



ANNO DECIMO QUARTO

VICTORIÆ REGINÆ.

No. XLVII.

An Act to provide for the division of the Colony of Victoria into Electoral Districts, and for the election of Members to serve in the Legislative Council. [Assented to, 2nd May, 1851.]

WHEREAS by an Act of the Imperial Parliament of Great Britain and Ireland, passed in the fifth and sixth years of the reign of Her Majesty Queen Victoria, intituled, "*An Act for the Government of New South Wales and Van Diemen's Land*," it was amongst other things enacted, that there should be within the Colony of New South Wales a Legislative Council, to be constituted in the manner and for the purposes therein mentioned: And whereas by a certain other Act of the said Parliament, passed in the thirteenth and fourteenth years of Her said Majesty's reign, intituled, "*An Act for the better Government of Her Majesty's Australian Colonies*," after providing for the separation from the Colony of New South Wales of the Territories comprised within the District of Port Phillip, and its erection into a separate Colony, to be known and designated as the Colony of Victoria, it is amongst other things enacted, that there shall be within and for the said Colony of Victoria a separate Legislative Council, to consist of such number of Members as shall be determined by the Governor and Legislative Council of New South Wales, in such manner as is therein directed; and it is thereby further enacted, that after the Proclamation of the said Act in the Colony of New South Wales, it shall be lawful for the Governor and Legislative Council of New South Wales by an Act to be for that purpose made and enacted in the manner and subject to the conditions now by law required in respect of Acts made and enacted by the said Governor and Council, to determine the number of Members of which the Legislative Council of the Colony of Victoria shall consist; and also to make the necessary provisions for dividing the Territories comprised within the said Colony, into convenient Electoral Districts, and for appointing and declaring the number of Members of the Council of the Colony of Victoria, to be elected for each such District, and for the compilation and revision of lists of all persons qualified to vote at the Elections to be holden within the several districts of the said Colony, and for the appointing of Returning Officers, and for the issuing, executing, and returning of the necessary Writs for such Elections, and for taking the poll thereat, and for determining the validity of all disputed returns, and otherwise for ensuring the orderly, effective, and impartial conduct of such Elections: And whereas it is expedient to fix the number of Members to

serve

Victoria Electoral.—1851.

serve in the said Legislative Council, and otherwise to provide for the division of the said Colony into Electoral Districts, and for the several other matters by the said Act required: Be it therefore enacted, by His Excellency the Governor of New South Wales, with the advice and consent of the Legislative Council thereof, That the Legislative Council of the said Colony of Victoria shall consist of Thirty Members, Ten of whom shall be appointed by Her Majesty according to the provisions in the first above recited Act in that behalf contained, and Twenty of whom shall from time to time be elected by the inhabitants of the said Colony in the manner hereinafter mentioned.

NUMBER OF MEMBERS.

Legislative Council
to consist of thirty
Members.

ELECTORAL DISTRICTS.

Victoria to be
divided into sixteen
Electoral Districts.

II. And be it enacted, That the said Colony of Victoria shall be divided into Electoral Districts for the purpose of returning Members to serve in the said Legislative Council in manner following, that is to say:—

(1) The Northern division of the County or reputed County of *BOURKE*; (2) the Southern division of the County or reputed County of *Bourke*, and the Counties or reputed Counties of *Evelyn* and *Mornington*; (3) the County or reputed County of *GRANT*; (4) the united Counties or reputed Counties of *NORMANBY*, *DUNDAS* and *FOLLET*; (5) the united Counties or reputed Counties of *VILLIERS* and *HEYTESBURY*; (6) the united Counties or reputed Counties of *RIPON*, *HAMPDEN*, *GRENVILLE* and *POLWARTH*; (7) the united Counties or reputed Counties of *TALBOT*, *DALHOUSIE* and *ANGLESEY*; (8) the Pastoral District of *GIPPS LAND*; (9) the Pastoral District of *MURRAY*, with the exception of such part thereof as is comprised within the County or reputed County of *ANGLESEY*; (10) the Pastoral District of the *LODDON* (heretofore known as *WESTERN PORT*;) with the exception of such parts thereof as are comprised within the Counties or reputed Counties of *DALHOUSIE*, *BOURKE*, *ANGLESEY*, *EVELYN*, *MORNINGTON*, and *TALBOT*; (11) the Pastoral District of the *WIMMERA*; (12) the City of *MELBOURNE*; (13) the Town of *GEELONG*; (14) the Town of *Portland*; (15) the united Towns of *BELFAST*, and *WARRNAMBOOL*; and (16) the united Towns of *KILMORE*, *KYNETON*, and *SEYMOUR*.

Members to be re-
turned by each.

III. And be it enacted, That the City of Melbourne shall return three Members to serve in the said Legislative Council; the Town of Geelong, and the northern division of the County or reputed County of Bourke shall each return two Members; and that every other Electoral District shall return one Member to serve in the said Council.

Boundaries of Elec-
toral Districts.

IV. And be it enacted, That the Boundaries of the several Electoral Districts hereinbefore mentioned, shall, for the purposes of this Act, be deemed and taken to be the Boundaries set forth in the Schedule hereunto annexed, marked A.

Schedule A.

Towns, &c., to be ex-
cluded from Counties.

V. Provided always and be it enacted, That no part of the City of Melbourne, or of the Towns, Boroughs, or Hamlets, which either alone or together form a separate Electoral District, shall, for the purposes of this Act, be deemed to be included in the County or Counties within the limits of which they are situated; nor shall any person be entitled to vote for the election of a Member to represent any such County or Counties in respect of any qualification situate within such separate Electoral District as aforesaid.

RETURNING OFFICERS

Mayors of Melbourne
and Geelong to be
Returning Officers.

VI. And be it enacted, That the Mayors of the City of Melbourne and the Town of Geelong shall be the Returning Officers of the Electoral Districts of Melbourne and Geelong, unless either of them shall signify to the Governor his desire to be excused from acting as such Returning Officer, on the ground either of intending to become a candidate at such election, or of ill health, or inability to act; and in the event of his so signifying to the Governor his desire to be excused, or his inability to act, or in the event of the office of Mayor being vacant, it shall and may be lawful for the said Governor, by any writing under his Hand, and the Seal of the

Colony,

Victoria Electoral.—1851.

Colony, to appoint some other fit and proper person to be Returning Officer for the said Electoral Districts of Melbourne, or Geelong, as the case may be.

RETURNING OFFICERS.
Continued.

VII. And be it enacted, That it shall be lawful for the Governor from time to time, by any writing under his Hand, and the Seal of the said Colony, to appoint a fit and proper person to be the Returning Officer of each and every other Electoral District in the said Colony of Victoria, provided that the person so appointed be, at the time of such appointment, qualified to be an Elector of the Electoral District for which he shall act, and that his appointment be notified in the usual manner in the *Government Gazette* of the Colony; and that in case of sickness, or other accident, disabling any Returning Officer from acting at any Election, it shall be lawful for the said Governor to appoint a person to act in the stead of such Returning Officer; and every appointment of a Returning Officer made as aforesaid, shall be good and valid until death, or until such appointment shall be cancelled, and some other person appointed to be Returning Officer, by a writing under the Hand of the Governor, and Seal of the Colony.

Governor to appoint Returning Officers for other Electoral Districts.

VIII. And be it enacted, That any and every person who may, under the provisions of this Act, be appointed a Returning Officer, or Deputy Returning Officer, or appointed to perform any other duty under this Act, shall, before he enter on the performance of such duty, make and subscribe the following declaration before any Justice of the Peace:—

Returning Officer and other persons acting under this Act to make declaration of acceptance of office.

“I, A B, do hereby declare that I accept the office of
“for the Electoral District of _____, and I do hereby promise and
“declare that I will faithfully perform the duties of the same to the best
“of my understanding and ability”; and the Justice before whom such
declaration shall be made, is hereby required to transmit the same, by
the first convenient opportunity, to the Colonial Secretary of the Colony.

IX. And be it enacted, That the places for taking the poll at Elections, in respect of the several Electoral Districts hereinbefore mentioned, shall be those set forth in connexion with such Electoral Districts in the Schedule to this Act annexed, marked B: Provided always, that such other places shall be polling places for the said Electoral Districts, as shall be appointed for that purpose, by the Governor, by any Proclamation, to be issued by him in that behalf, and published in the *Government Gazette*, of the Colony.

POLLING PLACES.

Places named in Schedule B to be Polling Places, and others may be appointed by the Governor

X. And whereas by the said last recited Act, it is amongst other things enacted, that every man of the age of twenty-one years, being a natural born or naturalized subject of Her Majesty, or legally made a denizen of New South Wales, and having a freehold estate in possession situate within the district for which his vote is to be given, of the clear value of one hundred pounds sterling money, above all charges and incumbrances in any way affecting the same, of or to which he has been seized or entitled either at Law or in Equity, for at least six calendar months next before the date of the Writ of such Election, or in case a registration of electors shall be established, next before the last registration of electors, or, being a householder within such district, occupying a dwelling house of the clear annual value of ten pounds sterling money, and having resided therein six calendar months next before such Writ or registration as aforesaid, or holding at the date of such Writ, or at the time of such registration, a license to depasture lands within the district for which his vote is to be given, from the Government of New South Wales, or having a leasehold estate in possession, situate within such district, of the value of ten pounds sterling money per annum, held upon a lease which at the date of such Writ or at the time of registration has not less than three years to run, shall be entitled to vote at the election of a Member of the Legislative Council: Provided always, that no man shall be entitled to vote who has been attainted or convicted of treason, felony,

QUALIFICATION OF ELECTORS.

Recites Qualification fixed by the 13 & 14 Vict., cap. 59.

*Victoria Electoral.—1851.***QUALIFICATION OF
ELECTORS.
Continued.**

or other infamous offence in any part of Her Majesty's Dominions, unless he have received a free pardon, or one conditional on not leaving the Colony, for such offence, or have undergone the sentence passed on him for such offence: And provided also, that no man shall be entitled to vote unless at the time of such Election or registration of electors (as the case may be,) he shall have paid up all rates and taxes which shall have become payable by him as owner or leaseholder in respect of such estate, or as occupier in respect of such occupancy, or as the holder of a license in respect of such license, except such as shall have become payable during three calendar months next before such Election or registration respectively: And whereas the said several provisions are by the said Act made applicable to the Colony of Victoria: And whereas it is expedient to form within every Electoral District of the said last mentioned Colony, a register of all persons entitled to vote at any Election of a Member or Members of Council for such Electoral District: Be it enacted, That on or before the first day of June in every year, the Mayors of the City of Melbourne, and the Town of Geelong, shall respectively appoint a person or persons to be called Collector or Collectors for each Ward of the said City and Town respectively; and such Collectors shall, between the said first day of June and the twenty-fifth day of June in every year, make out lists to be called the Electoral Lists, according to the form of the Schedule to this Act annexed marked C, of all persons entitled to vote in Elections for Members of the Legislative Council in respect to property within such Ward, and shall sign such list, and deliver the same to the Town Clerks of the said City and Town respectively; and each Collector shall keep a true copy of the list so delivered by him, to be perused by every person without payment of any fee, at all reasonable hours; and each of the said Town Clerks shall forthwith cause copies to be printed of all such lists delivered to him, and shall deliver a copy of any such list to any person requiring the same, on payment of a reasonable price for each copy; and shall cause a copy of the Electoral List of each Ward to be fixed on some public and conspicuous building within the same on every day during the fortnight commencing on the second day of July, and ending on the fifteenth day of July in every year.

