part of the Electoral District of

Electoral District
of Launceston.

Electoral District
of Cornwall.



Electoral District
of Westbury.

Launceston as herein-before defined shall for the purposes of this Act be taken to form or be part of the said Electoral District of Cornwall and all that part of this Colony bounded as follows (that is to say) bounded on the west and north by the sea from a point on the West Coast distant twenty-three miles or thereabouts in a northerly direction from the mouth of King's River and extending to Badger Head from thence on the north east by the south-western boundary of the said Electoral District of Cornwall extending south-easterly to Lot 710 thence on the east by the said District extending along the east boundaries of Lots 549 and 347 and along the western boundaries of locations to R. Bostock and James Hill to the Meander thence on the north by that river to the junction of the Liffey and on the east and south by that river to its source thence by a westerly line to the River Meander thence by that river to its source in Lake Meander thence by a south-west line to Lake Julian thence by a south-west line to Lake Pillans thence in a south-easterly direction to Lake Ada and thence by a westerly line to the point of commencement shall form an Electoral District under the denomination of the Electoral District of Westbury

Electoral District
of Longford.

and shall return One Member to serve in the said Council and all that part of this Colony bounded as follows (that is to say) bounded on the north-eastern side by the South Esk River from the junction of the Meander River to the junction of the Lake River thence by that river to the junction of the Macquarie River thence by that river to the north-east angle of a location to Lewis Von Bibra at the north-west angle of the Parish of Lincoln on the east by that parish on the south by the Parish of Tierney to the Lake River thence on the east by that river to Wood's or Laycock's Lake thence on the south side by that lake by part of the Upper Lake River by a southerly line to the Lagoon of Islands by the southern boundaries of Lots 131 and 885 to the River Shannon thence by that river to the Great Lake and by that lake and a westerly line to the mouth of the Armytage Rivulet thence along Armytage Rivulet and a westerly line to the Little Pine River and thence by that river to Lake Ada thence on the west and north by the said Electoral District of Westbury to the junction of the Liffey with the Meander River aforesaid and thence on the northern side by that river to the South Esk River aforesaid shall form an Electoral District under the denomination of the Electoral District of Longford and shall return One Member to

Electoral District
of Morven.

serve in the said Council and all that part of this Colony bounded as follows (that is to say) bounded on the south-eastern side by the Ben Lomond Rivulet to its source and thence by a line to the lake on the top of Ben Lomond thence by a line to the source of the River North Esk on the northern side by that river to the Parish of Launceston on the north west by that parish to the South Esk River on the west by that river to its junction with the Lake River thence by that river to its junction with the Macquarie River thence by that river to the Parish of Cadbury thence by the Electoral District of Campbell Town as hereinafter defined to the South Esk River and crossing it by that river to the Ben Lomond Rivulet aforesaid shall form an Electoral District under the denomination of the Electoral District of Morven and shall return One

Electoral District
of Campbell
Town.

Member to serve in the said Council and all that part of this Colony bounded as follows (that is to say) bounded on the southern side by the Electoral District of Oatlands as hereinafter defined extending along the Macquarie River from a rivulet on the west boundary of a location to John Dickenson opposite Lot 290 purchased from the crown by Henry S. Hurst (known as the Island) to the junction of the Blackman's River thence by the Blackman's River and by Mill Brook thence also by the

Electoral District of Oatlands aforesaid extending westerly to Lake Crescent thence by that lake to its intersection with Lake Sorell thence by the south and west banks of Lake Sorell to the north boundary of Lot 504 thence by a westerly line to the Lake River thence on the western side by that river to the south boundary of the Parish of Ramsbury thence on the north and on the western side by that parish to the Macquarie River thence crossing it by that river to the south-east angle of the Parish of Bramber thence on the north west and south west by the Parish of Bramber to the Parish of Chichester thence by that parish to the south-west boundary of a location to D. W. Stalker thence by the south-west and north-west boundaries of that location to the South Esk River thence on the north-eastern side by that river to the Ben Lomond Rivulet on the north-western side after crossing the South Esk by the Ben Lomond Rivulet to its source thence by a line to the lake on the top of Ben Lomond thence by a line to the source of the North Esk River and thence by the said Electoral District of Cornwall extending north-easterly to the eastward of Mount Cameron to the source of the Great Muscle Roe River thence by that river to its junction with the sea thence on the north-eastern side by Banks' Straits to Eddystone Point thence on the eastern side by the eastern coast to Doctor's Creek near Long Point thence on the south-eastern and southern sides by the Electoral District of Oatlands aforesaid extending along Doctor's Creek aforesaid and along the summit of the tiers lying on the southern side of the St. Paul's River to the division boundary of the Parishes of Eastbourne and Salisbury thence by the eastern boundary of the Parish of Campbell Town to the Elizabeth River thence by that river until opposite the north-eastern angle of the Parish of Wincanton thence crossing that river on the north-eastern side by the said Electoral District of Oatlands extending along the eastern boundaries of the Parishes of Wincanton Ross Glenmorrison and Peel to the Macquarie River aforesaid shall form an Electoral District under the denomination of the Electoral District of Campbell Town and shall return One Member to serve in the said Council and all that part of this Colony bounded as follows (that is to say) bounded on the east by the sea from Doctor's Creek near Long Point to Little Swanport River thence by that river to its junction with a rivulet thence by a south-easterly line through James Hobbs's 1000 acres thence by the south-east boundary of a grant to Daniel Stanfield of Lots 253 254 and 255 and by the south-east boundaries of the Parishes of Whiteford and Bisdee on the south by the Parish of Ormaig extending westerly to the Coal River and crossing that river to the Quoin Mount thence by a north-westerly line to the Quoin Rivulet by that rivulet to the River Jordan thence on the western side by that river to the Exe Rivulet thence on the south-western and southern sides by that rivulet to its source thence by the southern and western boundaries of the Parish of Exmouth and by the eastern boundary of the Parish of Woodstock to Lake Crescent thence by that lake to the Parish of Milton in the said Electoral District of Campbell Town thence by that parish to Mill Brook thence by Millbrook and the Blackman River to the Macquarie River thence by that river to a location to John Dickenson thence on the south-western side by the said Electoral District of Campbell Town extending along the Eastern Tiers to the Elizabeth River thence by that river and by the eastern boundary of the Parish of Campbell Town to the junction of the three Parishes of Campbell Town Salisbury and East Bourne thence on the north by the said Electoral District of Campbell Town extending along the sum-

Electoral District
of Oatlands.

