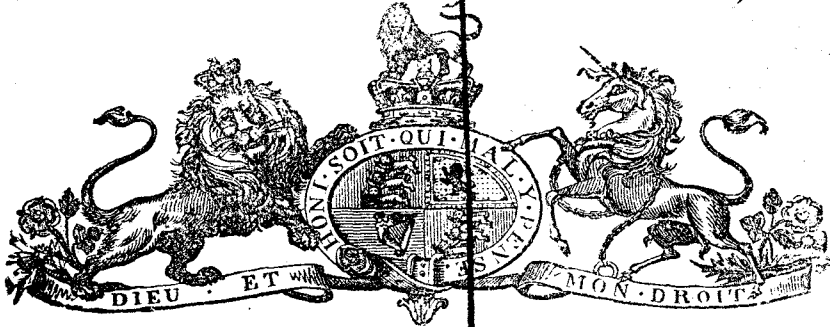


As to Remuneration to Returning Officers
T A S M A N I A. *see Gaz 1875 p. 762*



1857-8.

Repealed by 54 Vic 13

ANNO VICESIMO-PRIMO

VICTORIÆ REGINÆ

English
6 Dec 18 No. 32.
11 & 12 C. c 98

see 23 C. No 27
24 C. No 28
25 C. No 20
June 64 26 C. No 14
31 " " 32
34 " " 12

AN ACT to amend the Law relating to the Election of Members of the Parliament of *Tasmania*. [25 February, 1858.]

WHEREAS the Law relating to the Election of Members of the Parliament of *Tasmania* requires amendment: Be it therefore enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

Construction.

1 In the interpretation and construction of the provisions of this Act, the following words and terms shall have the respective meanings hereby assigned to them, unless inconsistent with or repugnant to the context; that is to say,—

- "District" shall mean Electoral District: "District."
- "Council District" shall mean an Electoral District for the return of a Member or Members to represent such District in the Legislative Council: "Council District."
- "Assembly District" shall mean an Electoral District for the return of a Member or Members to represent such District in the House of Assembly: "Assembly District."

“Roll.” “Roll” shall mean the Electoral Roll of any Electoral District :

“Candidate.” “Candidate” shall mean any person nominated for Election under this Act as a Member for any District, whether with or without his own consent :

“Gazette.” “Gazette” shall mean *Hobart Town Gazette* :

“Alphabetical order.” “Alphabetical order” shall be taken in reference to the initial letter of the Surname :

“Clerk of the Peace.” “Clerk of the Peace” shall, in respect of the Northern Districts, mean the Clerk of the Peace at *Launceston* ; and, in respect of the Southern Districts, the Clerk of the Peace at *Hobart Town* :

“Returning Officer.” The provisions of this Act in which the term “Returning Officer” is used shall be deemed to apply to the District of which he is Returning Officer, and to such Officer in respect of such District.

Division of Act. **2** This Act shall be divided into Six Parts ; the First part relating to the distribution of Electoral Districts, and the appointment of Polling-places and Returning Officers ; the Second part to the preparation and revision of Electoral Rolls ; the Third part to the mode of Election ; the Fourth part to the prevention of Bribery and Corruption at Elections ; the Fifth part to the Trial of controverted Elections ; and the Sixth part to Miscellaneous Matters.

PART I.

THE DISTRIBUTION OF ELECTORAL DISTRICTS, AND APPOINTMENT OF POLLING-PLACES AND RETURNING OFFICERS.

Electoral Districts, and Distribution of Members.

Division of Colony into Districts for returning Members of Parliament, and number of Members to be returned. **3** For the purpose of returning Members to serve in the Legislative Council and House of Assembly respectively, the Colony shall be divided into the Council Districts and Assembly Districts set forth in the Schedule ; and such Districts shall be severally designated by the names specified in the said Schedule, and shall severally return the number of Members set opposite the names of such Districts respectively, and shall respectively consist of and include the places and be comprised within the boundaries which are respectively specified, described, and set forth in the said Schedule.

Polling-places.

Polling-places. **4** The Polling-places specified in the Schedule shall be the Polling-places for the several Electoral Districts ; but it shall be lawful for the Governor in Council from time to time to alter, increase, or diminish the number of such Polling-places : Provided that every such alteration shall be made, and notification thereof be given in the *Gazette*, in sufficient time to enable the Courts of Revision to assign to each Elector his proper Polling-place as hereinafter provided.

Returning Officers.

Appointment of Returning Officers. **5** The Governor in Council is hereby empowered to appoint a fit and proper person as and to be the Returning Officer of and for each Electoral District ; and from time to time to remove any such Returning

Claz 67-185
" 71-301
" 81-54

Gaz 71-457
 Appointment of Returning Officers.

Officer; and as often as any vacancy by death, removal, or resignation may occur, to appoint some other person to be Returning Officer in the place of the person so dying or being removed or resigning as aforesaid; and the same person may be appointed Returning Officer of any Two or more Districts; and every such appointment shall be notified in the *Gazette*: Provided that for the Electoral Districts of *Hobart* and *Hobart Town* the Mayor of *Hobart Town* for the time being shall be the Returning Officer, and that for the Electoral Districts of *Tamar* and *Launceston* the Mayor of *Launceston* for the time being shall be the Returning Officer; and in the event of a vacancy in the office of Mayor of *Hobart Town* or *Launceston*, as the case may be, at the time of any election of a Member of the Legislative Council or House of Assembly, as the case may be, for any such District, or in the event of the Mayor being a Candidate at any such Election, or of his inability from sickness or absence to act at any such Election, then the Town Clerk for the time being of such City or Town, as the case may be, shall, for the purposes of such Election, be the Returning Officer of the several Districts of which the Mayor in whose place he acts is hereinbefore appointed Returning Officer.

6 Every Returning Officer shall, on acquiring such office, and before acting as such Returning Officer, make and subscribe before some Justice of the Peace a Declaration in the form contained in the Schedule.

See 26 O.A. 74 2. 8 & 9.
Returning Officer's Declaration.

PART 2.

THE PREPARATION AND REVISION OF ELECTORAL ROLLS.

Publication of Documents.

7 Where by this Act any Document is required or directed to be published in any Electoral District, a copy of such document shall be affixed on or near to the door of every Church, registered Chapel, Post Office, and Police Office or place of holding Petty Sessions within such District; and in case there is no Church, registered Chapel, Post Office, Police Office or place of holding Petty Sessions within such District, then such Document shall be affixed in such conspicuous places within such District as the Returning Officer thinks proper; and such Document shall be kept affixed as aforesaid during the time prescribed in each case.

What shall be deemed publication of Documents.

8 In case any Document required by this Act to be published in any District is destroyed, mutilated, effaced, or removed before the expiration of the period for which the same is required to be published, the person required to publish such Document shall, as soon as conveniently may be, publish in like manner in its place another Document to the like purport and effect with the Document so destroyed, mutilated, effaced, or removed.

Provision in case published Documents are destroyed, &c.

9 Every person who wilfully destroys, mutilates, effaces, or removes any Document required by this Act to be published in any District, during the period for which the same is required to be published, shall, for every such offence forfeit a penalty not exceeding Ten Pounds, to be recovered in a summary way by and before any Two Justices of the Peace.

Penalty for hindering publication.

Documents not invalidated by imperfect publication.

10 No List or other Document shall be invalidated by reason that it has not been affixed in every place and for the full time required by this Act for the publication thereof; but the person charged with the duty of publishing such List or other Document who makes default in such publication shall forfeit a penalty not exceeding Ten Pounds for each such default, to be recovered in a summary way by and before any Two Justices of the Peace.

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Lists of Electors.

Clerk of the Peace to issue Forms, &c. to Returning Officers.

11 On or before the First day of ~~April~~ ^{April} in every year, the Clerk of the Peace at *Hobart Town* shall cause to be delivered to the Returning Officer of each Council and Assembly District a sufficient number of all Forms required by such Returning Officer for the purposes of Part 2 of this Act, and a printed copy of the Roll then in force for the District.

Clerk of the Peace to publish an annual general Notice requiring Electors to send in their claims to be registered.

12 On or before the First day of ~~April~~ ^{April} in every year, the Clerk of the Peace at *Hobart Town* shall cause to be published in the *Gazette*, and in at least One Newspaper published in *Hobart Town* and One Newspaper published in *Launceston*, a notice, according to the form in the Schedule or to the like effect, signed by such Clerk of the Peace, requiring all persons entitled to vote in the Election of Members to represent the several Council and Assembly Districts whose names are not upon the Roll then in force for the District in respect of which they claim to vote, and also all persons entitled as aforesaid who being upon such Roll do not retain the same qualification or continue in the same place of abode as described in such Roll, if they are desirous to have their names inserted in the Roll about to be made, to deliver or transmit to the Returning Officer of the District in respect of which they claim to vote, on or before the Twenty-fourth day of ~~April~~ ^{April} then next ensuing, Notices in writing signed by such persons of their claim to vote in such District, according to the form in the Schedule or to the like effect.

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Returning Officer annually to publish in the District a Notice requiring Electors to send in their claims to be registered.

13 On or before the First day of ~~April~~ ^{April} in every year, the Returning Officer of each Council and Assembly District shall cause to be published in such District, for the period of Twenty-three days then next ensuing, a Notice according to the form in the Schedule, or to the like effect, signed by such Returning Officer, requiring every person entitled to vote in the Election of a Member or Members to represent such Council or Assembly District whose name is not upon the Roll then in force for such District, and also every person entitled as aforesaid who, being upon such Roll, does not retain the same qualification or continue in the same place of abode as described in such Roll, to deliver or transmit to such Returning Officer, on or before the Twenty-fourth day of ~~April~~ ^{April} then next ensuing, a Notice in writing, signed by such person, of his claim to vote as aforesaid; and every such person, and any person whose name being upon such Roll may be desirous to make a new claim, shall, on or before the said Twenty-fourth day of *April*, deliver or transmit to the said Returning Officer a Notice signed by him of his claim, according to the form in the Schedule or to the like effect.

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Returning Officers to prepare Lists of Claimants;

14 The Returning Officer of each District shall, on or before the ~~Fourth~~ ^{Fourth} day of ~~May~~ ^{May} in every year, make out, according to the form in the Schedule, an alphabetical List of all persons who on or before the Twenty-fourth day of ~~April~~ ^{April} then next preceding have claimed as aforesaid; and in every such List the Christian name and surname of every Claimant, with the place of his abode, the nature of his qualifica-

*4 May to be
14 Dec
26/10. 11/0*

2000

tion, and the local or other description of the property, and the name of the occupying tenant thereof, shall be written as the same are stated in the claim; and the said Returning Officer is hereby expressly required, if he has reasonable cause to believe that any person whose name appears in such List of Claimants, or in the Copy of the Roll then in force for the District received by him from the Clerk of the Peace, is not entitled to have his name upon the Roll then next to be made, to add the words "objected to" before the name of every such person on the margin of such List of Claimants or of the said Copy Roll; and the said Returning Officer is also hereby expressly required to add the word "dead" before the name of any person in the said Copy Roll whom he has reasonable cause to believe to be dead; and the Returning Officer shall cause a sufficient number of copies of such List of Claimants, and of the said Copy Roll, with all such marginal additions as aforesaid, to be printed, and shall, on or before the ~~Fifth~~ ^{Fifth} day of ~~May~~ ^{May} in every year, sign such copies of such List of Claimants and of the said Copy Roll, and publish the same in the District until the ~~Twenty-second~~ ^{Twenty-second} day of ~~May~~ ^{May} then next ensuing; and the said Returning Officer shall likewise keep a copy of such List of Claimants, and of the said Copy Roll, with the marginal additions respectively as aforesaid, signed by him, to be perused by any person, without payment of any fee, at all reasonable hours, and shall deliver printed copies thereof, signed by him, to all persons applying for the same, on payment of One Shilling for each copy.

to object to persons not entitled;

to add the word "dead;"

to publish List of Claimants and copy of existing Roll with the marginal additions;

to keep copies of same for inspection and sale.

Dec ~~May~~ ^{May} in every year, sign such copies of such List of Claimants and of the said Copy Roll, and publish the same in the District until the ~~Twenty-second~~ ^{Twenty-second} day of ~~May~~ ^{May} then next ensuing; and the said Returning Officer shall likewise keep a copy of such List of Claimants, and of the said Copy Roll, with the marginal additions respectively as aforesaid, signed by him, to be perused by any person, without payment of any fee, at all reasonable hours, and shall deliver printed copies thereof, signed by him, to all persons applying for the same, on payment of One Shilling for each copy.

5th May
to be 15 Dec.
26 6/11/14
22 May 106
26 18. 11/14

15 The List of Claimants, if any, so to be made out by the Returning Officer of each District, together with the said Copy Roll received from the Clerk of the Peace, with the marginal additions respectively as aforesaid, shall be deemed to be the List of Electors for such District for the purposes hereinafter mentioned.

List of Electors.

Dec Dec 1 of 26 6. 11/14

16 In case no List of Electors is made out for any District in any year, or in case such List has not been published as required by this Act, the Roll then in force for that District shall be taken to be the List of Electors for that District for the year then next ensuing, and the provisions herein contained respecting any such List of Electors shall be taken to apply to such Roll as aforesaid.

Provides for default in making out List of Electors.

17 In every year every person whose name is upon the Roll for the time being in force for any District may object to any other person whose name is upon the List of Electors for such District as not having been entitled on the ~~Fourth~~ ^{Fourth} Day of ~~May~~ ^{May} then next preceding to have his name inserted in such List of Electors for such District; and every person so objecting, save and except Returning Officers objecting in the manner hereinbefore mentioned, shall, on or before the ~~Twenty-second~~ ^{Twenty-second} day of ~~May~~ ^{May} in such year, give or cause to be given to the Returning Officer of the District, to which the List of Electors containing the name of the person so objected to relates, a Notice according to the form in the Schedule, or to the like effect; and the person so objecting shall also, on or before the said ~~Twenty-second~~ ^{Twenty-second} day of ~~May~~ ^{May}, give or cause to be given to the person so objected to, or leave or cause to be left at his place of abode, as described in such List, a Notice according to the form in the Schedule, or to the like effect; and every such Notice of Objection shall be signed by the party so objecting as aforesaid; and whenever the place of abode of the person objected to, as described in the said List, is not in the District to which such List relates, and the name of the occupying Tenant of the whole or any part

Persons on existing Roll may object to persons named on List.

Notice of Objection to be given to Returning Officer;

and to person objected to.

14
Jan 7
December
1st
Jan 7

of the qualifying property, together with his place of abode, appears in such List, the person so objecting shall also, on or before the same day, give to or leave, or cause to be given or left, at the place of abode of any such occupying Tenant a duplicate Notice signed as aforesaid.

Returning Officers to publish Lists of persons objected to.

5 Jan 4

18 The said Returning Officer shall in every year include the names of all persons against whom Notice of Objection has been given to him as aforesaid in that year in a List, according to the form in the Schedule; and shall cause a sufficient number of copies of such List to be printed; and shall on or before the ~~Twenty sixth~~ day of ~~May~~ in such year sign such copies of such List, and publish the same in the District until the holding of the Court of Revision hereinafter mentioned; and the said Returning Officer shall likewise keep a copy of such List, signed by him, to be perused by any person, without payment of any fee, at all reasonable hours, and shall deliver a copy of such List to any person requiring the same on payment of One Shilling for each copy.

Delivery of Notices.

Notices of Objection may be sent by post.

19 It shall be sufficient, in every case of Notice to any person objected to in any List of Electors, or to the occupying Tenant whose name and place of abode appears in any such List of Electors as aforesaid, if the Notice so required to be given as aforesaid is sent by the post, directed to the person to whom the same is sent at his place of abode as described in the said List; and whenever any person is desirous of sending any such Notice of Objection by the post, he shall deliver the same, duly directed, open and in duplicate, to the Postmaster of any Post Office, who shall compare the said Notice and the Duplicate, and, on being satisfied that they are alike in their address and in their contents, shall forward one of them to its address by the post, and shall date, sign, and return the other to the party bringing the same; and the production by the party who posted such Notice of such signed duplicate shall be evidence of the Notice having been given to the person at the place mentioned in such Duplicate on the day on which such Notice would in the ordinary course of post have been delivered at such place; and if no place of abode of the person objected to is described in the said List, or if such place of abode is situate out of this Colony, then it shall be sufficient if Notice is given to the Returning Officer, and to such occupying Tenant as aforesaid, if any.

Places of business of, and delivery of Notices to, Returning Officers.

20 Every Returning Officer shall publish in the Gazette and in the District the situation of his office or place of business; and wherever any Notice is by this Act required to be given or sent to the Returning Officer of any District, it shall be sufficient if such Notice is delivered or left at such published office or other place of business, or is sent by the post, addressed to such Returning Officer at such published office or place of business.

Courts of Revision.

Gaz 58-86/25657
" 67
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p. 518

21 The Governor in Council shall from time to time, by Notice in the Gazette, appoint the Places within the several Districts at which Courts of Revision shall be held for the purpose of revising the List of Electors for the District.

Returning Officers to publish time

22 The Returning Officer shall, at least Seven days before the holding of the Court of Revision, publish in the District, and in the

Gazette, and in at least One Newspaper published in *Hobart Town* and One Newspaper published in *Launceston*, Notice of the time and place at which such Court of Revision will be held. and place of holding Courts of Revision.

22 July
23 On a day appointed by the Returning Officer between the ~~Twelfth~~ day of ~~June~~ and the ~~Twelfth~~ day of ~~July~~ in every year, a Court of Revision shall be held at the places aforesaid by the Justices of the Peace resident within each District assembled in Special Sessions, for the purpose of revising the List of Electors for such District entitled to vote in the election of a Member or Members to represent such District in the Legislative Council or House of Assembly, as the case may be; and every such Court shall have power to adjourn from time to time, but so that no such adjourned Court shall be holden after the ~~last day of July~~ in any year. Justices to hold Courts of Revision. *22 Feb 64*

10 March
24 The Justices of the Peace who are present at the time and place appointed for the sitting or adjourned sitting of any Court of Revision shall, by a majority of votes, nominate One of their number to be Chairman of such Court of Revision during such sitting, or adjourned sitting, as the case may be; and if there is an equality of votes in the election of Chairman, it shall be decided by lot which of the Justices, having an equal number of votes, shall be Chairman. Chairman of Court.