ELECTORAL LISTS.

Collectors of Electoral Lists to be appointed in the City of Melbourne and Town of Geelong.

Schedule C.

Lists may be perused without payment of any fee;

and copies to be affixed on Public Buildings.

Chief Constables to be Collectors in other Districts.

If no Clerk of Petty Sessions or Chief Constable, Magistrates may appoint persons to act as Collectors.

As to Police Districts forming parts of two or more Electoral Districts.

Additional Officers may be appointed by the Governor.

XI. And be it enacted, That in all other Electoral Districts the Chief Constables of the different Police Districts shall, for the purposes of this Act, be considered to be Collectors, and shall, between the first day of June, and twenty-eighth day of June in every year, make out alphabetical lists as aforesaid, of all persons within their respective districts who shall be qualified to vote in the Election of Members of Council, and shall deliver the said lists to the Clerks of Petty Sessions for the Police Districts within which the said Chief Constables act; and the said Chief Constables and the said Clerks of Petty Sessions, shall do and perform, in respect to the said Police Districts, the duties respectively wherewith the Collectors and Town Clerks as aforesaid are hereinbefore charged in respect to the said City of Melbourne and Town of Geelong: Provided that if there be no Chief Constable of any such Police District, or if there be no Clerk of Petty Sessions for any such District, or if there be any impediment to any such Chief Constable or Clerk of Petty Sessions acting in the performance of any of the said duties, the Magistrates at some Court of Petty Sessions held for such District, shall and may appoint persons to act in the capacity of such Collector or Clerk of Petty Sessions, for the purposes of this Act.

XII. And be it enacted, That whenever any such Police Districts shall form portions of two or more Electoral Districts, such Collectors and Clerks of Petty Sessions shall make separate lists for each portion of the Police District which may be comprised within a separate Electoral District.

XIII. And be it enacted, That it shall be lawful for the Governor to appoint such additional officers in any Electoral District as may be necessary

Victoria Electoral.—1851.

necessary to complete the registration of Electors in such district, and to assign to the persons so appointed such remuneration for their services as to the said Governor may seem proper.

ELECTORAL LISTS.
(PREPARATION.)

XIV. And be it enacted, That the Electoral Lists delivered to the different Clerks of Petty Sessions shall be, by them, either printed or fairly and legibly transcribed, and hung up, at the Court House, in each Police District, and in such other conspicuous place or places as may, by the Magistrates in Petty Sessions assembled, be directed for the period aforesaid of fourteen days ending on the fifteenth day of July, in every year.

Lists to be printed or transcribed and hung up for public inspection.

XV. And be it enacted, That any person whose name shall have been omitted in any such Electoral List, and who shall claim to have his name inserted therein, shall, on or before the fifteenth day of July in every year, give notice thereof to the Town Clerk, or to the Clerk of Petty Sessions, as the case may be, in the form in the Schedule to this Act annexed, marked D, or to the like effect; and any person whose name shall have been inserted in any Electoral List, may object to any other person, as not entitled to have his name retained in the said Electoral List; and any person so objecting shall, on or before the said fifteenth day of July in every year, give or cause to be given to the Town Clerk, or Clerk of Petty Sessions, as the case may be, and also to the person objected to, or leave at the premises for which his name shall appear to be inserted in the Electoral List, notice thereof in writing, according to the form in the Schedule to this Act annexed, marked E, or to the like effect; and the Town Clerk, or Clerk of Petty Sessions shall include the names of all persons so claiming to be inserted on the Electoral List, in a list according to the form in the Schedule to this Act annexed, marked F; and shall include the names of all persons objected to in a list according to the form of the Schedule to this Act annexed, marked G; and shall cause copies of such several lists to be fixed on the outer doors or walls of the public or conspicuous buildings as aforesaid, during the fourteen days ending on the thirty-first day of July in every year; and the Town Clerk, or Clerk of Petty Sessions, shall likewise keep a list of the names of all persons so claiming as aforesaid, and also a list of the names of all persons so objected to as aforesaid, to be perused by any person, without payment of any fee, at all reasonable hours during the fourteen days (Sunday excepted) ending on the said thirty-first day of July in every year, and shall deliver a copy of each of such lists to any person requiring the same, on payment of a sum not exceeding one shilling for each copy.

Claims of persons to have their names inserted.

Schedule D.

Objections to names on the Lists.

Schedule E.

Schedule F.

Schedule G.

Lists may be perused without payment of any fee.

XVI. And be it enacted, That in and for the City of Melbourne, and the Town of Geelong, separate Courts for the revision of the Electoral Lists shall be held for each Ward of the said City and Town respectively, by the Alderman and Assessors of such Ward, sometime between the first day of August and the twenty-first day of August both inclusive in every year; and such Alderman shall give notice of the time of holding each such Court accordingly; and the Town Clerk, or person appointed to act as such, shall, at the opening of the Court of each Ward, produce the Lists relating thereto, and a copy of the Lists of the persons so claiming, and of the persons so objected to, made out in the manner aforesaid; and all Collectors of Rates, and persons acting as Collectors under this Act, shall, on being thereto summoned, attend the Court, and shall answer upon oath all such questions as the Alderman may put to them, or any of them, touching any matter necessary for revising the Electoral Lists; and the said Alderman shall insert in such Electoral Lists, respectively, the names of every person who shall be proved, to the satisfaction of the said Court, to be entitled to be inserted therein, and shall retain on the said Lists the names of all persons to whom no objection shall have been duly made, and shall also retain on the said Lists the name of every person who shall have been objected to by any person, unless the party so objecting shall appear by himself, or by some

ELECTORAL LISTS.
(REVISION.)

Proceedings at Revision Courts in Melbourne and Geelong.

ELECTORAL LISTS.
(REVISION.)
Continued.

Proviso.

Proceeding when
Alderman, &c., de-
sires to be relieved
from revising Elec-
toral List, &c.

Revision Courts to
be held by Magis-
trates in other Elec-
toral Districts.

one on his behalf, in support of such objection ; and when the name of any person inserted in either of the said Lists shall have been duly objected to, and the person objecting shall appear by himself, or by some one on his behalf, in support of such objection, the Court shall require proof of the qualification of the person so objected to ; and in case the qualification of such person shall not be proved to the satisfaction of the said Court, the said Alderman shall expunge the name of every such person from the said List, and he shall also expunge therefrom the name of every person who shall be proved to be dead, or to have become disqualified or incapacitated ; and shall correct any mistake, or supply any omission which shall be proved to have been made in any of the said Lists, in respect of the name or place of abode of any person who shall be included therein, or in respect of the nature or local description of his property : Provided always, that no person's name shall be inserted by the said Alderman in any such Lists, or shall be expunged therefrom, except in the case of death, unless notice shall have been given, as is hereinbefore required, in each of the said cases ; and the said Alderman shall, in open Court, write his initials against the names struck out, or inserted, and against any part of the Lists in which any mistake shall have been corrected, and shall sign his name to every page of the several Lists so settled : Provided also, that no person who has declared himself a Candidate for Election for the City of Melbourne, or Town of Geelong respectively, shall act as Alderman or Assessor within the same, for any of the purposes of this Act.

XVII. And be it enacted, That if any Alderman or Assessor shall desire to be relieved from the duty of revising the Electoral List of his Ward, or of acting as a Deputy Returning Officer, on the ground of his either intending to become a Candidate at such Election, or of ill health or inability to act, and shall signify the same in writing to the Mayor, the Mayor shall appoint some other person, duly qualified to be a Councillor or Assessor, to perform such duties, and every person so appointed shall have, exercise, and perform the same powers, authorities, and duties, and shall be subject to the same penalties as the Alderman or Assessor in whose place he shall have been so appointed.

XVIII. And in order to provide for the revision of the Electoral Lists in all Electoral Districts, save those of the City of Melbourne, and Town of Geelong : Be it enacted, That Courts of Revision for the purpose of revising the Lists of Electors shall be held in this and every succeeding year, by Justices of the Peace assembled in Petty Sessions at their usual places of meeting, in and for every Police District throughout the Territory of Victoria, which said Courts shall be held sometime between the first day of August and the twenty-first day of August both inclusive in every year, and the Justices of Petty Sessions at and for every such last mentioned Police District, shall cause notice to be given by the Clerk of Petty Sessions, or other person appointed to act as such, for the purposes of this Act, within such District, by a notice to be affixed in some conspicuous situation or situations, on or about the Court House, or place used as such, within their respective districts (such notice to be given at least ten days before the holding of the Court of Revision at any place mentioned therein) of the day and time, or several days and times, at which they will hold their Courts for the revision of the said Lists, and the said Justices shall hold open Courts accordingly for the revision of the said Lists of Electors at the times and at the places so to be announced ; and in the event of a deficiency or expected deficiency of Justices in any such district at the requisite time, the Governor may appoint other persons to perform any of the duties herein directed to be performed by, and to exercise any of the powers herein conferred upon, Magistrates in Petty Sessions assembled : Provided always, that no Magistrate or other person appointed as aforesaid who has declared himself

himself a Candidate for Election for any Electoral District, shall take any part in the revision of the Electoral Lists of such District or any part thereof.

ELECTORAL LISTS.
(REVISION.)
Continued.

XIX. And be it enacted, That the Justices assembled in every Court of Petty Sessions, or other persons appointed as aforesaid, shall perform and do the same duties and acts, and have and exercise the same powers and authorities as the said Alderman and Assessors respectively are hereinbefore directed and empowered to do, perform, have, and exercise in respect of the Lists to be revised by them: Provided that in such Courts of Petty Sessions, the Police Magistrate, if there be one, and if not then the Senior Magistrate resident in the District who shall be present at any such Court of Revision, shall perform and do all and every thing which is hereinbefore expressly or impliedly required to be done under the hand of the Alderman in relation to the Lists under revision or to be revised by him; and the Clerks of Petty Sessions or other persons appointed to act as such, and also the Chief Constables or other persons appointed as Collectors for the respective Districts for which such Courts shall be held, shall as far as may be necessary perform at such Courts the duties which are hereinbefore directed to be performed by the corresponding Officers at the Courts of Revision held by an Alderman and Assessors for the City of Melbourne and Town of Geelong.

Proceedings at Revision Courts held before Magistrates.

XX. And be it enacted, That every Court under this Act for the revision of the said Lists, shall have power to adjourn the same from time to time: Provided that no such adjourned Court shall be held beyond the twenty-first day of August in any year; and the said Courts appointed for revising the Lists for the City of Melbourne and Town of Geelong shall have power to require any person having the custody of any book containing any rate made for the said City or Town to produce the same, and allow it to be inspected at any Court held for the revision of the said Lists; and all such Courts of revision respectively shall have power to administer an oath or oaths (or in the case of a Quaker or Moravian, an affirmation,) as well to the Town Clerk, Clerks of Petty Sessions, Chief Constables, or other Collectors, as to all persons claiming to be inserted in or making or opposing objections to the omission or insertion of any name on the said Lists, and to all persons objected to in the said Lists, and to all persons claiming to have any mistake in the said Lists corrected, and to all witnesses who may be tendered or examined on either side; and if any person taking any oath or making any affirmation under this Act, shall wilfully swear or affirm falsely, such person shall be deemed guilty of perjury, and shall be punished accordingly.