Electoral District
of Cumberland.

mit of the tiers lying on the eastern side of the St. Paul's River to Doctor's Creek aforesaid shall form an Electoral District under the denomination of the Electoral District of Oatlands and shall return One Member to serve in the said Council and all that part of this Colony bounded as follows (that is to say) bounded on the east by the said Electoral District of Oatlands from Lake Crescent to the Table Mountain at the south-east extremity of the Parish of Woodstock thence by the Exe Rivulet to its junction with the River Jordan thence on the east by that river to the north-east angle of the Parish of Wallace thence by that parish on the south east south and north east to Platform Bluff thence on the south east by the Parish of Lansdown extending south-westerly to Belmont Rivulet and by that rivulet to its junction with the Derwent River thence by that river to its junction with Russell's Falls by Russell's Falls and by a line extending north-westerly by the Lakes on Mount Field to the Florentine River thence crossing that river by a south-westerly line to the bend of the Gordon by the Gordon River to Macquarie Harbour by Macquarie Harbour and the West Coast to a point distant twenty-three miles or thereabouts in a northerly direction from the mouth of King's River thence by the Electoral District of Westbury aforesaid to its junction with the said Electoral District of Longford at Lake Ada on the north by the said Electoral District of Longford to Wood's Lake by the northern shore of that lake to the said Electoral District of Campbell Town and by that district to Lake Sorell thence on the north east by Lake Sorell to Interlaken and on the east and south by the eastern boundary of Lake Crescent to the point of commencement shall form an Electoral District under the denomination of the Electoral District of Cumberland and shall return One Member to serve in the said Council and all that part of this Colony

Electoral District
of Richmond.

bounded as follows (that is to say) bounded on the north by the Parish of Hartington extending along the northern boundaries of locations to Agnes Wilson James Goodwin and Andrew Tolmey crossing the Coal River and thence easterly for about three miles to the west angle of the Electoral District of Sorell as hereinafter defined thence on the east by a southerly line to the west boundary of a location to Philip Ries thence by a line extending easterly across the Kangaroo Rivulet on the east by the eastern boundaries of W. Bignell's and M. Ludgater's locations and a location to John Aldridge and by the Parish of Sorell to Pittwater thence on the east by Pittwater and Frederick Henry Bay on the south east by Storm Bay on the west by the River Derwent to Gage Brook by that brook and by the Electoral District of Brighton as hereinafter defined to Alexander Patterson's location thence on the west by the same district to the Tea Tree Brush and still on the south and south west by that district to the point of commencement shall form an Electoral District under the denomination of the Electoral District of Richmond and shall return One Member to serve in the said

Electoral District
of Brighton.

Council and all that part of this Colony bounded as follows (that is to say) bounded on the western side by the River Jordan from the Quoin Rivulet to a location to David Reynolds thence on the north by the Parish of Pelham to the north-east angle of the Parish of Grafton thence by that parish to its south-east angle thence by a south-east line to the Dromedary Creek and by that creek to its junction with the River Derwent thence on the south by that river to Gage Brook thence on the south by that brook to a location to Mrs. Hames by that location and by the Parish of Forbes on the north-eastern side by the Parishes of Ulva and Staffa to the Tea Tree Brush on the north and on the north east by the Parish of Yarlinton and still on



15° VICTORIÆ. No. 1.

7

the north east by the Parish of Hartington to the Quoin Rivulet thence
by that rivulet to the point of commencement shall form an Electoral
District under the denomination of the Electoral District of Brighton
and shall return One Member to serve in the said Council and all that
part of this Colony bounded as follows (that is to say) bounded on the
east by the sea from Little Swan Port to Cape Pillar including Maria
Island thence on the south and west by the sea to North West
Point thence on the north and west by Norfolk Bay to East Bay
Neck thence on the south and south west by Norfolk Bay Frederic
Henry Bay and Pittwater to the western boundary of a location to Henry
and John Young thence by the said Electoral Districts of Richmond
and Oatlands to Little Swan Port shall form an Electoral District
under the denomination of the Electoral District of Sorell and shall
return One Member to serve in the said Council and all that part
of this Colony bounded as follows (that is to say) bounded on the south
by Brown's River and a westerly line to the Mountain Rivulet thence
by that rivulet to its junction with the Huon River thence by that river
to Lake Edgar thence by a north-westerly line to the Gordon thence by
the Electoral District of Cumberland as hereinbefore defined to Russell's
Falls thence by the Electoral District of New Norfolk as hereinafter
defined to the south-east angle of the Parish of Glenorchy thence by
the Parish of Wellington to Bridgewater on the River Derwent thence
by that river to the point of commencement shall form an Electoral
District under the denomination of the Electoral District of Buck-
ingham and shall return One Member to serve in the said Council
provided that no part of the Electoral District of Hobart Town
as hereinbefore defined shall for the purposes of this Act be taken
to form or be part of the said Electoral District of Buckingham and all
that part of this Colony bounded as follows (that is to say) bounded on the
north by Russell's Falls the River Derwent and by the south boundary
of the Parish of Grafton on the north east by the Dromedary Range and
Dromedary Creek to the Derwent thence crossing the Derwent on the
north by that river to Bridgewater on the south east by the Parish of
Glenorchy on the south by the Wellington Range extending north-
westerly to Russell's Falls aforesaid shall form an Electoral District
under the denomination of the Electoral District of New Norfolk
and shall return One Member to serve in the said Council and all that
part of this Colony bounded as follows (that is to say) bounded on the
north by Brown's River and a westerly line to the Mountain Rivulet
thence on the north west by that rivulet to its junction with the River
Huon thence by that river to Lake Edgar thence by a north-westerly
line to the Gordon thence by that river to the sea by the west
and south to Whale Head thence on the east by Adventure Bay Storm
Bay and the River Derwent to the point of commencement shall form
an Electoral District under the denomination of the Electoral District of
Huon and shall return One Member to serve in the said Council.

III. AND BE IT ENACTED that it shall and may be lawful for the Appointment of
Lieutenant-Governor of the Colony of Van Diemen's Land from time Returning
to time by any writing under his hand and the Seal of the Colony to Officers.
appoint to be the Returning Officer of and for each Electoral District
in this Colony a fit and proper person willing to accept such office
which appointment shall be notified in the usual manner in the Govern-
ment Gazette and in case any Returning Officer shall by death sickness
or other cause be prevented or disabled from acting or shall neglect or
refuse to act at any Election it shall be lawful for the Lieutenant-



Governor at any time to appoint in manner aforesaid some fit and proper person to act in the stead of such Returning Officer at such Election and every appointment of a Returning Officer made as aforesaid shall be good and valid until death or until such appointment shall be cancelled by the Lieutenant-Governor and some other person appointed to be Returning Officer in manner as aforesaid.

Polling-places to be fixed and appointed by the Lieutenant-Governor.

IV. AND BE IT ENACTED that it shall be lawful for the Lieutenant-Governor and he is hereby empowered from time to time as occasion may require by any proclamation or proclamations for that purpose made and published in the *Government Gazette* to declare fix and appoint one or more place or places as and to be the polling-place or polling-places for each Electoral District in this Island and such polling-place or polling-places in like manner from time to time to change or alter and to declare fix or appoint other polling-place or polling-places in lieu thereof—PROVIDED that every such proclamation shall be made and published at least fourteen days before the day of any Election of a Member or Members of Council for the Electoral District for which any polling-place or places shall be so appointed.

V. AND WHEREAS by the said recited Act it was also enacted that every man of the age of twenty-one years being a natural-born or naturalized subject of Her Majesty or legally made a denizen of New South Wales and having a freehold estate in possession situate within the District for which his vote is to be given of the clear value of One hundred Pounds sterling money above all charges and incumbrances in any way affecting the same of or to which he has been seised or entitled either at law or in equity for at least six calendar months next before the date of the writ of such Election or in case a Registration of Electors should be established next before the last Registration of Electors or being a householder within such District occupying a dwelling-house of the clear annual value of Ten Pounds sterling money and having resided therein six calendar months next before such Writ or Registration as aforesaid or holding at the date of such Writ or at the time of such Registration a license to depasture lands within the District for which his vote is to be given from the Government of New South Wales or having a leasehold estate in possession situate within such District of the value of Ten Pounds sterling money per annum held upon a lease which at the date of such Writ or at the time of Registration should have not less than three years to run should be entitled to vote at the election of a Member of the Legislative Council with a proviso that no man should be entitled to vote who should have been attainted or convicted of treason felony or other infamous crime in any part of Her Majesty's Dominions unless he should have received a free pardon or one conditional on not leaving the Colony for such offence or should have undergone the sentence passed on him for such offence and that no man should be entitled to vote unless at the time of such Election or Registration of Electors (as the case might be) he should have paid up all rates and taxes which should have become payable by him as owner or leaseholder in respect of such estate or as occupier in respect of such occupancy or as the holder of a license in respect of such license except such as should have become payable during three calendar months next before such Election or Registration respectively—AND WHEREAS by the said recited Act it was amongst other things enacted that all the provisions therein contained concerning