25 The Returning Officer shall attend every sitting of the Court of Revision, and shall, at the first opening of the Court, produce and deliver to the said Court the List of Electors for the District for the then current year, with the marginal additions as aforesaid, and List of persons objected to in the said year relating to the District, and also one or more printed copies of the Roll then in force for the District, and the original Notices of Claims and Notices of Objection given to him as aforesaid; and the said Returning Officer shall, if required, answer upon oath all such questions as the Court may put to him, and produce all documents, papers, and writings in his possession, custody, or power touching any matter herein mentioned. Returning Officers to attend Courts of Revision and produce Lists of Electors, &c. and answer questions.

26 Every Court of Revision shall have power to require the attendance of all such witnesses, and the production of all such documents, as appear to the Court to be material or necessary touching the matters in question before the Court, and shall have all the same powers, authorities, and jurisdiction in summoning and compelling the attendance of witnesses, the production of documents, the administering of oaths, the examination of witnesses, and committing for contempt, as are now possessed by any Court of General Sessions of the Peace; and, for the purposes of this Act, the Returning Officer shall have the powers and authority of a Clerk of the Peace with respect to the process of such Court of Revision. General powers of Courts of Revision.

27 It shall be lawful for any Court of Revision, by order in writing under the hand of the Chairman of the Court, to require any person who disobeys any lawful summons, order, or direction of such Court, or who misconducts himself, or is guilty of any improper behaviour in such Court, to pay a fine not exceeding Fifty Pounds. Courts of Revision may fine person disobeying summons or misconducting himself.

28 If any person who has given to the Returning Officer of any District due Notice of his claim to have his name inserted in the List of Electors for such District has been omitted by such Returning Officer from such List, it shall be lawful for the Court, upon the Revision of Court may insert in List Names of Claimants omitted upon proof of Notice and Qualification.

such List, to insert therein the name of the persons so omitted, in case it is proved to the satisfaction of such Court that such person gave due Notice of such his claim to the said Returning Officer, and that he was entitled on the ~~Fourth~~ day of ~~May~~ then next preceding to be inserted in the said List of Electors.

H. R. C.
Persons on Lists of Electors may object to Claimants.

29 It shall be lawful for any person whose name is on the List of Electors for any District to oppose the claim of any person so omitted as aforesaid to have his name inserted in such List; and such person intending to oppose any such claim shall, in the Court to be holden as aforesaid for the Revision of such List, and before the hearing of the said claim, give notice in writing to the Court of his intention to oppose the said claim, and shall thereupon be admitted to oppose the same, by evidence or otherwise, without any previous or other notice, and shall have the same rights, powers, and liabilities as to costs, appeal, and other matters relating to the hearing and determination of the said claim, as any person who has duly objected to the name of any other person being retained on such List of Electors, and who appears and proves the requisite Notices as herein-after mentioned.

Corrections which may be made by Courts in the Lists of Electors.

30 The Court of Revision shall correct any mistake which is proved to have been made in the List of Electors, and shall expunge the name of every person whose qualification, as stated in the List, is insufficient in law to entitle such person to vote, and also the name of every person who is proved to be dead; and wherever the Christian name, or the place of abode, or the nature of the qualification, or the local or other description of the property of any person who is included in the List, and the name of the occupying tenant thereof, is wholly omitted in any case where the same is by this Act directed to be specified therein, or if any person whose name is included in the List, or his place of abode, or the nature or description of his qualification is, in the judgment of the Court, insufficiently described for the purpose of being identified, the Court shall expunge the name of every such person from such List, unless the matter or matters so omitted or insufficiently described be supplied to the satisfaction of the Court before the Revision of the List is completed, in which case the Court shall then and there insert the same in such List; and whether any person is objected to or not, no evidence shall be given of any other qualification than that which is described in the List of Electors or claim, as the case may be, nor shall the Court be at liberty to change the description of the qualification as it appears in the List, except for the purpose of more clearly and accurately defining the same; and where the name of any person inserted in any List of Electors has been objected to by the Returning Officer, or by any other person, and such other person so objecting appears by himself, or by some one on his behalf, in support of such objection, and proves that he gave the Notice or Notices respectively required by this Act to be given by him, the Court shall then require it to be proved that the person so objected to was entitled on the ~~Fourth~~ day of ~~May~~ then next preceding to have his name inserted in the List of Electors in respect of the qualification described in the List; and in case the same is not proved to the satisfaction of the Court, or in case it is proved that such person was then incapacitated by any Law from voting in the Election of a Member or Members to represent such District, the Court shall expunge the name of every such person from the List; and where any person whose name appears on the List of Electors for any District is objected to on the ground of having changed his place of abode without having sent in a fresh Notice of claim, it shall be lawful for the

Qualification stated in List not to be changed.

Mode of proceeding in cases of objection.

H. R. C.
Provides for certain cases of change of abode.

Court on revising such List to retain the name of such person on the List of Electors, provided that such person, or some one in his behalf, proves that he possessed, on the ~~Fourth~~ day of ~~May~~, the same qualification in respect of which his name has been inserted in the List, and also supplies his true place of abode, which the Court shall insert in the List.

14 Dec.

31 At the holding of such Courts of Revision no person shall appear or be attended by Counsel; and every such Court shall, upon the hearing in open Court, finally determine upon the validity of the claims and objections; and the Chairman shall in open Court write his initials against the names respectively expunged or inserted, and against any part of the List in which any mistake has been corrected, or any omission supplied, or any insertion made, and shall sign his name to every page of the List so settled.

Counsel not to be employed.
Courts to decide validity of claims and objections.

32 The Court of Revision shall, if there are more Polling-places than One for the District, write opposite to the name of each Elector entitled to be upon the Roll the Polling-place at which such Elector shall vote; and such Elector shall not be entitled to vote at any other Polling-place than that which is so assigned to him by the Court of Revision; and the said Court shall cause to be made out for such District a List to be called the Polling List of such District, in which List the names of the Electors of the District assigned to each Polling-place shall be arranged under the head of each Polling-place in alphabetical order; and such List shall, for the purposes of identification, specify the places of abode of the Electors, and in the case of property situate in a City or Town the number of the house, if any; and the Chairman of the Court shall sign his name to every page of such List, and shall transmit such List to the Clerk of the Peace with the List of Electors as hereinafter provided.

Courts of Revision to assign Polling-place to each Elector, and to make out Polling Lists.

33 If in any case it appears to the Court of Revision that any person has under this Act made or attempted to sustain any groundless or frivolous and vexatious claim or objection or title to have any name inserted or retained in any List of Electors, it shall be lawful for the Court, in its discretion, to make such order as it thinks fit for the payment by such person of the costs, or of any part of the costs, of any person in resisting such claim or objection or title; and in every such case the Chairman of the said Court shall make an order in writing, specifying the sum which the Court orders to be paid for such costs, and by, and to whom, and when, and where, the same sum shall be paid, and shall date and sign the said order, and deliver it to the person to whom such sum is therein ordered to be paid: Provided always, that the said sum so ordered to be paid by way of costs shall not in any case exceed the sum of Ten Pounds: Provided also, that such order for the payment of costs as aforesaid may be made in any case notwithstanding any party gives notice of his intention to appeal against any decision of the Court in the same case as hereinafter provided; but in case of such appeal the said order for the payment of costs shall be suspended, and shall abide the event of such appeal unless the Court of Appeal otherwise directs: Provided also, that whenever any Court of Revision has made any such order for the payment of any sum of money for costs by any person who has made any objection as aforesaid, it shall not be lawful for the said Court to hear or admit proof of any other objection or notice of objection made or signed by the same person until the sum of money so ordered to be paid by him for costs is paid to the person entitled to receive the same, or deposited in the hands of the Chairman in Court for the use of the person so entitled.

Courts of Revision may give costs in certain cases to persons claiming or objecting.

Recovery of Fines
and Costs.

34 In case any sum of money, by the Order of any Court of Revision as aforesaid directed to be paid by any person by way of fine or for costs, is not paid according to the terms of such Order, such sum shall be recoverable in a summary way before any One or more Justice or Justices of the Peace, in the mode prescribed by *The Magistrates Summary Procedure Act*.

List of Electors to
be transmitted to
Clerk of the Peace
and to be by him
copied into a book.

see 23 O. No 27, 24 O. No 28 Electoral Rolls.

35 The List of Electors for each District, signed as aforesaid, shall be forthwith transmitted by the Chairman of the Court of Revision to the Clerk of the Peace at *Launceston* if the District is one of the Northern Districts, and to the Clerk of the Peace at *Hobart Town* if the District is one of the Southern Districts; and the said Clerks of the Peace at *Launceston* and *Hobart Town* respectively shall forthwith cause each such List of Electors transmitted to him as aforesaid to be copied and printed in a Book in the form in the Schedule with the names arranged in alphabetical order; and the Clerk of the Peace shall sign and deliver the said Book, on or before the last day of *August* in the then current year, to the Returning Officer of the District to which the same relates to be by him and his successors in the office of Returning Officer safely kept for the purposes hereinafter mentioned; and shall keep and preserve all original Lists so transmitted to him as aforesaid amongst the Records of his Office.

Clerk of the
Peace to sign
book and deliver
it to Returning
Officer of District
to which it relates.

Book to be the
Electoral Roll of
the District.

36 The said printed Book, so signed as aforesaid by the Clerk of the Peace, and given into the custody of the Returning Officer of the District, shall be the Electoral Roll of such District; and the persons whose names are inserted therein shall be the persons entitled to vote at any Election of a Member or Members of the Legislative Council or House of Assembly, as the case may be, which takes place for such District between the last day of *August* in the year wherein such Roll has been made and the First day of *September* in the succeeding year.

If Roll omitted to
be made out pre-
ceding Roll con-
tinued.

37 If in any year the Roll of any District is omitted to be regularly made out, or is not perfected, then the Roll for the preceding year shall be the Roll of such District for that year.

Copies of Rolls and Polling Lists.

Copies of Rolls
and Polling-lists
to be printed for
sale, &c.

38 The Clerk of the Peace shall cause the Polling Lists to be printed, and shall keep printed copies of the Electoral Roll and Polling List of each District, and shall supply the Returning Officer of each District with a sufficient number of copies of the Roll and Polling List of his District, and shall deliver copies of any such Roll or Polling List to any person applying for the same on payment of Two Shillings for each copy of the Roll, and One Shilling for each copy of the Polling List; and the Clerk of the Peace shall sign one printed copy of each of the Rolls and Polling Lists, and preserve the same as a Record of his office.

Appeals from Courts of Revision.

Appeal from de-
cisions of Courts
of Revision on
points of law.

39 It shall be lawful for any person who, under the provisions here-
inbefore contained, has made any claim to have his name inserted in any
List of Electors, or made any objection to any other person as not

entitled to have his name inserted in any List of Electors, or whose name has been expunged from any List of Electors, and who in any such case is aggrieved by or dissatisfied with any decision of the Court of Revision on any point of law material to the result of such case, either himself or by some person on his behalf, to give to the Court before its rising, on the same day on which the decision is pronounced, a notice in writing that he is desirous to appeal, and in such notice shall shortly state the decision against which he desires to appeal; and the Chairman of the Court shall thereupon state in writing the facts which according to the judgment of the Court have been established by the evidence in the case, and which are material to the matter in question, and shall also state in writing the decision of the Court upon the whole case, and also the decision upon the point of law in question appealed against; and the Chairman shall read the said statement to the Appellant in open Court, and shall then and there sign the same; and the Appellant, or some one on his behalf, shall at the end of the said statement make a declaration in writing under his hand to the following effect; that is to say, "I appeal from this decision;" and the Chairman shall then endorse upon every such statement the name of the District to which the same relates, and also the Christian name and surname and place of abode of the Appellant and of the Respondent in the matter of the said appeal, and shall sign and date such indorsement; and the Chairman shall deliver such statement, with such endorsement thereon, to the Appellant, to be by him transmitted to the Registrar of the Supreme Court in the manner hereinafter mentioned; and the Chairman shall also deliver a copy of such statement, with the said endorsement thereon, to the Respondent in such appeal who requires the same.

Chairman to prepare a statement of facts.

Appellant to make a declaration in writing.

Chairman to indorse on statement names of parties, &c.;

and deliver a copy to either party requiring it.

40 In the matter of every such appeal the party in whose favour the decision appealed against was given, shall be the Respondent; but if there is no such party, or if such party or some one on his behalf in open Court declines, and states in writing that he declines, to support the decision appealed against as Respondent, then and in every such case it shall be lawful for the Court to name any person who may be interested in the matter of the said appeal and who consents, or the Returning Officer, to be, and such person so consenting, or such Returning Officer so named, shall be deemed to be, the Respondent in such appeal.

Who shall be Respondent on appeal.

41 If it appears to the Court of Revision that the validity of any number of such claims or objections determined by the Court depends, and has been decided by the Court upon the same point of law, and the parties or any of them aggrieved by or dissatisfied with the decision thereon have given notice of an intention to appeal therefrom, it shall in such case be lawful for the Court to declare that the appeals against such decision ought to be consolidated; and the Chairman shall in such case state in writing the case, and the decision thereon, in manner hereinbefore mentioned, and that several appeals depend upon the same decision and ought to be consolidated, and shall read such statement and sign the same as hereinbefore mentioned; and thereupon it shall be lawful for the Court to name any person interested, and consenting, for and on behalf of himself and all other persons in like manner interested in such appeals, to be the Appellant or Respondent respectively in such consolidated appeal, and to prosecute or answer the said appeal in like manner as any Appellant or Respondent might in his own case under the provisions of this Act; and the person so named Appellant

Power to consolidate appeals.

Statement of facts.

Appellant and Respondent to be named.

Appellant's declaration.

in such consolidated appeal, or some one on his behalf, shall, at the end of the said statement, make and sign a declaration in the form or to the effect following; that is to say—

“ I, for myself and on behalf of all other the persons who are interested as Appellants in this matter, and whose names are hereunder written, do appeal against this decision, and agree to prosecute this Appeal : ”

Respondent's declaration.

And the person so named Respondent in such consolidated appeal, or some one on his behalf, shall in like manner make and sign a declaration in writing in the form or to the effect following; that is to say—

“ I, for myself and on behalf of all other the persons who are interested as Respondents in this matter, and whose names are hereunder written, do agree to appear and answer this Appeal.”

Returning Officer may be named as Respondent.

And the name and, where necessary, the particulars of the qualification of every party intended to be joined in such consolidated appeal shall be written under the aforesaid declaration of the Appellant or Respondent respectively to which they may respectively refer: Provided always, that it shall be lawful for the Court, if necessary, in any case to name the Returning Officer to be, and such Returning Officer so named shall be, the Respondent in such consolidated appeal without any such declaration being made or signed by him as hereinbefore mentioned.

Consolidated appeals to be conducted as any single appeal.

42 In and with regard to every such consolidated appeal the like proceeding shall be had and taken, and the like rules and regulations shall apply, as in the case of any separate appeal under this Act; and every Order, Judgment, or Decision of the Supreme Court shall be equally valid and effectual for all the purposes of this Act, and binding and conclusive upon all the parties named in or referred to as parties to such consolidated appeal as aforesaid; and if in any case all or any of the parties to such consolidated appeal make or enter into any agreement as to the mode of contributing among themselves to the costs and expenses of such appeal, the said agreement may, upon the application of any party thereto, be made a Rule of the Supreme Court if the said Court thinks fit: Provided always, that if any such consolidated appeal is not duly prosecuted or answered, it shall be lawful for the Supreme Court, or for any Judge thereof, to give to any party interested in such appeal upon his application the conduct and direction of such appeal, or of the answer thereto, respectively as the case may require, instead of or in addition to any person named as aforesaid as Appellant or Respondent, and in such manner and upon such terms as the said Court or Judge may direct, or to make such other order in the case as may seem meet: Provided also, that if, after the said Court of Revision has as aforesaid declared that the appeal in any case ought to be with others consolidated, any party interested in such appeal objects and refuses to be a party to or to be bound by any such consolidated appeal, then and in such case the appeal in which such person is interested may proceed separately, but such person so refusing or objecting shall be liable to pay costs to the other party, but shall not be entitled to receive any costs of or in such appeal unless the Supreme Court otherwise orders.

Agreement for contribution to costs may be made Rule of Court.

Conduct of appeal not duly prosecuted may be given to other persons.

If person interested refuses to be a party, &c.

Appeals to be heard by the Supreme Court.

43 All appeals or matters of appeal from or in respect of any decision of any Court of Revision entertained in manner hereinbefore mentioned shall be prosecuted, heard, and determined in and by the Supreme Court of *Tasmania* according to the ordinary Rules and Practice of the said Court with respect to special cases, so far as the

same may be applicable, and not inconsistent with the provisions of this Act, or in such manner and form, and subject to such Rules and Regulations, as the said Court from time to time, by any Rule or Order made for regulating the practice and proceedings in such appeals, orders and directs.

44 Every Appellant who intends to prosecute his appeal shall, within the first Four days of the Term next after the decision to which such appeal relates, transmit to the Registrar of the Supreme Court the statement in writing so signed by the Chairman of the Court of Revision as aforesaid, and shall also therewith give or send a notice, signed by him, stating therein his intention to prosecute the said appeal; and the said Appellant shall also give or send a notice signed by him to the Respondent in the said appeal stating his said intention duly to prosecute such appeal in the said Court; and the Registrar shall forthwith enter every appeal of which he has received due notice from the Appellant as aforesaid in a book to be kept by him for that purpose.