Powers of adjournment.

Courts of Revision may administer oath or affirmation.

Penalty for swearing or affirming falsely.

XXI. And be it enacted, That no person claiming to register his vote in any Electoral District, shall be obliged to appear in person to make proof of the nature and sufficiency of his qualification, unless required by the Court at which he shall apply to be registered to attend in person: Provided however, that if such personal attendance be rendered requisite on the application of any party objecting to a claimant's right to register his vote, such party, if his objection be disallowed, shall defray such expenses as the Court shall award for the claimant's attendance, which expenses so awarded shall be recoverable in any Court of competent jurisdiction in which the party entitled thereto shall sue for the same.

Personal attendance of Claimant, where necessary.

XXII. And be it enacted, That the Electoral Lists of each Ward of the City of Melbourne, and of the Town of Geelong, so revised and signed as aforesaid, shall be delivered by the said Alderman to the Town Clerks of the said City and Town respectively, who shall keep the same, and shall cause each of the said Electoral Lists to be fairly and truly copied in alphabetical order, into books to be by them provided for that purpose, the Electoral List of each Ward being kept separate, with every name therein numbered, beginning the numbers from the first name, and continuing them in regular series to the last name; and shall cause such books

Revised Lists in Melbourne or Geelong to be kept by Town Clerk.

ELECTORAL LISTS.
(REVISION.)
Continued.

books to be completed on or before the thirty-first day of August in every year ; and shall deliver such books, together with the Lists, at the expiration of their tenure of Office, to the persons succeeding to such Office ; and every such book, in which the said Electoral Lists shall have been copied shall be the Roll of the Electors of the several Wards of the said City and Town respectively, entitled to vote, after the passing of this Act, in the choice of Members of the Legislative Council for the said City and Town, at any Election which may take place of a Member for the said City or Town, between the first day of September inclusive, in the year in which such Electoral Lists shall have been made, and the first day of September in the succeeding year: Provided that if in any year the Electoral Lists for any of the said Wards shall be omitted to be made out, or shall not be perfected, then and in that case, the Electoral Roll of the preceding year, so far as it relates to the said Ward, shall be the Electoral Roll for another year.

Copies to be printed
for distribution.

XXIII. And be it enacted, That the said Town Clerks shall respectively cause copies of the Electoral Roll in every year to be written or printed, and shall deliver to the Alderman of each Ward one copy of the Electoral List of such Ward, and further copies to all persons applying for the same, on payment of a reasonable price for each copy.

In other Districts
than Melbourne and
Geelong Lists to be
delivered to the
Returning Officer.

XXIV. And be it enacted, That in all Electoral Districts, except the City of Melbourne and Town of Geelong, the Clerks of Petty Sessions, or persons appointed to act in that capacity, shall, on or before the thirty-first day of August in every year, deliver the several Electoral Lists revised in the manner hereinbefore directed, to the Returning Officer of the Electoral District to which the same belongs or relates, who shall cause a general alphabetical List of the Electors of the whole Electoral District to be fairly transcribed or printed with as little delay as possible from the Lists so delivered to him ; and such general List shall be the Electoral List or Roll of Electors entitled to vote in each respective Electoral District, at all Elections that may take place of Members of the Legislative Council, between the first day of September inclusive, in the year in which such Electoral Lists shall have been made, and the first day of September in the succeeding year : Provided, that if in any year the Electoral Lists for any Electoral District, or part of any Electoral District, shall be omitted to be regularly made out, or shall not be perfected, then and in that case the Electoral Roll for the preceding year, or so much thereof as relates to such part of a District, shall be the Electoral Roll for another year.

WRITS OF ELECTION.

Writs for first General Election to be issued by the Governor of New South Wales.

XXV. And be it enacted, That for the purpose of the first Election of Members to serve in the Legislative Council of Victoria, the Writs for the several Electoral Districts shall be issued by the Governor of New South Wales, or by the person appointed for that purpose by Her Majesty, as in the said last recited Act is provided ; and the Writs of every subsequent General Election shall be issued by the Governor of Victoria.

Writs to fill vacancies to be issued by the Speaker ; or,

XXVI. And be it enacted, That whenever, after any such General Election, and during the continuance of any such Legislative Council, it shall be established to the satisfaction of the Speaker of the said Legislative Council, that the seat of any Elective Member of the said Council hath become vacant, whether by death or resignation, or by reason of any other of the causes of vacancy mentioned in the hereinbefore first recited Act, the said Speaker shall forthwith issue a Writ for the Election of a Member to serve in the place so vacated, during the remainder of the continuance of the said Council, and no longer.

by the Governor, if
there be no Speaker.

XXVII. Provided always, and be it enacted, That if at the time of the occurrence of such vacancy from any of the causes aforesaid, there be no Speaker, and the Legislative Council be not in Session, or if the Speaker for the time being be absent from the Colony, then in any such case the Governor shall, if he be satisfied of the existence of such vacancy, issue

issue a Writ for the Election of a Member to serve in the place so vacated, during the remainder of the term of the continuance of the said Council, and no longer.

WRITS OF ELECTION.
Continued.

XXVIII. And be it enacted, That every Writ for the Election of a Member or Members to serve in the Legislative Council, whether issued by the Governor or Speaker of the said Council, shall be directed to the Returning Officer of the Electoral District; in which Writ shall be named the day and place of nomination for such Election, and the day for taking the poll at the different polling places in the event of the same being contested, and also the day on which such Writ shall be made returnable to the Governor or Speaker, as the case may be: Provided always, that the Writs issued by the Governor of New South Wales for the first Elections of Members of Council under the provisions of this Act, shall nevertheless be made returnable, and be returned, to the Governor of Victoria.

Writs to be directed to Returning Officer.

XXIX. And be it enacted, That the Returning Officer of each Electoral District shall endorse on the Writ the day on which he receives it; and shall forthwith give public notice of the day and place of nomination mentioned in the said Writ.

Returning Officer to endorse on writ the date of its receipt.

XXX. And be it enacted, That on the day of nomination named in the Writ, the Returning Officer shall preside at a meeting to be holden at noon, at the place named for that purpose in the Writ, and shall declare the purpose for which such meeting is held; and if there be at such meeting no more Candidates proposed than the number of Members to be returned, the Returning Officer shall declare such Candidate or Candidates to be duly elected, and make his return accordingly; and in the event of there being more Candidates than the number to be elected, the Returning Officer shall call for a show of hands separately in favor of each Candidate, and after such show of hands, shall declare the person or persons on whom the Election has fallen, and shall return the same accordingly, unless a Poll be then and there demanded by some one of the Candidates, or by not less than six of the electors of the District on his behalf; and if such demand be made for a poll, the polling shall take place at the different polling places for the District, on the day appointed in the Writ for that purpose.

PROCEEDINGS AT ELECTIONS.

Mode of proceeding on the day of nomination.

XXXI. And be it enacted, That at every Election the Returning Officer, if it shall appear to him expedient for taking the Poll at such Election, may cause booths to be erected, or rooms to be hired and used as such booths, in one place, or in several places at each polling place, as occasion may require; and the same shall be so divided and allotted into compartments, as to the Returning Officer shall seem most convenient; and the Returning Officer shall appoint a Clerk or Clerks to take the poll at each compartment, and if there be a contest shall, before the day fixed for the taking the Poll, cause to be furnished for the use of each booth or polling place, a copy of the Electoral List of the District, and shall, under his hand, certify such copy to be true; and all expenses of and attending the said Election, which the said Returning Officers shall necessarily incur in and about such Election, under the provisions of this Enactment or otherwise howsoever, shall be defrayed out of the General Revenue, under the Warrant of the Governor addressed in the usual manner to the Colonial Treasurer.

Returning Officer may cause booths to be erected, &c.

XXXII. And be it enacted, That the Returning Officer of each Electoral District shall preside at one polling place within or allotted to his District, and shall appoint, by writing under his hand, a Deputy to act for him and take the poll at each of the other polling places: Provided, that in the Electoral Districts of the City of Melbourne and the Town of Geelong, the Aldermen of the different Wards shall be the Deputies of the Returning Officer, unless prevented by illness or other adequate cause, in which case the Mayor of the said City or Town, as the case may be, shall appoint a Deputy from among the Councillors of the said City or Town.

Returning Officer to preside at one Polling Place, and his Deputies at others.

XXXIII.

PROCEEDINGS AT
ELECTIONS.
Continued.

Where Electors to
vote.

Adjournment of
nomination or of the
Poll in case of riot.

Poll not to extend
beyond one day.

Voting papers.

Questions which may
be asked of person
tendering his vote.

XXXIII. And be it enacted, That in the City of Melbourne, and in the Town of Geelong, every Elector shall be required to vote at the polling place for the Ward wherein the property shall be situated in respect of which his name shall stand on the Electoral Roll, but the registered Electors of other Electoral Districts may vote at any polling place appointed for the Electoral District to which they belong, whether such polling place be situated within their Electoral District or not.

XXXIV. And be it enacted, That where the proceedings at any Election shall be interrupted or obstructed by any riot or open violence, whether such proceeding shall consist of the nomination of Candidates or of the taking the poll, the Returning Officer, or his Deputy, shall not, for such cause, terminate the business of such nomination, or finally close the poll, but shall adjourn the nomination or the taking the poll at the particular polling place or places at which such interruption or obstruction shall have happened, until the following day, and, if necessary, shall further adjourn such nomination or poll, as the case may be, until such interruption or obstruction shall have ceased, when the Returning Officer or his Deputy shall again proceed with the business of the nomination, or with the taking the poll, as the case may be, at the place or places at which the same respectively may have been interrupted or obstructed; and the day on which the business of the nomination shall have been concluded shall be deemed to have been the day fixed for the nomination, and the commencement of the poll shall be regulated accordingly; and any day whereto the poll shall have been so adjourned shall, as to such place or places, be reckoned the day of polling at such Election, within the meaning of this Act; and whenever the poll shall have been so adjourned by the Deputy of a Returning Officer, he shall forthwith give notice of such adjournment to the Returning Officer, who shall not finally declare the state of the poll, or the name or names of the Member or Members chosen, until the poll so adjourned as aforesaid shall have been finally closed, and the voting papers delivered or transmitted to such Returning Officer.

XXXV. And be it enacted, That at every Poll the voting shall commence at nine o'clock in the forenoon, and shall finally close at four o'clock in the afternoon of the same day, unless adjourned by reason of riot or interruption as hereinbefore provided for, and shall be conducted in manner following, that is to say;—Every Elector entitled to vote in the Election of Members of Council, for the particular Electoral District in respect of which such Election shall be held, may vote for any number of persons not exceeding the number of Members then to be chosen, by delivering to the Returning Officer, or his Deputy, a voting paper, containing the Christian names and surnames of the persons for whom he votes, the name of the Elector voting, and the name of the place in which the property for which his name appears on the Electoral Roll is situated.