the qualification and disqualification of Electors in New South Wales should apply to and be in force in the Colony of Victoria and in each of the Colonies of Van Diemen's Land South Australia and Western Australia in which a Legislative Council should be established under that Act as if all such provisions were there repeated the name of such respective Colony being substituted for the name of the Colony of New South Wales—AND WHEREAS it is expedient to form within every Electoral District in the Colony of Van Diemen's Land a Register of all persons entitled to vote at any Election of a Member or Members of Council for such Electoral District—BE IT ENACTED that it shall be lawful for the Lieutenant-Governor of the Island of Van Diemen's Land and he is hereby empowered on or before the twentieth day of July in this present year and on or before the tenth day of March in each succeeding year by any writing under his hand to appoint one or more fit and proper person or persons as and to be called the Collector or Collectors for each Electoral District and such Collector or Collectors shall between the said twentieth day of July and the twentieth day of August in this present year and between the said tenth day of March and the tenth day of April in each succeeding year make out Alphabetical Lists to be called Electoral Lists according to the form of the Schedule to this Act annexed marked A of all persons entitled to vote in the Election of Members of Council within the respective Electoral Districts for which such Collector or Collectors shall be so appointed and shall sign such Lists and shall on or before the said last-mentioned day deliver one of such Lists so signed by such Collector or Collectors to the Police Clerk of each Police District any portion whereof shall form part of such Electoral District and each such Collector shall keep one of such Lists to be perused by any person without payment of any fee at all reasonable hours and every such Police Clerk shall forthwith cause copies to be made of such List so delivered to him and shall deliver a copy of such List to any person requiring the same on payment of the fee or sum of Five Shillings for each copy and also cause a copy of such List of such Electoral District to be kept fixed on the Police Office of such Police District on every day during the week ending on the third day of September in this present year and the twenty-fourth day of April in each succeeding year.

Lieutenant-Governor to appoint Collectors who to make out Electoral Lists for each District.

Electoral Lists to be delivered to Police Clerks.

VI. AND BE IT ENACTED that any person whose name shall have been omitted in any such Electoral List of any such Electoral District and who shall claim to have his name inserted therein shall on or before the fifth day of September in this present year and the twenty-sixth day of April in each succeeding year give or cause to be given notice thereof in writing to the Police Clerk of the Police District within which the premises in respect of which such person shall so claim to have his name inserted is situate in the form in the Schedule to this Act annexed marked B or to the like effect and any person whose name shall have been inserted in any Electoral List of any Electoral District may object to any other person as not entitled to have his name retained in the said Electoral List and any person so objecting shall on or before the said fifth day of September in this present year and the said twenty-sixth day of April in each succeeding year give or cause to be given to the Police Clerk of the Police District within which the premises for which the name of such person so objected to shall appear to be registered is situate and also to the person objected to or leave at such premises notice thereof in writing in the form in the Schedule to this

Claims of persons to have their names inserted.

Objections to names on the Lists.

Lists to be prepared of claimants and of persons objected to.

Act annexed marked C or to the like effect and the Police Clerk for each such Police District shall include the names of all persons so claiming to be inserted on the Electoral List of any Electoral District in a List in the form in the Schedule to this Act annexed marked D and a List of all persons objected to in the form in the Schedule to this Act annexed marked E and shall cause copies of such several Lists to be kept fixed on the Police Office of such Police District during the eight days next preceding the thirteenth day of September in the present year and the fourth day of May in each succeeding year and shall likewise keep a List of the names of all persons so claiming as aforesaid and so objected to as aforesaid to be perused by any person without payment of any fee at all reasonable hours during the eight days next preceding the said thirteenth day of September in this present year and the said fourth day of May in each succeeding year and shall deliver a copy of any of such Lists to any person requiring the same on payment of a fee or sum of One Shilling for each copy.

Courts of Quarter Sessions to be Courts for revision of Electoral Lists and proceedings and powers of such Courts.

VII. AND (in order to provide for the revision of the Electoral Lists of the Electoral Districts) BE IT ENACTED that Courts of Quarter Sessions shall be Courts for the revision of the said Electoral Lists and that a Court of Quarter Sessions shall be holden in each Police District for the revision of the said Electoral Lists so far as the same relate to or affect such Police District between the said thirteenth day of September inclusive and the twenty-eighth day of September inclusive in this present year and the said fourth day of May inclusive and the nineteenth day of May inclusive in each succeeding year and the Police Clerk of each Police District shall give or cause to be given Ten clear Days notice of the time and place of holding such Court and the purpose for which the same is intended to be holden by affixing the same on the Police Office of such Police District and the said Police Clerk shall at the opening of such Court of Quarter Sessions produce the said Electoral Lists and a copy of the List of persons so claiming as aforesaid and of the persons so objected to as aforesaid made out in the manner aforesaid and all Collectors of rates and persons acting as Collectors under this Act shall on being thereto summoned attend the said Court and shall answer upon oath all such questions as the Court may put to them or any of them touching any matter necessary for revising the said Electoral Lists and the Chairman of such Court or person acting as such shall insert in such Lists the name of every person who shall be proved to the satisfaction of the Court to be entitled to have his name inserted therein and shall retain on the said Lists the names of all persons to whom no objection shall have been duly made as aforesaid and shall also retain on the said Lists the name of every person who shall have been objected to by any person unless the person so objecting shall appear by himself or by some one on his behalf in support of such objection and when the name of any person inserted in any such List shall have been duly objected to and the person objecting shall appear by himself or by some one on his behalf in support of such objection the Court shall require proof that the person so objected to is by virtue of the said recited Act duly qualified to vote at the Election of a Member of such Legislative Council and in case the qualification of such person shall not be proved to the satisfaction of the Court the said Chairman or person acting as such shall expunge the name of every such person from the said Lists and shall also expunge therefrom the name of every person who shall be proved to the Court to be dead or to have become disqualified or incapacitated and shall correct any



mistake and supply any omission which shall be proved to the Court to have been made in any such List in respect of the name or place of abode of any person who shall be included therein or in respect of the local description of his property—PROVIDED ALWAYS that no person's name shall be inserted by the said Chairman or person acting as such in any such List or shall be expunged therefrom except in the case of death unless notice shall have been given as is hereinbefore required in each of the said cases—PROVIDED ALSO that no person who has declared himself a candidate for election in any Electoral District shall sit or act as a Magistrate at any Court of Quarter Sessions at which the Electoral Lists of the Electoral District for which he shall have so declared himself to be a candidate shall be revised—PROVIDED FURTHER that in the event of a deficiency of Magistrates the Lieutenant-Governor may appoint other persons to perform any of the duties herein directed to be performed by Magistrates in such Courts of Quarter Sessions assembled.

