

No. 1.



# VICTORIA GOVERNMENT GAZETTE.

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ANNO DECIMO TERTIO & DECIMO QUARTO  
VICTORIÆ REGINÆ.

## CAP. LIX.

An Act for the better Government of Her Majesty's  
*Australian Colonies.* (5th August 1850.)

WHEREAS by an Act passed in the Sixth Year of the Reign of Her Majesty, intituled *An Act for the Government of New South Wales and Van Diemen's Land*, it was enacted, that there should be within the Colony of *New South Wales* a Legislative Council, to consist of Thirty-six Members and that Twelve of the Members of the said Council should, from time to time in the manner therein mentioned, be appointed by her Majesty, and that Twenty-four of the Members of the said Council should from time to time, in the manner therein mentioned, be elected by the Inhabitants of the said Colony: And whereas an Act was passed in the Eighth Year of the Reign of Her Majesty, intituled *An Act to clear up Doubts as to the Regulation and Audit of the Accounts of the Customs in New South Wales*, and another Act was passed in the same Year, intituled *An Act to explain and amend the Act for the Government of New South Wales and Van Diemen's Land*: And whereas by an Act passed in the Ninth Year of the reign of His late Majesty King George the Fourth, intituled *An Act to provide for the Administration of Justice in New South Wales and Van Diemen's Land, and for the more effectual government thereof, and for other purposes relating thereto*, His said Majesty, His Heirs and Successors, were empowered to appoint in *Van Diemen's Land* a Legislative Council, to consist of such persons resident in the said Colony, not exceeding fifteen nor less than ten, as His Majesty, his Heirs and Successors, should be pleased to nominate: And whereas the Provisions of the last-mentioned Act, so far as respects the Council of Van Diemen's Land, have been made permanent by the said Act of the sixth Year

5 & 6 Vict. c. 76.

7 & 8 Vict. c. 73.

7 & 8 Vict. c. 74.

9 G. 4. c. 83.

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6 & 6 Vict. c. 61.  
 10 G. 4. c. 22.  
 9 & 10 Vict. c. 35.  
 District of Port Phillip to form a separate Colony, to be known as the Colony of Victoria.  
 The Number of Legislative Council of New South Wales may be varied.  
 A separate Legislative Council for the Colony of Victoria.

Year of her Majesty : And whereas by an Act passed in the Sixth Year of the Reign of Her Majesty, intituled *An Act to provide for the better Government of South Australia*, Her Majesty is empowered, in manner therein mentioned, to constitute within the said Colony of *South Australia* a Legislative Council, consisting of the Governor and Seven other persons at the least : And whereas by an Act passed in the tenth year of the Reign of His late Majesty King George the Fourth, intituled *An Act to provide until the thirty-first Day of December One thousand eight hundred and thirty-four for the Government of His Majesty's Settlements in Western Australia on the Western Coast of New Holland*, His said Majesty, His Heirs and Successors, with the Advice of His or their Privy Council, were empowered to make, ordain, and (subject to such conditions and Restrictions as to him or them should seem meet) to authorise and empower any Three or more Persons resident and being within the said Settlements to make, ordain, and constitute, Laws, Institutions, and Ordinances for the Peace, Order, and good Government of His Majesty's Subjects and others within the said Settlements : And whereas the last mentioned Act has been from Time to Time continued, and ultimately, by an Act of the Tenth Year of Her Majesty, was continued until the Thirty-first Day of *December One thousand eight hundred and forty-eight*, and to the End of the then next Session of Parliament : And whereas it is expedient that the District of *Port Phillip*, now part of the Colony of *New South Wales*, should be erected into a separate Colony, and that further Provision should be made for the Government of Her Majesty's *Australian Colonies* : Be it enacted, therefore, by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That after such Provisions as herein-after mentioned shall have been made by the Governor and Council of *New South Wales*, and upon the issuing of the Writs for the first Election in pursuance thereof, as herein-after mentioned, the Territories now comprised within the said District of *Port Phillip*, including the Town of *Melbourne*, and bounded on the North and North-east by a straight Line drawn from *Cape How* to the nearest Source of the River *Murray*, and thence by the Course of that River to the Eastern Boundary of the Colony of *South Australia*, shall be separated from the Colony of *New South Wales*, and shall cease to return Members to the Legislative Council of such Colony, and shall be erected into and thenceforth form a separate Colony, to be known and designated as the Colony of *Victoria*.

II. And be it enacted, That the Number of Members of which, after such Separation as aforesaid, the Legislative Council of the Colony of *New South Wales* shall consist, shall, in manner herein-after mentioned, be determined by the Governor and Council of *New South Wales* ; and there shall be within and for the Colony of *Victoria* a separate Legislative Council, to consist of such Number of Members as shall in like Manner be determined by the said Governor and Council ; and such Number of the Members of the Legislative Council of each of the said Colonies respectively as is equal to One Third Part of the whole Number of Members of such Council, or if such whole Number be not exactly divisible by Three, One Third of the greater Number which is divisible by Three, shall be appointed by Her Majesty, and the remaining Members of the Council of each of the said Colonies shall be elected by the inhabitants of such Colony.

III.

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III. And be it enacted, That after the Proclamation of this Act in the Colony of *New South Wales* it shall be lawful for the Governor and Legislative Council of such Colony, 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, after such Separation as aforesaid of the said District of *Port Phillip* therefrom, the Legislative Council of the Colony of *New South Wales* shall consist, and also to determine the Number of Members of which the Legislative Council of the said Colony of *Victoria* shall consist, and also to make all necessary Provisions for dividing the Territories which after such Separation will be comprised within the Colony of *New South Wales* into convenient Electoral Districts, or for continuing such of the existing Electoral Districts as shall be deemed convenient, and for appointing and declaring the Number of Members of the Council of the Colony of *New South Wales* after such Separation to be elected for each such District, and for dividing the Territories to be comprised in the Colony of *Victoria* 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 Colonies respectively, 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 insuring the orderly, effective, and impartial Conduct of such Elections: provided that the Writs to be issued for the first Election of Members of the Legislative Council of the Colony of *Victoria* shall be issued by the Governor of *New South Wales* or by such Person as Her Majesty for that Purpose, by Warrant under Her Royal Sign Manual, countersigned by One of Her Majesty's Principal Secretaries of State shall appoint.