XXXVI. And be it enacted, That no enquiry shall be permitted at the time of polling as to the right of any person to vote, except only as follows, that is to say, the Returning Officer, or his Deputy, shall, if he shall think fit, or if required by any two Electors, entitled to vote in the same Electoral District, put to any voter, at the time of his delivering in his voting paper, and not afterwards, the following questions, or any of them, and no other:—

FIRST.—Are you the person whose name is signed as A. B. to the voting paper now delivered in by you?

SECOND.—Are you the person whose name appears as A. B. in the Electoral Roll now in force for this Electoral District, being registered therein for property described to be situated in (*here specify the street or place described in the Electoral Roll*)?

THIRD.—Have you already voted, either here, or elsewhere, at the Election for the Electoral District of ———?

FOURTH.—

Victoria Electoral.—1851.

FOURTH.—Have you the same qualification for which your name was originally inserted in the Electoral Roll for the District of PROCEEDINGS AT ELECTIONS—Continued. (specify in each case the particulars of the qualification as described in the Register)?

XXXVII. Provided always and be it enacted, That the Returning Officer or his Deputy, as the case may be, shall, if he think fit, or if called upon so to do by any Candidate, or his agent, appointed by him in writing, at the time aforesaid, require any person tendering a voting paper to make a solemn affirmation or declaration in the manner following, that is to say:—"You do solemnly declare that you are the same person whose name appears as on the Register now in force for the Electoral District of " (as the case may be); and such Returning Officer, or his Deputy, shall likewise if he shall think fit, or if called upon so to do, by any Candidate or by his agent, appointed as aforesaid, at the time aforesaid, require any person so tendering a voting paper, to make a solemn declaration against Bribery, in manner following, that is to say:—

Returning Officer may require declaration against Bribery.

"I, (A.B.) do solemnly declare, that I have not received or had by myself, or any person whatsoever, in trust for me, or for my use and benefit, or for the use and benefit of any member of my family or kindred, or any friend or dependant, directly or indirectly, any sum or sums of money, office, place of emolument, gift or reward, or any promise or security for any money, office, employment, or gift, by way of consideration, either expressed, implied, or understood for giving my vote at this Election."

Form of declaration against bribery.

XXXVIII. And be it enacted, That no person so required to answer the said questions, or to make the said declarations, or either of them, shall be qualified or permitted to vote until he shall have answered such questions, and made such declarations, as the case may be.

No person qualified to vote until he answers questions.

XXXIX. And be it enacted, That if any person shall wilfully make a false answer to any of the questions aforesaid, or shall wilfully make a false declaration in manner aforesaid, he shall be deemed guilty of a misdemeanor, and on conviction thereof shall suffer the like penalties as persons convicted of wilful and corrupt perjury.

False answers punishable as perjury.

XI. And be it enacted, That no Elector shall at any such Election, be required to take any oath or affirmation, except as aforesaid, either in proof of his freehold or of his residence, age, or qualification, or right to vote, any law or statute to the contrary notwithstanding; and no person claiming to vote at any such Election shall be excluded from voting thereat, except by reason of its appearing to the Returning Officer or his Deputy, upon putting such questions as aforesaid, or any of them, that the person so claiming to vote is not the person whose name is signed to the voting paper tendered by him, or that he is not a person whose name appears on such Register as aforesaid, or that he has previously voted at the same Election, or that he has not the same qualification for which his name was inserted in such Register, or except by reason of such person refusing to make either of the said declarations.

No other oath necessary.

XII. And be it enacted, That no voting paper shall be rejected by the Returning Officer or Deputy Returning Officer, for mere want of form, provided that the name and qualification of the Elector, and the name or names of the person for whom he votes, be intelligibly expressed, and in a manner to be commonly understood.

Voting papers not to be rejected for want of form.

XIII. And be it enacted, That each Deputy Returning Officer shall immediately on the close of the Poll, collect and seal up all the voting papers which have been taken at the polling place whereat he presided, and shall, with the least delay possible, deliver or cause the same to be delivered, to the Returning Officer of the Electoral District.

Voting papers to be transmitted to Returning Officer.

XIV. And be it enacted, That the Returning Officer of each Electoral District shall, at the place of nomination, and as soon as may be practicable after the Election shall have been held, openly declare the

Name of Person elected to be declared by Returning Officer.

E

general

*Victoria Electoral.—1851.*PROCEEDINGS AT
ELECTIONS.—*Continued*

general state of the Poll at the close of the Election, as the same shall have been made up by him from the voting papers so delivered to him ; and he shall at the same time and place declare the name or names of the person or persons who may have been duly elected at such Election ; and in the event of the number of votes being found to have been equal for any two or more Candidates, he shall by a Casting Vote, decide which of the same 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.

Name of person elected to be endorsed on Writ.

XLIV. And be it enacted, That the name or names of the person or persons so elected, shall be endorsed on the Writ by the Returning Officer, and the Writ shall be by him returned to the Governor or Speaker as the case may require, within the time specified therein.

Voting papers to be transmitted by the Returning Officer to the Clerk of the Legislative Council, who shall keep the same for five years.

XLV. And be it enacted, That all voting papers shall be sealed up by the Returning Officer, and transmitted to the Clerk of the Legislative Council, who shall safely keep the same for the period of five years after the receipt thereof ; and the sealed packets containing the same shall, on the outside thereof, be described to be the voting papers of the Electoral District to which they relate, and be signed by the said Returning Officer ; and in case any question shall at any time arise, touching any vote alleged to have been given at any Election, the voting paper containing such vote, shall be received in evidence, as proof of such vote in any Court of Justice, or by the Committee of Elections and Qualifications hereinafter mentioned upon production thereof, together with a certificate thereon, under the hand of the Clerk of the Legislative Council, that the same was transmitted to him, in due course, by the Returning Officer of the District to which the same relates.

What shall be deemed Acts of Bribery.

XLVI. And for the prevention of bribery or corruption at any Election: Be it enacted, That from and after the passing of this Act, all and each of the following acts shall be deemed and taken to be acts of bribery and corruption on the part of any Candidate, whether committed by such Candidate, or by any agent authorized to act for him ;—that is to say, the giving of money, or any other article whatsoever, to any Elector, with a view to influence his vote, or the holding out to him any promise or expectation of profit, advancement, or enrichment to himself, or to any of his family or kindred, friends or dependants, in any shape, in order to influence his vote, or the making use of any threat to any voter, or otherwise intimidating him in any manner with a view to influence his vote ; the treating of any voter, or the supplying him with meat, drink, lodging, or horse or carriage hire, or conveyance by steam or otherwise, whilst at such Election, or whilst engaged in coming to or going from such Election ; the payment to any Elector of any sum of money for acting or joining in any procession during such Election, before or after the same ; the keeping open or allowing to be kept open, any public house, shop, booth, or tent, or place of entertainment, whether liquor or refreshment of any kind be distributed at such place of entertainment or not ; the giving of any dinner, supper, breakfast, or other entertainment at any place whatsoever by a Candidate to any number of Electors with a view of influencing their votes: Provided always, that no action or suit shall be maintainable by any publican or any owner or keeper of any shop, booth, tent, or other place of entertainment, against any Candidate, or any agent of any such Candidate, for any liquor, food, or refreshment of any kind, whether for man or beast, supplied upon the credit of any such Candidate or agent as aforesaid, during the progress of any such Election under this Act.

Commission of act of Bribery to void election, &c.

XLVII. And be it enacted, That the commission of any one of the above-mentioned acts shall, on proof thereof, by the decision of the hereinafter mentioned Committee, be held to render void the Election of the person

Victoria Electoral.—1851.

person committing such act, and to disqualify him from sitting and voting in the said Legislative Council, during the whole period that may intervene between the commission of the same, and the time of the next General Election.

PROCEEDINGS AT
ELECTIONS—Con-
tinued.

XLVIII. And be it enacted, That the acts of all authorized agents of a Candidate or Member shall, in matters connected with Elections, be held to be the acts of their principal: Provided that it shall be proved to the satisfaction of the said Committee that such acts were committed with his knowledge, power, or consent.

Principals to be
bound by acts of
Agents.

XLIX. And be it enacted, That any person, whether he shall or shall not be the authorized agent of any Candidate, who shall have committed any of the above-mentioned acts hereby declared to be acts of bribery and corruption, shall be deemed guilty of a misdemeanor, and may be indicted for such act or acts, in the Supreme Court of the Colony, or in any Circuit Court, or Court of Quarter Sessions, as for a misdemeanor, and punished with fine not exceeding two hundred pounds, or imprisonment not exceeding six calendar months, on the complaint of Her Majesty's Attorney General, or of any registered Elector of the District wherein such act of bribery or corruption shall be alleged to have been committed.

Penalty for com-
mission of acts of
Bribery.

L. And be it enacted, That if any person who shall have or claim to have any right to vote in any Election of a Member or Members of Council for any Electoral District, shall directly or indirectly ask, receive, or take, any money or other reward by way of gift, employment, or other reward whatsoever, for himself or any of his family or kindred, friends or dependants, as a consideration or inducement expressed, implied, or understood, for giving his vote, or for abstaining from giving his vote, in any such Election, or if any person by himself, his friends, or by any person employed by him, shall by any gift or reward, or by any promise and agreement, or security for any gift or reward, procure any person or persons to give his or their vote or votes in any such Election, or to abstain from giving the same, such person shall for such offence forfeit the sum of fifty pounds sterling, to the person who shall *bonâ fide* for his own use and not collusively first sue for the same, to be recovered with full costs by action of debt, bill, plaint, or information in the Supreme Court at Melbourne, or in any Circuit Court of the Colony.

Penalty on persons
receiving or offering
reward for voting or
withholding vote.

LI. And be it enacted, That every person who shall poll a second time, or offer to poll a second time at the same Election, for any Electoral District, or who shall personate, or attempt to personate any other person for the purpose of polling at such Election, shall be guilty of a misdemeanor, and upon being thereof convicted shall be fined in any sum not exceeding one hundred pounds, or be imprisoned for any term not more than two years, at the discretion of the Judge or Judges who shall try the case.

Penalty for polling
a second time.

LII. And be it enacted, That no Election for any of the said Electoral Districts shall be held to be void in consequence, solely, of any delay in the holding of the Election at the time appointed, or in the taking of the poll, or in the return of the Writ, or in consequence of any impediment of a merely formal nature; and it shall be lawful for the Governor, with the advice of the Executive Council, to adopt or cause to be adopted such measures as may be necessary for removing any obstacle of a merely formal nature, by which the due course of any Election may be impeded; provided that the validity of such Election and the measures so taken as aforesaid, shall be forthwith declared by the Governor, by a Proclamation to be for that purpose published in the Official *Gazette* of the said Colony of Victoria.

Election not to be
void for delay in the
return of Writ, &c.

LIII. And whereas delays may occur in the return of Writs from some parts of the said Colony, and by the non-return of such Writ or Writs the number of the Council may not be completed on the day whereon

Council may proceed
to business when not
more than three
Members are defici-
ent through non-
return of Writs.