VIII. AND BE IT ENACTED that the Courts of Quarter Sessions holden under this Act for the Revision of the said Electoral Lists shall have power to adjourn from time to time provided that no such Court shall be adjourned beyond the said twenty-eighth day of September in this present year and the said nineteenth day of May in each succeeding year and the Chairman of every such Court or person acting as such shall have power to require any person having the custody of any book containing any rate made in or for any city or town or any part of this Colony during that or the preceding year to produce the said book and allow the same to be inspected by such Court and shall have power to administer an oath or oaths as well to any Police Clerk and to the Collectors of Rates and Collectors under this Act as to all persons claiming to be inserted in or making objections to the omission or insertion of any name in any of the said Electoral Lists and to all persons objected to in any such List and to all persons claiming to have any mistake in any such List corrected and to all witnesses who may be tendered or examined on either side by which oath the person under examination shall be required to state the truth the whole truth and nothing but the truth relating to the matter in hand and if any such person shall wilfully and knowingly swear falsely in answer to any lawful question put to him at such examination he shall be liable to the pains and penalties to which persons are liable for wilful and corrupt perjury and the Chairman of every such Court of Quarter Sessions or person acting as such shall in open Court write his initials against the names struck out or inserted and against any part of the said Lists in which any mistakes or omissions shall have been corrected or supplied and shall sign his name to every page of the several Lists which shall be so revised and settled at such Court of Quarter Sessions as aforesaid.

Powers of adjournment to compel production of books and to administer oaths.

IX. AND BE IT ENACTED that the Electoral Lists of each Electoral District when so revised and settled as last aforesaid shall on or before the seventh day of October in this present year and the twenty-ninth day of May in each succeeding year be delivered by the Chairman or person acting as such of each Court of Quarter Sessions at which the same shall have been so revised and settled to the Returning Officer of such Electoral District who shall keep the said Electoral Lists and shall cause the same as revised and settled to be fairly and truly copied in alphabetical order into a book or books to be by him provided for that purpose and shall cause such books to be completed on or before

Revised Lists to be delivered to Returning Officers and entered in books.



the thirteenth day of October in this present year and the fourth day of June in each succeeding year and shall deliver such books together with the said Lists at the expiration of his tenure of office to the person succeeding him in such office and such book or books shall be the Electoral List or Roll of Electors entitled to vote in such Electoral District at all Elections that may take place of Members of the Legislative Council between the said thirteenth day of October in the present year and the fourth day of June in the year one thousand eight hundred and fifty-two and between the fourth day of June in every subsequent year wherein such Electoral Roll shall have been prepared and the fourth day of June in the year then next ensuing—PROVIDED that if in any year the Electoral Lists of any Electoral District or part of an Electoral District shall be omitted to be regularly made out or shall not be perfected then and in that case the Electoral Roll for the preceding year or so much thereof as relates to such part of an Electoral District shall be the Electoral Roll or portion of the Electoral Roll for that year.

Provides for an omission to make out Electoral Lists.

Power to Court to expunge from Lists names of Transported Offenders.

X. AND BE IT ENACTED that it shall be lawful for the Courts of Quarter Sessions respectively when revising the Electoral Lists as is hereinbefore provided to expunge from such Lists the name of any person inserted therein who shall be proved to their satisfaction to be ordinarily dealt with as or to be reputed to be a Transported Offender whether such person shall hold a Ticket-of-Leave or not unless such person shall satisfy such Court upon any evidence which in its discretion it shall decide to receive that he was transported hither for some offence not within the meaning of the above-recited Act.

Copies to be printed for distribution.

XI. AND BE IT ENACTED that the Returning Officer of each Electoral District shall in each and every year cause copies of the Electoral List or Roll of Electors of such Electoral District to be written or printed and shall deliver copies thereof to all persons applying for the same on payment of the fee or sum of Five Shillings.

Personal attendance of Claimants before Courts where necessary.

XII. AND BE IT ENACTED that no person claiming to be registered as an Elector in any Electoral District shall be obliged to appear in person to make proof of the nature and sufficiency of his qualification unless required by any such Court of Quarter Sessions to attend in person which attendance such Court is hereby empowered to require by any order in writing for that purpose signed by the Chairman thereof or person acting as such—PROVIDED HOWEVER that if any such claimant shall so attend personally pursuant to any such order made on the application of any person objecting to such claimant's right to be registered as an Elector such person so objecting if his objection be disallowed shall pay to such claimant such expenses as such Court of Quarter Sessions shall award for such claimant's attendance and if such expenses so awarded shall not be paid upon demand made for the same to the person so objecting it shall be lawful for such Court and it is hereby empowered upon proof of such demand and refusal to issue a Warrant to levy and raise the same by distress and sale of the goods and chattels of the person so objecting together with the costs and charges of such distress and sale.

Writs to be issued by and to be returnable to the Lieutenant-Governor.

XIII. AND BE IT ENACTED that the Writ or Writs for the Election of any Member or Members to serve in the Legislative Council for the said Electoral Districts whether for the purpose of any general



Election or in the case of any vacancy shall be issued by the Lieutenant-Governor of this Colony directed to the Returning Officer of each District in which Writs shall be named the day and place of nomination for such Elections and in the event of such Elections being contested the day for taking the poll at the different polling-places and also the day on which such Writs shall be made returnable to the said Lieutenant-Governor.

XIV. AND BE IT ENACTED that all Writs to be issued for the Election of Members of Council under this Act may be framed in any manner and form which shall be sufficient for carrying the provisions of this Act into effect. Form of Writs.

XV. AND BE IT ENACTED that at any Election the Returning Officer if it shall appear to him expedient for taking the poll at such Election may cause booths to be erected or rooms to be hired and used as booths in one place or in several places at each polling-place as occasion may require and the same shall be so divided and allotted into compartments as to the Returning Officer shall seem most convenient and the Returning Officer shall appoint a clerk or clerks as to him may seem necessary to take the poll at each compartment and shall before the day fixed for the Election if there be a contest cause to be furnished for the use of each booth or polling-place a copy of the Electoral List of the Electoral District for which such Election shall take place and shall under his hand certify such copy to be true. Returning Officers may hire or erect polling-booths.

XVI. AND BE IT ENACTED that the registered Electors of the Electoral Districts established under this Act may vote at any polling-place appointed for the Electoral District for which they are so registered whether such polling-place be situate within such Electoral District or not and that nothing in this Act contained shall be construed to prevent the taking of polls for different Electoral Districts at the same polling-place—PROVIDED HOWEVER that when polls for two or more Electoral Districts shall be taken at the same polling-place separate booths or rooms shall be appointed for each separate Electoral District and that a deputy and such polling clerk or clerks as may be necessary shall be appointed for each such booth or room by the Returning Officer of the Electoral District to which such booth or room may be allotted and that the name of such Electoral District shall be affixed on the most conspicuous part of the said booth or room. At what polling-places Electors may vote.

XVII. AND BE IT ENACTED that the Returning Officer of each Electoral District shall preside at one polling-place within or allotted for his District and that he may appoint a deputy to act for him and take the poll at each of the other polling-places provided that such deputy be appointed by writing under the hand of the said Returning Officer and that such writing be posted up at the Police Office of the Police District within which the polling-place at which such Deputy is intended to act may be situate at least seven days before the day of Election. Returning Officer to preside at one polling-place and to appoint deputies to preside at others.

XVIII. AND BE IT ENACTED that where the proceedings at any Election shall be interrupted or obstructed by any riot or open violence whether such proceedings shall consist of the nomination of candidates or of the taking the poll the Returning Officer or the Deputy of the Returning Officer shall not for such cause terminate the business of such Adjournment of nomination or poll in case of riot.

nomination nor finally close the poll but shall adjourn the nomination or the taking the poll at the particular polling-place or places at which such interruption or obstruction shall have happened until the following day and if necessary shall further adjourn such nomination or poll as the case may be until such interruption or obstruction shall have ceased when the Returning Officer or his Deputy shall again proceed with the business of the nomination or with the taking the poll as the case may be at the place or places at which the same respectively may have been interrupted or obstructed and the day on which the business of the nomination shall have been concluded shall be deemed to have been the day fixed for the election and the commencement of the poll shall be regulated accordingly and any day whereon the poll shall have been so adjourned shall not as to such place or places be reckoned the day of polling at such election within the meaning of this Act and whenever the poll shall have been so adjourned by any Deputy of any Returning Officer such Deputy shall forthwith give notice of such adjournment to the Returning Officer who shall not finally declare the state of the poll or make proclamation of the Member or Members chosen until the poll so adjourned at such place or places as aforesaid shall have been finally closed and the Voting-papers delivered or transmitted to such Returning Officer.

