



SECOND SUPPLEMENT
TO THE
VICTORIA
GOVERNMENT GAZETTE

OF THURSDAY, NOVEMBER 8, 1877.

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THURSDAY, NOVEMBER 15.

[1877.]

REGULATIONS OF THE MELBOURNE HARBOR TRUST COMMISSIONERS.

THE Governor in Council has approved of the subjoined Regulations of the Melbourne Harbor Trust Commissioners, made under and by virtue of *The Melbourne Harbor Trust Act 1876*.

PETER LALOR,
Commissioner of Trade and Customs.

Department of Trade and Customs,
Melbourne, 15th November 1877.

In pursuance of section 108 of the said Act, the Melbourne Harbor Trust Commissioners make the following Regulations:—

IV.—FOR THE COMPILATION OF THE ROLLS OF PERSONS ENTITLED TO VOTE AS OWNER OF A SHIP REGISTERED AT MELBOURNE, AND ROLLS OF MERCHANTS AND TRADERS, AND THE REVISION OF SUCH ROLLS.

The secretary to the commissioners shall, between the 1st and 6th days of December in each year, make out, according to the forms in the first and second schedules hereto, rolls of the names of owners of ships registered at Melbourne, and of the names of merchants and traders entitled to vote in the election of commissioners for the ensuing year; and shall arrange such rolls respectively according to the alphabetical order of surnames contained therein, and shall state in such rolls against the name of each person the several particulars indicated in the several columns of the said schedules respectively.

The secretary shall forthwith, after making out the said rolls, notify by public advertisement in some newspaper generally circulating in Melbourne the fact that copies of such rolls are in his custody and ready for inspection at his office, and shall keep such rolls to be inspected by any ship-owner, merchant, or trader, and permit such inspection at all reasonable hours between the 6th and 10th days of December in each year.

Any person whose name has been omitted from any such rolls, who claims to have his name inserted therein, shall, on or before the said 10th day of December give or send by post to the secretary notice thereof in writing, setting forth the particulars of the grounds upon which he claims to be so enrolled, and shall sign the same with his name; and every person whose name has been inserted in any of such rolls may object to any other person as not being entitled to have his name retained in such rolls or as not entitled to have the number of votes set against his name therein; and every person so objecting shall, on or before the 10th day of December, give or send by post to the secretary, and also send by post to the last known address within the Colony of Victoria of the person objected to, notice in writing of such objection, stating the particulars of the grounds of such objection, and

shall sign the same with his name; and the secretary shall cause lists to be prepared of all such claims and objections respectively.

The said rolls, together with the said lists of claims and objections, shall be submitted by the secretary to the police magistrate for revision at such time as the police magistrate shall appoint between the 10th and the 20th days of December in every year; and the police magistrate shall give three days' notice of the holding of a court for such revision, and of the time and place thereof, by advertisement in some newspaper generally circulating in Melbourne.

The police magistrate shall insert in the said rolls under revision the name of every person who has claimed as aforesaid, and is proved to his satisfaction to be entitled to be inserted in the said rolls, together with the number of votes to which such person is entitled, and shall retain on the said rolls the names of every person who has been objected to by any person, and the number of votes set against the same unaltered, unless the person so objecting appears by himself or by some one on his behalf in support of such objection, and proves the service of the requisite notices; and when the name of any person inserted in any such rolls, or the number of votes set against the same, has been fully objected to, and the person objecting appears by himself or by some one in his behalf in support of such objection, a police magistrate shall require proof of so much of the qualification so objected to as is embraced in the grounds of objection so to be stated as aforesaid, and no more; and in case such qualification of such person is not proved to the satisfaction of the police magistrate, he shall expunge the name of every such person from such rolls, or shall alter and correct the number of votes set against the same (as the case may require), and shall expunge therefrom the name of every person who is proved to be dead, and shall correct any mistake or supply any omission which may appear to such police magistrate to have been made in any of the said rolls.

The police magistrate shall initial all alterations made in the said rolls respectively, and shall sign and certify the same as provided by *The Melbourne Harbor Trust Act 1876*, and shall forthwith deliver the same to the secretary, who shall cause to be printed as many copies thereof as the commissioners may appoint; and any person whose name appears on either of

such rolls shall be entitled to receive a copy thereof upon payment of One shilling for each copy.

First Schedule.

The Melbourne Harbor Trust Act 1875.

ROLL OF OWNERS OF SHIPS FOR THE YEAR 18 AND 18

No. on the Roll.	Name.	Address.	Amount of Tonnage Owned.	Number of Votes entitled to.