PROCEEDINGS AT
ELECTIONS—Con-
tinued

DISPUTED RETURNS,
(COMMITTEE.)

Appointment of
Election Committee
by Speaker, subject
to disapproval by the
Council.

Proceedings on
disapproval by the
Council, of Speaker's
nomination.

Duration of office of
Members of Com-
mittee.

Resignation.

Illness.

Resolution of Council
to dissolve Com-
mittee.

Re-appointment

whereon it may be summoned to meet for the dispatch of business, and it is expedient to remove doubts which might otherwise arise as to the power of the said Council in its incomplete state to proceed to business: Be it enacted, That notwithstanding the non-return of any Writs, on or before the day whereon such Writs are returnable, the Council shall be competent to proceed to business if duly summoned thereto, and provided the number of Members deficient in consequence of the non-return of such Writs be not greater than three.

LIV. And whereas it is expedient to make provision for the determination of all questions as to the validity of any returns made by the Returning Officers of the several Electoral Districts, and all questions as to the sufficiency of the qualification possessed by persons returned as Members to serve in the said Legislative Council: Be it therefore enacted, That in the first Session of every Council, and within seven days after the election of a Speaker of the said Legislative Council, and in every subsequent Session, as soon as convenient after the commencement thereof, the Speaker shall, by Warrant under his hand, appoint seven Members of the Council who are willing to serve, and against whose return no petition is then depending, and none of whom is a petitioner complaining of any election or return, to be members of a Committee to be called "The Committee of Elections and Qualifications"; and every such Warrant shall be laid on the table of the Council, and if not disapproved by the Council in the course of the three next days on which the Council meets for the dispatch of business, shall take effect as an appointment of such Committee: Provided, however, that every member who shall become a petitioner complaining of an undue Election or return, or respecting whose return, qualification, or disqualification an enquiry is pending, shall for the time be disqualified to serve on the Committee.

LV. And be it enacted, That if the Council disapprove of any such Warrant, the Speaker shall, on or before the third day on which the Council meets after such disapproval, lay upon the Table of the Council a new Warrant for the appointment of seven members qualified as aforesaid, and so from time to time until seven members have been appointed by a Warrant not disapproved by the Council: Provided, however, that the disapproval of any Warrant may be either general in respect of the constitution of the whole Committee, or special in respect of any particular member named in the Warrant; and that the Speaker may, if he think fit, name in the second or any subsequent Warrant, any of the members named in any former Warrant, whose appointment has not been specially disapproved of by the Council as aforesaid.

LVI. And be it enacted, That after the appointment of the Committee of Elections and Qualifications, every member appointed shall continue to be a member of the Committee until the end of that Session of Council, or until he cease to be a member of the Council, or until he resign his appointment, (which he may do by letter to the Speaker, but which resignation shall not take effect for three days after the receipt thereof, nor until the appointment of another member in the place of the one so resigning) or until the Committee report that he is disabled by continual illness from attending the Committee, or until the Committee be dissolved as hereinafter provided.

LVII. And be it enacted, That if the said Committee at any time report that by reason of the continued absence of more than two of its members, or by reason of irreconcilable difference of opinion, it is unable to proceed satisfactorily in the discharge of its duties, or if the Council resolve that the said Committee be dissolved, the same shall be thereby forthwith dissolved; and every re-appointment of the said Committee after the dissolution thereof, as well also as every appointment to supply a vacancy in the Committee, by resignation or otherwise, shall be made by the Speaker by Warrant under his hand, laid upon the table of the Council on

Victoria Electoral.—1851.

or before the third day on which the Council meets after the dissolution of the Committee, or notification of the vacancy made to the Speaker, (as the case may be) and such Warrant shall be subject to the disapproval of the Council, in like manner as is hereinbefore provided in the case of the appointment of the first Committee; and upon any re-appointment of the said Committee, the Speaker may if he think fit, re-appoint any of the members of the former Committee, who are then willing and not disqualified to serve on it; and every such new Committee or new member shall have power to take up and continue the business which may have been pending at the time of the dissolution or vacancy as aforesaid, in the same manner as might have been done by the Committee as previously constituted and composed.

DISPUTED RETURNS
COMMITTEE.
(Continued.)

LVIII. And be it enacted, That the Speaker shall appoint the time and place of the first meeting of the said Committee, and the Committee shall meet at the time and place so appointed, but no member shall act upon the said Committee until he shall have been sworn at the table of the Council, by the Clerk, well and truly to try and determine the matters of any Petitions and other questions referred to the said Committee, and a true judgment to give according to the evidence, and truly and faithfully to perform the duties appertaining to a member of the said Committee to the best of his judgment and ability, without fear or favour; and the said Committee shall not be competent to transact any business unless at the least four members thereof shall be present together.

Time of meeting.

Oath of Committee-men.

Quorum.

LIX. And be it enacted, That the said Committee shall have power to adjourn its sitting from time to time as in its discretion it shall think proper, provided that the interval of adjournment shall not, in any instance, exceed five days, unless by leave first obtained from the Council, upon motion (without notice) and special cause assigned for such adjournment; and in case four members shall not have met together within one hour of the time appointed for an original or adjourned meeting, it shall be competent to the members present to adjourn within the limits and subject to the restrictions aforesaid; and the said Committee shall select its own Chairman, and shall have power to regulate the form and manner of its own proceedings; provided that such proceedings shall be conducted openly, except when the Committee shall think it necessary to deliberate among themselves, after hearing evidence and argument, if offered; and all questions before the Committee shall be decided by a majority of voices, and whenever the voices are equal the Chairman shall have a second or casting voice, and no Member of the Committee shall be allowed to refrain from voting on any question on which the Committee is divided; and the said Committee shall be attended by one of the Clerks of the Council, and such Clerk shall make a Minute of all proceedings of the Committee, in such form and manner as shall be from time to time directed by the said Committee; and a copy of the Minutes so kept shall be laid from time to time before the Council.

PROCEEDINGS OF
COMMITTEE.

Powers of adjournment.

Election of Chairman.

Majority to decide.

Casting vote.

Minutes of Proceedings.

LX. And be it enacted, That the said Committee shall have power to enquire into and determine upon all Election Petitions, and upon all questions which may be referred to it by the Council respecting the validity of any Election or return of a Member or Members to serve in the said Legislative Council, whether the disputes relating to such Elections or returns arise out of an error in the return of the Returning Officer, or out of the allegation of bribery or corruption against any person concerned in any Election, or out of any other allegation calculated to affect the validity of such Election or return; and also upon all questions concerning the qualification or disqualification of any person who shall have been returned as a Member of the said Council; and in the trial of any such questions the Committee shall be guided by the real justice and good conscience of the case, without regard to legal forms and solemnities and shall direct themselves by the best evidence they can procure, or that

General powers and course of enquiry by Committee.

Victoria Electoral.—1851.

DISPUTED RETURNS.
(PROCEEDINGS OF
COMMITTEE.)
Continued.

is laid before them, whether the same be such evidence as the law would require or admit in other cases or not: Provided, however, that the said Committee may receive or reject, as they may deem fit, any evidence that may be tendered to them.

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

LXI. And be it enacted, That the said Committee shall have power to direct the attendance of witnesses, and to examine them upon oath (which oath it shall be competent for any member of the said Committee to administer) and also to send for and examine papers, records, and other documentary evidence; and it shall be competent to the said Committee, if in its discretion it shall see fit, to receive affidavits, relative to any of the matters referred to them, taken before any Justice of the Peace, (which affidavits such Justice of the Peace is hereby authorized to take); and if any person summoned by the Committee shall disobey such summons, or shall refuse or neglect to produce any papers, records, or other documentary evidence relating to or affecting the matter under investigation which shall have been sent for by the said Committee, or shall refuse to submit himself to examination, or shall give false evidence, or prevaricate, or otherwise misbehave in giving or refusing to give evidence, he shall be deemed guilty of a misdemeanor, and be liable accordingly; and any person wilfully or knowingly giving false evidence before the said Committee or a quorum thereof, or in any such affidavit, shall be deemed guilty of wilful and corrupt perjury, and shall be liable to the ordinary penalties for such offence.

Punishment for con-
tempt, &c., by wit-
nesses.

Powers of Committee
in respect of enquiry
as to individual votes.

LXII. And be it enacted, That the Committee shall not have power to enquire into the correctness of the register of any Electoral District, or into the qualification of persons whose votes may, on the day of Election, have been either admitted or rejected, but simply into the identity of the voters and whether their votes were improperly admitted or rejected, assuming the register to be correct, and whether any voters, or persons entitled to vote, gave their votes under the influence of bribery or corruption, force, menace, or fraud, or were prevented from giving votes by force, menace, or fraud; and if the Committee shall find any votes or vote to have been given under the influence of bribery or corruption, force, menace, or fraud, by or on the part of any Candidate or Candidates, or his or their agents, or committee men, or any of them, the same may be taken off the file of votes; and as often as the said Committee shall find any voter to have been prevented from voting by force, menace, or fraud, by or on the part of any Candidate or Candidates, or his or their agents, or committee men, or any of them, it shall be competent to the voter so prevented from voting to tender his vote before the said Committee, and such vote shall be taken accordingly; and on reckoning the votes received for any or either Candidate, such votes so rejected or received shall be taken into the account accordingly by the said Committee.

Decision of Com-
mittee and its
effect.

LXIII. And be it enacted, That the said Committee shall determine finally on all questions referred to them, and if the said Committee shall determine and report to the Council that a person was not duly elected who was returned as elected by the Returning Officer, the person so declared not to be duly elected, shall cease to be a member of the said Council; and if it shall determine and report any party to have been duly elected who was not returned by the Returning Officer, the person so declared shall, upon making the declaration required by law as to his qualification, be sworn a member of the said Legislative Council, and take his seat accordingly; and if the said Committee shall declare any Election to have been wholly void, or shall declare any sitting member to be unqualified or disqualified, it shall be lawful for the Speaker of the Council to issue a new Writ for the holding of another Election, and the person thereafter elected and duly returned shall be the member for the Electoral District concerned; and if the said Committee shall come to any resolution other than the determination above mentioned, they shall, if they think

Committee may re-
port to the House
their Resolutions
upon other matters.

proper

Victoria Electoral.—1851.

proper, report the same to the Council for its opinion at the same time that they inform the Council of such determination; and the Council may confirm or disagree with such resolution, and make such order thereon as to it shall seem proper.

DISPUTED RETURNS.
(PROCEEDINGS OF
COMMITTEE.)
Continued.

LXIV. And be it enacted, That all Petitions complaining of an undue Election or Return of a member to serve in the said Council, or complaining that no return has been made according to the requisition of the Writ issued for the Election of a member to serve in the said Council, or complaining of any special matter contained in any such return, shall be subscribed by some person who voted or had a right to vote at the Election to which the same relates, or by some person or persons claiming to have had a right to be returned or elected thereat, or alleging himself to have been a Candidate at the Election, and shall, in the case of a General Election, be addressed to the Governor, and in the case of Elections to supply vacancies, shall be addressed to the Speaker of the said Council, and shall be presented to the said Governor or Speaker, as the case may be, within four weeks after the day of the return of the Writ to which any such Petition shall relate; and every such Petition shall be forthwith notified in the *Official Gazette*, and shall, as soon as conveniently may be after such presentation, be laid by the said Governor, or the said Speaker, as the case may be, before the Legislative Council, and shall, by the said Council, be referred to the "Committee of Elections and Qualifications," either forthwith or as soon as the said Committee shall have been duly appointed and confirmed.