Returning Officer to endorse on Writ date of receipt and notify day of nomination and poll.

XIX. AND BE IT ENACTED that the Returning Officer of each Electoral District shall endorse on the Writ the day on which he received it and within Four Days from the date of his receiving such Writ shall give public notice of the day and place of nomination and day for taking the Poll named in such Writ.

Mode of proceeding on day of nomination.

XX. AND BE IT ENACTED that on the day of nomination the Returning Officer shall preside at a Meeting to be holden at noon at the place named for that purpose in the Writ and shall declare the purpose for which such meeting is held and if there be at such meeting no more candidates proposed than the number of Members to be returned the Returning Officer shall declare such candidate or candidates to be duly elected and make his Return accordingly and in the event of there being more candidates than the number of Members to be elected the Returning Officer shall call for a show of hands separately in favour of each candidate and after such show of hands shall declare the person or persons on whom the election has fallen and shall return the same accordingly unless a poll be demanded by any of the candidates or by not less than Six Electors on his behalf and on such demand being made for a poll the polling shall take place at the different polling-places for such Electoral District on the day appointed by the Lieutenant-Governor in the Writ for that purpose.

Duration of poll and manner of voting.

XXI. AND BE IT ENACTED that the Election of Members of Council at each polling-place shall be held before the Returning Officer or his Deputy and the Voting at every such Election shall commence at nine o'clock in the forenoon and shall finally close at four o'clock in the afternoon of the same day unless adjourned by reason of riot or interruption as hereinbefore provided for and shall be conducted in manner following (that is to say) every Elector entitled to vote in the election of Members of Council may vote for any number of persons not exceeding the number of Members then to be elected by delivering to the said Returning Officer or his Deputy a voting-paper containing the Christian name and surname or Christian names and surnames of the person or persons for whom he votes such paper being previously signed with the



name of the Elector voting and with the name of the place in which the property for which he appears on the Electoral Roll is situated.

XXII. AND BE IT ENACTED that no enquiry shall be permitted at any Election as to the right of any person to vote except only as follows (that is to say) that the Returning Officer or his Deputy shall if he shall think fit or if required by any two Electors entitled to vote for the same Electoral District put to any person tendering a Voting-paper at the time of his delivering in his Voting-paper and not afterwards the following questions or any of them and no other—

Enquiries which may be asked of person tendering a vote.

Are you the person whose name is signed to the voting-paper now delivered in by you?

Are you the person whose name appears as [*here specify the name contained in the Electoral Roll*] in the Electoral Roll now in force for this Electoral District being registered therein for property described to be situated in [*here specify the property described in the Electoral Roll*]?

Have you already voted at the present Election?

Have you the same qualification for which your name was originally inserted in the Electoral Roll for the District of [*specifying in each case the particulars of the qualification as described in the Electoral Roll*]?

XXIII. PROVIDED ALWAYS AND BE IT ENACTED that the Returning Officer or his Deputy shall if he shall think fit or if required by any Candidate or on behalf of any Candidate by his Agent at the time aforesaid administer an oath or in case of a Quaker or Moravian an affirmation to any person so tendering a Voting-paper in the following form (that is to say)—

Oaths which may be administered to any person tendering a vote.

‘I do swear [*or being one of the people called Quakers or Moravians do solemnly and sincerely affirm*] that I am the same person whose name appears as [*here specify name*] on the Electoral Roll now in force for the Electoral District of [*here specify Electoral District*] [*In case of an oath*] So help me God.’

And such Returning Officer or his Deputy shall likewise if he shall think fit or if required by any Candidate or on behalf of any Candidate by his agent administer the oath or in case of a Quaker or Moravian the affirmation following against bribery—

‘I do swear [*or being one of the people called Quakers or Moravians I do solemnly and sincerely affirm*] 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 or sums of money office place of emolument gift or reward or any promise or security for any money office employment place of emolument gift or reward by way of consideration expressed or implied for giving my vote at this election. [*In case of an oath*] So help me God.’

XXIV. AND BE IT ENACTED that no person so required to answer the said questions or make the affirmations or take the oaths aforesaid or either of them shall be qualified or permitted to vote until he shall have answered such question or questions or made such affirmation or affirmations or taken such oath or oaths as the case may be.

No person refusing to answer questions or take oaths entitled to vote.



Punishment for false answer or oath.

XXV. AND BE IT ENACTED that if any person shall wilfully make a false answer to any of the questions aforesaid or shall upon any such oath or affirmation as aforesaid wilfully and corruptly swear or affirm falsely such person shall be deemed guilty of a misdemeanor and on conviction thereof shall suffer the like penalties as persons convicted of wilful and corrupt perjury.

No other oath to be necessary and the grounds upon which a person may be excluded from voting.

XXVI. AND BE IT ENACTED that no Elector shall at any such Election be required to take any oath or affirmation except as aforesaid either in proof of his freehold or of his residence age qualification or right to vote or otherwise and no person claiming to vote at any such Election shall be excluded from voting thereat except by reason of its appearing to the Returning Officer or his Deputy upon putting such questions as aforesaid or any of them that the person so claiming to vote is not the person whose name is signed to the Voting-paper tendered by him or that he is not a person whose name appears on such Electoral Roll as aforesaid or that he has previously voted at the same Election or that he has not then the same qualification for which his name was inserted in such Electoral Roll or except by reason of such person refusing to answer the questions or make the affirmations or take the oaths aforesaid or any of them.

Voting-papers not to be rejected for want of form.

XXVII. AND BE IT ENACTED that no Voting-paper shall be rejected by any Returning Officer or his Deputy for mere want of form provided that the name of the person signing the paper the name of the place in which the property for which he appears on the Electoral Roll is situate and the name or names of the Candidate or Candidates for whom he votes be intelligibly expressed and in a manner to be commonly understood.

Deputy Returning Officers to deliver Voting-papers to Returning Officers.

XXVIII. AND BE IT ENACTED that each Deputy Returning Officer shall immediately on the close of the poll collect and seal up all the Voting-papers which have been taken at the polling-place whereat he presided and shall with the least possible delay deliver the same or cause the same to be delivered to the Returning Officer of the Electoral District for which he shall act.

Names of persons elected to be declared by Returning Officers.

XXIX. AND BE IT ENACTED that the Returning Officer of each Electoral District shall at the place of nomination and as soon as may be practicable after the Election shall have been held openly declare the general state of the Poll at the close of the Election as the same shall have been made up and ascertained by him from the Voting-papers taken at the several Polling-places and shall at the same time and place declare the name or names of the person or persons who shall have been duly elected at such Election and in the event of the number of votes being found to be equal for any two or more Candidates such Returning Officer may if duly qualified under the said recited Act to vote as an Elector at such Election by his casting vote or votes decide which of the said Candidates shall be elected—PROVIDED HOWEVER that no Returning Officer shall vote at any Election for the Electoral District of which he is the Returning Officer except in the case of an equality of votes as aforesaid—PROVIDED ALSO that it shall and may be lawful for the Deputy of any Returning Officer to vote at any Election for the Electoral District for which he is registered as an Elector in like manner as if he had not been appointed and acted as Deputy Returning Officer for such Electoral District.