Notice of appeal to be given by Appellant to Registrar of Supreme Court and Respondent.

Appeals to be entered in a book.

45 The Judges of the Supreme Court shall make arrangements for hearing the appeals entered as aforesaid, and shall appoint such certain day or days either in Term time or in time of Vacation as they may think fit and necessary, but as early as conveniently may be, for the purpose of hearing and deciding such appeals; and the said Judges shall cause public notice to be given of the time and place appointed by them for that purpose, and of the order in which such appeals will be heard.

Court to give notice of time and place of hearing appeals.

46 No appeal or matter of appeal whatsoever shall in any case, except where the conduct and direction of the appeal, or of the answer thereto, has been given by order of the Supreme Court, or of a Judge thereof, to any person, be entertained or heard by the said Court unless notice has been given by the Appellant to the Registrar at the time and in the manner hereinbefore mentioned; and no appeal shall be heard by the said Court in any case where the said Respondent does not appear, unless the said Appellant proves that due notice of his intention to prosecute such appeal was given or sent to the said Respondent Ten days at least before the day appointed for the hearing of such appeal: Provided always, that if it appears to the said Court that there has not been reasonable time to give or send such notice in any case, it shall be lawful for the said Court to postpone the hearing of the appeal in such case as to the Court seems meet.

No appeal to be entertained unless notice given.

47 No appeal or notice of appeal under this Act shall be received or allowed against any decision of the Court of Revision upon any question of fact only, or upon the admissibility or effect of any evidence or admission adduced or made in any case to establish any matter of fact only: Provided always, that if the Supreme Court is of opinion in any case that the statement of the matter of the appeal is not sufficient to enable such Court to give judgment in law, it shall be lawful for the said Court to remit the said statement to the Chairman of the Court of Revision by whom it was signed, in order that the case may be more fully stated.

No appeal on questions of fact or admissibility of evidence.

Court may remit case to be more fully stated.

48 No appeal shall be allowed or entertained against or only in respect of any order by a Court of Revision for the payment of costs as hereinbefore provided.

No appeal against order for payment of costs.

Decisions of Supreme Court to be final.

49 Every Judgment or Decision of the Supreme Court shall be final and conclusive in the case upon the point of law adjudicated upon, and shall be binding upon every Committee of the Legislative Council and House of Assembly, respectively, appointed for the trial of any Petition complaining of an undue Election or Return of a Member to serve in the Legislative Council or House of Assembly, as the case may be.

Decision of Supreme Court to be notified to Returning Officer, and Electoral Roll altered conformably.

50 Whenever by any Judgment or Order of the Supreme Court any decision or order of any Court of Revision is reversed or altered so as to require any alteration or correction of the Electoral Roll of any District, notice of such Judgment or Order of the said Court shall be forthwith given by the said Court to the Returning Officer having the custody of such Roll; and the said notice shall be in writing under the hand of the Registrar of the said Court, and shall specify exactly every alteration or correction to be made, in pursuance of the said Judgment or Order, in the said Roll; and such Returning Officer shall, upon the receipt of the said notice, alter or correct the said Roll, and the Polling List for such District, accordingly, and shall sign his name against every such alteration or correction in the said Roll and Polling List, and shall forthwith send a copy of such notice and of such alteration in the Roll and Polling List to the Clerk of the Peace, and shall safely keep and hand over to his successor every such notice received by him from the said Court as aforesaid, together with the said Roll and Polling List.

Copies of Decisions on Appeals to be admissible in evidence.

51 A copy of any Order or Decision of the said Supreme Court, such copy purporting to be signed by the Registrar of the said Court, shall be sufficient evidence in all cases, without proof of the signature of the said Registrar, and shall have the like force and effect as any entry made in any List of Electors or Electoral Roll under this Act.

Pending appeal not to affect right of voting.

52 No right of voting at any Election of a Member or Members shall be affected by any appeal pending in the Supreme Court at the time of the issuing of the Writ for such Election, but it shall be lawful for every person to exercise the right of voting at such Election as effectually, and every vote tendered thereat shall be as good, as if no such appeal were pending; and the subsequent decision of any appeal which is pending in the said Court at the time of the issuing of the Writ for any such Election shall not in any way whatsoever alter or affect the Poll taken at such Election, nor the return made thereat by the Returning Officer.

Decision after Election not to affect result of Election.

53 It shall be lawful for the Supreme Court to make such Order respecting the payment of the costs of any appeal, or of any part of such costs, as the Court thinks fit: Provided always, that it shall not be lawful for the said Court in any case to make any Order for costs against or in favour of any Respondent, or person named as Respondent as aforesaid, unless he appears before the said Court in support of the decision of the Court of Revision in question.

Court of Appeal may give costs.

PART 3.

MODE OF ELECTION.

- 54** The Writ for the Election of any Member to serve in the Parliament of *Tasmania* for any Electoral District shall be issued by the Governor directed to the Returning Officer of such District; and every such Writ shall specify the period within which Candidates may be nominated for Election at such Election, the principal Polling-place for the purposes of such Election, the day for taking the Poll at the different Polling-places in the event of the Election being contested, such day to be not less than Four days nor more than Six days from the last day of the period of Nomination, and the day on which the Writ is made returnable to the Governor; and all such Writs shall be returnable within Thirty days; and in case of any vacancy the Writ shall be issued within Fourteen Days after the happening of such vacancy.
- 55** The period within which Candidates may be nominated at any Election shall terminate at Four o'clock in the afternoon of the last day named in the Writ for such purpose.
- 56** All such Writs may be framed in any manner and form which is sufficient for carrying the provisions of this Act into effect.
- 57** The Returning Officer of each Electoral District shall endorse on the Writ the day on which he received it, and shall also forthwith on receipt of such Writ give public notice of the period of Nomination and day for taking the Poll named in such Writ.
- 58** The Returning Officer shall preside at the principal Polling-place, and shall appoint a Deputy to act for him and take the Poll at each of the other Polling-places; and such Deputy shall be appointed by writing under the hand of the Returning Officer.
- 59** Each Deputy Returning Officer shall, before the day of Poll at any Election, make and subscribe before the Returning Officer or some Justice of the Peace a Declaration in the form contained in the Schedule.
- 60** At every Election the Returning Officer shall cause booths to be erected, or rooms to be hired or otherwise obtained at each Polling-place as occasion requires; and the same shall be so divided and arranged as to the Returning Officer seems best adapted for carrying out the provisions of this Act, but so that at each Polling-place there shall be as many inner rooms or compartments as may be necessary, opening only into the room in which the Ballot-box is kept, and sufficiently supplied with writing materials, in which the persons voting shall be enabled to fill up the Ballot-papers as hereinafter provided, in perfect secrecy, and with perfect security from interruption; and the Returning Officer shall cause to be furnished for the use of each Polling-place a sufficient number of copies of the Electoral Roll and Polling List of the District, and shall under his hand certify such copies to be true; and shall also provide for each Polling-place a sufficient number of Ballot-boxes, with secure locks, and with apertures through which the Ballot-papers are to be put into such Ballot-boxes; and shall appoint such Polling-Clerk or Clerks for each Polling-place as may be necessary.
- 61** The Clerk of the Peace shall, before and in time for the Poll at any Election, forward to the Returning Officer of the Electoral District

Governor to issue Writs for Elections. Writs to contain period of Nomination, principal Polling-place, day of taking Poll, and day when returnable.

Termination of period of Nomination.

Form of Writs.

Returning Officer to give notice of Nomination and Poll.

Returning Officer to preside at one Polling-place, and appoint Deputies to preside at others.

Deputy Returning Officer's Declaration.

Returning Officer to provide booths at each Polling-place;

and writing materials;

and copies of Electoral Roll and Polling List;

and Ballot-boxes;

and appoint Polling Clerks.

Clerk of the Peace to furnish Return-

ing Officer with
Ballot-papers.

Form of Ballot-
paper.

Ballot-papers to
be signed and
countersigned.

Mode of Nomi-
nation.

for which the Election is about to take place a number of Ballot-papers equal to the number of Electors upon the Roll of the District; and such Ballot-papers shall contain the words "Ballot-paper" as a heading, and no other matter or thing, according to the form in the Schedule; and such Ballot-papers shall be signed or stamped on the back thereof by the Clerk of the Peace, and shall also immediately upon their receipt, be countersigned or stamped on the back thereof by the Returning Officer.

62 Any Two Electors of any Electoral District may, at any time during the period of Nomination for any Election for such District named in the Writ, by writing under their hands stating their respective residences and qualifications as described in the Roll then in force for such District, nominate to the Returning Officer any number of persons named and described in such writing, not exceeding the number of Members then to be elected, as a Candidate or Candidates at such Election; and as soon as may be after the expiration of the period of Nomination, and until and on the day of Election, there shall be published in the District under the hand of the Returning Officer a List specifying the names and descriptions of all Candidates so put in Nomination as aforesaid, and the names and residences of their proposers respectively; and no other persons than those so put in Nomination as Candidates as aforesaid shall be eligible to be elected at such Election.

Mode of proceed-
ing if no more
persons nominated
than Members to
be elected.

63 If at any Election there is not a greater number of Candidates so put in Nomination than the number of Members then to be elected, the Returning Officer, upon the closing of the period of Nomination, shall at the principal Polling-place declare the Candidates so nominated to be duly elected, and shall make his Return accordingly.

Poll to be had if
more persons
nominated than
Members to be
elected.

64 In the event of more Candidates being so put in Nomination as aforesaid at any Election than the number of Members then to be elected, a Poll shall take place at the different Polling-places for the District on the day appointed in the Writ for that purpose, in order to ascertain which of the Candidates so put in Nomination shall be declared elected.

Candidates' names
to be printed on
Ballot-papers;

and published.

65 The Returning Officer shall upon the expiration of the period of Nomination, in the event of more Candidates being so put in Nomination than the number of Members to be elected, cause the names of all the Candidates so put in Nomination to be written in a clear round hand or printed on each of the Ballot-papers; and such names shall be written or printed in alphabetical order, and shall be numbered in figures in regular succession; and the Returning Officer shall also cause such names to be painted or printed on placards, one or more of which placards shall be placed in each room of each Polling-place, and also in some conspicuous position on the outside of each Polling-place.

Scrutineers.

Scrutineer's
Declaration.

66 Each Candidate may appoint any number of persons, not exceeding Three at each Polling-place, to be Scrutineers at the Election, who shall be entitled to be present in the room in which the Ballot-papers are received, and who shall, before acting as such Scrutineers, make and subscribe in the presence of the Returning Officer or a Deputy Returning Officer a Declaration in the form contained in the Schedule.

Persons nomi-
nating may ap-
point Scrutineers

67 The power of appointing Scrutineers may, in default of appointment by any Candidate who has been nominated without his

*rec 260.
R 014 p. 7.*

previous authority and consent, be exercised by the persons nominating such Candidate. in default of Candidate.

68 The Election at each Polling-place shall be held before the Returning Officer or Deputy Returning Officer; and the voting at 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 hereinafter provided. Election to be held before Returning Officer and Deputies. Voting to take place between 9 and 4 of same day.

69 Every Election under this Act shall be conducted in the manner following:—Each Elector shall enter unattended into the room appointed for the ballot at such Election, and in which the Ballot-box is kept; and shall first sign his name, or place his mark opposite to his name, upon a certified copy of the Electoral Roll; and the Returning Officer or Deputy Returning Officer presiding at the Polling-place shall then check or mark off upon a certified copy of the Roll such Elector's name as having voted, and shall then deliver such Ballot-paper to the Elector, who shall immediately take such Ballot-paper into one of the inner rooms or compartments provided for the purpose, and shall there without delay expunge the name or names of the Candidate or Candidates for whom he does not intend to vote, but so that if only One Member is to be returned at the Election he only leaves One name not struck out, and if more than One Member is to be returned at the Election he does not leave the names of more Candidates not struck out than there are Members to be returned at the Election; otherwise such Ballot-paper shall be invalid; and when the Elector has expunged the name or names of such Candidate or Candidates, he shall fold up such Ballot-paper, and shall immediately take the same into the room in which the Ballot-box is kept, and shall place the Ballot-paper in the Ballot-box; and immediately the Elector has so placed his Ballot-paper in the Ballot-box he shall leave the room, and shall not re-enter during the same Election; and no Two persons shall remain in the inner room at the same time, nor shall any person take any Ballot-paper out of the room in which the Ballot-box is kept excepting into the said inner room or compartment, and then only for the purpose of striking through the name or names of the Candidate or Candidates for whom he does not intend to vote; and any person wilfully contravening any of the provisions herein contained shall be guilty of a misdemeanor, and may be punished accordingly. Mode of Election. Contravening provision a misdemeanor.

70 No person other than the Elector who is for that time tendering his vote shall be entitled to be present in the inner room in which the Ballot-papers are filled up by the Electors; and any person other than such Elector actually recording his vote who intrudes into such room shall be guilty of a misdemeanor. Only Elector to be in inner room

71 In the case of any Elector who is blind, the Returning Officer or Deputy Returning Officer presiding at the Polling-place shall write such Elector's name in the Elector's signing-place on the certified copy of the Electoral Roll, and attest the same under his hand, and openly in the Ballot-room expunge from such Elector's Ballot-paper the names of all Candidates except such as the Elector declares his intention of voting for. Provides for blind men voting.

72 At every Election of a Member or Members to serve in Parliament for any District, the Electoral Roll so made as aforesaid shall be deemed and taken to be conclusive evidence that the persons therein named continue to have the qualifications which are annexed to their names respectively in the Roll in force at such Election. Roll to be evidence of Electors retaining qualification.

73 No enquiry shall be permitted at any Election as to the right of No enquiry at

Elections except as to identity, and whether already voted.

any person to vote except only as follows; that is to say, the Returning Officer or Deputy Returning Officer shall if he thinks fit, or if required by any Scrutineer, put to any person tendering himself as an Elector, before or at the time the Ballot-paper is delivered to him, and not afterwards, the questions contained in the Schedule or either of them, and no other.

Oaths to be administered to Electors.

74 The Returning Officer or Deputy Returning Officer shall, if he thinks fit, or if required by any Scrutineer, at the time aforesaid, administer an Oath to any person so claiming to vote, in relation to his identity, and to his having previously voted, in the form in the Schedule; and the Returning Officer or Deputy Returning Officer shall likewise, if he thinks fit, or if required by any Scrutineer, administer the Oath against Bribery in the form in the Schedule.

Persons not entitled to vote unless questions answered or Oaths taken.

75 No person so required to answer either of such questions, or take any such Oath as aforesaid, shall be qualified or permitted to vote until he has answered such question, or taken such Oath.

Persons answering falsely guilty of a misdemeanor.

76 If any person wilfully makes a false answer to either of such questions, such person shall be deemed guilty of a misdemeanor, and may be punished accordingly.

No other Oaths to be taken.

77 No Elector shall at any Election be required to take any Oath, except as aforesaid, in proof of his 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 Deputy Returning Officer, upon putting such questions as aforesaid, or either of them, that the person so claiming to vote is not the person whose name appears on the Electoral Roll, or that he has previously voted at the same Election, or except by reason of such person refusing to answer the questions, or take the Oaths aforesaid, or any of them.

Deputy Returning Officers on close of Poll to make out Abstract and deliver Ballot-papers, &c. to Returning Officer.

78 Each Deputy Returning Officer shall, immediately on the close of the Poll, and not before, in the presence of such of the Scrutineers as choose to attend, open the Ballot-box at the Polling-place at which such Deputy Returning Officer presided, and make out and sign an Abstract of the result of the Ballot at such Polling-place, and collect and seal up all the Ballot-papers which have been taken at such Polling-place, and, with the least possible delay, deliver the said Abstract and the Ballot-papers, or cause the same to be delivered, together with the copy of the Electoral Roll so signed by the Electors who have voted, to the Returning Officer; and shall also return to the Returning Officer such of the Ballot-papers as are not used at such Election.

Returning Officer to make out a general Abstract of result of Poll;

79 The Returning Officer shall, in the presence of such of the Scrutineers as choose to attend, open the several Packets so forwarded by the Deputy Returning Officers, and also the Ballot-box at the Polling-place at which the Returning Officer presided, and make out and sign an Abstract of the result of the Ballot at the Poll taken throughout the whole of the Polling-places for the District, and shall at the principal Polling-place, and as soon as may be practicable after the Election, openly declare the general state of the Poll at the close of the Election as the same has been so made up and ascertained by him from the Ballot-papers taken at the several Polling-places, and at the same time and place declare the name or names of the person or persons who 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 shall, by his casting vote, decide which of

and declare state of Poll;

and to have a casting vote in case of equal numbers;

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 be lawful for any Deputy 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; and such Returning Officer shall return to the Clerk of the Peace such of the Ballot-papers as are not used at such Election

otherwise not to vote;

Deputy Returning Officers may vote.

Ballot-papers not used to be returned.

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80 The name of the person so elected shall be inserted in or endorsed on the Writ by the Returning Officers, and such Writ shall be returned to the Governor within the time for that purpose specified therein.

Name of person elected to be endorsed on Writ, and Writ returned to Governor.

81 Where the proceedings at any Election are interrupted or obstructed by any riot or open violence, the Returning Officer or Deputy Returning Officer, as the case may be, shall not for such cause finally close the Poll, but shall adjourn the taking the Poll at the particular Polling-place at which such interruption or obstruction has happened until the following day, and if necessary shall further adjourn such Poll until such interruption or obstruction has ceased, when the Returning Officer, or Deputy Returning Officer, as the case may be, shall again proceed with the taking the Poll at the Polling-place at which the same has been interrupted or obstructed; and whenever the Poll has been so adjourned by any Deputy 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 chosen until the Poll so adjourned at such Polling-place as aforesaid has been finally closed, and the Abstract of the state of the Poll and the Ballot-papers delivered or transmitted to such Returning Officer.