ELECTION PETITIONS.

Manner and time of
petitioning against
undue Return, &c.

LXV. And be it enacted, That it shall be competent to the said Legislative Council, upon any Petition subscribed as aforesaid, and complaining of the insufficiency of the qualification of any Member, and presented to the Speaker at any time within six months after such Member shall have subscribed the Declaration required by law to be made by him in his place in the said Legislative Council touching his qualification, to refer the said Petition and the question thereby raised to the said Committee; and shall also have power upon the like Petition to refer to the said Committee all questions respecting bribery or corruption alleged to have been committed at any Election at any time within twelve months after such Election, notwithstanding that, in either of the above cases, the period shall have elapsed for a Petition against the said Election or the return thereof according to the provisions hereinbefore in that behalf contained.

Council may refer to
Committee question
of qualification, &c.

LXVI. And be it enacted, That before presenting any such Petition as aforesaid to the said Governor or Speaker, the person or persons by whom the same shall be subscribed, shall pay into one of the Banks regulated by Act of Council within the said Colony, or into a Branch of one of such Banks, a sum of one hundred pounds, to the credit of the Speaker of the Legislative Council, in relation to the said Petition, which said sum shall be payable towards the costs of the Petition as hereinafter regulated, and shall be liable to be withdrawn upon the order or orders of the said Speaker, either for the purpose of such payment or for the purpose of restoring the same to the Petitioner or Petitioners, wholly or in part as the case may require.

Deposit for costs of
Petition.

LXVII. And be it enacted, That any person who voted or had a right to vote at the Election to which any Petition relates, may Petition the Legislative Council to be admitted as a party to defend the return, or to oppose the prayer of such Petition, or support the said Petition in case the same shall be abandoned by the person by whom the same was presented; and such person shall thereupon be admitted as a party to defend such return, or oppose the prayer of such Petition, or support the same, as the case may be.

Who may be heard
in support of, or op-
position to, Petition.

LXVIII. And be it enacted, That the Petitioner may at any time after the presentation of his Petition withdraw the same, upon giving notice under

Withdrawal of Peti-
tion.

*Victoria Electoral.—1851.*ELECTION PETITIONS.
Continued.

Costs thereon.

Frivolous or vexatious Petition or opposition.

Costs of unopposed Petition where election or return vexatious or frivolous.

Costs upon frivolous objection to individual voters.

Costs occasioned by unfounded specific allegations.

Costs how to be ascertained.

under his hand or that of his agent to the Speaker, and also to the sitting member or his agent, and also to any party who may have been admitted to defend the return, that it is not intended to proceed with the Petition; and in such case the Petitioner shall be liable to the payment of such costs and expenses as have been incurred by the sitting member or other party complained of in such Petition, and also by any party admitted to oppose the prayer of such Petition, to be taxed as hereinafter provided.

LXIX. And be it enacted, That whenever the Committee shall report to the Council that a Petition so referred to them was frivolous or vexatious, the parties, if any (to be named by the said Committee,) who have appeared before the Committee in opposition to such Petition, shall be entitled to recover from the persons, or any of them, (also to be named by the said Committee) who subscribed such Petition, the full costs and expenses which such parties have incurred in opposing the same; and whenever the Committee shall report to the Council that the opposition made to any such Petition by any party (to be named by them) appearing before them was frivolous or vexatious, the persons who signed the Petition shall be entitled to recover from the party with respect to whom such report is made, the full costs and expenses which such Petitioners have incurred in presenting their Petition; and whenever no party has appeared before the Committee in opposition to the Petition, and the Committee reports to the Council that the Election or Return, or the omission or insufficiency of a return complained of in such Petition was vexatious or corrupt, the persons who signed such Petition shall be entitled to recover from the sitting members or member (if any,) whose Election or Return is complained of (such members not having given notice as aforesaid of their intention not to defend the same,) or from any other persons admitted by the Committee as aforesaid to oppose such Petition, the full costs and expenses which such Petitioners have incurred in presenting the Petition.

LXX. And be it enacted, That if any ground of objection be stated against any individual voter, and the Committee be of opinion that such objection was frivolous or vexatious, they shall report the same to the Council, together with their opinion on the other matters relating to the said Petition; and the opposite party, (who shall be named by the Committee,) shall in that case be entitled to recover from the party on whose behalf any such objection was made, (who shall also be named by the Committee,) the full costs and expenses incurred by reason of such frivolous or vexatious objections; and if any person shall make before the said Committee any specific allegation, with regard to the conduct of either party or his agents, and either bring no evidence in support thereof, or such evidence that the Committee is of opinion that such allegation was made without any reason or probable ground, the Committee may make such orders as to them shall seem fit, for the payment by the person making such unfounded allegation, to the other party, of all costs and expenses incurred by reason of such unfounded allegation.

LXXI. And be it enacted, That the costs and expenses which may become payable under the provisions of this Act, by any party prosecuting, or opposing, or preparing to oppose the Petition under the provisions of this Act, or to any witnesses summoned to attend before the Committee under the provisions hereof, shall be ascertained by the said Committee, who shall, upon application made to them, deliver to the party entitled to such costs and expenses a certificate thereof, signed by the Chairman of the said Committee, expressing the amount of the costs and expenses allowed, with the name of the party liable to pay the same, and the name of the party entitled to receive the same; and such certificate shall be conclusive evidence for all purposes whatever, as well of the amount of the demand, as of the title of the party therein named in that behalf, to recover the same from the party therein stated to be liable to the payment thereof.

LXXII.

Victoria Electoral.—1851.

LXXII. And be it enacted, That the Speaker may by order, under his hand, direct the payment of the said sum of one hundred pounds, deposited according to the provisions hereinbefore contained, or a sufficient portion or proportionate part thereof to any party or parties who by such certificate shall appear to be entitled to recover costs and expenses against the person or any of the persons by whom such deposit was made; and the party entitled to any such costs and expenses, under such certificate, may recover the same, or so much thereof as shall not be paid out of any such deposit, from the party liable to pay the same; and if the party liable to pay such costs and expenses shall not upon demand being made, within seven days thereafter pay the same, the Speaker shall, by Warrant under his hand, directed to the Sheriff of the said Colony, command the said Sheriff to levy for the amount named in such Warrant upon the lands and tenements, goods and chattels, of the party liable to pay the same; and thereupon the said Sheriff shall forthwith levy for the said amount, and when the same shall be recovered pay over the same to the party entitled thereto; and any person from whom the amount of such costs and expenses shall have been recovered, or who shall have paid the same on demand thereof, shall be entitled to recover in any Court of competent jurisdiction from the other persons, (if such there be), who are liable to the payment of the same, a proportionate share thereof, according to the number of persons so liable, and according to the extent of the liability of each person.

ELECTION PETITIONS.
Continued.

Recovery of costs.

Proportionate recovery against persons jointly liable.

LXXIII. And be it enacted, That if any Returning Officer, or any Deputy Returning Officer, after having accepted office as such, or any Mayor, Alderman, Assessor, Magistrate, or Police Magistrate, shall neglect or refuse to perform any of the duties which, by the provisions of this Act, he is required to perform, every such Returning Officer, Deputy Returning Officer, Mayor, Alderman, Assessor, Magistrate, or Police Magistrate, shall, for every such offence, forfeit and pay any sum not less than fifty nor exceeding two hundred pounds, and in like manner, if any Town Clerk, Clerk of Petty Sessions, Collector, or any other Officer or person shall neglect or refuse to perform any of the duties which, by the provisions of this Act, he is required to perform, every such Town Clerk, Clerk of Petty Sessions, Collector, or other Officer or person, shall, for every such offence, forfeit and pay any sum not less than twenty, and not exceeding fifty pounds; the said penalties to be recovered, with full costs of suit, by any person who shall sue for the same within three calendar months after the commission of such offence, by action of debt in the Supreme Court at Melbourne, or in any Circuit Court of the Colony; and the money so recovered shall, after payment of the costs and expenses attending the recovery thereof, be paid and apportioned as follows, that is to say, one moiety thereof to the person so suing, and the other moiety thereof to Her Majesty, Her Heirs, and Successors, for the public uses of the said Colony, and in support of the Government thereof, to be applied thereto as may be directed by any Act or Acts of the Governor and Legislative Council thereof: Provided nevertheless, that it shall be lawful for the Governor either to mitigate or wholly to remit any such penalty or forfeiture.

PENALTIES.

Penalty for neglect by Returning Officer, &c.

Recovery of penalties.

Appropriation of penalties.

Governor may mitigate or remit penalty.

LXXIV. And be it enacted, That when any matter or thing shall be directed by this Act to be performed on a certain day, and that day happen to be Sunday, Good Friday, or Christmas Day, the said matter or thing shall be performed on the next succeeding day.

Things directed to be done on a holiday to be done on the day following.

LXXV. And be it enacted, That whenever any person is sued in respect of anything done in pursuance of the provisions of this Act, it shall be competent for him to plead the general issue, and to give the special matter in evidence.

General Issue.

LXXVI. And be it enacted, That whenever the word "Governor" is used in this Act in relation to anything to be done previous to the issue

INTERPRETATION.

of Interpretation clause.

*Victoria Electoral.—1851.***INTERPRETATION**
Continued.

of the first Writs under the provisions of this Act, the same shall be held to mean the Governor or person administering the Government of New South Wales for the time being; and whenever the word "Governor" is used in relation to any thing to be done subsequently to the issue of the first Writs as aforesaid, the same shall be held to mean the Governor or person administering the Government of Victoria for the time being; and whenever the word "Speaker" is used, the same shall be held to mean the Speaker of the Legislative Council of the Colony of Victoria for the time being; and whenever in this Act words are used importing the singular number and masculine gender, the same shall be held to imply several persons or things as well as one person or thing, and females as well as males, unless there be something in the context repugnant to this construction.

Short title of Act.

LXXVII. And be it enacted, That this Act may be quoted or referred to by the name of "The Victoria Electoral Act of 1851," without further or other description thereof.

*Passed the Legislative Council, this first day
of May, one thousand eight hundred and
fifty-one.*
WM. MACPHERSON, CLERK OF THE COUNCIL.

CHARLES NICHOLSON,
Speaker.

In the name and on the behalf of Her Majesty, I assent to this Act.

CH^s. A. FITZ ROY,

GOVERNOR.

Govt. House, Sydney, 2nd May, 1851.

SCHEDULE A. REFERRED TO IN THIS ACT.

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BOUNDARIES OF ELECTORAL DISTRICTS.

Schedule A

1. *The Electoral District of NORTH BOURKE.*

Bounded on the north by the Great Dividing Range from the source of the River Plenty to the source of the Werribee River; on the west by the Werribee River to Port Phillip Bay; on the south by Port Phillip Bay to the mouth of the Yarra Yarra River, and by that river to the confluence of the River Plenty; and on the east by the River Plenty to its head in the Great Dividing Range.