XXX. AND BE IT ENACTED that the name or names of the person or persons so elected shall be inserted in or endorsed on the Writ by the Returning Officer and such Writ be returned to the Lieutenant-Governor within the time for that purpose specified therein.

Names of persons elected to be endorsed on Writ.

XXXI. AND BE IT ENACTED that all Voting-papers shall be sealed up by the Returning Officer and transmitted to the Clerk of the Legislative Council who shall safely keep the same for the period of five years after the receipt thereof and the sealed packets containing the same shall on the outside thereof be described to be the Voting-papers of the Electoral District to which they relate and be signed by the said Returning Officer and in case any question shall at any time arise touching any vote alleged to have been given at any Election the Voting-paper containing such vote shall upon production thereof together with a certificate thereon under the hand of the Clerk of the Legislative Council for the time being that the same came to and then was in his custody as such Clerk of the Legislative Council be received in evidence before the Committee of Elections and Qualifications hereinafter mentioned and in any Court of Justice in this Colony as proof of such vote having been so given.

Voting-papers to be transmitted to Clerk of the Councils and be evidence of the votes having been given.

XXXII. AND WHEREAS it is expedient to make provision for the determination of all questions as to the validity of any returns made by the Returning Officers of the several Electoral Districts and all questions as to the sufficiency of the qualification possessed by persons returned as Members to serve in the said Legislative Council—BE IT THEREFORE ENACTED that in the first Session of every Legislative Council and within Seven Days after the Election of a Speaker of the said Council such Council shall by the votes of a majority of two-thirds of the Members thereof who shall be then present elect Five Members of the said Legislative Council as and to be a Committee to be called "The Committee of Elections and Qualifications"—PROVIDED that if the whole number of Members so present be not exactly divisible by three such number of such Members of such Council as is next smaller than two-thirds shall be the majority to determine such Election of such Committee.

Appointment of Committee of Elections and Qualifications.

XXXIII. AND BE IT ENACTED that the said Committee when so elected as aforesaid shall select from the Members thereof a Chairman and the several Members thereof shall continue except as hereinafter provided to be Members of such Committee until the issue of the Writs for the next general Election of Members to serve in the Legislative Council and the said Committee shall be attended by the Clerk of the said Legislative Council or his Assistant who shall make a minute of all proceedings of the said Committee in manner directed by the said Committee and a copy of the minutes so kept shall be laid from time to time before the said Council.

Appointment of Chairman and duration of office of Member thereof.

XXXIV. AND BE IT ENACTED that whenever after the said Committee to be so elected as aforesaid shall have been completed any Member thereof shall die or cease to be a Member of the said Council or from sickness or any other cause become incapacitated or disqualified to attend any Meeting of the said Committee his place shall be supplied by a Member of the said Council to be elected for that purpose by the said Council in like manner as the Member of such Committee so dying or ceasing to be a Member of the said Council or becoming so inca-

Provision for the death or illness of a Member of Committee.



pacitated or disqualified to attend was elected—PROVIDED ALWAYS that such incapacity or disqualification of any Member of such Committee to attend any Meeting thereof as aforesaid shall be exclusively judged of and determined by the said Council—PROVIDED ALSO that if the Return of any Member of the said Legislative Council elected as a Member of the said Committee shall be disputed in manner hereby directed or if any such Member shall be a petitioner against the Return of any other Member of such Council the same shall be deemed and taken to be and shall be a disqualification to attend a meeting of the said Committee within the meaning of this Act.

Entry of Election of Members of Committee by Clerk of the Council proof of due election.

XXXV. AND BE IT ENACTED that the record of the election of the Members of the said Committee shall be entered by the Clerk of the Legislative Council on the proceedings of such Council and such entry having been made shall be sufficient proof of the due election of the said Committee for the several purposes in this Act contained.

Oath to be taken by Members of Committee.

XXXVI. PROVIDED HOWEVER AND BE IT ENACTED that the said Committee shall not proceed to any business until each Member thereof shall have taken the following oath which oath shall be administered by the Speaker of the said Council to each of such Members—

‘I *A. B.* do swear that I will duly administer justice in all matters which may be brought before this Committee and that I will decide in all such matters without partiality favour or affection and according to the best of my judgment and understanding. So help me God.’

PROVIDED that if any such Member shall be one of the people called Quakers or Moravians it shall be sufficient if he make an affirmation before the said Speaker to the same effect as the oath aforesaid.

General powers and subjects of enquiry by Committee.

XXXVII. AND BE IT ENACTED that the said Committee so elected as aforesaid shall have power to enquire into and determine all cases which may be brought before it by the Legislative Council respecting disputed returns of Members to serve in the said Council whether such disputes arise out of or relate to the capability of any person to be elected a Member of such Council by reason that such person is not qualified as by the said recited Act is required or arise out of or relate to any alleged error in the return of any Returning Officer or the allegation of bribery or corruption against any person concerned in any Election or any other allegation affecting the validity of any Election under this Act.

Powers of adjournment.

XXXVIII. AND BE IT ENACTED that the said Committee shall be competent to regulate the form of its proceedings and shall have power to adjourn its sittings in each case which may be referred to it from time to time as occasion may require provided that the interval of adjournment shall not in any instance exceed five days and that the proceedings before such Committee shall not in any such case so referred to it as aforesaid extend beyond the period of twenty-one sitting days and if no decision be pronounced within such period the Chairman of the said Committee shall on such evidence as may then be before such Committee pronounce a decision and every decision whether so pronounced by the Chairman or by any such Committee shall be final and conclusive without appeal.

Chairman to pronounce decision in certain cases.

Powers of Com-

XXXIX. AND BE IT ENACTED that the said Committee shall



not have power to enquire into or determine the correctness of the Electoral Roll of any Electoral District but shall simply enquire into and determine the identity of any person whose vote may on the day of the Election have been either admitted or rejected and whether assuming the Electoral Roll to be correct any such person then retained the same qualification for which his name was originally inserted in such Electoral Roll and whether his vote was improperly admitted or rejected and whether any voters or persons entitled to vote gave their votes under the influence of bribery or corruption force menace or fraud or were prevented from giving their votes by bribery corruption force menace or fraud and if the said Committee shall find any vote or votes to have been given under the influence of bribery corruption force menace or fraud by or on the part of any Candidate or his agent the same may be taken off the file of votes and if the said Committee shall find any voter to have been prevented from voting by force menace or fraud by or on the part of any Candidate or his agent it shall be competent to the voter so prevented from voting to tender his vote before the said Committee and such vote shall be taken accordingly and on reckoning the votes received for any Candidate such votes so rejected or received shall be taken into account by the said Committee.

mittee in respect
of enquiries as to
individual votes.

XL. AND BE IT ENACTED that the person or persons presenting a Petition against the Return of any Member of such Legislative Council shall if successful in setting aside the said Return be entitled to recover such costs or expenses as shall be assessed and determined by such Committee under the hand of the Chairman thereof by action of debt from the Member against whose Return such Petition shall have been presented and if the person or persons presenting any such Petition shall not be successful in setting aside such Return such costs and expenses as shall be assessed and determined by such Committee under the hand of the Chairman thereof shall devolve on such person or persons so presenting such petition and be in like manner recoverable by the Member against whose Return such Petition shall have been presented.

By whom ex-
penses of petitions
before Committee
payable.