Adjournment of Election in case of riot.

82 All Ballot-papers taken at the Election of a Member of the Legislative Council, together with the said Abstracts and Copies of the Electoral Roll, shall be sealed up by the Returning Officer and transmitted to the Clerk of the Legislative Council, and all Ballot-papers taken at the Election of a Member of the House of Assembly, together with the said Abstracts and copies of the Electoral Roll, shall be in like manner sealed up by the Returning Officer and transmitted to the Clerk of the House of Assembly, who severally shall safely keep the same for the period of Five years from the receipt thereof; and the sealed packets containing the same shall on the outside thereof be described to be the Election papers of the Elections to which they respectively relate, specifying in each case the Electoral District and the date of the Election, and be signed by the Returning Officer; and in case any question at any time arises touching any Election, such papers, or any of them, relating to such Election shall upon production thereof, and proof either by evidence, or by a certificate thereon under the hand of the Clerk for the time being of the Legislative Council or House of Assembly, as the case may be, that the same came to and then were in his custody as such Clerk, be received in evidence before the Committee of Elections and Qualifications hereinafter mentioned, and in any Court of Justice in this Colony.

Ballot-papers, &c to be sealed up and transmitted to the Clerk of the House for which the Member is elected;

and kept for Five years;

and endorsed;

and produced before Committees of Elections and Qualifications and in Courts of Justice.

83 In the event of there being any vacancy in the Legislative Council at the time of a dissolution of the House of Assembly, the Writ for the return of a Member to fill the said vacancy in the Legislative Council shall not be issued until after the Writs for the Election of Members for the House of Assembly are returnable.

Time of issue of Writs for Council in case of dissolution of Assembly,

PART 4.

BRIBERY AND CORRUPTION.

Bribery.

Bribery defined.

84 The following persons shall be deemed guilty of bribery under this Act, and shall be punishable accordingly :—

1. Every person who, directly or indirectly, by himself or by any other person on his behalf, gives, lends, or agrees to give or lend, or offers, promises, or promises to procure or to endeavour to procure, any money or valuable consideration to or for any Elector, or to or for any person on behalf of any Elector, or to or for any other person in order to induce any Elector to vote or refrain from voting, or corruptly does any such act as aforesaid, on account of such Elector having voted or refrained from voting at any Election under this Act :
2. Every person who, directly or indirectly, by himself or by any other person on his behalf, gives or procures, or offers, promises, or promises to procure or to endeavour to procure, any office, place, or employment to or for any Elector, or to or for any person on behalf of any Elector, or to or for any other person in order to induce such Elector to vote, or refrain from voting, or corruptly does any such act as aforesaid, on account of any Elector having voted or refrained from voting at any Election under this Act :
3. Every person who, directly or indirectly, by himself or by any other person on his behalf, makes any such gift, loan, offer, promise, procurement, or agreement as aforesaid, to or for any person, in order to induce such person to procure or endeavour to procure, the Return of any person as a Member of the Parliament of *Tasmania*, or the vote of any Elector at any Election under this Act :
4. Every person who, upon or in consequence of any such gift, loan, offer, promise, or procurement or agreement, procures or engages, promises, or endeavours to procure, the Return of any person as a Member of the Parliament of *Tasmania*, or the vote of any Elector at any Election under this Act :
5. Every person who advances or pays, or causes to be paid, any money to or to the use of any other person, with the intent that such money, or any part thereof, shall be expended in bribery at any Election under this Act, or who knowingly pays or causes to be paid any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any such Election :

Penalty.

And any person so offending shall be guilty of a misdemeanor, and shall also be liable to forfeit the sum of One hundred Pounds to any person who sues for the same, together with full costs of suit : Provided always, that the aforesaid enactment shall not extend or be construed to extend to any money paid or agreed to be paid for or on account of any legal expenses *bonâ fide* incurred at or concerning any such Election.

Bribery further defined.

85 The following persons shall also be deemed guilty of bribery under this Act, and shall be punished accordingly :—

Every Elector who, before or during any Election under this Act, directly or indirectly, by himself, or by any other person on his behalf, receives, agrees, or contracts for any money, gift, loan, or valuable consideration, office, place, or employment, for himself, or for any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting at any such Election :

Every person who, after any such Election, directly or indirectly, by himself or by any other person on his behalf, receives any money or valuable consideration on account of any person having voted or refrained from voting, or having induced any other person to vote or to refrain from voting at any such Election :

And any person so offending shall be guilty of a misdemeanor, and shall also be liable to forfeit the sum of One hundred Pounds to any person who sues for the same, together with full cost of suit. **Penalty.**

Treating.

86 Every Candidate at an Election under this Act, who by himself, or by or with any person, or by any other ways or means on his behalf, at any time, directly or indirectly gives or provides, or causes to be given or provided, or is accessory to the giving or providing, or pays, wholly or in part, any expenses incurred for any meat, drink, entertainment, or provision to or for any person in order to be elected, or for the purpose of influencing such person or any other person to give or to refrain from giving his vote at such Election, or on account of such person having voted or refrained from voting, or being about to vote or refrain from voting at such Election, shall be deemed guilty of the offence of treating, and shall forfeit the sum of One hundred Pounds to any person who sues for the same, with full costs of suit ; and every Elector who accepts or takes any such meat, drink, entertainment, or provision, shall be incapable of voting at such Election, and his vote, if given, shall be utterly void and of none effect. **Treating defined.**

Penalty.

87 The giving or causing to be given to any Elector on the day of polling at any Election under this Act, any meat, drink, or entertainment by way of refreshment, or any money or ticket to enable such Elector to obtain refreshment, on account of such Elector having voted or being about to vote at such Election, shall be deemed an illegal act ; and the person so offending shall forfeit the sum of Fifty Pounds for each offence to any person who sues for the same, together with full costs of suit. **Refreshments illegal.**

Undue Influence.

88 Every person who, directly or indirectly, by himself, or by any other person on his behalf, makes use of, or threatens to make use of, any force, violence, or restraint, or inflicts or threatens the infliction, by himself or by or through any other person, of any injury, damage, harm, or loss, or in any other manner practices intimidation upon or against any person in order to induce or compel such person to vote or refrain from voting, or on account of such person having voted or refrained from voting, at any Election under this Act, or who, by abduction, duress, or any fraudulent device or contrivance, impedes, prevents, or otherwise interferes with the free exercise of the right to vote of any Elector, or thereby compels, induces, or prevails upon any Elector either to give or to refrain from giving his vote at any such Election, shall be **Undue influence defined.**

Penalty.

deemed to have committed the offence of undue influence, and shall be guilty of a misdemeanor, and shall also be liable to forfeit the sum of One hundred Pounds to any person who sues for the same, together with full costs of suit.

Colours.

No cockades, &c

89 No Candidate before, during, or after any Election under this Act shall in regard to such Election by himself or agent, directly or indirectly, give or provide to or for any person any cockade, ribbon, or other mark of distinction; and every person giving or providing, or receiving or wearing, any such cockade, ribbon, or other mark of distinction, or making any payment for or on account of any such cockade, ribbon, or mark of distinction, or of any chalking, or bands of music, or flags or banners at any such Election, shall for every such offence forfeit the sum of Fifty Pounds to any person who sues for the same, together with full costs of suit.

No flags.

90 No person shall exhibit any flags during any Election, and for every such offence shall forfeit a penalty not exceeding Twenty Pounds.

Personation.

Personation, &c.

91 If any person not entitled to vote by virtue of this Act votes or offers to vote at any Election under this Act, or if any person votes or offers to vote a second time at the same Election, or personates or attempts to personate any other person, whether such other person is then living or dead, for the purpose of voting at any such Election, such person shall be guilty of a misdemeanor, and shall, on conviction thereof, be liable to be imprisoned with or without hard labour for any term not exceeding Two years at the discretion of the Court; and if, at any such Election, it appears to the Returning Officer, or Deputy Returning Officer presiding, that there is reasonable ground to suspect that any person having voted or offered to vote at any such Election has been guilty of any such offence as aforesaid, he may thereupon, without warrant, commit the person so offending for examination before some Justice of the Peace upon such charge; and all Constables are hereby required to take such person into custody upon such committal, and to convey him as soon as may be before some Justice for examination, and in the mean time to confine such person in some watch-house.

Persons offending may be given in charge.

Aiders and abettors to be punished as principals.

92 Every person who aids, abets, counsels, or procures the commission of any such last-mentioned misdemeanor shall be liable to be indicted and punished as a principal offender.

Disqualification for Bribery, &c.

Names of offenders to be expunged from Electoral Roll and inserted in a separate List.

93 Whenever it is proved before the Court of Revision that any person who is or claims to be placed on the List of Electors for any District has been convicted of bribery, undue influence, voting or offering to vote a second time, or personation, at any Election under this Act, or that judgment has been obtained against any such person for any penal sum hereby made recoverable in respect of the offences of bribery, treating, or undue influence, or either of them, then and in that case such Court shall, in case the name of such person is in the List of Electors, expunge the same therefrom, or shall, in case such person is claiming to have his name inserted therein, disallow such claim; and the names of all persons whose names are so expunged from the List of Electors, and

whose claims are so disallowed, shall be thereupon inserted in a separate list, to be entitled "The List of Persons disqualified for Bribery, Treating, Personation, or undue Influence," which last-mentioned list shall be appended to the Electoral Roll, and shall be printed and published therewith, whenever the same is, or is required to be, printed or published.

94 If any Candidate at an Election for any District is declared by any Election Committee guilty, by himself or his Agents, appointed as hereinafter provided, of bribery, treating, or undue influence at such Election, such Candidate shall be incapable of being elected or sitting in the Parliament of *Tasmania* during the Parliament then in existence.

Candidates guilty of bribery, &c. disqualified.

95 If any person, in any prosecution, action, or suit instituted under this Act, is found guilty of the offence of bribery, treating, undue influence, voting or offering to vote a second time, or personation, such person shall be incapable of being elected or sitting in the Parliament of *Tasmania* during the Parliament then in existence.

Persons guilty of bribery, &c. disqualified.

Proceedings.

96 The pecuniary penalties imposed by Part 4 of this Act shall be recoverable by action in the Supreme Court of *Tasmania*; but any action to be brought for any such penalty shall be brought within Three months after the commission of the act in respect of which such action is commenced.

Recovery of Penalties for offences against Part 4.

97 It shall be lawful for the Court before which any criminal prosecution is instituted for any offence against the provisions of Part 4 of this Act to order payment to the prosecutor of such costs and expenses as appear to the said Court to have been reasonably incurred in and about the conduct of such prosecution.

Prosecutor's costs.

98 In case of any information by a private Prosecutor for any offence against the provisions of Part 4 of this Act, if judgment is given for the Defendant, he shall be entitled, if the Court so certifies, to recover from the Prosecutor the costs sustained by the Defendant by reason of such information, such costs to be taxed by the proper Officer of the Court.

Defendant's costs.

99 It shall not be lawful for the Court to order payment of the costs of a prosecution for any offence against the provisions of Part 4 of this Act, unless the Prosecutor, before or upon the granting of the information, enters into a recognizance, with Two sufficient sureties, in the sum of Fifty Pounds, with the conditions following; that is to say, that the Prosecutor shall conduct the prosecution with effect, and shall pay to the Defendant in case he is acquitted his costs.

Prosecutor to enter into recognizance to prosecute with effect and pay costs.

100 No information for bribery, undue influence, voting or offering to vote a second time, or personation, shall be triable before any Court of General Sessions of the Peace.

Bribery, &c. not triable at General Sessions.

Election Auditors.

101 The Returning Officers shall be and shall act as Election Auditors in their respective Districts; and, on their appointment as such Returning Officers, shall make and subscribe before a Justice of the Peace the Declaration contained in the Schedule.

Returning Officers to be Election Auditors. Election Auditor's Declaration.

Election Expenses.

Bills to be sent in within One month to Candidate or right to recover barred.

102 All persons, as well Agents as others, who have any bills, charges, or claims upon any Candidate for or in respect of any Election, shall send in such bills, charges, or claims within One Month from the day of the declaration of the Election to such Candidate, or to some authorised Agent of such Candidate acting on his behalf, otherwise such persons shall be barred of their right to recover such claims, and every or any part thereof: Provided always, that in case of the death within the said Month of any person claiming the amount of such bill, charge, or claim, the legal representative of such person shall send in such bill, charge, or claim within One Month after obtaining probate or letters of administration, or confirmation as executor, as the case may be, or the right to recover such claim shall be barred as aforesaid.

Bills, &c. received within One month to be sent in to Election Auditor.

103 Every Candidate shall, by himself or his Agent in that behalf, within Three Months after the day of the declaration of the Election, or within Two Months after any bill, charge, or claim has been sent in by the legal representative of any deceased creditor, as hereinbefore provided, send in to the Election Auditor for payment all such bills, charges, or claims (except as hereinafter excepted) as have been sent in to such Candidate within the Month hereinbefore specified from the day of the declaration of the Election, or after the granting of probate or letters of administration, or confirmation as executor, as the case may be: Provided always, that the Candidate shall, by himself or his Agent as aforesaid, at the time of his sending in any such bill, charge, or claim, state to the Election Auditor whether he admits the whole amount of such bill, charge, or claim, or if not the whole then how much thereof, if any, he admits to be correct: Provided also, that in case of the wilful default of the Candidate, by himself or his Agent as aforesaid, in sending in all such bills, charges, or claims, or in making such statement at the time of sending in such bills, charges, or claims, he shall be liable to a penalty of Fifty Pounds, and to a further penalty of Ten Pounds for every subsequent week of wilful default or neglect in sending in all such bills, charges, or claims, or in making such statement, to be recovered, together with full costs of suit, by any person who sues for the same: Provided always, that in case any such Candidate is absent from the Colony at the time of such Election, he shall send in to the Election Auditor for payment any such bills, charges, or claims as aforesaid within One Month after his return to the Colony, which shall be of the same force and effect as if the same had been sent in as herein provided.

No payments to be made except through Election Auditor.

104 No payment of any bill, charge, or claim, or of any money whatever, for or in respect of any Election, or the expenses thereof (except as herein excepted), shall be made by or by the authority of any Candidate except by or through such Election Auditor, and any payment made by or by the authority of any Candidate otherwise than as herein provided shall be deemed and taken to be an illegal payment, and upon proof thereof such Candidate shall forfeit the sum of Fifty Pounds, with double the amount of such illegal payment, and full costs of suit, to any person who sues for the same: Provided always, that it shall be lawful for any Candidate, by himself or his Agent, to name any Banker through whom alone such bills, charges, or claims, or money as aforesaid, shall be paid by the Election Auditor, and in that case the Election Auditor shall pay such bills, charges, and claims by cheques drawn on such Banker, countersigned by the Candidate, or some person on his behalf specially appointed for that purpose.

105 If the Election Auditor, by the authority of any Candidate, tenders or offers to pay any sum in respect of any bill, charge, or claim sent in as hereinbefore provided, such tender shall be taken for all purposes to be the tender of such Candidate, and may, in any action or other proceeding brought against such Candidate to recover the amount of such bill, charge, or claim, be pleaded as such, or otherwise be made available according to the proceedings of the Court in which such action or other proceeding is brought or carried on; and if such plea is pleaded, or if it is deemed advisable for any other reason to pay money into Court in any action or other proceeding brought against a Candidate in respect of any liability alleged to have been incurred by him at such Election, the Election Auditor may, at the request of the Candidate, and by leave of a Judge of the Supreme Court, pay into Court the sum required; and such payment into Court by the Election Auditor shall, for the purposes of such Action, be deemed and taken to be and may be pleaded as payment into Court by the Candidate himself; and on any issue or hearing in reference to any such tender or payment into Court, it shall not be necessary to prove the appointment of the Election Auditor.

Tender and payment into Court by Election Auditor.

106 Nothing in this Act contained (except as herein specially provided) shall be taken to limit the right of any creditor to bring any action, or otherwise to proceed against a Candidate for or in respect of any expenses connected with the Election; and if in any action or proceeding final judgment is obtained against such Candidate, such Candidate shall forthwith send to the Election Auditor a copy or certificate of such judgment; and when and as the moneys recovered by the said judgments, or any part thereof, are paid or satisfied by such Candidate, or are obtained under or by virtue of any execution, the said Candidate shall thereupon forward to the Election Auditor a statement of the moneys so obtained in respect of such judgment.

Copy of judgment against Candidate, and statement of payments made in satisfaction, to be sent to Election Auditor.

107 No Candidate shall be allowed to compound or settle any action or other proceeding brought against him in respect of any expenses alleged to have been incurred by him in or about the Election, or to confess judgment in such action or proceeding, without the consent of the Election Auditor.

Consent of Election Auditor necessary before settling action.

108 The personal expenses of any Candidate, and the expenses of advertising in newspapers with reference to any Election, may be defrayed by the Candidate himself, or by his authority, but a full and true account of the sums so paid in respect of the said advertisements shall, as soon as conveniently may be, be made out to the best of his ability, and rendered to such Election Auditor by such Candidate, and the amount of such account shall be included in the general account of expenses incurred at any Election to be made out and kept by such Election Auditor as hereinafter provided.

Candidate may pay personal expenses and expenses of advertising.

109 No person shall pay or agree to pay any expenses at any Election, or any sum of money whatever, in order or with a view to procure or promote the Election of any person to serve in Parliament save to the Candidate at such Election, or to or under the authority of the Election Auditor, other than as excepted and allowed by this Act; and every person who pays or agrees to pay any such expenses or money as aforesaid, save as aforesaid, shall become liable to a penalty of Fifty Pounds, and double the money so paid or agreed to be paid, to be recovered in an action of debt by any one who sues for the same: Provided that, if upon the trial of any action to recover any such penalty or penalties

No person to pay expenses of Elections except to Candidate or Election Auditor.

it appears to the Judge who tries the same that any such payment has been made or agreed to be made without any corrupt or improper intention, the Judge may, if he thinks fit, reduce such penalty or penalties to any sum not less than Two Pounds, and may also, if he thinks fit, direct that the plaintiff shall not be entitled to costs of such action.