Governor and Council of New South Wales to establish Electoral Districts, &c.

IV. And be it enacted, That every Man of the Age of Twenty-one Years, being a natural-born, or naturalized Subject of Her Majesty, or legally made a Denizen of *New South Wales*, and having a Freehold Estate in possession situate within the District for which his Vote is to be given, of the clear Value of One hundred Pounds Sterling Money above all Charges and Incumbrances in any way affecting the same, of or to which he has been seised or entitled, either at Law or in Equity, for at least Six Calendar Months next before the Date of the Writ of such Election, or in case a Registration of Electors shall be established next before the last 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 Licence 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

Qualification of Voters at Elections for Members of the Legislative Council.

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been attainted or convicted of Treason, Felony, 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 Licence, Occupancy, or as the Holder of a Licence in respect of such Licence, except such as shall have become payable during Three Calendar Months next before such Election or Registration respectively.

Authority of the Governor and Council of New South Wales over Colony of Victoria to cease.

V. And be it enacted, That upon the issuing of such Writs for the first Election of Members of the Legislative Council of the said Colony of *Victoria* such Colony shall be deemed to be established, and the Legislative Authority of the Governor and Council of *New South Wales*, and the Powers of such Governor, over and in respect of the Territories comprised in the said Colony of *Victoria* and the Revenues thereof, shall cease.

Provisions of three first recited Acts to remain applicable to New South Wales after Separation of Colony of Victoria.

VI. And be it enacted, That, subject to the Provisions herein contained, the Provisions of the ~~said firstly-recited~~ Act of the Sixth Year of the Reign of Her Majesty, as explained and amended by the said Acts of the Eighth Year of Her Majesty, shall remain applicable to the said Colony of *New South Wales* after such Separation as aforesaid, and to the Governor and Legislative Council thereof.

Legislative Councils may be established in Van Diemen's Land and South Australia.

VII. And be it enacted, That it shall be lawful for the Legislatures now by Law established within the Colonies of *Van Diemen's Land* and *South Australia* respectively, by Laws or Ordinances to be for that Purpose made and enacted in the Manner and subject to the Conditions now by Law required in respect of Laws or Ordinances made by such Legislatures, to establish within the said Colonies of *Van Diemen's Land* and *South Australia* respectively a Legislative Council, to consist of such Number of Members, not exceeding Twenty-four, as they shall think fit: and that such Number of the Members of each Council so to be established as is equal to One Third Part of the whole Number of Members of such Council, or if such whole Number be not exactly divisible by Three such Number as is next greater than One Third of the whole Number, shall be appointed by Her Majesty, and the remaining Members of such Council shall be elected by the Inhabitants of the Colony in which such Council shall be established; and it shall be lawful for such Legislatures respectively, by such Laws or Ordinances as aforesaid, to make all necessary Provisions for dividing the said Colony of *Van Diemen's Land* and the said Colony of *South Australia* into convenient Electoral Districts, and for appointing and declaring the Number of Members of Council to be elected for each such District, and for the Compilation and Revision of Lists of all persons qualified to vote at the Elections to be holden within such Districts, and for the appointing of Returning Officers, and for the issuing, executing, and returning of the necessary Writs for such Elections, and for taking the Poll thereat, and for determining the Validity of all disputed Returns, and otherwise for insuring the orderly, effective, and impartial Conduct of such Elections.

Present Councils in Van

VIII. And be it enacted, That immediately after the issue of the Writs

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Writs for the first Election of Members of a Legislative Council for *Van Diemen's Land* established by Law or Ordinance under the Powers herein contained, such of the Provisions of the Acts herein recited or referred to, or any of them, as relate to the Constitution, Appointment, and Powers of a Council in *Van Diemen's Land*, shall be repealed: and immediately after the Issue of the Writs for the first Election of Members of a Legislative Council for *South Australia* established by Law or Ordinance under the Powers herein contained, such of the Provisions of the secondly herein recited Act of the Sixth Year of the Reign of Her present Majesty as relate to the Constitution, Appointment, and Powers of a Council in *South Australia* shall be repealed.

Diemen's Land and South Australia to cease on the Issue of the first Writs for the new Councils.

IX. And be it enacted, That upon the Presentation of a Petition signed by not less than One Third in Number of the Householders within the Colony of *Western Australia*, praying that a Legislative Council according to the Provisions of this Act be established within such Colony and that Provision be made for charging upon the Revenues of such Colony all such Part of the Expenses of the Civil Establishment thereof as may have been previously defrayed by Parliamentary Grants, it shall be lawful for the Persons authorized and empowered to make, ordain, and establish Laws and Ordinances for the Government of the said Colony, by any Law or Ordinance to be made for that purpose, subject to the Conditions and Restrictions to which Laws or Ordinances made by such Persons are now subject, to establish a Legislative Council within such Colony, to consist of such Number of Members as they shall think fit, and such Number of the Members of such Council as is equal to One Third Part of the whole Number of Members of such Council, or if such Number be not exactly divisible by Three, One Third of the next greater Number which is divisible by Three, shall be appointed by Her Majesty, and the remaining Members of the Council shall be elected by the Inhabitants of the said Colony; and it shall be lawful for such Persons as aforesaid, by such Law or Ordinance as aforesaid, to make all necessary Provisions for dividing *Western Australia* into convenient Electoral Districts and for appointing and declaring the Number of Members of Council to be elected for each such District, and for the Compilation and Revision of Lists of all Persons qualified to vote at the Elections to be holden within such Districts, and for the appointing of Returning Officers, and for the issuing, executing, and returning of the necessary Writs for such Elections, and for taking the Poll thereat, and for determining the Validity of all disputed Returns, and otherwise ensuring the orderly, effective, and impartial Conduct of such Elections; provided that no Law or Ordinance establishing such Legislative Council within the said Colony of *Western Australia* shall have any Force or Effect unless provision be thereby made for permanently granting to Her Majesty, Her Heirs and Successors, out of the Revenues of the said Colony, towards defraying such of the Expenses of the Establishments of the said Colony as may have been previously defrayed in whole or in part by Parliamentary Grants, a yearly Sum not less in Amount than the Sum which may have been lastly before the making of such Law or Ordinance authorized by Parliament to be issued and applied out of the Aids or Supplies granted by Parliament to defray the Charge for One year of the said Colony, and for raising the yearly Sum so granted by means of sufficient Taxes, Duties, Rates, or Imposts to be levied on Her Majesty's Subjects within such Colony.