XLI. AND BE IT ENACTED that all complaints of the undue Return of Members to serve in the said Legislative Council shall be addressed in the form of a petition to the said Council and that no petition shall be taken cognizance of nor any proceedings be had thereon unless it shall be so addressed to the said Council by a person who was a candidate at the Election whereof it may be alleged that an undue Return has been made or by a number of Electors who either voted or were qualified to vote at the said Election amounting to not less than one-tenth of the whole number of Electors on the Electoral Roll of the Electoral District for which such Election shall take place or by a Member of the said Legislative Council neither shall any such petition be taken cognizance of unless the same shall be received by the said Council in the case of a General Election within Seven Days next after the day of the first meeting of such Council or in the case of a vacancy within Seven Days after the return of the Writ for such Election if the Legislative Council be then sitting but if not then within Seven Days next after the day of the next sitting of such Council which shall take place after such Election and every such Petition when so presented as aforesaid shall by the said Council be referred to the said "Committee of Elections and Qualifications" forthwith or as soon as conveniently may be after such Committee shall have been duly elected in manner aforesaid.

Manner and time
of petitions
against undue
returns.



Committee to be guided by equity and good conscience.

Decisions of Committee and their effect.

Powers of Committee in respect of witnesses affidavits and documentary evidence.

Punishment for contempt &c. by witnesses.

Mode in which affidavits to be received by Committee to be taken.

XLII. AND BE IT ENACTED that the said Committee in hearing and deciding on the merits of any such Petition shall be guided by equity and good conscience and the real and substantial justice of the case without regard to legal forms and solemnities and shall receive or reject at its discretion any evidence that may be tendered to such Committee whether such evidence be such as the law would require in other cases or not and if the said Committee shall so decide and declare as aforesaid that any person was not duly elected who shall have been returned as elected by the Returning Officer of any Electoral District the person so decided and declared to have been not duly elected shall cease to be a Member of the said Legislative Council and vacate his seat accordingly and if the said Committee shall decide and declare as aforesaid any person to have been duly elected who shall not have been returned by any Returning Officer the person so decided and declared to be duly elected shall be and be sworn a Member of the said Council and take his seat accordingly and if the said Committee shall decide and declare as aforesaid any Election for any Electoral District to have been absolutely void which such Committee is hereby authorised and empowered to do it shall be lawful for the Lieutenant-Governor on the same being certified to him under the hand of the Speaker of the said Legislative Council to issue a new Writ for the holding of another Election for such Electoral District and every such Writ as last aforesaid shall be issued within Ten Days after such Certificate shall have been received by the said Lieutenant-Governor.

XLIII. AND BE IT ENACTED that the said Committee shall have power by order in writing under the hand of the Chairman to direct the attendance of witnesses and to examine them upon oath and also by like order in writing to require the production of and to examine papers records and other documentary evidence and it shall be competent to the said Committee if in its discretion it shall see fit to receive affidavits relative to any of the matters referred to such Committee taken before any Justice of the Peace (which affidavit such Justice of the Peace is hereby authorised to take) and if any person summoned by the said Committee having had his or her reasonable expenses paid or tendered by the person or persons on whose behalf he or she shall have been so summoned shall disobey such summons or shall refuse or neglect to produce any papers records or other documentary evidence relating to or affecting the matter under investigation the production whereof shall have been required by the said Committee or shall refuse to submit to be examined or shall prevaricate or otherwise misbehave in giving or refusing to give evidence such person shall be deemed guilty of a misdemeanor and be liable to be punished accordingly—**PROVIDED** that no such affidavit shall be received by the said Committee unless it shall be made to appear to such Committee that the person or persons making the same is or are incapable to attend before such Committee by reason of sickness or old age—**PROVIDED ALSO** that before any such affidavit shall be taken by any such Justice of the Peace as aforesaid reasonable notice shall be given to the Member against whose return such affidavit is intended to be used or to the person or persons against whose petition such affidavit is intended to be used as the case may be that such affidavit is about to be made before such Justice and such Member or person or persons shall be at liberty to examine upon oath before such Justice which oath such Justice is hereby empowered to administer the person or persons tendering such affidavit upon the matters contained therein and such Justice shall



in no case take any such affidavit until it shall be proved to the satisfaction of such Justice that such reasonable notice has been given as aforesaid and every such examination shall be taken down in writing and being signed by the person so examined and attested by the said Justice shall be admissible in evidence before such Committee and if any such person or persons tendering any such affidavit shall refuse to be examined or to answer any lawful question touching the matters in such affidavit such Justice shall refuse to take the same and any person wilfully or knowingly giving false evidence before the said Committee or in any such affidavit or on any such examination as aforesaid shall be deemed guilty of wilful and corrupt perjury and shall be liable to the ordinary pains and penalties for such offence.

Punishment for false evidence or affidavit.

XLIV. AND (for the prevention of bribery and corruption at any Election as aforesaid) BE IT ENACTED that from and after the passing of this Act each of the following acts shall be deemed and taken to be an act of bribery and corruption on the part of any candidate at any such Election whether committed by such candidate or by any agent authorised to act for him (that is to say) the giving of money or any other article whatsoever to any Elector or the making with or giving to any Elector any agreement or security for any gift or reward or the holding out to any Elector any promise or expectation of profit advancement or enrichment to himself or to any of his family or kindred or friends or dependants in any shape or making use of any threat to any Elector or otherwise intimidating him in any manner or the treating of any Elector or the supplying him with meat drink lodging or horse or carriage hire or conveyance by steam or otherwise whilst at such Election or whilst engaged in or coming to or going from such Election or the payment to any Elector of any sum of money for acting or joining in any procession during such Election or before or after the same or the keeping open or the authorising or allowing to be kept open any public-house shop booth tent or place of entertainment whether liquor or refreshment of any kind be distributed thereat or not or the giving of any dinner supper breakfast or other refreshment or entertainment at any place whatsoever to any Elector with the view in any such case as herein specified of influencing the vote of any such Elector.

What shall be deemed acts of bribery.

XLV. AND BE IT ENACTED that if it shall be proved to the satisfaction of the said Committee that any such candidate or his agent as aforesaid shall have been guilty of any one of the acts of bribery and corruption aforesaid such Committee shall declare and decide the election of such candidate to be void and such decision of such Committee shall disqualify such candidate from sitting or voting in the said Legislative Council during the whole period that may intervene between such decision of such Committee and the time of the next General Election.

Commission of any such act by a candidate or his agent to disqualify candidate.

XLVI. AND BE IT ENACTED that the decision of such Committee or Chairman shall be final and conclusive to all intents and purposes and shall not be nor shall any of the proceedings before the said Committee be liable to be or be questioned by any writ of mandamus or other process whatsoever from the Supreme Court of this Island or be in any other manner taken cognizance of thereby any law or usage to the contrary in any wise notwithstanding.

Decisions of Committee to be final.

XLVII. AND BE IT ENACTED that upon the hearing of any Candidates to be



bound by the acts of their agents. such Petition as aforesaid before such Committee the acts in any matter connected with any Election of any authorised agent of any candidate at such Election shall be deemed and taken to be the acts of such candidate.

Punishment for commission of acts of bribery.

XLVIII. AND BE IT ENACTED that if any of the acts aforesaid so declared to be acts of bribery and corruption shall be committed by any person whether such person shall be a candidate at such Election or not the person so committing the same whether by himself or by any person employed by him for that purpose shall be deemed guilty of a misdemeanor and may be prosecuted for such act or acts as for a misdemeanor in the Supreme Court of Van Diemen's Land or in any Court of Quarter Sessions and be punished for such offence by a fine not exceeding Two hundred Pounds or imprisonment not exceeding six calendar months.

Punishment for receiving reward for voting or withholding vote.