Candidates and Agents may make payments before day of Election.

110 Any Candidate, and his Agents by him appointed in writing according to the provisions of this Act, may, at any time before the day of Nomination, pay any lawful and reasonable expenses in respect of the Election which he or they *bonâ fide* believe fit and proper to be paid, in ready money, and the payment of which cannot conveniently be postponed: Provided, that the Candidate and his Agents shall, upon or before the day of Nomination, make out to the best of his ability, and deliver to the Election Auditor, a full, true, and particular account of all such payments, with the names of the persons to whom they have been made, signed by such Candidate or his Agents respectively, and no payment so made shall be a legal payment within this Act unless such account thereof is duly rendered to the Election Auditor.

Account of Election expenses to be made out by Election Auditor.

111 The Election Auditor shall, as soon as he conveniently can, make out a full account of all the expenses incurred at the Election, specifying therein every sum of money paid to him, or by him, or by his authority, on behalf of each Candidate, and of all sums claimed, although the same have not been allowed or paid, and every sum which has been paid into Court as aforesaid, or recovered by judgment against such Candidate, and to whom, by name, such payment was made, and for what particular debt or liability; and the Election Auditor shall include in such general account the amount of the sums paid by each Candidate for advertisements, and he shall specify therein the total amount of expenses incurred by each Candidate, and the account so made out shall be duly signed by him: Provided always, that, if it is found necessary, the Election Auditor may from time to time make out a supplementary account or accounts, which shall be made and abstracted in the manner herein provided with reference to the first general account.

Election Auditor to keep Accounts in some convenient place which shall be open to inspection.

112 The Election Auditor shall keep all accounts which come to his hands in some fit and convenient place, and shall, at all fit and convenient times, submit the same to the inspection of the Candidates, and their Agents, and permit them to take copies of the same or of any part thereof, upon request, and when such general account as aforesaid is so made out and signed by him, he shall keep the same in some fit and convenient place; and such general accounts shall be open to the inspection of any person, and copies thereof, or any part thereof, shall be furnished to any person at all reasonable and convenient times, upon request, such person paying a fee at the rate of Fourpence for every Two hundred words to a copying Clerk for the same; and when the Election Auditor has concluded the business of any Election he shall deliver over all accounts in his hands to the Clerk of the Peace, who shall allow them to be inspected by any person on payment of Two Shillings and Sixpence, and shall furnish copies of the same or of any part thereof on payment of a fee, at the rate of Fourpence for every Seventy-two words to the copying Clerk: Provided always, that for any copy so furnished the fee shall in no instance be less than Two Shillings and Sixpence; and the Election Auditor shall deliver over to the Candidates respectively the balance of all moneys, if any, and all vouchers in his hands, except any vouchers appertaining personally to himself.

113 The Election Auditor shall also, as soon as he conveniently can, insert or cause to be inserted an abstract of such account, signed by him, in some newspaper published or circulating in the District for which such Election is held; and such abstract of account shall specify the amount of each of such bills, charges, or claims admitted to be correct, or claimed and objected to, and the name of the parties to whom the same have been paid or are due, or by whom the same have been claimed respectively.

Election Auditor to publish abstract of such Accounts.

114 Every Candidate shall, before or at the Nomination, or as soon after as conveniently may be, declare to the Election Auditor in writing the name or names of his Agent or Agents for Election expenses, who shall be appointed in writing, and that he has not appointed and will not appoint any other Agent without in like manner declaring the same to the Election Auditor, and no other than such Agents shall have authority to expend any money or incur any expenses of or relating to the Election, in the name or on behalf of the Candidate; and such Agents may pay any of the current expenses of the Election necessary to be paid in ready money: Provided that such Agents shall make out to the best of their ability, and render, from time to time, true and particular accounts to the Election Auditor of all such payments: and every such Agent shall, as soon as conveniently may be after his appointment as aforesaid, make and subscribe before a Justice of the Peace the Declaration contained in the Schedule.

Appointment and notification of Agents.

Agent's Declaration.

115 In case any person is nominated as a Candidate at any Election without his previous authority and consent, the persons nominating such Candidate shall be liable to pay, and shall pay, the lawful expenses of the Election of such Candidate, in like manner and upon the same terms and conditions as by this Act provided concerning the payment of Election expenses by a Candidate at such Election.

Expenses of Candidate nominated without his consent.

Declaration to be made by Members.

see Foot p. 29

116 Every Member returned to serve in the Parliament of *Tasmania* shall, before he takes his seat in the Legislative Council or House of Assembly, as the case may be, make and subscribe before the Governor, or some person authorised by the Governor to receive such Declaration, the Declaration upon honor contained in the Schedule.

Member's Declaration.

PART 5.

CONTROVERTED ELECTIONS.

117 In the first Session of every Parliament, and within Seven Days after the Election of a President of the Legislative Council, such Council shall, by the votes of a majority of Two-thirds of the Members thereof who are 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;" and within Seven Days after the Election

Election of Committees of Elections and Qualifications.

of a Speaker of the House of Assembly such Assembly shall, by the votes of a majority of Two-thirds of the Members thereof who are then present, elect Five Members of the said House of Assembly 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 the Legislative Council and House of Assembly respectively as is next smaller than Two-thirds shall be the majority to determine such Election of such Committees.

Chairman of
Committee.

118 Each of the said Committees 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 Committees until the issue of the Writs for the next general Election of Members to serve in Parliament; and the Committee of the Legislative Council shall be attended by the Clerk of the Council or his Assistant, and the Committee of the House of Assembly by the Clerk of the Assembly or his Assistant; and the Clerks of the Council and Assembly respectively shall make a Minute of all proceedings of the Committee of the Legislative Council and House of Assembly respectively in manner directed by the said Committees respectively, and a copy of the Minutes so kept shall be laid from time to time before the said Council and Assembly respectively.

Clerk of House to
attend Committee.

Minutes.

Procedure in case
of death, &c. of
Member of Com-
mittee.

119 Whenever any Member of either such Committees dies or ceases to be a Member of the Council or Assembly, as the case may be, or from sickness or any other causes becomes incapacitated or disqualified to attend any Meeting of the Committee, his place shall be supplied by a Member of the Council or Assembly, as the case may be, to be elected for that purpose in like manner as the Member of such Committee so dying or ceasing to be a Member of the Council or Assembly, or becoming so incapacitated 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 Council or Assembly, as the case may be: Provided also, that if the return of any Member of the Council or Assembly elected as a Member of such Committee is disputed in manner hereby directed, or if any such Member of such Committee of the Council or Assembly is a Petitioner against the return of any other Member of the Council or Assembly, as the case may be, the same shall be a disqualification to attend a meeting of such Committee within the meaning of this Act.

Election of Com-
mittee to be
recorded.

Record evidence.

120 The record of the Election of the Members of the said Committee of the Council and Assembly respectively shall be entered by the Clerks of the Council and Assembly respectively on the proceedings of the Council and Assembly respectively; and such entries having been made shall be sufficient proof of the due Election of the said Committees.

Member of Com-
mittee's Declara-
tion.

121 The said Committees shall not proceed to any business until each Member has made and subscribed in the presence of the President of the Legislative Council or Speaker of the House of Assembly, as the case may be, a Declaration in the form set forth in the Schedule.

Powers of Com-
mittees.

122 The said Committees of Elections and Qualifications shall respectively have power to enquire into and determine all cases which may be brought before it by the Council or Assembly, as the case may be,

respecting disputed returns of Members to serve in the Council or Assembly, as the case may be, whether such disputes arise out of or relate to the capability of any person to be elected a Member of the Council or Assembly, as the case may be, by reason that such person is not qualified as by *The Constitutional 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.

123 Each of the said Committees 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 is pronounced within such period, the Chairman of such Committee shall, on such evidence as may then be before the Committee, pronounce a decision, and every decision, whether so pronounced by the Chairman or by the Committee, shall be final and conclusive without appeal.

Proceedings of Committees.

Committee's decision final.

124 The person presenting a Petition against the Return of any Member of the Council or Assembly shall, if successful in setting aside the said Return, be entitled to recover such costs or expenses as may be assessed and determined by the Committee, under the hand of the Chairman thereof, by action of debt from the Member against whose Return such Petition was presented; and if the person presenting any such Petition is not successful in setting aside such Return, such costs and expenses as may be assessed and determined by the Committee, under the hand of the Chairman thereof, shall devolve on the person presenting the Petition, and be in like manner recoverable by the Member against whose Return such Petition was presented.

Recovery of costs in controverted Elections.

125 All complaints of the undue Return of Members to serve in the Council or Assembly shall be addressed in the form of a Petition to the Council or Assembly, as the case may be; and no Petition shall be taken cognizance of, nor any proceedings be had thereon, unless it is so addressed to the Council or Assembly, as the case may be, by a person who was a Candidate at the Election whereof it is 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 District for which such Election took place, or by a Member of the Council in the case of an undue Return to the Council, or by a Member of the Assembly in the case of an undue Return to the House of Assembly; neither shall any such Petition be taken cognizance of unless the same is received by the Council or Assembly, as the case may be, in the case of a General Election, within Seven Days next after the day of the First meeting of the Parliament, or, in the case of a vacancy, within Seven Days after the Return of the Writ for such Election, if the Council or Assembly, as the case may be, be then sitting, but if not then within Seven Days after the day of the next sitting of the Council or Assembly which takes place after such Election; and every such Petition when so presented as aforesaid shall by the said Council or Assembly, as the case may be, be referred to the Committee

Mode in which controverted Elections to be brought under notice of House.

of Elections and Qualifications forthwith, or as soon as conveniently may be after the Committee has been duly elected in manner aforesaid.

Procedure on
controverted
Elections.

126 Each of the said Committees 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 such Committee so decides and declares as aforesaid that any person was not duly elected who has been returned as elected by the Returning Officer, the person so decided and declared to have been not duly elected shall cease to be a Member of the Council or Assembly, as the case may be, and vacate his seat accordingly; and if such Committee decides and declares as aforesaid any person to have been duly elected who has not been returned by the Returning Officer, the person so decided and declared to be duly elected shall be and be sworn a Member of the Council or Assembly, as the case may be, and take his seat accordingly; and if the Committee decides and declares as aforesaid any Election for any District to have been absolutely void, which the Committee is hereby authorised and empowered to do, it shall be lawful for the Governor, on the same being certified to him, in the case of an Election of a Member of the Council under the hand of the President of the Legislative Council, and in the case of an Election of a Member of the Assembly under the hand of the Speaker of the House of Assembly, to issue a new Writ for the holding of another Election for such District, and every such Writ as last aforesaid shall be issued within Ten days after such Certificate has been received by the Governor.

If Election
declared void,
Governor to issue
fresh Writ.

Committees to
have power to
direct attendance
of witnesses and
production of
papers, &c.;
and receive
affidavits.

127 Each of the said Committees 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 such Committee, if in its discretion it thinks 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 such Committee, having had his reasonable expenses paid or tendered by the person on whose behalf he has been so summoned, disobeys such summons, or refuses or neglects to produce any papers, records, or other documentary evidence relating to or affecting the matter under investigation the production whereof has been required by the Committee, or refuses to submit to be examined, or prevaricates, or otherwise misbehaves in giving or refusing to give evidence such person shall be guilty of a misdemeanor, and be liable to be punished accordingly: Provided that no such affidavit shall be received by the Committee unless it is made to appear to the Committee that the person making the same is incapable to attend before the Committee by reason of sickness or old age: Provided also, that before any such affidavit is taken by any 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 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 shall be at liberty to examine upon oath before such Justice, which oath such Justice is hereby empowered to administer, the person tendering such affidavit upon the

Punishment for
disobeying sum-
mons, &c.

Affidavits not to
be received if
deponent able to
attend Committee.

Notice to be given
to adverse party
before affidavit is
taken.

Power to cross-
examine deponent.

matters contained therein, and such Justice shall in no case take any such affidavit until it is proved to his satisfaction 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 the Committee; and if any such person tendering any such affidavit refuses to be examined, or to answer any lawful question touching the matters in such affidavit, the Justice shall refuse to take the same; and any person wilfully or knowingly giving false evidence before the 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.

False evidence before Committee or in affidavit perjury.

128 The decision of each of such Committees, or of the Chairman thereof, shall be final and conclusive to all intents and purposes, and shall not be, nor shall any of the proceedings before such Committee be liable to be, or be, questioned by any writ of *Mandamus* or other process whatsoever from the Supreme Court, or be in any other manner taken cognizance of thereby, any law or usage to the contrary in anywise notwithstanding.

Decision of Committee final.

Mandamus taken away.

PART 6.

MISCELLANEOUS MATTERS.

129 It shall be lawful for the 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 the Governor and the Seal of the Colony, and be duly announced by Proclamation in the *Gazette*.

Governor may, by Proclamation, delegate duties to any person.

130 It shall be lawful for the 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.

Governor may appoint additional Officers.

131 And whereas delays may occur in the return of a Writ or Writs from some parts of this Colony, and by the non-return of such Writ or Writs the number of Members of the Legislative Council or House of Assembly may not be completed on the day whereon the Council and House of Assembly are 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 Council and House of Assembly 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 Legislative Council and the House of Assembly respectively 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 in the Legislative Council and Four in the House of Assembly.

Provides for delay in return of Writs.

rec 250. 40743
p. 2.

Elections not to be void by reason of delay or formal impediments.

Proclamations
Gaz 63 - 870
Gaz 65 - 1045
 " " - 2149
 " 66 - 1828
 " 68 - 124
 " 69 - 550
 " " - 661
 " 70 - 719
 " 71 - 1114
 " 72 - 1571
 " 77 - 108
 " 80 - 1175
 " 81 - 1175

Misnomer not to vitiate.

132 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 within Thirty Days from the day on which such Election was held, be declared by the Governor in Council not to be invalid for any such cause as aforesaid: Provided also, that it shall be lawful for the Governor in Council, within the period of Twenty Days before or after the day appointed for the holding of any Election, 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 Governor in Council shall be duly notified by Proclamation in the *Gazette*.

133 No misnomer or inaccurate description of any person, place, or thing named or described in the Schedule to this Act, or in any List of Electors or Electoral Roll, or in any Notice required by this Act, shall in anywise prevent or abridge the operation of this Act with respect to such person, place, or thing, provided that such person, place, or thing is so denominated in such Schedule, List, Roll, or Notice as to be commonly understood.

Penalty on Officers neglecting duty.

rec 316
1132
23

134 If any Clerk of the Peace, Returning Officer, or Deputy Returning Officer after having accepted office as such, or any other person appointed or enjoined to perform any duty, matter, or thing under this Act, wilfully neglects or refuses 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 Clerk of the Peace, Returning Officer, or Deputy Returning Officer, or other person shall for every such offence, in addition to any other punishment or penalty by this Act imposed, forfeit and pay a penalty of not less than Twenty Pounds nor more than One hundred Pounds; and any such penalty shall be recoverable with full costs of suit by any person who sues for the same within Three Months after such neglect or refusal as aforesaid by action of debt in the Supreme Court, or if the sum sued for be in amount within the jurisdiction of any Court of Inferior jurisdiction, in such Court of Inferior jurisdiction; and such penalty when recovered shall be paid and apportioned as follows; 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 the Colony.

Declaration to be made by Officers on appointment.

135 Every person who may, under the provisions of this Act, be, or be appointed, a Returning Officer, or be appointed a Deputy Returning Officer, or to any other Office under this Act, shall, before he enters on the performance of the duties of such Office, make and subscribe the Declaration set forth in the Schedule before a Justice of the Peace; and any person neglecting to make such Declaration shall be liable to a penalty not exceeding Twenty Pounds, to be recovered in a summary way.

- 136** All Declarations made and subscribed under this Act, except the Declarations to be made by Members of Parliament and Members of the Committees of Elections and Qualifications, shall be transmitted by the Justice of the Peace or other person before whom the same are made and subscribed, on the first opportunity, to the Colonial Secretary. Declarations made under this Act to be transmitted by person taking same to Colonial Secretary.
- 137** Every person taking any oath or making any affirmation under this Act who wilfully swears or affirms falsely shall be deemed guilty of perjury, and be liable to be dealt with accordingly. False oath or affirmation, perjury.
- 138** Any person making and subscribing a Declaration under this Act who wilfully declares falsely, or who having made any such Declaration wilfully does any act in contravention of or contrary to the true intent and meaning of such Declaration, shall be deemed guilty of a misdemeanor. False Declaration or acting contrary to Declaration, a misdemeanor.
- 139** Any person who counterfeits any Ballot-paper, or any signature thereto, or name therein, shall be deemed guilty of forgery, and be liable to be kept in penal servitude for any term not exceeding Four years. Counterfeiting Ballot-papers.
- 140** In any action to recover any penalty under this Act it shall be lawful for the Court or any Judge thereof, if the Court or Judge thinks fit, to order that the Plaintiff in such action shall give security for costs, or that all proceedings therein be stayed. In actions for penalties Court may require Plaintiff to give security for costs.
- 141** If any action is 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. General issue.
- 142** All moneys received for copies of Lists of Electors, Electoral Rolls, and other Documents under this Act shall form part of the General Revenue. Appropriation of moneys received for copies of Documents.
- 143** *The Electoral Act, 1856*, is hereby repealed, excepting always as to all offences committed which shall be dealt with as if this Act had not been passed, and as to all matters and things lawfully done which shall be valid notwithstanding such repeal: Provided that, for the purposes of any Election which may take place before Electoral Rolls are made out and in force under this Act, the Electoral Districts shall remain as established by the said recited Act; and the Electoral Rolls and Polling Lists in force for the year 1857 shall be and continue in force until Electoral Rolls and Polling Lists are made out and in force under this Act; and nothing in this Act contained shall affect any Election which has taken place under the said recited Act; and the existing Members of the Parliament of *Tasmania* at the time of the commencement of this Act shall be deemed to be the Members for the Districts established by this Act bearing the same names as the Districts for which they were respectively elected. Repeals *The Electoral Act, 1856*. Existing Districts continued until new Rolls made out. Existing Rolls continued until new Rolls made out. Act not to affect former Elections. Existing Members to be deemed Members for Districts under this Act.
- 144** All persons whomsoever are hereby freed and discharged from all suits and proceedings whatsoever to which they or any of them might otherwise be liable for any act by them, or any of them, omitted to be done in or towards the Preparation and Revision of Electoral Rolls for the year 1858 in pursuance of *The Electoral Act, 1856*. Indemnity for not preparing Rolls for 1858.
- 145** In referring to this Act it shall be sufficient to use the expression *The Electoral Act*. Short title.