Second Schedule.

The Melbourne Harbor Trust Act 1876.

ROLL OF MERCHANTS AND TRADERS.

No. on Roll.	Name.	Address.	Number of Votes entitled to.

V.—THE MANAGEMENT AND CONDUCT OF ALL ELECTIONS OF COMMISSIONERS.

Within one week from the date of any vacancy occurring in the office held by any commissioner elected by the owners of ships, or by merchants or traders, the commissioners shall appoint from among their own number a returning officer to conduct an election to supply such vacancy.

The returning officer may appoint one or more deputies, as the case may require, to assist him or to act in his room at any such election; and such deputy or deputies may do all or any of the acts or things which the returning officer is hereby authorized or required to do.

Ten days before any such election the returning officer shall give public notice thereof by advertisement inserted in some newspaper generally circulating in Melbourne, and by such notice shall require all candidates at such election to be nominated at some place to be named in such notice, and between the hours of Ten o'clock in the forenoon and Four o'clock in the afternoon on some day before a day (hereinafter called the day of nomination) not less than three nor more than five days after the time of giving such notice, and named therein; and any person desirous of nominating a candidate shall, before Four o'clock in the afternoon of the day next preceding the nomination day, cause to be delivered at the place aforesaid, to the returning officer or his deputy, a nomination-paper in the form in the first schedule hereto, or to the like effect; and such nomination-paper shall be signed by not less than four persons duly qualified to vote at such election, and also signed by the person named therein as a candidate in token of his assent to his being so named.

If, at the expiration of the time limited as hereinbefore provided for the nomination of candidates, the number of persons who have become candidates as aforesaid does not exceed the number of commissioners then to be elected, the returning officer shall then declare such candidates to be duly elected.

The returning officer may from time to time appoint and abolish such and so many polling-places for taking the poll as he may see fit, and may also provide all necessary materials, and appoint poll clerks for any election.

If, at the expiration of the time limited for the nomination of candidates, the number of candidates exceed the number of candidates to be elected, the returning officer shall forthwith cause ballot-papers to be printed with the christian names and surnames of all the candidates in full in the form in the second schedule hereto, and shall forthwith give public notice by advertisement, inserted in some newspaper generally circulating in Melbourne, stating the names of the persons so nominated, and that a poll will be taken (at the place or places to be named therein) for the election of such commissioners on the day appointed for holding the election and named in such notice, and such poll shall take place accordingly, and shall commence at Nine in the forenoon and close at Four o'clock in the afternoon.

If, after any poll shall stand appointed as aforesaid at any election, any candidate for such election, and two of the persons having signed the paper nominating him, are desirous that he

should retire from such candidature, such candidate and the persons aforesaid, not later than three days before the day of polling, may sign and deliver to the returning officer at any time before Four o'clock in the afternoon, a notice in the form in the third schedule, stating that such candidate so retires, and may publish in some newspaper generally circulating in Melbourne a copy of such notice; and the returning officer shall, on the receipt of such notice, and on sufficient proof of such publication as aforesaid, if the number of candidates is by such retirement reduced to the number of persons to be elected at such election, shall, on the day appointed for the election, declare the remaining candidates to be duly elected, and if the said number is not so reduced shall omit the name of such person so retiring from the ballot-papers to be used at the said election, and if such ballot-papers shall have been already printed shall erase such name therefrom, and such person shall not be capable of being elected at such election.

Each candidate shall be entitled to appoint in writing one scrutineer to be present in each polling-booth; and such scrutineers and the returning officer or deputy or other person, and the poll clerks and any voters, not exceeding six in number, actually engaged in voting, and to be named if necessary by such returning officer, or deputy or other person so appointed, shall alone be permitted at any one time to enter or remain in the polling-booth.

Each returning officer, or his deputy or other person so appointed, shall provide pencils in every polling-booth for the use of the voters; and also a locked box to be called the ballot-box with a cleft or opening therein capable of receiving the ballot-papers; and such box shall be opened and exhibited to the poll clerks and scrutineers before the polling begins, and shall stand on a table opposite the returning officer, or deputy or other person so appointed, who shall keep the key of such box.

Each returning officer, or his deputy or other person so appointed, shall deliver to every voter who shall require the same a ballot-paper; or if such voter appears by the roll to be entitled to give more votes than one, then so many ballot-papers as may be equal to the number of votes which such voter so appears to be entitled to give, such ballot-papers being in the form aforesaid and initialled by the returning officer; and every such voter shall, without leaving the booth, strike out from such paper or papers the names of every candidate for whom he shall not desire to vote; and in case any voter shall be unable to read or write, the returning officer, or his deputy or other person so appointed, if required, shall, in view of such one of the scrutineers as such voter may desire, strike out the names of such candidates as such voter may designate; and after such names shall be so struck out the ballot-paper or papers shall be forthwith deposited in the said box.