A Legislative Council may be established in Western Australia.

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Provisions of  
10 G. 4. c. 22.  
to continue in  
force till the  
Issue of the  
first Writs for  
the Council  
in Western  
Australia.

X. And be it enacted, That the said recited Act of the Tenth Year of the Reign of King *George* the Fourth shall be revived and continue in force until the Issue of the Writs for the first Election of Members of the Legislative Council of the said Colony of *Western Australia*, and from and after the issuing of such Writs such Act shall be repealed; and all Laws, Institutions, and Ordinances made, ordained, and established, and all other Acts done, in the said Colony of *Western Australia*, by the Persons authorized and empowered, or who if the said recited Act had not expired would have been authorized and empowered, in that Behalf, shall be and be deemed to have been as valid and effectual as if this Act had passed before the Expiration of the said recited Act.

Power to alter  
Electoral Dis-  
tricts, and  
Number of  
Members, &c.

XI. And be it enacted, That it shall be lawful for the Governor and Legislative Council of the Colony of *New South Wales* after the Separation of the Colony of *Victoria* therefrom, and also for the Governors and Legislative Councils of the said Colonies of *Victoria*, *Van Diemen's Land*, *South Australia*, and *Western Australia* respectively, after the Establishment of Legislative Councils therein under this Act, from Time to Time by any Act or Acts to establish new Electoral Districts in any Parts of the said Colonies respectively, and to alter the Divisions and Extent of the Electoral Districts of the said Colonies, and to alter and appoint the Number of Members of Council to be chosen by the said Districts, and to increase the whole Number of Members of such Legislative Councils respectively, and to alter and regulate the Appointment of Returning Officers, and make provision in such manner as they may deem expedient for the Issue and Return of Writs for the Election of Members to serve in such Legislative Councils respectively, and the Time and Place for holding such Elections: Provided always, that where the whole Number of Members of Council shall be increased such Number of the additional Councillors as is equal to One Third Part of the whole Increase, or if such whole Increase shall not be exactly divisible by Three such Number as is next greater than One Third of the whole Increase, shall be appointed by Her Majesty, and the remaining additional Members of Council shall be elected by the Inhabitants of the Colony.

Certain Pro-  
visions of 5 & 6  
Vict. c. 76, and  
7 & 8 Vict. c.  
74, to apply to  
*Victoria*, *Van  
Diemen's Land*,  
*South Australia*  
and *Western  
Australia*.

XII. And be it enacted, That all the Provisions herein contained concerning the Qualification and Disqualification of Electors in *New South Wales*, and subject to the Provisions herein contained, all the Provisions of the said firstly-recited Act of the Sixth Year of the Reign of Her Majesty, as explained and amended by the said secondly-recited Act of the Eighth Year of Her Majesty, concerning the Election of the elective Members of the Legislative Council of *New South Wales*; the Qualification and Disqualification of elective Members: the Appointment of the non-elective Members of such Council, and the Tenure of their Seats, and their holding of Offices; the Resignation of Members of such Council, and the Causes by which their Seats may be vacated; the Authority of the Governor upon and in respect of Vacancies; the Hearing and Determination of Questions respecting Vacancies: the Places and Times of Holding such Council; the Duration, Prorogation, and Dissolution thereof; the Election, Allowance, and Disallowance of the Speaker; the Number or Portion of Members competent to the Despatch of Business; the Decision of Questions; the Oath or Affirmation to be taken or made and subscribed, and the Declaration of Qualification to be made by Members; the Preparation, Adoption, Approval, and Confirmation

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Confirmation or Disallowance of Standing Rules and Orders; the Issue of Writs for Elections upon Vacancies and upon a Dissolution or other Determination of such Council: the Proposal of Drafts of Laws and Amendments to such Council; the giving and withholding of Her Majesty's Assent to Bills, and the Reservation of Bills for the Signification of Her Majesty's Pleasure thereon, and the Bills so reserved; the Instructions to be conveyed to the Governor for his Guidance in relation to the Matters aforesaid; and the Disallowance of Bills by Her Majesty, shall apply to and be in force in the Colony of *Victoria*, and in each of the said Colonies of *Van Diemen's Land*, *South Australia*, and *Western Australia*, in which a Legislative Council shall be established under this Act, as if all such Provisions were here repeated, the Name of such respective Colony being substituted for the Name of the Colony of *New South Wales*.

XIII. Provided always, and be it enacted, That so much of the said firstly-recited Act of the Sixth Year of the Reign of Her Majesty as requires that all Bills altering the Salaries of the Judges, or any of them, shall in every Case be reserved for the signification of Her Majesty's Pleasure thereon, shall not apply to or be in force in the Colonies of *Victoria*, *Van Diemen's Land*, *South Australia*, and *Western Australia*, or any of them, and after the Establishment of the said Colony of *Victoria* shall be repealed.

Repeal of so much of 5 & 6 Vict. c. 76. as requires all Bills altering Judges Salaries to be reserved.

XIV. And be it enacted, That the Governors of the said Colonies of *Victoria*, *Van Diemen's Land*, *South Australia*, and *Western Australia* respectively, with the Advice and Consent of the Legislative Councils to be established in the said Colonies under this Act, shall have Authority to make Laws for the Peace, Welfare, and good Government of the said Colonies respectively, and, with the Deductions and subject to the Provisions herein contained, by such Laws to appropriate to the public Service within the said Colonies respectively the whole of Her Majesty's Revenue within such Colonies arising from Taxes, Duties, Rates, and Imposts levied on Her Majesty's Subjects within such Colonies: Provided always, that no such Law shall be repugnant to the Law of *England*, or interfere in any Manner with the Sale or other appropriation of the Lands belonging to the Crown within any of the said Colonies, or with the Revenue thence arising; and that it shall not be lawful for any such Council to pass, or for any such Governor to assent to, any Bill appropriating to the public Service any Sums or Sum of Money, unless the Governor on Her Majesty's Behalf shall first have recommended to the Council to make Provision for the specific public Service towards which such Money is to be appropriated; and that no Part of Her Majesty's Revenue in any of the said Colonies arising from the Sources aforesaid shall be issued, or shall be made by any such Law issuable, except in pursuance of Warrants under the Hand of the Governor of the Colony, directed to the Public Treasurer thereof.