SCHEDULE.

Section 3.

NAMES of Electoral Districts for the Return of Members of the Legislative Council, and Number of Members to be returned by such Districts.

NORTHERN COUNCIL DISTRICTS.

South Esk	One Member.
North Esk	One Member.
Longford	One Member.
Tamar	Two Members
Meander	One Member.

SOUTHERN COUNCIL DISTRICTS.

Hobart	Three Members.
Buckingham	One Member.
Huon	One Member.
Derwent	One Member.
Jordan	One Member.
Cambridge	One Member.
Pembroke	One Member.

NAMES of Electoral Districts for the Return of Members of the House of Assembly, and Number of Members to be returned by such Districts.

NORTHERN ASSEMBLY DISTRICTS.

Campbell Town	One Member.
Fingal	One Member.
Morven	One Member.
Selby	One Member.
Norfolk Plains	One Member.
Ringwood	One Member.
George Town	One Member.
Launceston	Three Members.
Westbury	One Member.
Deloraine	One Member.
Devon	One Member.

SOUTHERN ASSEMBLY DISTRICTS.

Hobart Town	Five Members.
Queenborough	One Member.
Glenorchy	One Member.
Kingborough	One Member.
Franklin	One Member.
New Norfolk	One Member.
Cumberland	One Member.
Oatlands	One Member.
Brighton	One Member.
Richmond	One Member.
Clarence	One Member.
Sorell	One Member.
Glamorgan	One Member.

DESCRIPTIONS and Boundaries of Electoral Districts.

Section 3.

NORTHERN COUNCIL DISTRICTS.

SOUTH ESK.

Comprises the Assembly Districts of *Campbell Town* and *Fingal*, as hereinafter described.

NORTH ESK.

Comprises the Assembly Districts of *Morven* and *Selby*, as hereinafter described.

LONGFORD.

Comprises the Assembly Districts of *Norfolk Plains* and *Ringwood*, as hereinafter described.

TAMAR.

Comprises the Assembly Districts of *George Town* and *Launceston*, as hereinafter described.

MEANDER.

Comprises the Assembly Districts of *Westbury*, *Deloraine*, and *Devon*, as hereinafter described.

SOUTHERN COUNCIL DISTRICTS.

HOBART.

Comprises the City of *Hobart Town*

BUCKINGHAM.

Comprises the Assembly Districts of *Queenborough* and *Glenorchy*, as hereinafter described.

HUON.

Comprises the Assembly Districts of *Kingborough* and *Franklin*, as hereinafter described.

DERWENT.

Comprises the Assembly Districts of *New Norfolk* and *Cumberland*, as hereinafter described.

JORDAN.

Comprises the Assembly Districts of *Oatlands* and *Brighton*, as hereinafter described.

CAMBRIDGE.

Comprises the Assembly Districts of *Richmond* and *Clarence*, as hereinafter described.

PEMBROKE.

Comprises the Assembly Districts of *Sorrell* and *Glamorgan*, as hereinafter described.

NORTHERN ASSEMBLY DISTRICTS.

CAMPBELL TOWN.

Bounded on the southern side by the Electoral District of *Oatlands* from the mouth of a rivulet forming the west boundary of a location to *John Dickenson* extending westerly to the Electoral District of *Cumberland*, thence by the Electoral District of *Cumberland* 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 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 upwards to the *Salisbury Rivulet*, and thence by that rivulet, by the west boundary of the Parish of *Eastbourne*, and by the Electoral District of *Glamorgan* to the point of commencement.

FINGAL.

Bounded on the western side by the Electoral District of *Campbell Town* commencing at the south angle of the Parish of *Eastbourne* and extending to the *Ben Lomond Rivulet*, by that rivulet to its source, by a line from thence to the lake on the top of *Ben Lomond*, thence by a line to the source of the *North Esk River*, thence by a line to the source of the *Great Muscle Roe River*, by that river to the Sea, on the northern and eastern sides by the Sea to *Doctor's Creek*, and thence westerly by the Electoral District of *Glamorgan* to the point of commencement.

MORVEN.

Bounded on the south-eastern side by the Electoral District of *Fingal* from the junction of the *Ben Lomond Rivulet* with the *South Esk River* to the source of the *North Esk River*, on the northern side by that river to the Parish of *Launceston*, on the north west by that parish to the *South Esk River* aforesaid, by that river to the Parish of *Perth*, by the northern boundary of that parish to the *South Esk River*, and by that river to the point of commencement.

SELBY.

Bounded on the south east by the Electoral Districts of *Fingal* and *Morven* commencing at a point on the *Great Muscle Roe River* distant about five miles in a southerly direction from the Ford or usual crossing-place opposite to Lot 966 purchased from the Crown by *John Foster* and extending to the Parish of *Launceston*, by the southern boundaries of the Parishes of *Launceston* and *Ecclestone*, by the back boundaries of the last-named parish and the Parish of *St. Michael's*, thence by the Parish of *Wells* to the Township of *Exeter*, by that township to the north-east angle of Lot 126 purchased from the Crown by *Thomas Hastie*, thence by a line crossing the *Tamar* to a stream known as the *Macquarie Rivulet* forming the division boundary of Lots 311 and 318 purchased from the crown by *M. C. Friend*, by that boundary and a continued north-easterly line along the Township of *Upway* to the east angle of the Mount *Direction* Signal Reserve, thence by a line still in continuation of the last extending to *Piper's River*, thence by a straight north-easterly line to the *Great Forester River* at the southern boundary of Lot 167 purchased from the crown by *Henry E. Atkinson*, thence by a line (crossing the *Tomahawk River*) to the *Little Boobyalla River*, thence by a line to the Mount *Cameron* Trigonometrical Station, and by a line from thence to the point of commencement, excepting from this description the Town of *Launceston* as now or hereafter by law defined.

NORFOLK PLAINS.

Bounded on the western side by the *Laffey River* from its junction with the *Meander* and extending to the south boundary of a location to *T. Collicott*, by that location to the north-east angle of a location to *W. G. Walker*, thence by the last-named location to *West Lagoon* and the northern and eastern boundaries thereof to the east boundary of a location to *G. B. Scardon*, by that location southerly to the south-west angle of a location to *W. P. Weston*, thence by the division boundaries of the Parishes of *Longford* and *Cressy* to the *Lake River* at the south-east angle of a grant to *Abraham Walker*, thence by the *Lake River* to its junction with the *Macquarie River* and by that river to the Electoral District of *Campbell Town*, by that district to the Electoral District of *Morven*, by the District of *Morven* to the Electoral District of *Selby*, and by the last-named district to the point of commencement.

RINGWOOD.

Bounded on the eastern side by the Electoral District of *Campbell Town* commencing at the north-west angle of the Parish of *Tierney* and extending southerly to the Electoral District of *Cumberland*, thence westerly by the last-named district to *Lake Ada*, by the south-western shore of *Lake Ada* to *Christy's Rivulet*, by a line from thence to *Lake Pillans*, thence by a line to *Lake Julian*, thence by a line to *Lake Meander*, thence by that lake and by the River *Meander* to its junction with *Jackey's Creek*, thence by that creek to the north-east angle of 640 acres forming part of Lot 265 selected for future purchase by *William* and *Charles Hortle*, thence by an easterly line to the River *Liffey*, by the *Liffey* to the south boundary of the Electoral District of *Norfolk Plains* on that river, thence by the last-mentioned district and by the Electoral District of *Campbell Town* to the point of commencement.

GEORGE TOWN.

Bounded on the south west by the south-west boundaries of the Parishes of *Stockport*, *Phillips Norton*, and *Wells* commencing at *Badger Head* in *Bass's Strait* and extending to the Electoral District of *Selby*, thence on the southern side by that district to the Electoral District of *Fingal*, by the last-mentioned district northerly to the Sea, and by the Sea westerly to the point of commencement.

All the Islands lying to the east of the 147th degree of longitude in *Bass's* and *Bank's Straits* form part of this District.

LAUNCESTON.

Comprises the Town of *Launceston*.

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WESTBURY.

Bounded on the south east by the Electoral Districts of *Norfolk Plains* and *Ringwood* commencing at the junction of the River *Liffey* with the *Meander* and extending to the north-east angle of 640 acres forming part of Lot 265 selected for future purchase by *William* and *Charles Hortle*, thence by a line to the source of *Quamby's Brook*, by that brook to the south-west angle of the Parish of *Exton*, thence by the division boundary of the Parishes of *Exton* and *Calstock* to the *Meander River*, by that river to the Parish of *Malling*, thence by the eastern and northern boundaries of that parish to the River *Rubicon*, by the River *Rubicon* to the *Kangaroo Rivulet* forming the north boundary of Lot 234 formerly leased to Messrs. *Douglas* and *Davies*, thence by the north-west boundaries of the Parishes of *Goodleigh* and *Winhleigh* north-easterly to the south-west angle of a grant to *William Barnes* on *Anderson's Creek*, and thence by the Electoral Districts of *George Town* and *Selby* to the point of commencement.

DELORAINE.

Bounded on the south east by the Electoral District of *Ringwood* commencing at the north-east angle of 640 acres forming part of Lot 265 selected for future purchase by *William* and *Charles Hortle* and extending to *Lake Ada* at its junction with *Christy's Rivulet*, thence by that rivulet to its source, and by a westerly line from thence to the *Pine River*, by that river in a north-westerly direction passing the north-east shore of *Lake Fanny* to the *Fish River*, by that river to the *Mersey*, by the *Mersey* to the *Van Diemen's Land Company's Road*, thence (westerly) by that road to the *Dasher River*, by that river to the *Mersey* and by the *Mersey* northerly to the north-west boundary of the Parish of *Ashgrove*, by the north-west boundary of that parish to the Electoral District of *Westbury* and by that district southerly to the point of commencement.

DEVON.

Bounded on the north by the Sea from *Badger Head* to *Cape Grim*, thence on the west by the Sea to the Electoral District of *Cumberland*, and thence on the remaining sides by the Electoral Districts of *Cumberland*, *Deloraine*, *Westbury*, and *George Town* to the point of commencement.

The Islands in *Bass's Straits* lying to the west of the 147th degree of longitude form part of this District.

SOUTHERN ASSEMBLY DISTRICTS.

HOBART TOWN.

Comprises the City of *Hobart Town*.

QUEENBOROUGH.

Commencing at the junction of the River *Derwent* with *Brown's River*, and bounded by *Brown's River* to the north angle of a location to *Michael Barrett* since granted to *William Walton*, by that location to the Township of *Summerleas*, by that township and the back boundaries of Lot 772 purchased from the crown by *Arthur Perry*, by Lots 510 and 538 to the *North-west Bay River*, by that river to its source on the top of Mount *Wellington*, by a straight line from thence to the Trigonometrical Station on that mountain, thence by a straight line to the west angle of a grant to *Peter Degraives*, by the north-west boundary of that grant, by a location to *John Waugh* to the south boundary of a grant to *Susan Ross* and *Valentine Griffiths*, by that boundary to *Poets' Road*, by that road to the City of *Hobart Town*, by the south-west boundary of the City to the River *Derwent*, and by the *Derwent* to *Brown's River*.

GLENORCHY.

Commencing at the confluence of the *Hobart Town Rivulet* with the River *Derwent*, and bounded by that river to the *Black Snake Rivulet*, by that rivulet and by the west boundary of Lot 51 purchased from the crown by *Thomas Stubbs Brown*, by Lot 19, and by the north-west boundary of Lot 97 (at present leased to *Thomas Yardley Loves*) to the *Sorell River*, thence by a due south line for three miles, thence by a straight line south-easterly to the Trigonometrical Station on the top of Mount *Wellington*, thence by the District of *Queenborough* to the south-west boundary of the City of *Hobart Town*, and by the south-west, north-west, and north-east boundaries of that City to the River *Derwent*.

KINGBOROUGH.

Commencing at the junction of *Brown's River* with the River *Derwent*, and bounded by the Electoral District of *Queenborough* to the Trigonometrical Station on the top of Mount *Wellington*, thence by the Electoral District of *Glenorchy* to a point on the *Tiers* distant three miles in a southerly direction from the west angle of Lot 97 leased to *T. Y. Loves* on the *Sorell River*, thence by the summit of the *Wellington Range* to *Russell's Falls* at its source, thence by a line to the *Huon River* immediately opposite its junction with the *Picton River*, thence by the *Huon River* (leaving the *Egg Islands* on the west) to a rock known as the *Butts*, thence by a line across *D'Entrecasteaux Channel* to the most western point of *South Bruni Island*, thence by the Sea and by *Storm Bay* (including *Bruni Island*) to *Kelly's Point*, thence by a line crossing *D'Entrecasteaux Channel* to the River *Derwent*, and by the River *Derwent* to *Brown's River* aforesaid.

FRANKLIN.

Commencing at the most western point of *South Bruni Island*, and bounded on the eastern and northern sides by the Electoral District of *Kingborough* and by the *Huon River* to its source, thence by a north-westerly line to the River *Gordon*, by the River *Gordon* to *Macquarie Harbour*, by the south-west shore of that harbour to the Sea, by the Sea to *Whale Head*, and thence by a line across *D'Entrecasteaux Channel* to the point of commencement.

NEW NORFOLK.

Bounded on the north by *Russell's Falls* from its source to the River *Derwent*, thence by that river to the west angle of a grant to *John Terry* on the left bank of the River *Derwent*, by the north-west and north-east boundaries of that grant to the *Belmont Rivulet*, thence by the division boundaries of the Parishes of *Grafton* and *Lansdowne* to *Platform Bluff* on the *Dromedary Range*, on the north east by the *Dromedary Range* and *Dromedary Creek* to its junction with the River *Derwent*, thence by that river to the Electoral District of *Glenorchy*, on the south east by that district to the Electoral District of *Kingborough*, and by that district to the point of commencement.

CUMBERLAND.

Commencing at *Platform Bluff*, and bounded on the south by the Electoral District of *New Norfolk* to the source of the *Russell's Falls*, thence by the Electoral District of *Kingborough* to the Electoral District of *Franklin*, thence by the last-mentioned district to the entrance of *Macquarie Harbour*, by a north-easterly line across the mouth of that harbour to the opposite shore, thence by the Sea to a point

distant twenty-three miles or thereabouts in a northerly direction from the mouth of *King's River*, thence by a due east line to *Lake Ada*, thence by *Lake Ada* to the *Little Pine River*, by that river to the south boundary of Lot 100 leased to *George Armytage*, by that boundary and the south boundary of Lot 675 purchased from the crown by *P. T. Smith* to *Armytage's Rivulet*, by *Armytage's Rivulet* to the *River Ouse*, and by that river north-easterly to the north boundary of Lot 636 purchased from the crown by *P. T. Smith*, by that boundary and the north boundary of Lot 156 leased to the said *P. T. Smith* to the *Great Lake*, by that lake easterly to the *River Shannon*, by that river to Lot 885, by the southern boundaries of that lot, of a Public Reserve, and of Lot 131 to the *Lagoon of Islands*, by the eastern shore of that lagoon to Lot 131 aforesaid, by the eastern boundaries of that lot and of Lot 203 to the *Upper Lake River*, by that river and the northern bank of *Wood's Lake* to the *Lake River*, thence by an easterly line to *Lake Sorell* at the north boundary of Lot 504, thence southerly by *Lake Sorell* and *Lake Crescent* to the *River Clyde*, by a straight southerly line from thence to the top of the *Table Mountain*, from thence by a straight line to the source of the *Exe Rivulet*, by that Rivulet to the *Jordan River*, by the last-mentioned river to the north-east angle of the Parish of *Wallace*, and by that parish to the point of commencement.

OATLANDS.

Bounded on the western side by the Electoral District of *Cumberland* from *Lake Crescent* to a point on the *Jordan River* immediately opposite the *Quoin Rivulet*, thence by that rivulet to the Trigonometrical Station on the *Quoin Mount*, thence by the southern boundaries of the Parishes of *Hartington* and *Bisdee* to the north-east angle of the Parish of *Ormaig*, thence by a straight north-easterly line (passing along the south-east boundaries of Lots 174, 255, 254, 253, a location to *Daniel Stanfield*, and through a location to *James Hobbs*) to the *Little Swanport River*, thence by that river in an easterly direction to the south angle of Lot 892, thence by the south-west boundaries of that lot and of a grant to *George Marshall*, thence by the back boundaries of Lots 235, 236, 259, and 123 to Lot 196 leased to *Bassett Dickson*, by the south-east boundary of that lot to *Tom's Lake*, by the south-west shore of that lake, and by the southern branch of the *Macquarie River* until opposite the south-east boundary of Lot 290 purchased by *Henry Stevenson Hurst*, thence by that boundary to the northern branch of the *Macquarie River*, by that river in a westerly direction to *Blackman's River*, by *Blackman's River* to *Mill Brook*, by that brook and a westerly line to *Lake Crescent*, and by that lake to the point of commencement.

BRIGHTON.