XLIX. AND BE IT ENACTED that if any person who shall have or claim to have any right to vote at any Election of a Member or Members of such Council for any Electoral District shall by himself or any other person directly or indirectly ask for or receive any money or other emolument or reward by way of gift employment or otherwise for himself or any other person whatsoever as a consideration or inducement expressed or implied for giving his vote or for abstaining from giving his vote at such Election such person shall for such offence forfeit and pay the penalty or sum of Fifty Pounds sterling to the person who shall first sue for the same and such penalty or sum may be recovered with full costs by action of debt in the Supreme Court of Van Diemen's Land.

Punishment for voting twice or personating a voter.

L. AND BE IT ENACTED that every person who shall vote a second time or offer to vote a second time at one and the same Election for any Electoral District or who shall personate or attempt to personate any other person for the purpose of voting at any such Election shall be guilty of a misdemeanor and shall on conviction thereof be imprisoned for any term not exceeding two years at the discretion of the Court before which such person shall be tried.

Payment of expenses incurred at first Election.

LI. AND BE IT ENACTED that all necessary and reasonable expenses which shall be incurred prior to the first meeting of the Legislative Council so established as aforesaid by any person or persons appointed or acting under and by virtue of this Act for the purpose of carrying the several provisions thereof into effect shall if the same be allowed by the Lieutenant-Governor be paid and discharged out of the public funds of this Colony by Warrants under the hand of such Lieutenant-Governor directed to the Colonial Treasurer of this Island.

Provides for delays or impediments in the return of Writs.

LII. AND WHEREAS divers of the Electoral Districts under this Act are far distant from the seat of Government and of great extent and unforeseen difficulties or delays may arise in carrying into effect the several provisions herein contained with regard to the Elections for the said Districts—BE IT THEREFORE ENACTED that no Election for any such District shall be held to be void in consequence solely of any delay in the holding of any Election at the time appointed or in the return of the Writ or in consequence of any impediment of a mere formal nature—PROVIDED that such Election shall by the Lieutenant-Governor with the advice of the Executive Council within Thirty



Days from the day on which such Election was held be declared not to be invalid for any such cause as aforesaid—PROVIDED ALSO that within the period of Twenty Days before or after the day appointed for the holding of any Election it shall be lawful for the said Lieutenant-Governor with the advice of the said Executive Council to extend the time allowed for the holding of such Election or for the return of the Writ issued for the same and to adopt or cause to be adopted such measures as may be necessary to remove any obstacle by which the due course of any such Election may be impeded and to supply any deficiency that may otherwise affect the same—PROVIDED ALSO that any measures so adopted by the said Lieutenant-Governor with the advice of the Executive Council shall be duly notified by Proclamation in the *Government Gazette*.

LIII. AND WHEREAS delays may occur in the return of Writs from some parts of this Colony and by the non-return of such Writ or Writs the number of Members of the said Legislative Council may not be completed on the day whereon such Council may be summoned to assemble for the dispatch of business and it is expedient to remove doubts which might otherwise arise as to the power of the said Council in its incomplete state to proceed to business—BE IT ENACTED that notwithstanding the non-return of any Writ or Writs on or before the day whereon such Writs are made returnable the said Legislative Council shall be competent to proceed to business if duly summoned for such purpose—PROVIDED ALWAYS that the number of Members deficient in consequence of the non-return of such Writ or Writs shall not exceed Two.

Council may proceed to business when not more than two are deficient through non-return of Writs.

LIV. AND BE IT ENACTED that it shall and may be lawful for the Lieutenant-Governor to appoint such additional Officers in any Electoral District as may be necessary to ensure the carrying into effect the several provisions of this Act.

Lieutenant-Governor may appoint additional Officers.

LV. AND BE IT ENACTED that it shall be lawful for the said Lieutenant-Governor to delegate to any other person the performance of any act or thing which by this Act he is empowered to perform—PROVIDED ALWAYS that any such delegation shall be made under the hand of such Lieutenant-Governor and the Seal of the Colony and be duly announced by proclamation in the *Government Gazette*.

Lieutenant-Governor may delegate his powers to another.

LVI. AND BE IT ENACTED that any and every person who may under the provisions of this Act be appointed a Returning Officer or Deputy Returning Officer or be appointed to any other office under this Act shall before he enter on the performance of the duties of any such office make and subscribe the following declaration before any Justice of the Peace for this Island or its Dependencies—

Declaration to be made by Officers before entering on duties.

‘ I A. B. do hereby declare that I accept the office of and I do hereby promise and declare that I will faithfully perform the duties of the same to the best of my understanding and ability.’

And the Justice before whom any such declaration shall be made is hereby required to transmit the same by the first convenient opportunity to the Colonial Secretary of this Island.

LVII. AND BE IT ENACTED that if any Returning Officer Deputy Returning Officer after having accepted office as such or any Police Clerk Collector or any other person appointed or enjoined

Punishment for misconduct by Officers.



to perform any duty matter or thing under this Act shall wilfully neglect or refuse to perform any of the duties matters or things which by the provisions of this Act he is so appointed enjoined or required to perform every such Returning Officer Deputy Returning Officer Police Clerk Collector or other person shall for every such offence forfeit and pay a penalty or sum not less than Twenty Pounds nor exceeding One hundred Pounds and any such penalty or sum shall be recoverable with full costs of suit by any person who shall sue for the same within Three calendar Months after such neglect or refusal as aforesaid by action of debt in the Supreme Court of Van Diemen's Land or if the sum sued for be in amount within the jurisdiction of any Court of Requests in this Island in such Court of Requests and such penalty or sum when recovered shall be paid and apportioned as follows (that is to say) one moiety thereof to the person so suing for the same and the other moiety thereof to Her Majesty Her Heirs and Successors for the public uses of this Colony.

General issue.

LVIII. AND BE IT ENACTED that if any action shall be brought against any person for any matter or thing done under the authority or in pursuance of this Act such person may plead the general issue and give this Act and the special matter in evidence.

When things to be done fall on Sunday.

LIX. AND BE IT ENACTED that when any matter or thing shall be directed by this Act to be performed on a certain day and that day shall happen to be Sunday Good Friday or Christmas Day the said matter or thing shall be performed on the day next succeeding such Sunday Good Friday or Christmas Day.

Interpretation.

LX. AND BE IT ENACTED that the word Lieutenant-Governor as used in this Act shall be held to mean and intend the Lieutenant-Governor or person for the time being administering the Government of this Colony and the words Lot and Allotment as used in this Act shall be held to mean and intend the said several lots and allotments so respectively numbered and described as aforesaid as the same appear and are delineated in the chart or charts in the Office of the Surveyor-General of this Colony.

W. T. DENISON.

Passed the Legislative Council the second day of July, one thousand eight hundred and fifty-one,

FR. HARTWELL HENSLÖWE, *Clerk of the Council.*



SCHEDULE D.

LIST OF CLAIMANTS.

THE following Persons claim to have their Names inserted in the Electoral List for the Electoral District of

<i>Christian Name and Surname of each Claimant at full length.</i>	<i>Nature of the Property in respect of which he prefers his Claim.</i>	<i>Where the Property affording the Qualification is situate.</i>

Dated at the day of 18

[Signed] A. B. Police Clerk of the Police District of

SCHEDULE E.

LIST OF PERSONS OBJECTED TO.

THE following Persons have been objected to as not being entitled to have their Names retained on the Electoral List for the Electoral District of

<i>Christian Name and Surname of each Person objected to at full length.</i>	<i>Nature of the Property for which his Name is on the Electoral List.</i>	<i>Where the Property is situate.</i>

Dated at the day of 18

[Signed] A. B. Police Clerk of the Police District of