Governors and Legislative Councils of *Victoria*, *Van Diemen's Land*, *South Australia*, and *Western Australia* authorized to make Laws.

Appropriation of Taxes and Issue of public Money.

XV. And be it enacted, That the Revenues of the said Colonies of *Victoria*, *Van Diemen's Land*, *South Australia*, and *Western Australia* respectively shall be permanently charged with all the Costs, Charges, and Expenses incident to the Collection, Management, and Receipt thereof, such Costs, Charges, and Expenses of Duties of Import and Export to be regulated and audited in such Manner as shall be directed by the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain and Ireland*, and all

Revenues to be charged with Expenses of Collection and Management.

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all such Costs, Charges, and Expenses of other Branches of the said Revenue which are subject to be appropriated by the Governors and Councils of such Colonies being subject to be regulated and audited in such Manner as shall be directed by Laws of such Governors and Councils.

Provisions of  
5 & 6 Vict. c.  
76. concerning  
Grants for  
Civil and  
Judicial Ser-  
vices repealed.

XVI. And be it enacted, That after the Establishment of the said Colony of *Victoria* so much of the said firstly-recited Act of the Sixth Year of the Reign of Her Majesty as makes payable to Her Majesty, Her Heirs and Successors, out of the Revenue Fund of the said Colony of *New South Wales*, the Sums therein mentioned for defraying the Expenses of the Services and Purposes named in the Schedules to the said Act, and the Provisions concerning the Appropriation of such Sums, shall be repealed.

Grants for  
Civil and  
Judicial Ser-  
vices.

XVII. And be it enacted, That there shall be payable to Her Majesty, every Year, out of the Revenue Funds arising from Taxes, Duties, Rates, and Imposts levied within the said Colony of *New South Wales* after the establishment of the Colony of *Victoria*, the several Sums mentioned in the Schedule (A.) to this Act; and out of the like Revenue Fund levied within the said Colony of *Victoria* after the Establishment thereof, the several Sums mentioned in the Schedule (B.) to this Act; and out of the like Revenue Fund levied within the Colony of *Van Diemen's Land* after the Establishment of a Legislative Council therein under this Act, the several Sums mentioned in the Schedule (C.) to this Act; and out of the like Revenue Fund levied within the Colony of *South Australia* after the Establishment of a Legislative Council therein under this Act, the several Sums mentioned in the Schedule (D.) to this Act: such several Payments to be made for defraying the Expenses of the Services and Purposes mentioned in the said Schedules respectively, and the said several Sums to be issued by the Treasurers of the said Colonies respectively in discharge of such Warrants as shall be from Time to Time directed to them under the Hands and Seals of the Governors of such Colonies; and the said Treasurers shall account to Her Majesty for the same through the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, in such Manner and Form as Her Majesty shall be graciously pleased to direct.

How the Ap-  
propriation of  
Sums granted  
may be varied.

XVIII. And be it enacted, That it shall be lawful for the Governors and Legislative Councils of the said Colonies of *New South Wales*, *Victoria*, *Van Diemen's Land*, and *South Australia* respectively, by any Act or Acts, to alter all or any of the Sums mentioned in the said Schedules respectively, and the Appropriation of such Sums to the Services and Purposes therein mentioned, but every Bill which shall be passed by the Council in any of the said Colonies altering the Salary of the Governor, or altering the Sums mentioned in the Third Part of any of the said Schedules (A.), (B.), and (C.), shall be reserved for the Signification of Her Majesty's Pleasure thereon, and until and subject to such Alteration by Act or Acts as aforesaid the Salaries of the Governors and Judges shall be those respectively set against their several Offices in the First Parts of the said several Schedules; and Accounts in Detail of the Expenditure of the several Sums for the Time being appropriated under this Act, or such Act or Acts as aforesaid of the Governor and Legislative Council, to the several Services and Purposes mentioned in the said Schedules, shall be laid before the Legislative Councils of such Colonies respectively within Thirty Days next after the Beginning



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Beginning of the Session after such Expenditure shall have been made: Provided always, that it shall not be lawful for the Governor and Legislative Council of any of the said Colonies, by any such Act as aforesaid, to make any Diminution in the Salary of any Judge to take effect during the Continuance in Office of any Person being such Judge at the Time of the passing of such Act; and provided also, that it shall be lawful for the Governors of the said Colonies respectively (either before or after such Sums have been altered by Act or Acts of the Governor and Legislative Council as aforesaid) to alter from Time to Time the Sums appropriated to any of the Services and Purposes mentioned in the First Parts of the said Schedules, except the Salaries of the Governors and Judges, and also the Sums appropriated to any of the Services and Purposes mentioned in the Second Parts of the said Schedules, but such Governors respectively shall not by such Alteration increase the total Amount for the Time being appropriated under this Act, or such Act or Acts of the Governor and Legislative Council, to the Services and Purposes mentioned in either of such Parts of the said Schedules, nor contravene any Provision made by Act or Acts of the Governor and Legislative Council for the permanent Appropriation of any Sum to any of such Services and Purposes.

XIX. And be it enacted, That within Thirty Days after the beginning of the first Session in each Year of the Legislative Councils of the said Colonies of *New South Wales*, *Victoria*, *Van Diemen's Land*, and *South Australia*, the Governors of such Colonies respectively shall make known by Message to such Legislative Councils the Amount of the Sums intended to be appropriated out of the Sums applicable thereto to the several Services and Purposes named in the Second Parts of the said several Schedules for the Service of the Year then next ensuing.

Governors to  
intimate  
intended Approp-  
riation.