Commencing on the *River Jordan* at the junction of the *Quoin Rivulet*, and bounded on the west by the Electoral Districts of *Cumberland*, *New Norfolk*, and *Glenorchy* to the west boundary (on the *River Derwent*) of Lot 5 purchased by *Thomas George Gregson*, thence by the northern boundaries of that lot, by the western boundaries of Lot 887 to the south angle of a location of 200 acres to *W. Ross*, by the north-west boundaries of that location and of 300 acres also located to *W. Ross*, thence by the west boundary of Lot 881 purchased by *William Gunn* to the southern boundary of the Parish of *Drummond*, thence by that boundary to the Parish of *Ulva*, 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 *Yarlington* to the Electoral District of *Oatlands*, and by that district north-westerly to the point of commencement.

RICHMOND.

Bounded on the western side by the Electoral District of *Brighton* from the south-east angle of the Parish of *Drummond* to the Trigonometrical Station on the top of the *Quoin Mount*, thence easterly by the Electoral District of *Oatlands* and by the Parish of *Bisdee* to the north-east angle of Lot 249 A at present leased to *Benjamin Berthon*, thence by that lot and by the south boundary of Lot 301 to *Prosser's River*, by that river to the north-east angle of Lot 73 purchased by *Richard Lewis*, on the eastern side of that lot and Lots 7 and 6 purchased by *C. O. Parsons*, thence by a line to the north-east angle of Lot 36, thence by a due south line to the south-east angle of Lot 566 also purchased by *C. O. Parsons* and now the property of *Askin Morrison* and known as the *Runnymede Estate*, thence by a line to the *Sorell Rivulet* and by that rivulet to the north boundary of Lot 24 leased to the said *Askin Morrison*, thence by the back boundaries of that lot and of Lot 22 and by the south-east boundary of 259 acres granted to *William Hodson* to the *Orielton Rivulet*, thence by the western boundaries of the *Orielton Estate* to the north boundary of a location to *Charles Jeffrey*, by that location easterly to the *Orielton Rivulet* aforesaid, by that rivulet to *Pittwater*, by *Pittwater* westerly to the *Pigeon-hole Rivulet*, and by that rivulet upwards to the point of commencement.

CLARENCE.

Bounded on the northern side by the Electoral Districts of *Brighton* and *Richmond* from the River *Derwent* to *Pittwater*, on the eastern side by *Pittwater* and *Frederick Henry Bay*, on the southern side by *Storm Bay*, and on the western side by the River *Derwent* to the point of commencement.

Betsey's Island, the *Iron Pot*, and all the Islands in *Frederick Henry Bay*, and *Pittwater* are also to form part of this District.

SORELL.

Bounded on the east by the Sea from *Little Swanport* to *Cape Pillar*, thence on the south and west by the Sea and *Storm Bay* to *North-west Point* on *Tasman's Peninsula*, thence on the north and west by *Norfolk Bay* to *East Bay Neck*, thence on the south and south west by *Norfolk Bay*, *Frederick Henry Bay*, and *Pittwater* to the *Orielton Rivulet*, thence by the Electoral Districts of *Richmond* and *Oatlands* to the *Little Swanport River*, and by that river and by *Little Swanport* to the point of commencement.

Maria Island and all other Islands adjacent to the coast between *Little Swanport* and *North-west Point*, and also all Islands in *Norfolk Bay*, are to form part of this District.

GLAMORGAN.

Bounded on the east by the Sea from *Doctor's Creek* near *Long Point* to *Little Swanport* and by a line crossing the same at the bar, thence by the Electoral District of *Sorell* to the Electoral District of *Oatlands*, and by the last-named district to a rivulet forming the west boundary of a location to *John Dickenson*, thence by that rivulet and by the north-eastern boundaries of the Parishes of *Peel*, *Glen Morriston*, *Ross*, and *Wincanton* to the *Elizabeth River*, by that river to the south angle of 320 acres granted to *Hezekiah Harrison*, by that grant and a location to *J. H. W. Milbourne* to its north angle, thence by a straight line to the *Campbell Town* Trigonometrical Station, thence by a straight line to the north-west angle of a grant to *Hugh Kean*, thence by the summit of the range lying to the south of the *St. Paul's River* to the south-east angle of a grant to *R. Hepburn*, by the east boundary of that grant and by a north-easterly line, from thence to the north-west angle of the Township of *Seymour*, and thence by the north boundary of that township and by *Doctor's Creek* to the point of commencement.

Schouten Island and all other Islands adjacent to the coast between *Doctor's Creek* and *Little Swanport* are to form part of this District.

The words "Lot" and "Allotment," as used in the foregoing descriptions, shall be held to mean and intend the several lots and allotments respectfully numbered and described as the same appear and are delineated in the chart or charts in the Office of the Surveyor-General of this Colony; and wherever in such descriptions a river or other stream, or a road, street, or way is described to be the boundary of any District, a line drawn down the middle of such river or other stream, or road, street, or other way, shall be deemed to be such boundary.

Totally altered
see Gaz 31 p 51
 21° VICTORIÆ. No. 32. 321

POLLING-PLACES for the Council Districts.

Sect. 4.

DISTRICT.	POLLING-PLACES.
<i>Hobart</i>	1. The New Market-place, Hobart Town. 2. St. George's Hill, near the Church. 3. Davey-street, near Antill-street. 4. Goulbourn-street, near St. John's Church. 5. Harrington-street, near Warwick-street. 6. Argyle-street, near Warwick-street. 7. Murray-street, near Liverpool-street.
<i>Buckingham</i>	1. Kingston. 2. Sandy Bay, near the second mile-stone. 3. Cascade-road, near the Reservoir. 4. Glenorchy, near the seventh mile-stone. 5. The Racecourse at New Town. 6. Colville-street, near the New Town Road.
<i>Huon</i>	1. Kingston. 2. Oyster Cove. 3. Barnes' Bay, near the Episcopal Chapel, North Brun. 4. Three Hut Point. 5. Lovett, Port Cygnet. 6. <i>Ferry Inn</i> , Ironstone Creek. 7. Franklin. 8. Dover, Port Esperance. 9. Southport.
<i>Derwent</i>	1. Court House, New Norfolk. 2. Styx Bridge. 3. Bothwell. 4. Hamilton. 5. Ouse Bridge. 6. <i>Woolpack Inn</i> , Macquarie Plains.
<i>Jordan</i>	1. Oatlands. 2. Jericho. 3. Antill Ponds. 4. Kempton. 5. Pontville.
<i>Cambridge</i>	1. Richmond. 2. Jerusalem. 3. Bellerive. 4. Rokeby.
<i>Pembroke</i>	1. Cascades, Tasman's Peninsula. 2. Sorell. 3. Buckland. 4. Triabunna. 5. Swansea. 6. Bicheno. 7. Glen Gala.
<i>South Esk</i>	1. Campbell Town. 2. Ross. 3. Cleveland. 4. Fingal. 5. Avoca. 6. Cullenswood. 7. Falmouth.
<i>North Esk</i>	1. Evandale. 2. Upper Nile Bridge. 3. Lower Nile Bridge. 4. Mulgrave Square, in the suburbs of Launceston. 5. Hadspen. 6. Patterson's Plains, near the Church. 7. Coulson's, in the Parish of Wareham. 8. Cimitiere Point, in the Parish of St. Michael's.

DISTRICT.	POLLING-PLACES.
<i>Longford</i>	1. Longford. 2. Cressy, near the Bridge over Brumby's Rivulet. 3. Campbell Town.
<i>Tamar</i>	1. George Town. 2. St. John's Square, Launceston. 3. The Market-place, ditto. 4. St. George's Square, ditto. 5. The Court House, ditto.
<i>Meander</i>	1. Westbury. 2. Deloraine. 3. Torquay. 4. Burnie, Emu Bay. 5. Stanley.

POLLING-PLACES for the Assembly Districts.

DISTRICT.	POLLING-PLACES.
<i>Hobart Town</i>	1. The New Market Place. 2. St. George's Hill, near the Church. 3. Davey-street, near Antill-street. 4. Goulbourn-street, near St. John's Church. 5. Harrington-street, near Warwick-street. 6. Argyle-street, near Warwick-street. 7. Murray-street, near Liverpool-street.
<i>Queenborough</i>	1. Kingston. 2. Sandy Bay, near the second mile-stone. 3. Cascade-road, near the Reservoir.
<i>Glenorchy</i>	1. Glenorchy, near the seventh mile-stone. 2. The Racecourse at New Town. 3. Colville-street, near the New Town Road.
<i>Kingborough</i>	1. Kingston. 2. Oyster Cove. 3. Barne's Bay, near the Episcopal Chapel, North Bruny. 4. Three Hut Point. 5. Lovett's Port Cygnet. 6. <i>Ferry Inn</i> , Ironstone Creek.
<i>Franklin</i>	1. Franklin. 2. Dover, Port Esperance. 3. Southport.
<i>New Norfolk</i>	1. Court House, New Norfolk. 2. Styx Bridge.
<i>Cumberland</i>	1. Bothwell. 2. Hamilton. 3. Ouse Bridge. 4. <i>Woolpack Inn</i> , Macquarie Plains.
<i>Oatlands</i>	1. Oatlands. 2. Jericho. 3. Antill Ponds.
<i>Brighton</i>	1. Kempton. 2. Pontville.
<i>Richmond</i>	1. Richmond. 2. Jerusalem.

DISTRICT.	POLLING-PLACES.
<i>Clarence</i>	1. Bellerive. 2. Rokeby.
<i>Sorell</i>	1. Cascades, Tasman's Peninsula. 2. Sorell. 3. Buckland. 4. Triabunna.
<i>Glamorgan</i>	1. Swansea. 2. Bicheno. 3. Glen Gala.
<i>Campbell Town</i>	1. Campbell Town. 2. Ross. 3. Cleveland.
<i>Fingal</i>	1. Fingal. 2. Avoca. 3. Cullenswood. 4. Falmouth.
<i>Morven</i>	1. Evandale. 2. Upper Nile Bridge. 3. Lower Nile Bridge.
<i>Selby</i>	1. Mulgrave Square, in the suburbs of Launceston. 2. Hadsden. 3. Patterson's Plains, near the Church. 4. Coulson's, in the Parish of Wareham. 5. Cimitero Point, in the Parish of St. Michael's.
<i>Norfolk Plains</i>	Longford.
<i>Ringwood</i>	1. Cressy, near the Bridge over Brumby's Rivulet. 2. Campbell Town.
<i>George Town</i>	George Town.
<i>Launceston</i>	1. St. John's Square, Launceston. 2. The Market Place, ditto. 3. St. George's Square, ditto. 4. The Court House, ditto.
<i>Westbury</i>	Westbury.
<i>Deloraine</i>	Deloraine.
<i>Devon</i>	1. Torquay. 2. Burnie, Emu Bay. 3. Stanley.

RETURNING OFFICER'S Declaration.

Sect. 6.

I, *A. B.*, the Returning Officer of the Electoral District of do hereby solemnly and sincerely declare, that I will faithfully assist in all Elections of a Member or Members to serve in Parliament for the said District: and that I will not in any manner interfere with any Elector when filling up his Ballot-paper at any such Election, or attempt to ascertain the name or names of the Candidate or Candidates for whom any Elector votes at any such Election; and in case I should become acquainted with the name or names of the Candidate or Candidates for whom any Elector votes, then that I will not disclose to any person whomsoever the fact so coming to my knowledge, nor by any word or action directly or indirectly aid in discovering the same except in answer to any question which I am legally bound to answer, or in compliance with the provisions of *The Electoral Act*.

A. B.

Sect. 12.

ANNUAL Notice to be given by the Clerk of the Peace at Hobart Town.

I HEREBY give notice, that all Persons entitled to vote in the Election of Members to serve in the Parliament of *Tasmania*, whose names are not upon the Electoral Roll now in force for the Electoral District in respect of which they claim to vote, or who, being upon such Roll, do not retain the same Qualification or continue in the same Place of Abode as described in such Roll, and who are desirous to have their Names inserted in the Electoral Roll about to be made for such District, are hereby required to deliver or transmit to the Returning Officer of the Electoral District in respect of which they claim to vote, on or before the Twenty-fourth day of *April* in this year, a Notice in writing by them signed, in which their Name and Surname at full length, their Place of Abode, and the Particulars of their Qualification, must be legibly written, according to the Form hereunder set forth. Any person whose name is upon the present Electoral Roll may also make his claim if he thinks fit, but it is not necessary that he should do so if he has the same Qualification and Place of Abode now described in the Roll.

Dated this _____ day of _____ 1858.
A.B.
 Clerk of the Peace at Hobart Town.

FORM of Notice of Claim to be given to the Returning Officer.

To the Returning Officer of the Electoral District of _____
 I HEREBY give you notice, that I claim to have my name inserted in the List of Electors for the Electoral District of _____ and that the particulars of my place of Abode and Qualification are stated in the Columns below.

Dated this _____ day of _____ 1858.
G.H.

<i>Surname and Christian Name of the Claimant at full length.</i>	<i>Place of Abode. (Stating Number of House, if any.)</i>	<i>Nature of Qualification.</i>	<p><i>If Property Qualification</i>—the Street or other Place where Property situate, and Number of House, if any, and Name or Description of Property, and Name of occupying Tenant, if any.</p> <p><i>If qualified in respect of Occupancy</i>—the Street or other Place where Property situate, and Number of House, if any, and Name or Description of Property, and Name of Landlord.</p> <p><i>If qualified in respect of Licence to depasture Lands</i>—Place where Land situate, and Date of Licence.</p> <p><i>If qualified in respect of Leasehold Property</i>—the Street or other Place where Property situate, and Number of House, if any, and Name or Description of Property, and Name of Lessor.</p> <p><i>If qualified in respect of Salary of £100 per annum</i>—state Name of Employer, and Date of Appointment.</p> <p><i>If qualified as a Graduate</i>—the University at which Degree taken, and the Year in which Degree conferred.</p> <p><i>If qualified as a Barrister or Solicitor</i>—the Date of Admission.</p> <p><i>If qualified as a Medical Man</i>—the Date when Qualification acquired.</p> <p><i>If qualified as an Officiating Minister of Religion</i>—the Sect, and when, and where, and by whom ordained or appointed, and where officiating.</p> <p><i>If qualified as an Officer of Her Majesty's Land or Sea Forces</i>—the Branch of the Service, and when and where last on actual Service.</p>

ANNUAL Notice to be given by the Returning Officer of each District. Sect. 13.

I HEREBY give notice, that every Person entitled to vote in the Election of a Member [or Members] to serve in the Parliament of *Tasmania* for the Electoral District of _____ whose Name is not upon the Electoral Roll now in force for that District, or who, being upon such Roll, does not retain the same Qualification or continue in the same Place of Abode as described in such Roll, and who is desirous to have his Name inserted in the Electoral Roll about to be made for such District, is hereby required to deliver or transmit to me at (*Office or place of business of the Returning Officer*) on or before the Twenty-fourth day of *April* in this year, a Notice in writing signed by him in which his Name and Surname at full length, his Place of Abode, and the particulars of his Qualification must be legibly written according to the Form hereunder set forth. Any Person whose Name is upon the present Electoral Roll may also make his claim if he thinks fit, but it is not necessary that he should do so if he has the same Qualification and Place of Abode now described in the Roll.

Dated this _____ day of _____ 1858.

C.D.
Returning Officer of the Electoral District of _____

NOTICE of Claim.

To the Returning Officer of the Electoral District of _____

I HEREBY give you notice, that I claim to have my Name inserted in the List of Electors for the Electoral District of _____ and that the particulars of my Place of Abode and Qualification are stated in the Columns below.

Dated this _____ day of _____ 1858.

G.H.

<i>Surname and Christian Name of the Claimant at full length.</i>	<i>Place of Abode.</i> (Stating Number of House, if any.)	<i>Nature of Qualification.</i>	
			<p><i>If Property Qualification</i>—the Street or other Place where Property situate, and Number of House, if any, and Name or Description of Property, and Name of occupying Tenant, if any.</p> <p><i>If qualified in respect of Occupancy</i>—the Street or other Place where Property situate, and Number of House, if any, and Name or Description of Property, and Name of Landlord.</p> <p><i>If qualified in respect of Licence to depasture Lands</i>—Place where Land situate, and Date of Licence.</p> <p><i>If qualified in respect of Leashold Property</i>—the Street or other Place where Property situate, and Number of House, if any, and Name or Description of Property, and Name of Lessor.</p> <p><i>If qualified in respect of Salary of £100 per annum</i>—state Name of Employer, and Date of Appointment.</p> <p><i>If qualified as a Graduate</i>—the University at which Degree taken, and the Year in which Degree conferred.</p> <p><i>If qualified as a Barrister or Solicitor</i>—the Date of Admission.</p> <p><i>If qualified as a Medical Man</i>—the Date when Qualification acquired.</p> <p><i>If qualified as an Officiating Minister of Religion</i>—the Sect, and when, and where, and by whom ordained or appointed, and where officiating.</p> <p><i>If qualified as an Officer of Her Majesty's Land or Sea Forces</i>—the Branch of the Service, and when and where last on actual Service.</p>

Sect. 14.

LIST of Claimants.