2. *The Electoral District of SOUTH BOURKE, EVELYN, and MORNINGTON.*

SOUTH BOURKE:—Bounded on the north by the Yarra Yarra River from the confluence of Deep Creek; on the west by that river, and by Port Phillip Bay; on the south by Port Phillip Bay to the mouth of Dandenong Creek, and by that creek; and on the east by Dandenong Creek to its head by a line to the head of Deep Creek, and by that creek to the Yarra Yarra River.

EVELYN:—Bounded on the west by part of the eastern boundary of the County of Bourke, namely, first by the River Plenty, from its source to the River Yarra Yarra; thence by the River Yarra Yarra upwards to the confluence of the Deep Creek, thence by that creek upwards to the range between the Yarra Yarra and the Dandenong Creek; on the south-east and north by the range forming the basin of the River Yarra Yarra.

MORNINGTON:—

*Victoria Electoral.—1851.*Schedule A.
Continued.

MORNINGTON:—Bounded on the north by part of the southern boundary of the County of Evelyn, being the dividing range from the source of the Bunceep Bunceep River, to the head of the Deep Creek, thence by that creek to the point where the main stream commences to run in a north-west direction; on the west by a line south two miles fifty-eight chains from the aforesaid bend to Dandenong Creek; thence by that creek downwards to the Carrum Swamp, by that swamp and the Mordialloc Creek to its embouchure at the long beach below Ben-ben-gin, thence by the shores of Port Phillip Bay to Point Nepean; on the south-west and south by the sea coast from Point Nepean to Cape Patterson; and on the east by a line north from Cape Patterson to the Warringrin Range, thence along the said range in a northerly direction to the mouth of the Bunceep Bunceep River, and by that river to its source in the dividing range, including French and Phillip Island, and the small islands in Western Port Bay.

3. *The Electoral District of the County of GRANT.*

Bounded on the east by the western boundary of the County of Bourke, being the Werribee River from its mouth to its source in the great dividing range; on the north by the great dividing range, extending from the source of the Werribee River to that of the Yarrowee River; on the west and south-west by the Yarrowee River to its confluence with the Barwon River; thence by the Barwon River upwards to a creek in H. Hopkin's purchased land, by this creek upwards and a line bearing south-east across the dividing range to the head of the Salt Creek, two miles forty-eight chains, thence by the Salt Creek to the sea coast north of Point Roadknight; on the south by the sea coast, and on the remainder of the east by the waters of Port Phillip to the mouth of the Werribee River, including the small islands near the channels at the mouth of Port Phillip, and those of Geelong Bay.

4. *The Electoral District of the United Counties of NORMANBY, DUNDAS, and FOLLETT.*

NORMANBY:—Bounded on the north by the Grange Burn and Wannon River, until the latter joins the Glenelg River; on the west by the Glenelg River until it reaches the sea; on the south by the sea shore to the mouth of the Shaw River; and on the east by the western branch of the Shaw River to its source; thence a line northerly to the source of the Swamp Creek; by that creek to where it empties itself into the Mount Napier Swamp, and thence by a line due north six miles fifteen chains to the Grange Burn, including the Lawrence and Lady Julia Percy's Islands.

DUKAS:—Bounded on the west and north by the Glenelg River upwards, from the confluence of the Wannon to its source between the Victoria Range and the Grampians, near Mount William; on the east by the Grampians to its rocky extremity near Mount Abrupt, thence to Mount Sturgeon, and by a line crossing the Wannon River, to the north-east corner of the County of Normanby, at the Grange Burn; and on the south by the Grange Burn and the Wannon River to its confluence with the Glenelg.

FOLLETT:—Bounded on the west by the (141°) one hundred and forty-first meridian, being the line dividing the Colony of New South Wales from South Australia; on the south and east by the Glenelg River upwards to the confluence with Power's Creek; and on the north-east and north by Power's Creek to its source; thence a line westward to the head of Mosquito Creek, and by that creek to the boundary line.

5. *The Electoral District of the United Counties of VILLIERS and HEYTESBURY.*

VILLIERS:—Bounded on the west by a line due south from the Grange Burn to the mouth of the Swamp Creek, thence by this creek upwards to its source by a line to the head of the western branch of the River Shaw, thence by the west branch of the River Shaw to the sea; on the south by the sea to the entrance of the River Hopkins; on the east by the said River Hopkins to the confluence of the creek above Wiselaskie's station, and by that creek to its source; on the north by a line westward from the source of the last named creek to the rocky extremity of the Grampians near Mount Abrupt, thence by the principal range of the Grampians to Mount Sturgeon, and by a line south-westerly to the north-east corner of the county of Normanby at the Grange Burn, including all the islands at Port Fairy.

HEYTESBURY:—

Schedule A.
Continued.

HEYTESBURY:—Bounded on the north-west and north by part of the eastern boundary of the county of Villiers and the southern boundary of the county of Hampden, being the Hopkins River from its estuary to the confluence of the Emu Creek, the Emu Creek, and a line easterly to the north end of Lake Burrumbeet, thence by a line east to Lake Korangamite, by the southern shore of that lake to the mouth of the Pirron Yalloak Creek; on the east and south-east by the Pirron Yalloak Creek to its source, thence by a range to the head of the Gellibrand River, by the Gellibrand River to the sea coast; and on the south-west and west by the sea coast to the estuary of the Hopkins River.

6. *The Electoral District of the United Counties of RIPON, HAMPDEN, GRENVILLE, and POLWARTH.*

RIPON:—Bounded on the west by the Grampian Range (which divides the waters of the Wimmera and Glenelg Rivers from those of the River Hopkins) to the rocky extremity near Mount Abrupt; on the south by a line easterly to the source of the first creek which joins the River Hopkins above Wiselaskie's station on the western side, and by that creek to the River Hopkins, thence by a line east to Lake Boloke, thence by the southern shores of Lake Boloke to the mouth of the Prakmingerrin Creek, and by that creek upwards to a point where a great bend of the creek turns northward, thence by a line to a point in Emu Creek about one mile below, and to the west of the confluence of Broken Creek; on the south-east and east by Emu Creek to the confluence with Bailie's Creek, by Bailie's Creek to Lake Burrumbeet, the southern shores of Lake Burrumbeet and Burrumbeet Creek to its source in the great dividing range; and on the north by the great dividing range to the western boundary aforesaid.

HAMPDEN:—Bounded on the west by the River Hopkins upwards, from the confluence of the Emu Creek to the point opposite the mouth of the small creek above Wiselaskie's station, dividing it from the county of Villiers; on the north by the southern boundary of the county of Ripon, being a line east from the confluence of the creek near Wiselaskie's station already mentioned to Lake Boloke, then by the southern shore of Lake Boloke to the mouth of the Prakmingerrin Creek, then by that creek upwards until it reaches the spot where it forms a great bend to the northward, from that point by a line in a south-easterly direction to Emu Creek, about one mile below and westward of the mouth of Broken Creek, thence by Emu Creek to the point north of the source of Guarkeet Ponds; then on the east by the west boundary of the county of Grenville, viz.—first, by a line southerly to the source of Guarkeet Ponds, then by Guarkeet Ponds to Lake Korangamite, and thence by the west shore of Lake Korangamite to a point east of Lake Pormbeet; and on the south by a direct line to the north end of Lake Pormbeet, and from the north end of Lake Pormbeet to the nearest part of Emu Creek, and thence by Emu Creek to its confluence with the River Hopkins.

GRENVILLE:—Bounded on the west by the eastern boundary of the county of Hampden, namely, a line southerly from Emu Creek to Guarkeet Ponds, thence by the Guarkeet Ponds to Lake Korangamite, thence by the western shore of that lake to a point east of Lake Pormbeet; on the south by part of the northern boundary of the county of Heytesbury and the northern boundary of the county of Polwarth, namely, the southern shore of Lake Korangamite, thence an east line from Lake Korangamite to the north end of Lake Colac, thence by the north shore of Lake Colac to the point due west from the source of Birregurra Creek, and from that point by a line east to the source of Birregurra Creek, thence by that creek downwards to its confluence with the Barwon; on the east by the River Barwon to its confluence with the Yarrowee River, thence by the Yarrowee River up to its source in the great dividing range; and on the north by part of the great dividing range to the source of Burrumbeet Creek, thence by that creek and the southern shores of Lake Burrumbeet to the point where Bailie's Creek leaves the lake, by Bailie's Creek to its confluence with Emu Creek, thence by Emu Creek down to the point north of the source of Guarkeet Ponds aforesaid.

POLWARTH:—Bounded on the west by the eastern boundary of the county of Heytesbury, namely, the Gellibrand River upwards to its source, thence by the range to the head of the Pirron Yalloak Creek, by this creek to Lake Korangamite; on the north by the south-eastern shore of Lake Korangamite, and an east line from Lake Korangamite to the north end of Lake Colac, thence by the north shore of Lake Colac to the point due west from the source of the Birregurra Creek, from that point by a line east to the source of the Birregurra Creek, thence by the Birregurra Creek to its confluence with the River Barwon, thence following the course of the River

Barwon

Victoria Electoral.—1851.

Barwon to a creek in H. Hopkin's purchased land; on the north-east by this creek upwards and a line across the dividing range to the head of the Salt Creek, bearing south-east two miles forty chains, thence by the Salt Creek to the sea coast north of Point Roadknight; and on the south-east and south by the sea coast to the mouth of the Gellibrand River.

Schedule A.
Continued.

7. *The Electoral District of the United Counties of TALBOT, DALHOUSIE, and ANGLESEY.*

TALBOT:—Bounded on the north-west and north by the south-western branch of the Loddon River from its source near Mount Cole to its confluence with the main stream; thence by the Loddon River upwards to the confluence of Mount Alexander Creek, this creek to its source under Mount Alexander; thence by Mount Alexander Range to the head of Myrtle Creek, and by this creek to its confluence with the Colliban River; on the east by the Colliban River upwards to its source, being part of the western boundary of the county of Dalhousie; and on the south by the great dividing range to the source of the south-western branch of the Loddon River near Mount Cole.

DALHOUSIE:—Bounded on the west by the River Colliban from its source in the great dividing range to its confluence with the Campaspie River, and by the Campaspie River down to the confluence of Mount Ida Creek; on the north by Mount Ida Creek to its source near Mount Ida, and by the dividing range to the source of Sandy Creek, and by Sandy Creek to the Goulburn River; on the east by the Goulburn River upwards until it joins the Dabyminga Creek, and by that creek to its source in the dividing range; on the south by the great dividing range.

ANGLESEY:—Bounded on the west by part of the eastern boundary of the County of Dalhousie, viz.:—from the River Goulburn upwards from the confluence of Hughes' Creek to the confluence of Dabyminga Creek, thence by Dabyminga Creek upwards to its source in the great dividing range; on the south by the great dividing range to the main source of the River Goulburn; on the east by the range dividing the waters of the main source of the Goulburn and Big Rivers from those of the Rubicon and Snod-pon-dock Creek northward to Mount Torbrick, thence by Jerusalem Creek to its confluence with the River Goulburn, thence by the River Goulburn downwards to the confluence of the Devil's River, thence by the Devil's River and its north-west arm to the dividing range between the last named arm and Septimus Creek; and on the north by that range to the source of Hughes's Creek, thence by Hughes's Creek down to its confluence with the River Goulburn.