XX. And whereas by the said firstly-recited Act of the Sixth Year of Her Majesty it was enacted, that it should be lawful for the Governor, by Letters Patent under the Great Seal of the Colony of *New South Wales*, to incorporate the Inhabitants of every County within the said Colony, or of such Parts of Counties or other Divisions as to him should seem fit, to form Districts for the Purposes of that Act, and by such Letters Patent to establish a Council in every such District for the local Government thereof, subject to certain Provisions in the same Act contained; Be it enacted, That where under any Letters Patent issued under the Provision lastly herein-before recited there has not been before the Proclamation of this Act in the said Colony of *New South Wales* any Election of Councillors for the District formed by such Letters Patent, such Letters Patent shall from and after such Proclamation be void; and where before such Proclamation there has been an Election of Councillors for the District formed by any such Letters Patent, it shall be lawful for the Governor of the said Colony of *New South Wales*, and after the Establishment of the Colony of *Victoria* in the Case of a District within the Territories comprised in such Colony, for the Governor of such Colony, upon the Petition of the Council in such District, or if there be no such Council existing, then, upon the Petition of the inhabitant Householdors of such District, by Letters Patent under the Great Seal of the said Colony of *New South Wales* or of the said Colony of *Victoria* (as the Case may require), wholly to revoke the Letters Patent forming such District; and it shall be lawful for the Governor of the said Colony of *New South Wales* or

5 & 6 Vict. c.  
76, s. 41.

Certain  
Charters  
establishing  
District  
Councils  
avoided, and  
certain others  
authorized to  
be revoked on  
Petition.

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Governors of  
New South  
Wales and  
Victoria may  
grant Charters  
on Petition, but  
not otherwise.

of the said Colony of *Victoria* (as the Case may require), upon the petition of the inhabitant Householdors of any District heretofore formed by any such Letters Patent as aforesaid which shall become void or be revoked under this Act, or of any County, Part of a County, or other Division comprised in any such District, or in more than One such District, or of any other County, Part of a County, or other Division not comprised in any District formed by any such Letters Patent as afore said which shall continue in force, or by any Letters Patent to be issued as herein-after mentioned, by Letters Patent under the Great Seal of the said Colony of *New South Wales* or of the said Colony of *Victoria* (as the Case may require) to incorporate the Inhabitants of such District or of such County, Part of a County, or other Division to form a District for the Purposes of the said firstly-recited Act of the Sixth Year of Her Majesty, and of this Act, and by such Letters Patent to establish a Council in every such District for the local Government thereof; provided always, that Notice of every such Petition for the Grant of such Letters Patent for forming a District and establishing a Council therein, and of the Time when the Governor intends to take the same into consideration, shall be published by Proclamation One Month at least before the consideration of such Petition; and the Provisions of the said firstly-recited Act of the Sixth Year of Her Majesty, concerning the provisions to be contained in Letters Patent issued under that Act for forming Districts and establishing a Council in every such District, shall extend and be applicable to all Letters Patent issued under this Act for forming Districts and establishing District Councils as if such Provisions of the said Act were here repeated, the Name of the Colony of *Victoria*, where the Case may require, being substituted for the name of the Colony of *New South Wales*; and, save as herein provided, it shall not be lawful for the Governor of the said Colony of *New South Wales* to form Districts and establish Councils in such Districts as by the lastly herein-before recited Enactment authorized or required.

Provisions of  
6 Vict. c. 76. as  
to forming Dis-  
tricts, &c. ex-  
tended to Van  
Diemen's Land,  
South Austra-  
lia and Western  
Australia, after  
Establishment  
of Legislative  
Councils.

XXI. And be it enacted, That the Provision of the said firstly-recited Act of the Sixth Year of Her Majesty as amended by this Act, authorizing the Governor of the said Colony of *New South Wales*, upon such Petition as herein mentioned to form Districts, and establish a Council in every such District, shall apply to and be in force in each of the said Colonies of *Van Diemen's Land*, *South Australia*, and *Western Australia*, in which a Legislative Council shall be established under this Act, as if such Provision were here repeated, the Name of such respective Colony being substituted for the Name of the Colony of *New South Wales*.

Provisions of 5  
& 6 Vict. c. 76:  
concerning Dis-  
trict Councils,  
&c., extended to  
District Coun-  
cils established  
under this Act.

XXII. And be it enacted, That all the Provisions of the said firstly-recited Act of the Sixth Year of Her Majesty, concerning the Authority of District Councils to make Bye Laws, the Transmission of a Copy of every such Bye Law to the Governor of the Colony, the Disallowance and the Time of coming into effect of such Bye Law, the Authority of the Governor to specify the Metes and Bounds of Districts, the Number of Councillors for every District, and the Time and Manner of their Election, to fix the Qualification of the Councillors, to nominate the Councillors who shall form the First Councils in every District, to appoint the order and manner of their going out of Office, to fix Penalties for qualified Persons refusing to take Office in the Council, and to make all other necessary Provisions for establishing District Councils, for defining their Powers, and enabling them to exercise their

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their Functions, and the Authority of the Governor in every case of Vacancy of the Office of District Councillor, if a new Election be not made within the Time in the same Act mentioned, to nominate a person to fill the Vacancy, shall extend and be applicable to all Letters Patent issued under this Act for forming Districts and establishing District Councils, and to such Districts and District Councils, as if all such Provisions were here repeated, the Name of the Colony in which such District is formed being (where the Case may require) substituted for the Name of the Colony of *New South Wales*.

XXIII. And whereas by the said firstly-recited Act of the Sixth Year of the Reign of Her Majesty it was enacted, that one Half of the Expense of the Police Establishment of the said Colony of *New South Wales* (exclusive of the Convict Establishment) should be defrayed out of the General Revenue arising from Taxes, Duties, Rates, and Imposts within the said Colony, and the other Half should be defrayed by Assessment upon the several Districts of the Colony, in such Proportions as should be from Time to Time fixed by the Governor and Legislative Council: Be it enacted, That so much of the Provision lastly herein-before recited as requires that Half of the Expense of such Police Establishment as aforesaid shall be defrayed by Assessment upon the several Districts of the Colony shall be repealed.

Certain provision of 5 & 6 Vict. c. 76. requiring Half the Expense of the Police Establishment to be borne by the several Districts repealed.