THE List of Persons claiming to be entitled to vote in the Election of a Member [or Members] to serve in the Parliament of *Tasmania* for the Electoral District of

<i>Margin for entering Returning Officer's Objections.</i>	<i>Surname and Christian Name of each Claimant at full length.</i>	<i>Place of Abode.</i>	<i>Nature of Qualification.</i>
			<p><i>If Property Qualification</i>—the Street or other Place where Property situate, and Number of House, if any, and Name or Description of Property, and Name of occupying Tenant, if any.</p> <p><i>If qualified in respect of Occupancy</i>—the Street or other Place where Property situate, and Number of House, if any, and Name or Description of Property, and Name of Landlord.</p> <p><i>If qualified in respect of Licence to depasture Lands</i>—Place where Land situate, and Date of Licence.</p> <p><i>If qualified in respect of Leasehold Property</i>—the Street or other Place where Property situate, and Number of House, if any, and Name or Description of Property, and Name of Lessor.</p> <p><i>If qualified in respect of Salary of £100 per annum</i>—state Name of Employer, and Date of Appointment.</p> <p><i>If qualified as a Graduate</i>—the University at which Degree taken, and the Year in which Degree conferred.</p> <p><i>If qualified as a Barrister or Solicitor</i>—the Date of Admission.</p> <p><i>If qualified as a Medical Man</i>—the Date when Qualification acquired.</p> <p><i>If qualified as an Officiating Minister of Religion</i>—the Sect, and when, and where, and by whom ordained or appointed, and where officiating.</p> <p><i>If qualified as an Officer of Her Majesty's Land or Sea Forces</i>—the Branch of the Service, and when and where last on actual Service.</p>

C.D.

Returning Officer of the Electoral District of

Sect. 17.

NOTICE of Objection to be given to the Returning Officer.

To the Returning Officer of the Electoral District of
 I HEREBY give you notice, that I object to the Name of the Person mentioned and described below being retained in the List of Electors for the Electoral District of

<i>Surname and Christian Name of the Person objected to, as described in the List of Electors.</i>	<i>Place of Abode as described in List.</i>	<i>Nature of Qualification as described in List.</i>	<i>Particulars as described in List.</i>

Dated this day of 1858.

G. H.
 [Place of Abode.]

NOTICE of Objection to be given to Persons objected to, and to the occupying Tenant of the qualifying Property, if any, by any Person other than the Returning Officer. Sect. 17.

To Mr. _____ of _____ [Here insert the Name and Place of Abode of the Person objected to as described in the List; and in the case of Notice to the Tenant of the qualifying Property insert his Name and Place of Abode as described in the List.]

TAKE notice, that I object to your Name [in the Notice to the Tenant, instead of the Words "your Name," insert the Name of the Person objected to] being retained in the List of Electors for the Electoral District of _____

Dated this _____ day of _____ 1858.

G.H.
[Place of Abode.]

LIST of Persons objected to, to be published by the Returning Officer. Sect. 18.

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

Surname and Christian Name of each Person objected to, as described in the List.	Place of Abode, as described in List.	Nature of Qualification, as described in List.	Particulars as described in List.

C.D.

Returning Officer of the Electoral District of _____

FORM of Electoral Roll.

Sect. 35.

THE Electoral Roll of the Electoral District of _____ for the Year commencing the First day of September, 1858.

Margin for entering Returning Officer's Objections in the ensuing year.	Surname and Christian Name of Elector.	Place of Abode.	Nature of Qualification.	Particulars of Qualification.	Margin for inserting Polling-places in the ensuing year.

Sect. 59.

DEPUTY RETURNING OFFICER'S Declaration.

I, *A.B.*, one of the Deputy Returning Officers at the ensuing Election of a Member [*or Members*] of the Legislative Council [*or House of Assembly, as the case may be*] for the Electoral District of _____ do hereby solemnly and sincerely declare that I will faithfully assist in the said Election, and that I will not in any manner interfere with any Elector when filling up his Ballot-paper, or attempt to ascertain the name or names of the Candidate or Candidates for whom any Elector votes; and in case I should become acquainted with the name or names of the Candidate or Candidates for whom any Elector votes, then that I will not disclose to any person whomsoever the fact so coming to my knowledge, nor by any word or action directly or indirectly aid in discovering the same except in answer to any question which I am legally bound to answer, or in compliance with the provisions of *The Electoral Act*.

A.B.

Sect. 61.

*FORM of Ballot-paper.***BALLOT-PAPER.**

[*Here the Candidates' Names will be written or printed in Alphabetical order, and numbered in figures in regular succession.*]

Sect. 66.

SCRUTINEER'S Declaration.

I, *A.B.*, a Scrutineer appointed by *X.Y.*, a Candidate [*or by C.D. and E.F. the persons nominating X.Y. as a Candidate*] at the ensuing Election of a Member [*or Members*] of the Legislative Council, [*or House of Assembly, as the case may be*], for the Electoral District of _____ do hereby solemnly and sincerely declare that I will faithfully assist in the said Election, and that I will not in any manner interfere with any Elector when filling up his Ballot-paper, or attempt to ascertain the name or names of the Candidate or Candidates for whom any Elector votes; and in case I should become acquainted with the name or names of the Candidate or Candidates for whom any Elector votes, then that I will not disclose to any person whomsoever the fact so coming to my knowledge, nor by any word or action directly or indirectly aid in discovering the same except in answer to any questions which I am legally bound to answer, or in compliance with the provisions of *The Electoral Act*.

A.B.

Sect. 73.

QUESTIONS to be proposed to a Person tendering his Vote.

ARE you the same person whose name appears as [*here specify the name contained in the Electoral Roll*] in the Electoral Roll now in force for the Electoral District of [*here specify Electoral District*]?

Have you already voted, either here or elsewhere, at the present Election?

Sect. 74

OATH as to Identity, and having previously voted.

I, *A.B.*, do swear that I am the same person whose name appears as [*here specify name*] in the Electoral Roll now in force for the Electoral District of [*here specify Electoral District*]; and that I have not before voted, either here or elsewhere, at the present Election. So help me God.

OATH against Bribery.

Sect. 74.

I, *A.B.*, do swear 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 of any friend or dependent, 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. So help me God.

ELECTION AUDITOR'S Declaration.

Sect. 101.

I, *A.B.*, do hereby solemnly and sincerely declare, that I will well and truly and faithfully, to the best of my ability, perform my duty as Election Auditor for the Electoral District of _____ according to the provisions of *The Electoral Act*.

*A.B.**ELECTION AGENT'S Declaration.*

Sect. 114.

I, *A.B.*, being appointed an Agent for Election Expenses by *X.Y.* a Candidate at this Election, do hereby solemnly and sincerely declare that I have not knowingly made, authorised, or sanctioned, and that I will not knowingly make, authorise, or sanction, any payment on account of this Election otherwise than through the Election Auditor, save as excepted and allowed by *The Electoral Act*.

*A.B.**MEMBER OF PARLIAMENT'S Declaration.*

Sect. 116.

I, *A.B.*, do hereby declare, upon my honor, that I have not paid, nor will I pay, nor have I authorised, nor will I authorise any person to pay for me, or on my behalf, any other moneys than such as are allowed by *The Electoral Act*, in any way expended in reference to my Election as a Member of this House for the Electoral District of _____; and I do also declare, upon my honor, that I have done no act unduly to influence any Elector in the vote which he has given at such Election.

*A.B.**MEMBER OF THE COMMITTEE OF ELECTIONS AND QUALIFICATIONS' Declaration.*

Sect. 121.

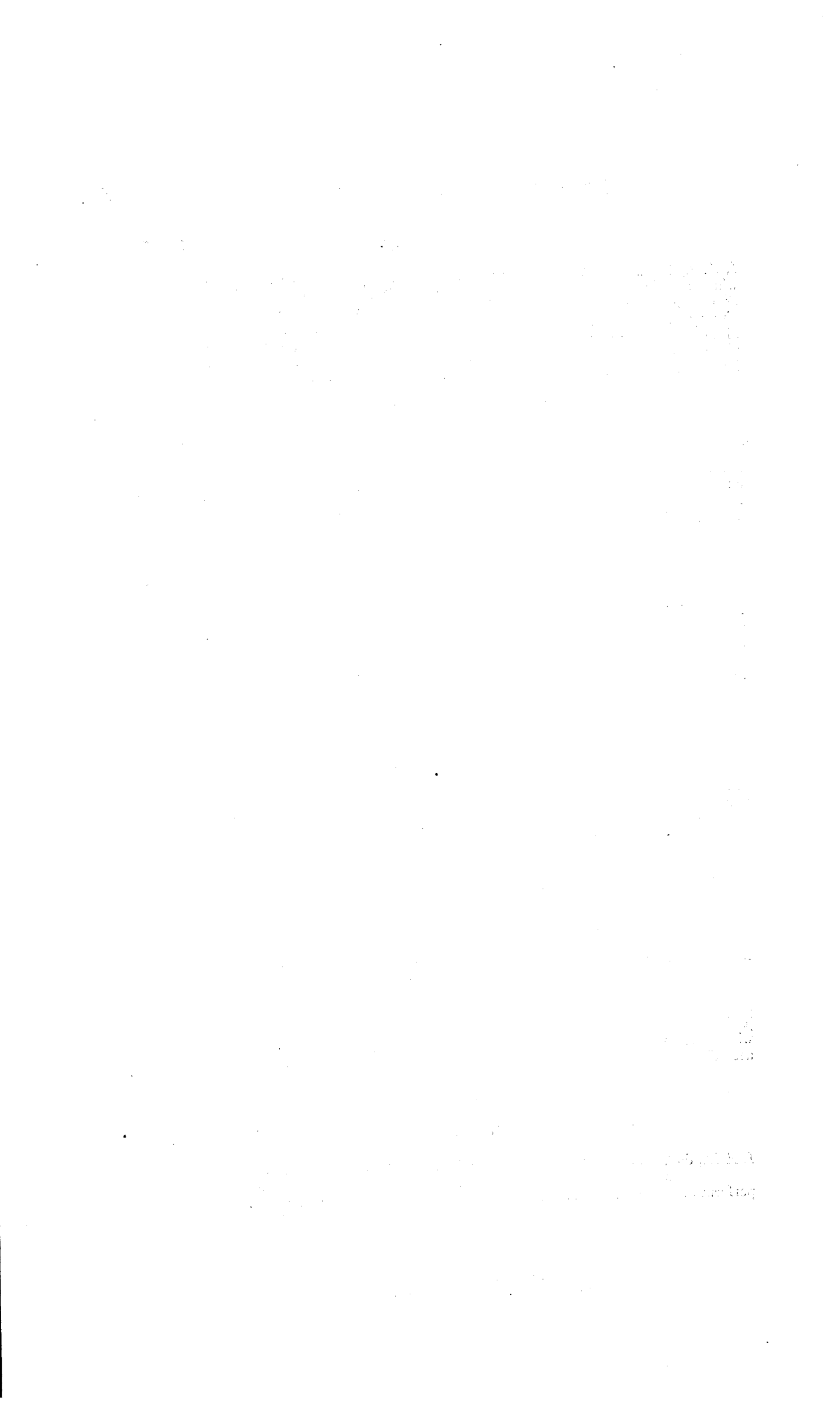
I, *A.B.*, do hereby solemnly and sincerely declare that I will duly administer justice in all matters which may be brought before this Committee, and that I will decide in all such matters without partiality, favour, or affection, and according to the best of my judgment and understanding.

*A.B.**OFFICER'S Declaration on Appointment.*

Sect. 135.

I, *A.B.*, do hereby solemnly and sincerely declare that I accept the office of _____ and I do hereby solemnly and sincerely declare that I will faithfully perform the duties of the same to the best of my understanding and ability.

A B.



GOVERNMENT NOTICE.

No. 105.

Colonial Secretary's Office, 26th July, 1875.

THE Governor directs the publication of the following Regulations and Schedules of Payments in connexion with the election of Members to serve in Parliament, and with the Annual Revision of the Electoral Rolls, for the information of Returning Officers and the public generally.

The Regulations and Schedules of Payments published under date the 11th May, 1872, are hereby rescinded.

By His Excellency's Command,
THOS. D. CHAPMAN.

Elections.

THE Governor in Council directs that, for the future, no Public Servant shall be allowed to accept the Office of Deputy Returning Officer or Poll Clerk either in Hobart Town or Launceston, nor in any Country District, unless under special circumstances to be explained by the Returning Officer.

That, in order to give due publicity to the period of nomination and day for taking the Poll named in any Writ for the election of a Member, the particulars should be stated in the subjoined form of advertisement, and inserted, as regards the Northern Electoral Districts, once in the Southern and not less than twice nor more than three times in the Northern Government Contract newspapers; and as regards the Southern Electoral Districts, once in the Northern and not less than twice nor more than three times in the Southern Government Contract newspaper.

The Government Contract newspapers will be annually notified in the month of January to each Returning Officer by the Colonial Storekeeper.

Electoral District of

I, *Returning Officer for the Electoral District of*, give notice that I have received a Writ under the hand of His Excellency the Governor, dated the *day of* instant, [*or ultimo*], for the election of [*a*] fit and proper person[s] to serve as the [*or a*] Member for the Electoral District of *in the House of Assembly [or Legislative Council] of Tasmania.* And I further give notice that the period within which Candidates may be nominated for election at such Election will be from the *day of* to the *day of* instant [*or proximo*] inclusive, up to 4 o'clock P.M. of the last-named day. And I further give notice that written Nominations of Candidates, such Nominations to be accompanied by the written consent of such Candidates to be nominated, will be received by me at *up to*. And I further give notice that, in the event of such Election being contested, a Poll will be taken on the *day of* instant [*or proximo*], from 9 A.M. to 4 P.M., at the Polling-places named hereunder.

Dated *Returning Officer.*

That the following payments be authorised:—

	£	s.	d.
<i>For Hobart and Hobart Town.</i>			
Deputy Returning Officer's Fee.....	2	2	0
Poll Clerk's Fee.....	1	1	0
Clerical Assistance to Mayor as Returning Officer—			
For a contested Election.....	3	3	0
For a non-contested ditto.....	1	1	0
<i>For Tamar and Town of Launceston.</i>			
Deputy Returning Officer's Fee.....	2	2	0
Poll Clerk's Fee.....	1	1	0
Clerical Assistance to Mayor as Returning Officer—			
For a contested Election.....	3	3	0
For a non-contested ditto.....	1	1	0
<i>For Rural Districts.</i>			
Returning Officer's Fee for each contested Election.....	2	2	0
With Five Shillings additional for each Polling-place in his District.			
For a non-contested Election.....	1	1	0
These payments must cover all claims for clerical work connected with the duty.			
Deputy Returning Officer's Fee.....	2	2	0
Poll Clerk at principal Polling-place only.....	1	1	0
Travelling Allowances to Returning and Deputy Returning Officers, per mile, both ways.....	0	0	6
If the distance is such as to compel the Officer to sleep at an Hotel, for each night.....	0	10	0

The travelling charges must be supported by the usual form of "Declaration upon Honor;" viz.—"I certify upon Honor that the distance [*or distances*] travelled is [*or are*] correctly stated in this account, and that I was compelled to sleep at the Hotel at *on the night [or nights] of*"

Where, as in the Districts of Devon and Kingborough, the necessity may arise for incurring unusual expenses for the

transmission of documents, &c., special authority must accompany the Writ empowering the Returning Officer to make the best arrangements in his power.

Annual Revision of Electoral Rolls.

The attention of all Returning Officers is called to the 11th Sect. of 21 Vict. No. 32, directing that the required forms be procured through the Clerk of the Peace. They are not to be issued by the Government Printer; and the approval of the Colonial Secretary must be obtained for the printing of all documents on requisition by Returning Officers other than those prescribed by the Electoral Act.

The notice to be published by the Returning Officer in accordance with the 22nd Sect. of 21 Vict. No. 32, shall be inserted, as regards the Northern Electoral Districts, once in the Southern and not less than twice nor more than three times in the Northern Government Contract newspapers; and as regards the Southern Electoral Districts, once in the Northern and not less than twice nor more than three times in the Southern Government Contract newspaper.

The Government Contract newspapers will be annually notified in the month of January to each Returning Officer by the Colonial Storekeeper.

	£	s.	d.
Travelling allowances to Returning Officers, per mile, both ways.....	0	0	6
If the distance is such as to compel the Officer to sleep at an Hotel, for each night.....	0	10	0

All travelling charges must be supported by the usual form of "Declaration upon Honor;" viz.—"I certify upon Honor that the distance [*or distances*] travelled is [*or are*] correctly stated in this account, and that I was compelled to sleep at the Hotel at *on the night [or nights] of*"

	£	s.	d.
<i>For Posting Notices.</i>			
Hobart and Hobart Town.....	5	0	0
Launceston and that portion of Tamar within the Town.....	2	0	0

SCALE of Payment to Returning Officers for all Clerical Work connected with the Revision of the Electoral Rolls.

LEGISLATIVE COUNCIL DISTRICTS.

	£	s.	d.
Buckingham.....	3	0	0
Cambridge.....	3	0	0
Derwent.....	5	18	0
Hobart.....	8	10	0
Huon.....	2	0	0
Jordan.....	3	0	0
Longford.....	3	10	0
Meander.....	3	10	0
Mersey.....	4	0	0
North Esk.....	3	0	0
Pembroke.....	3	10	0
South Esk.....	3	10	0
Tamar.....	7	0	0

HOUSE OF ASSEMBLY DISTRICTS.

	£	s.	d.
Brighton.....	4	10	0
Campbell Town.....	4	0	0
Clarence.....	3	0	0
Cumberland.....	4	0	0
Deloraine.....	5	0	0
Devon, East.....	5	0	0
" West.....	4	0	0
Fingal.....	3	10	0
Franklin.....	3	0	0
George Town.....	2	0	0
Glamorgan.....	3	0	0
Glenorchy.....	5	0	0
North Hobart.....	} 40	0	0
South Hobart.....			
West Hobart.....			
East Hobart.....	} 5	10	0
Central Hobart.....			
Kingborough.....	} 20	0	0
North Launceston.....			
Central Launceston.....			
South Launceston.....	3	0	0
Morven.....	5	18	0
New Norfolk.....	6	0	0
Norfolk Plains.....	4	0	0
Oatlands.....	4	0	0
Queenborough.....	4	0	0
Richmond.....	2	10	0
Ringwood.....	5	0	0
Selby.....	4	0	0
Sorell.....	5	0	0
Westbury.....	4	0	0
Wellington.....	4	0	0