8. *The Electoral District of GIPPS' LAND.*

Bounded on the south and east by the sea; on the north by a line running in a westerly direction from Cape Howe to the source of the nearest tributary of the Murray, and the Australian Alps; again on the west by the Alps and the Counties of Evelyn and Mornington.

9. *The Electoral District of MURRAY.*

Bounded on the south and west by the Counties of Evelyn and Anglesea and the River Goulburn to its junction with the Murray; on the north and north-east by the River Murray; and on the south-east by the dividing range, (Alps.)

10. *The Electoral District of LODDON.*

(Formerly Western Port):—Bounded on the south by the Counties of Dalhousie, Talbot, and Ripon, from the Goulburn River to the source of the Avoca River; on the west by the Avoca River to Lake Bael Bael, and thence by a line due north to the River Murray; on the north and north-east by the River Murray and the Goulburn River; and on the east by the Goulburn River.

11. *The Electoral District of WIMMERA.*

Bounded on the east by the Avoca River to Lake Bael Bael, and thence by a line due north to the River Murray; on the north by the River Murray to the South Australian frontier; on the west by the South Australian frontier; and on the south by the Counties of Pollett, Dundas, and Ripon.

12. *The Electoral District of the CITY OF MELBOURNE.*

Comprising First, North Melbourne and part of Jika Jika, commencing at the south-west angle of suburban allotment No. 1, on the River Yarra Yarra; bounded on the east by a line bearing north 110 chains, west 40 chains, north 80 chains, east 72 chains 50 links, to the Merri Creek; thence by the Merri Creek to the south-east corner of suburban allotment No. 90; on the north by a line bearing west 235 chains to the Moonee Moonee Ponds; on the west by the Moonee Moonee Ponds, and a line bearing south 188 chains; on the south by the River Yarra Yarra, running eastward

Schedule A.
Continued.

to the first mentioned point. Second, South Melbourne; bounded on the east by the continuation of the eastern boundary of North Melbourne, bearing south 299 chains; on the south by Hobson's Bay; on the north by the River Yarra Yarra; and on the west by the continuation of the western boundary of North Melbourne to Hobson's Bay.

13. *The Electoral District of the TOWN OF GEELONG.*

Bounded by a line drawn from a point on the eastern shores of Corio Bay, near Point Henry, at a distance of 2 miles from the north-east corner of the Township of Geelong, as a centre, bearing southerly to a point bearing east from the said corner; thence by a line south crossing a small portion of Corio Bay, parallel with and at a distance of 2 miles from the eastern boundary of the said township to a point bearing east from the south-east corner of the said Township of Geelong; thence by a line drawn westerly at a distance of 2 miles from the southern boundary of the said township, crossing the Barwon River and Waurn Chain of Ponds to a point 2 miles west of the south-west corner of the said township; thence by a line bearing north, parallel with and at a distance of 2 miles from the western boundary of the said township of Geelong to a point bearing west from the north-west corner of the said township; thence by a line drawn at a distance of 2 miles from the north-west corner of the said township, as a centre, to the western shore of Corio Bay, near Cowie's Creek, and also to include the remaining portion of the reserve at Point Henry, and the reserve at the junction of the Moorabool with the Barwon River.

14. *The Electoral District of the TOWN OF PORTLAND.*

Commencing at a point on the Beach bearing east 9 chains from the south-east corner of allotment No. 1, of Northern Suburbans; and bounded on the north by a line bearing west 91 chains; on the west by a line bearing south 204 chains; on the south by a line bearing east to the sea coast, and by the sea coast northerly to the point of commencement.

Note.—The bearings of the above are true north.

15. *The Electoral District of the United Towns of BELFAST and WARRNAMBOOL.*

BELFAST:—Commencing at a point on the sea coast, bearing south 7 degrees 30 minutes, west 16 chains 25 links from the south-west corner of section No. 15, township of Belfast, and bounded on the west by a line bearing north 62 chains; on the north by a line bearing east 46 chains 25 links; again on the west by a line bearing north 3 chains 75 links to the Moyne River, by that river to its embouchure, and by the sea coast to the point of commencement;—also that portion commencing at the south-west corner of James Atkinson's purchase of 50 acres, at Port Fairy, and bounded on the north-east by a line bearing north-west 15 chains to the Moyne Salt Water Lagoon; by that lagoon and the River Moyne to its embouchure; and by the sea coast northerly to the point of commencement.

WARRNAMBOOL:—Commencing at Messrs. Strong's and Foster's fence, where it strikes the Hopkins River, and bounded on a part of the east by a line bearing north 70 chains; on the north by a line bearing west to the Merri River; on the west and south-west by the Merri River to its embouchure; and on the south by the sea coast of Warrnambool Bay, from the mouth of the Merri to that of the Hopkins River, to the point of commencement.

16. *The Electoral District of the United Towns of KILMORE, KYNETON, and SEYMOUR.*

KILMORE:—Commencing at the south boundary line of Rutledge's special survey at a chain of ponds, 5 chains 50 links from the eastern boundary of the Sydney Road, and bounded on the east by that chain of ponds about 5 chains, and a line bearing north 45 chains; on the north by a line bearing west 46 chains; on the west by a line bearing south 53 chains 75 links; and on the south by a line bearing east 47 chains 25 links to the commencing point;—Also, that portion commencing at the south-east corner of Rutledge's special survey, and bounded on the north by a line bearing west 41 chains 50 links; on the west by a line bearing south 80 chains; on the south by a line bearing east 41 chains 50 links; and on the east by a line bearing north 80 chains.

KYNETON:—Commencing at the south-west corner of the Reserve for Cattle Market, and bounded on the east by a line bearing north 93 chains 30 links; on the north-east by a line bearing north 53 degrees west 102 chains; on the north by a line bearing west 39 chains 68 links; on the west by a line bearing south 43 chains 50 links to the Campaspe River; and on the south-west and south by that river upwards to the point of commencement.

SEYMOUR:—Commencing at a point on Whitehead's Creek, 1 chain west from the north-west corner of portion No. 2 of section 1, containing 14 acres 2 roods and 8 perches; and bounded on the north by a line bearing west 200 chains; on the west by a line bearing south 160 chains; on the south by a line bearing east 200 chains; and on the east by a line bearing north 160 chains.

SCHEDULE

Victoria Electoral.—1851.

SCHEDULE B. REFERRED TO IN THIS ACT.

Schedule B.

POLLING PLACES.

ELECTORAL DISTRICTS.	POLLING PLACES.
1. North Bourke	Melbourne, Bacchus' Marsh, Heidelberg and Richmond.
2. South Bourke, Evelyn, and Mornington	Melbourne, Brighton, and Dandenong.
3. The County of Grant	Geelong, Bacchus' Marsh, Leigh Bridge, and Buninyong.
4. The United Counties of Normanby, Dundas, and Pollet	Portland, the Grange, and Pearson's Station.
5. The United Counties of Villiers and Heytesbury	Belfast and Warrnambool.
6. The United Counties of Ripson and Hampden, Grenville and Polwarth	Chepstowe, Hexham, Fiery Creek, Colac and Buninyong.
7. The United Counties of Talbot, Dalhousie, and Anglesey	Kilmore, Kyneton, Seymour, and Carrisbrook.
8. The Pastoral District of Gipps' Land	Alberton and Flooding Creek.
9. The Pastoral District of Murray	Wangaratta, Benalla, Seymour, and Violet Town.
10. The Pastoral District of Loddon	Carrisbrook, Burnbank, and Serpentine Inn.
11. The Pastoral District of Wimmera	Horsham, Swan Hill, and Harland's Inn.
12. The City of Melbourne	Each Ward of the said City.
13. The Town of Geelong	Each Ward of the said Town.
14. The Town of Portland	Portland.
15. The United Towns of Belfast and Warrnambool	Each of the said Towns.
16. The United Towns of Kilmore, Kyneton, and Seymour	Each of the said Towns.

SCHEDULE C. REFERRED TO IN THIS ACT.

List of Electors for the Electoral District of the County of Bourke, in the Police District of Bourke.

Schedule C.

Christian Name and Surname of each person at full length.	Nature of Qualification.	Where the Property affording the Qualification is situated.
Ashton John	Freehold	Brighton.
Bates Thomas	Dwelling House	do.
Carter James	Freehold	Heidelberg.
Dealtry William	do	do.
Evelyn John	Dwelling House	On the road to the Beach.

SCHEDULE

Schedule D.

SCHEDULE D. REFERRED TO IN THIS ACT.

NOTICE OF CLAIM.

TO THE TOWN CLERK OF _____, OR TO THE CLERK OF THE
BENCH OF _____, (as the case may be.)

I hereby give you notice, that I claim to have my name inserted in the Electoral List
of _____, in virtue of the freehold property which I possess
at _____, (or as the case may be, of the dwelling house which
I occupy at)

Dated at _____ day of _____ in the
Year 18 .

(Signed) JOHN ASHTON, of (place of abode.)

Schedule E.

SCHEDULE E. REFERRED TO IN THIS ACT.

NOTICE OF OBJECTION.

TO THE TOWN CLERK OF _____, OR TO THE CLERK OF
THE BENCH OF _____, (as the case may be,) AND TO THE
PERSON OBJECTED TO.

I hereby give you notice, that I object to the name of Thomas Bates, of
(describe the person objected to, as described in the
Electoral List,) being retained on the Electoral List of the

Dated this

(Signed) JOHN ASHTON, of (here state the dwelling
house or property for which he is included
in the Electoral List.)

Schedule F.

SCHEDULE F. REFERRED TO IN THIS ACT.

LIST OF CLAIMANTS.

The following Persons claim to have their Names inserted in the Electoral List of the

Christian Name and Surname of each Claimant.	Nature of the Property in respect to which he prefers his claim.	Place where the Property is situated.
Alton Frederick	Dwelling House	Kyneton.
Baker Joseph	Ditto	One mile from Kyneton.
Chisholm Charles	Freehold	Kilmore.
Dixon John	Licensed to depasture	Loddon.
Everett Samuel	Leasehold	Bourke.

(Signed)

A. B.
Clerk of the Bench.

Dated at _____ this _____ day of _____

Schedule G.

SCHEDULE G. REFERRED TO IN THIS ACT.

LIST OF PERSONS OBJECTED TO.

The following persons have been objected to, as not being entitled to have their names
retained on the Electoral List for the County of Bourke.

Christian Name and Surname of each person objected to.	Nature of the Property for which his name is on the Electoral List.	Place where the Property is situated.
Amwell Charles	Freehold	Brighton.
Barton William	Dwelling House	do.
Curtis John	Freehold	Heidelberg.
Dobson William	License to depasture	Wimmera.
Elton David	Leasehold	Grant.

(Signed)

A.B.
Clerk of the Bench.

Dated at _____, this _____ day of _____