XXIV. And be it enacted, That notwithstanding any Letters Patent issued under the said firstly-recited Act of the Sixth Year of the Reign of Her Majesty, or to be issued under this Act, or anything in either of such Acts contained, it shall be lawful for the Governors and Councils of the said Colonies of *New South Wales*, *Victoria*, *Van Diemen's Land*, *South Australia*, and *Western Australia* respectively by any Act or Acts to make such Regulations and Provisions for or concerning the raising, assessing, and levying of Tolls, Rates, and Assessments within or on or in respect of any public Works or any Property within Districts formed in such Colonies respectively under the said Act or this Act, and the Appropriation of such Tolls, Rates, and Assessments, and to make such Alterations and Provisions in and concerning the Constitution, Duties, and Powers of District Councils, and such Alterations in the Number and Boundaries of Districts, and such Provisions for establishing District Councils in new or altered Districts, as to such respective Governors and Councils may seem meet.

Governors and Legislative Council may regulate Tolls and Rates in Districts, alter Constitution and Duties of District Councils and Number and Boundaries of Districts.

XXV. And be it enacted, That all Laws and Ordinances made under the Provisions hereby repealed or otherwise, and which shall be in force in the Territories comprised in the said Colony of *Victoria*, and in the said Colonies of *Van Diemen's Land*, *South Australia*, and *Western Australia* respectively, at the Time of the issue of the Writs for the first Election of Legislative Councils in the said Colonies respectively under this Act, so far as the same are consistent with the Provisions of this Act, shall continue in force in the said Colonies respectively, subject, as to such Laws or Ordinances as would then have remained subject to be disallowed by Her Majesty, to the Authority of Her Majesty to disallow the same within the Time within which such Disallowance might have been signified in case this Act had not been passed, and subject to the Power of the Governors and Legislative Councils of the said respective Colonies, in the Manner and subject to the Rules and Restrictions herein prescribed, to repeal or vary such Laws or Ordinances; and where

Existing Laws to remain in force.

under

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under any Law which shall be in force at the Time aforesaid in the Territories to be comprised in the Colony of *Victoria* any Powers are vested in or may be delegated to the Governor of *New South Wales*, the same, so far as respects all Territories to be comprised within the Colony of *Victoria*, and so far as the same are consistent with the Provisions of this Act, shall thenceforth be vested in and may be delegated to the Governor of the said Colony of *Victoria*.

Removing  
Doubts as to  
certain Taxes  
imposed by  
Governor and  
Council of  
*Van Diemen's*  
*Land*.

XXVI. And be it enacted, That so much of the said Act of the Ninth Year of the Reign of King *George* the Fourth as requires that the Purposes for which every such Tax or Duty as therein mentioned may be imposed, and to or towards which the Amount thereof is to be appropriated and applied, shall be distinctly and plainly stated in the Body of every Law or Ordinance imposing every such Tax or Duty, shall be repealed: and no such Law or Ordinance made or to be made by the Governor and Council of *Van Diemen's Land*, and enrolled and recorded in the Supreme Court of the said Colony, shall be or deemed to have been invalid by reason of such Purposes not being so stated in the Body of such Law or Ordinance.

Customs Duties  
may be imposed  
on any Goods.

XXVII. And be it enacted, That, subject to the Provisions of this Act, and notwithstanding any Act or Acts of Parliament now in force to the contrary, it shall be lawful for the Governor and Legislative Council of the Colony of *New South Wales*, and after the Establishment of Legislative Councils therein respectively under this Act for the respective Governors and Legislative Councils of the Colonies of *Victoria*, *Van Diemen's Land*, *South Australia*, and *Western Australia*, to impose and levy such Duties of Customs as to such respective Governors and Councils may seem fit on the Importation into such respective Colonies of any Goods, Wares, and Merchandize whatsoever, whether the Produce or Manufacture of or imported from the United Kingdom, or any of the Colonies or Dependencies of the United Kingdom, or any Foreign Country: Provided always, that no new Duty shall be so imposed upon the Importation into any of the said Colonies of any Article the Produce or Manufacture of or imported from any particular Country or Place which shall not be equally imposed on the Importation into the same Colony of the like Article the Produce or Manufacture of or imported from all other Countries and Places whatsoever.

A Supreme  
Court may be  
erected in the  
Colony of  
*Victoria*.

XXVIII. And whereas under an Act of the Governor and Council of *New South Wales* passed in the Fourth Year of the Reign of Her Majesty, intituled *An Act to provide for the more effectual Administration of Justice in New South Wales and its Dependencies*, the Number of the Judges of the Supreme Court of *New South Wales* constituted under the said Act of the Ninth Year of King *George* the Fourth has been increased to Five, and One of such Judges is resident, and has such Power, Jurisdiction, and Authority within the District of *Port Phillip*, subject to such Appeal to the said Supreme Court as by the said Act of the Governor and Council of *New South Wales* is provided: Be it enacted, That it shall be lawful for Her Majesty, by Letters Patent under the Great Seal of the United Kingdom of *Great Britain* and *Ireland*, to erect and appoint a Court of Judicature in the said Colony of *Victoria*, which shall be styled "The Supreme Court of the Colony of *Victoria*;" and such Court shall be holden by One or more Judge or Judges, and shall have such ministerial and other Officers as shall be necessary for the Administration

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Administration of Justice in the said Court, and for the Execution of the Judgments, Decrees, Orders, and Process thereof; and all the Provisions of the said Act of the Ninth Year of the Reign of King *George* the Fourth, concerning the Appointment and Removal of Judges and Officers of the Supreme Court of *New South Wales* and for appointing Persons to act in the Place and Stead of Judges being absent, resigning, dying, or becoming incapable to act, and concerning Appeals to Her Majesty in Council from Judgments, Decrees, Orders, or Sentences of such Court, shall apply to the said Supreme Court to be erected in the said Colony of *Victoria* but so that the Powers of the Governor of *New South Wales* in relation to the Matters aforesaid shall be vested in the Governor of the Colony of *Victoria*; and from such Time as shall be mentioned in such Letters Patent all the Authorities, Powers, and Jurisdiction of the Supreme Court of *New South Wales* and of any Judge thereof, over or to be exercised within or in relation to the said Colony of *Victoria*, including all Admiralty Jurisdiction exercisable within the Limits thereof, shall cease to be had and exercised by such last-mentioned Supreme Court and Judge respectively, and shall thenceforth be vested in and exercisable by the Supreme Court erected by such Letters Patent; provided that in the meantime the said Authorities, Powers, and Jurisdiction of the said Supreme Court of *New South Wales* and of the Judges thereof, within and in respect of the said Colony of *Victoria* shall remain as if this Act had not been passed, unless or until the same shall be varied by Act of the Governor and Council of the said Colony of *Victoria*.