Before delivering any ballot-paper to a voter, the returning officer, or his deputy or other person so appointed, shall write upon the back of each such ballot-paper, as near as practicable to the lower edge thereof, the number corresponding to the number set opposite to the voter's name in the rolls of owners of ships or merchants and traders as the case may be, and, if necessary, some mark to designate such roll; and shall thereupon upon a copy of such roll check off such voter's name as having voted, and shall number such name and the ballot-paper with a corresponding number.

If any voter shall suffer to remain upon any of his said ballot-papers a greater number of names not struck out than the number of members to be elected, the vote given on and by such paper shall be void and of no effect.

At each election the returning officer, or his deputy or other person so appointed as aforesaid, may, if he see fit, or if required so to do by any candidate or scrutineer, shall put to any person tendering his vote either or both of the following questions:—

- (i.) Are you the person whose name appears as [A.B.] on the roll of owners of ships [or merchants and traders, as the case may be] now in force for Melbourne?
- (ii.) Have you already voted at the present election?

And no person who shall refuse to answer any of such questions, or who shall not answer the first of such questions, absolutely in the affirmative, and the second of such questions absolutely in the negative, shall be permitted to vote.

Immediately upon the close of the poll each returning officer, or his deputy or such other person so appointed, at each polling-booth, shall proceed in the presence and subject to the inspection of the poll clerks, and of so many of the scrutineers of the candidates as shall please to be present, to ascertain the number of votes for each candidate, and such returning officer and deputy or other person respectively, shall abstain from inspecting the number written as aforesaid on any ballot-paper and take care that the same is not seen by any person before being sealed up as herein provided; and the deputy or such other person shall immediately forward the ballot-papers, sealed up, together with a list made up, under the inspection of the said scrutineers of the total number of votes for each candidate, to the returning officer; and the returning officer shall in like manner seal up the ballot-papers deposited in the booth in which he shall have presided; and such returning officer shall as soon as conveniently may be on or after the day of the poll give public notice of the number of votes given to each candidate, and shall declare the candidates, not exceeding the number of vacancies to be filled up, who have received at all the polling-booths taken together the greatest number of votes to be duly elected as commissioners, and shall forthwith publish in some newspaper generally circulating in Melbourne the names of the members so elected;

and if two or more candidates shall have received an equal number of votes the returning officer shall in each case have the casting vote.

Each returning officer shall forthwith, after the declaration of the poll, cause all the sealed parcels of ballot-papers to be sealed up in a packet endorsed with a description of the contents thereof signed by him, and forward them to the commissioners, who shall cause them to be safely and secretly kept for six months, and after the expiration of such period of six months cause such ballot-papers to be destroyed.

If at any election no members, or a less number of members than is necessary to fill the vacancies to fill which such election was held, shall be elected, the returning officer shall notify the same forthwith to the commissioners.

First Schedule.

FORM OF NOMINATION.

We the undersigned, being entitled to vote as [owners of ships, or merchants and traders, as the case may be] do hereby nominate [stating christian and surname] of as a candidate for the office of Commissioner of the Melbourne Harbor Trust at the election to be held on the day of A.D. 18

[Here are to follow the signatures.]

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

(Signed)

Second Schedule.

Melbourne.

THE MELBOURNE HARBOR TRUST COMMISSIONERS.

Candidates' names [arranged in alphabetical order of surname] :—

A., B.
C., D.
E., F.
G., H.

Directions.

The voter is to strike out the name of the candidate or candidates for whom he does not intend to vote, by drawing a line through the same with a pencil. He must be careful not to leave uncanceled the names of more than [the number of commissioners to be elected] candidates, otherwise this ballot-paper will be invalid. The ballot-paper so marked by or for the voter is to be dropped by him into the ballot-box.

The voter is not permitted to take his ballot-paper out of the ballot-room or polling-booth.

Third Schedule.

We, the undersigned, nominators of as a candidate at the election of Commissioner of the Melbourne Harbor Trust, to be held on the day of do hereby withdraw the said as such candidate.

[Here follow signatures of nominators.]

And I, the said do hereby retire from being such candidate.

(Signed)

Passed by the commissioners the 25th day of October A.D. 1877.

JAMES LORIMER, (L.S.)
W. W. COUCHE.

