



1854.

No. 11.

*An Act to amend the Law for the Registration of Persons entitled to vote at Elections for Members of the Legislative Council.*

[Assented to, December 4, 1854.]

*Repealed  
by No. 10-1855-6.*

**W**HEREAS it is expedient to amend the laws at present in force for the Registration of Voters within this Province, and also to alter the questions at present authorized to be asked of parties claiming to vote at any Election—Be it Enacted by the Lieutenant-Governor of the Province of South Australia, with the advice and consent of the Legislative Council thereof, as follows:

Preamble.

1. An Act, No. 2 of 1853, to amend the law for the Registration of Persons entitled to Vote at Elections for Members of the Legislative Council, is hereby repealed, excepting in so far as the same repeals any other law.

Repeal of Act No. 2  
of 1853.

2. Every Returning Officer shall, within four days from the receipt of a writ for the election of a Member to serve in the Legislative Council for any Electoral District, give public notice of the receipt of such writ, and of the time, being not less than eighteen clear days from the publication of such notice, and place of holding a Court of Revision, and shall cause such notice, and also a copy of the existing or last previous electoral roll for such District, to be affixed, in some accessible and conspicuous place, upon the Court House, or place of meeting of the Local Court, if there be any such within the District, and upon such other public buildings within such District as he shall think fit; and such copy shall be the electoral list for such District for the purposes of this Act.

Notice of Court of  
Revision to be given.

3. Within the period of ten days from the publication of such notice, any person whose name shall not be inserted in such electoral list,

Claims of persons to  
have their names  
inserted on electoral  
lists.

list, and who shall claim to have his name inserted therein, shall give, or cause to be given, notice thereof to the Returning Officer, in the form of the Schedule to this Act annexed, marked A, or to the like effect; and any person whose name shall have been inserted, or who shall claim to have his name inserted in such electoral list, 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 day so fixed for giving notice of claims, give, or cause to be given, to the Returning Officer, and also to the person objected to, or leave at the premises for which his name shall appear to be inserted in such electoral list, notice thereof, in writing, according to the form in the Schedule to this Act annexed, marked B, or to the like effect; and the said Returning Officer shall include the names of all persons so claiming to be inserted on the electoral list, in a list according to the form in the Schedule to this Act annexed, marked C; and the names of all persons objected to in a list according to the form of the Schedule to this Act annexed, marked D; and shall cause copies of such two last-mentioned lists to be fixed on the outer doors or walls of the public or conspicuous buildings or places aforesaid, during the eight days next preceding the holding of any Court of Revision under the authority hereof; and the said Returning Officer shall likewise keep a copy of such last-mentioned lists, to be perused by any person, without payment of any fee, at all reasonable hours, during such eight days (Sunday excepted), and shall deliver a copy of each of such lists to any person requiring the same, on payment of a sum not exceeding One Shilling for every folio of seventy-two words in such copy.

List of claimants.

List of persons  
objected to.

Claimants may be  
objected to.

4. Within the period of four days from the affixing such last-mentioned notices, any person whose name shall be inserted, or who shall claim to have his name inserted in the said electoral list, may object to any person, whose name shall be included in such list of persons claiming, as not entitled to be entered on the electoral list, and shall, within such last-mentioned period of four days, give notices of objection as hereinbefore provided with respect to objections to persons whose names are inserted in the electoral list; and the Returning Officer shall make out a list of all persons so objected to, as last aforesaid, in the form in the Schedule to this Act annexed, marked D, and shall cause copies thereof to be affixed on such public places as aforesaid, during the two days next preceding the holding of the Court of Revision.

Courts for revision of  
electoral lists.