XXIX. And be it enacted, That it shall be lawful for the Governors and Councils of the said Colonies of *New South Wales*, *Van Diemen's Land*, and *Victoria* respectively, from Time to Time, by any Act or Acts, to make such Provision as to them may seem meet for the better Administration of Justice, and for defining the Constitution of the Courts of Law and Equity and of Juries, within the said Colonies respectively, or within any present or future Dependencies thereof respectively, anything in the said Act of the Ninth Year of King *George* the Fourth, or in this Act, or in any Charter of Justice or Order in Council made or issued in pursuance thereof respectively, or in any Law, Statute, or Usage, to the contrary thereof notwithstanding.

Legislatures of New South Wales, Van Diemen's Land, and Victoria empowered to make further Provisions for the Administration of Justice.

XXX. And be it enacted, That in case at any Time hereafter the Legislative Councils of the said Colonies of *New South Wales* and *Victoria*, or the Legislative Council of one of the said Colonies, shall petition Her Majesty to alter the Boundaries of the said Colonies of *New South Wales* and *Victoria*, so as to transfer to one of such Colonies a Portion of the Territories which after the Separation authorized by this Act, shall be comprised in the other of them, it shall be lawful for Her Majesty, if She shall think fit, by any Order to be made with the Advice of Her Privy Council, to alter such Boundaries in pursuance of the Prayer of such Petitions or Petition, or in such varied Manner as Her Majesty with such Advice shall think fit: Provided always, that unless the Councils of both the said Colonies shall petition for an Alteration of such Boundaries, Notice of the Petition, and of the Intention of Her Majesty to order the same to be taken into consideration by Her Privy Council, shall be given in such Manner as Her Majesty shall direct to the Legislative Council which shall not have petitioned, Six Months at least before such Petition shall be so considered.

Boundaries of New South Wales and Victoria may be altered by Order in Council.

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Duties not to be levied on Supplies for Troops; nor any Duties, &c. inconsistent with Treaties.

XXXI. Provided also, and be it enacted, That it shall not be lawful for the Legislatures of any of the said Colonies to levy any Duty upon Articles imported for the Supply of Her Majesty's Land or Sea Forces, nor to levy any Duty, impose any Prohibition or Restriction, or grant any Exemption, Bounty, Drawback, or other Privilege, upon the Importation or Exportation of any Articles, nor to impose any Dues or Charges upon Shipping, contrary to or at variance with any Treaty or Treaties concluded by Her Majesty with any Foreign Power.

Power to Governors and Councils, with Assent of Her Majesty in Council, to alter the Constitution of the Legislative Councils.

XXXII. And be it enacted, That, notwithstanding anything herein before contained, it shall be lawful for the Governor and Legislative Council of the Colony of *New South Wales*, after the Separation therefrom of the Colony of *Victoria*, and for the Governors and Legislative Councils of the said Colonies of *Victoria*, *Van Diemen's Land*, *South Australia*, and *Western Australia* respectively, after the Establishment of Legislative Councils therein under this Act, from Time to Time, by any Act or Acts to alter the Provisions or Laws for the Time being in force under this Act, or otherwise, concerning the Election of the elective Members of such Legislative Councils respectively, the Qualification of Electors and elective Members, or to establish in the said Colonies respectively, instead of the Legislative Council, a Council and a House of Representatives, or other separate Legislative Houses, to consist respectively of such Members to be appointed or elected respectively by such Persons and in such Manner as by such Act or Acts shall be determined, and to vest in such Council and House of Representatives or other separate Legislative Houses the Powers and Functions of the Legislative Council for which the same may be substituted: Provided always, that every Bill which shall be passed by the Council in any of the said Colonies for any of such Purposes shall be reserved for the Signification of Her Majesty's Pleasure thereon; and a Copy of such Bill shall be laid before both Houses of Parliament for the Space of Thirty Days at the least before Her Majesty's Pleasure thereon shall be signified.

Provisions as to the Reservation of Bills for Signification of Her Majesty's Pleasure.

XXXIII. Provided always and be it enacted, That the Provisions of the said firstly-recited Act of the Sixth Year of the Reign of Her Majesty, as explained and amended by the said secondly-recited Act of the Eighth Year of the Reign of Her Majesty, concerning Bills reserved for the Signification of Her Majesty's Pleasure thereon, shall be applicable to every Bill so reserved under the Provisions of this Act.

Provision of 5 & 6 Vict. c. 76 reserving Powers to define Limits, &c. of New South Wales extended.

XXXIV. And whereas by the said firstly-recited Act of the Sixth Year of the Reign of Her Majesty Power is reserved to Her Majesty by Letters Patent to be from Time to Time issued under the Great Seal of *Great Britain* and *Ireland* to define the Limits of the said Colony of *New South Wales*, and to erect into a separate Colony or Colonies any Territories which then were or were reputed to be or thereafter might be comprised within the said Colony of *New South Wales*, provided that no part of the Territories lying Southward of the Twenty-sixth Degree of South Latitude in the said Colony of *New South Wales* should by any such Letters Patent as aforesaid be detached from the said Colony: And whereas it is expedient that the Power reserved to Her Majesty as aforesaid should be extended over certain Parts of the said Territories lying Southward of the Twenty-sixth Degree of South Latitude, upon the Application

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Application of the Inhabitants thereof: Be it enacted, That it shall be lawful for Her Majesty from Time to Time, upon the Petition of the Inhabitant Householders of any such of the Territories in the said recited Proviso mentioned as lie Northward of the Thirtieth Degree of South Latitude, to detach such Territories from the Colony of *New South Wales*, and to erect such Territories into a separate Colony or Colonies, or to include the same in any Colony or Colonies to be established under the Powers of the last-mentioned Act; and all the Powers and Provisions of the last-mentioned Act in respect to any new Colony or Colonies to be established under such Act shall extend to any new Colony or Colonies to be established under this Enactment.

Upon Petition of Inhabitants, Territories lying Northward of Thirtieth Degree of South Latitude may be detached from New South Wales.