5. On such day as shall be named in any notice to be published as aforesaid, the Returning Officer shall, in conjunction with the nearest Special Magistrate and one Justice of the Peace, or with two Justices of the Peace for the said Province, hold an open Court for the revision of the said electoral list, and continue such Court by adjournment, and shall, at the opening of the said Court, produce the electoral roll for the time being, and a copy of the lists of the persons so claiming, and of the persons so objected to, made out in the manner aforesaid; and all collectors of rates and others shall, on being thereto summoned,

moned, attend the said Court, and shall answer, upon oath, all such questions as the said Court may put to them or any of them, touching any matter necessary for revising the said electoral list; and the said Court shall insert in the said electoral list the name of every person who shall have claimed to be inserted therein, and who shall not have been objected to as aforesaid, and also the name of every person so objected to who shall be proved, to the satisfaction of the Court, to be entitled to be inserted therein, and shall retain on the said electoral list the names of all persons to whom no objection shall have been duly made, and shall also retain on the said electoral list the name of every person who shall have been objected to by any person, unless the party 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 on such electoral 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 of the qualification of the person so objected to; and in case the qualification of such person shall not be proved to the satisfaction of the Court, the said Court shall expunge his name from the said electoral list, and shall also expunge therefrom the name of every person who shall be proved to the Court to be dead, and shall correct any mistake, or supply any omission which shall be proved to the Court to have been made in the said electoral list, in respect to 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 Court in the said electoral 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.

6. The said Court shall have power to require any person having the custody of any book containing any rate made for any electoral district or any part thereof, during the then current or the preceding year, to produce the said book and allow the same to be inspected, and shall have power to administer oaths or affirmations as the case may be, as well to the clerk and to the collectors, as to all persons claiming to be inserted in, or making objection to the omission or insertion of any name in the said electoral list, and to all persons objected to in such electoral list, and to all persons claiming to have any mistake in any such electoral list corrected, and to all witnesses who may be tendered or examined on either side, by which oath or affirmation 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 shall be liable, if he swear or affirm falsely in answer to any lawful question put to him at such examination, to be prosecuted for perjury; and the Returning Officer shall in open Court write his initials against the names struck out or inserted, and against any part of the said electoral list in which any mistake shall have been corrected, and shall sign his name to every page of the electoral list so settled.

Power to the Court to order the production of books and administer the oath.

7. The

Revised list to be kept by the Returning Officer.

Electoral roll to be corrected.

*Electoral Roll*

Returning Officer to furnish copies of the electoral roll.

Personal attendance of electors not necessary to prove qualification to vote, unless required by the Court.

Date and issue of writs.

Returning Officer may appoint parties to receive claims.

Fees payable to Returning Officer.

Questions to be put to voter.

7. The Returning Officer shall keep the electoral list so revised and signed as aforesaid, and shall cause the same to be fairly and truly copied into an alphabetical list in a book to be by him provided for that purpose, leaving such spaces as may be necessary for any subsequent additions thereto; and shall cause such book to be completed within four days from the holding of the first Court of Revision, and shall cause such book, together with the electoral list, and also the lists of claims and objections, to be preserved among the records of his office, and shall, within four days after the holding of any Court of Revision subsequent to the first, correct the said book by inserting therein, in alphabetical order, or expunging therefrom, the names of persons inserted in or expunged from the electoral list by any such Court, and shall also transmit a copy of such book, and of all corrections to be from time to time made therein, to the Colonial Secretary, and every such book shall be the roll of the electors of the electoral district to which the same relates.

8. The Returning Officer shall furnish copies of the electoral roll to all persons applying for the same on payment of a reasonable price for each copy.

9. No elector claiming to register his vote in any electoral district, or objected to as aforesaid, shall be obliged to appear in person to make proof of the nature and sufficiency of his qualification, unless required by the Court of Revision to attend in person: Provided however, that if such personal attendance be rendered requisite, on the application of any party objecting to the right of such elector, such party, if his objection be disallowed, shall defray such expenses as the Court shall award for the attendance of the elector, which expenses so awarded shall be recoverable in any Court of competent jurisdiction in which the party entitled thereto shall sue for the same.

10. No writ for the election of Members to serve in the Legislative Council for any electoral district shall be dated or issued less than twenty-eight nor more than forty-two days previous to the day named therein for the holding of the elections.

11. Any Returning Officer may appoint one or more persons to act for him in receiving such notices of claims and objections, giving public notice in manner aforesaid of every such appointment.

12. There shall be payable to every Returning Officer by the Colonial Treasurer, in respect of the matters aforesaid, the sums mentioned in Schedule E to this Act annexed.

13. In the place of the questions of the 29th Section of an Ordinance, No. 1 of 1851, "To Establish the Legislative Council of South Australia, and to provide for the Election of Members to serve in the same," authorized to be put by the Returning Officer to any voter at the time of his delivering in his voting paper, the Returning Officer shall,

*to be 29th*

shall, if required, as in the said Ordinance specified, put the questions following, or any of them, and no other—

- i. Are you the person whose name is signed as A. B. to the voting paper now delivered in by you?
- ii. Are you the person whose name appears as A. B. in the Electoral Roll now in force for this Electoral District being registered therein for [here specify the nature and situation of the qualification described in the Electoral Roll]?
- iii. Have you already voted at the present Election?
- iv. Had you, at the time of your name being inserted upon the said Electoral Roll, and do you still possess, the qualification for which your name was inserted upon such roll?

And no person, required to answer any of the said questions, shall be permitted or qualified to vote until he shall have answered the same; and if any person shall make a false answer to any of the questions aforesaid, he shall be deemed guilty of a misdemeanor and may be indicted and punished accordingly.

SCHEDULES REFERRED TO.

A

NOTICE OF CLAIM.

To the \_\_\_\_\_ of \_\_\_\_\_  
 I hereby give you notice, that I claim to have my name inserted in the electoral list (or electoral roll) for the district of \_\_\_\_\_ in virtue of the property which I possess at \_\_\_\_\_ (or of the dwelling-house which I occupy at \_\_\_\_\_, or as the case may be).  
 Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ in the year 18\_\_\_\_\_  
 (Signed) JOHN STILES, of (place of abode).

(Here describe the number of the section, or, if in a town or village, the name of the street, and number of allotment).

B

NOTICE OF OBJECTION.

To the Returning Officer of \_\_\_\_\_ (and to the person objected to).  
 I hereby give you notice, that I object to the name of \_\_\_\_\_ of \_\_\_\_\_ (name and describe the person objected to as in the electoral list), being retained on the electoral list or roll of the electoral district of \_\_\_\_\_  
 Dated this \_\_\_\_\_  
 (Signed) JOHN STILES, of (here state the dwelling-house or property for which he is, or claims to be, included in the electoral list or roll.)

C

LIST OF CLAIMANTS.

The following persons claim to have their names inserted in the electoral list or roll of the electoral district of \_\_\_\_\_

Christian Name and Surname of each Claimant.	Nature of the property or qualification in respect of which he prefers his claim.	Place where the property or qualification is situated.

(Signed) A.B., Returning Officer.  
 Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_  
 (Describing the number of the section, or, if in a town or village, the name of the street, and number of allotment.)

D

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 (or roll) for the electoral district of

Christian name and surname of each person objected to.	Nature of the property or qualification for which his name is on the electoral list.	Place where the property or qualification is situated.

Dated at \_\_\_\_\_ this \_\_\_\_\_ (Signed) \_\_\_\_\_ day of \_\_\_\_\_ A. B., Returning Officer.

E

	£	s.	d.
Travelling, for each day (not being a day for which payment is made under any of the following items), in addition to a mileage of one shilling per mile .....	1	1	0
Holding Court of Revision, for each day (one guinea to be paid to each Magistrate attending such Court) .....	5	5	0
Clerk of Court of Revision, for each day .....	1	1	0
Receiving and entering claims, for each name .....	0	1	0
Making and copying lists, for the first copy, per each folio of seventy-two words .....	0	1	0
For the second, and each succeeding copy, per folio .....	0	0	6
Attending at day of nomination and day of taking poll .....	2	2	0
Deputy Returning Officer taking poll .....	2	2	0
Poll Clerk .....	1	1	0