XXXV. Provided always, and be it enacted, That it shall be lawful for the Legislature which may be constituted according to the Provisions of the last-mentioned Act in any Colony established under such Act, or under the Enactment herein-before contained, by any Ordinance or Ordinances to be made for that Purpose, subject to the Conditions and Restrictions to which Ordinances to be made by such Legislature may by Law be subject, to establish a Legislative Council within such Colony, to consist of such Number of Members as they shall think fit; and such Number of the Members of such Council as is equal to One Third Part of the whole Number of Members of such Council, or if such Number be not exactly divisible by Three, One Third of the next greater Number which is divisible by three, shall be appointed by Her Majesty, and the remaining Members of the Council shall be elected by the Inhabitants of such Colony; and it shall be lawful for such Legislature, by such Law or Ordinance as aforesaid, to make all necessary Provisions for dividing such Colony into convenient Electoral Districts, and for appointing and declaring the Number of Members of Council to be elected for each such District, and for the Compilation and Revision of Lists of all Persons qualified to vote at the Elections to be holden within such Districts, and for the appointing of Returning Officers, and for the issuing, executing, and returning of the necessary Writs for such Elections, and for taking the Poll thereat, and for determining the Validity of all disputed Returns, and otherwise ensuring the orderly, effective, and impartial Conduct of such Elections; and upon the Establishment in such Colony of a Legislative Council under this Provision, all the Provisions of this Act and of the said firstly-recited Act of the Sixth Year of Her Majesty, and of the said secondly-recited Act of the Eighth Year of Her Majesty which are hereby made applicable to the Colony of Western Australia, after the Establishment under this Act of a Legislative Council therein, shall become applicable to the Colony in which a Legislative Council is established under this Provision, as if all such Provisions were here repeated and applied to every such Colony.

Legislative Councils may be established in the newly erected Colonies.

XXXVI. And be it enacted, That by the Term "Governor" of the Colonies mentioned in this Act, as used in this Act, shall be understood the Persons for the Time being lawfully administering the Government of such Colonies respectively, and until Her Majesty shall issue a Commission appointing a Governor of the Colony of *Victoria*, the Superintendent of *Port Phillip* shall be deemed the Person administering the Government of the Colony of *Victoria*.

Interpretation of "Governor."

XXXVII. And be it enacted, That this Act shall be proclaimed in *New South Wales*, *Van Diemen's Land*, *South Australia*, and *Western*

Commencement of this Act.

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*Western Australia*, by the respective Governors thereof, within Six Weeks after a Copy of such Act shall have been received by such Governors respectively, and, save as herein expressly provided, shall take effect within such Colonies respectively from the Day of such Proclamation thereof.

Act may be  
amended, &c.

XXXVIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.



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## SCHEDULES referred to in the foregoing Act.

## NEW SOUTH WALES.

## SCHEDULE (A.) Part 1.

	£
Governor ... ..	5,000
Chief Justice ... ..	2,000
Two Puisne Judges... ..	3,000
Salaries of the Attorney and Solicitor General, Crown Solicitor, and contingent and miscellaneous Expenses of the Administration of Justice throughout the Colony...	19,000
	<u>29,000</u>

## SCHEDULE (A.) Part 2.

	£
Colonial Secretary, and his Department ... ..	6,500
Colonial Treasurer, and his Department ... ..	4,000
Auditor General, and his Department ... ..	3,000
Salary of Clerk and miscellaneous Expenses of Executive Council ... ..	500
Pensions ... ..	2,500
	<u>16,500</u>

## SCHEDULE (A.) Part 3.

	£
Public Worship ... ..	28,000

## VICTORIA.

## SCHEDULE (B.) Part 1.

	£
Governor ... ..	2,000
Judge ... ..	1,500
Salaries of Attorney General and Crown Solicitor, and contingent and miscellaneous Expenses of the Administration of Justice throughout the Colony ...	5,000
	<u>8,500</u>

## SCHEDULE (B.) Part 2.

	£
Colonial Secretary, and his Department ... ..	2,000
Colonial Treasurer, and his Department ... ..	1,500
Auditor General, and his Department ... ..	1,100
Salary of Clerk of Executive Council, and miscellaneous Expenses ... ..	400
Pensions ... ..	500
	<u>5,500</u>

## SCHEDULE, (B.) Part 3.

	£
Public Worship ... ..	6,000

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## VAN DIEMEN'S LAND.

## SCHEDULE (c.) Part 1.

Governor ...	£
Chief Justice ...	2,000
Puisne Judge ...	1,500
Salaries of Attorney and Solicitor General, Crown Solicitors, and contingent and miscellaneous Expenses of Administration of Justice throughout the Colony ...	1,200
	13,300
	<u>18,000</u>

## SCHEDULE (c.) Part 2.

Colonial Secretary, and his Department ...	£
Colonial Treasurer, and his Department ...	2,800
Auditor General, and his Department ...	1,800
Salary of Clerk of Executive Council, and miscellaneous Expenses ...	1,600
Pensions ...	700
	2,000
	<u>8,900</u>

## SCHEDULE (c.) Part 3.

Public Worship ...	£
	15,000

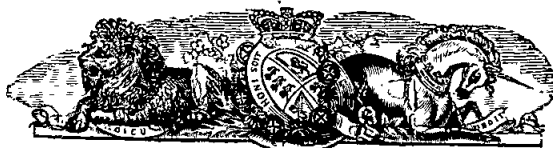
## SOUTH AUSTRALIA.

## SCHEDULE (d.) Part 1.

Governor ...	£
Judge ...	2,000
Salaries of the Advocate General and Crown Solicitor, and contingent and miscellaneous Expenses of the Administration of Justice throughout the Colony ...	1,000
	5,000
	<u>8,000</u>

## SCHEDULE (d.) Part 2.

Colonial Secretary, and his Department ...	£
Colonial Treasurer, and his Department ...	2,000
Auditor General, and his Department ...	1,500
Salary of Clerk of Executive Council, and miscellaneous Expenses ...	1,000
	500
	<u>5,000</u>



ANNO QUINTO & SEXTO

# VICTORIÆ REGINÆ.

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No. LXXVI.

An Act for the Government of *New South Wales* and  
*Van Diemen's Land*. [30th July, 1842.]

**W**HEREAS it is expedient that further Provision be made for the Government of *New South Wales*: be it therefore enacted by the Queen's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that there shall be within the Colony of *New South Wales* a Legislative Council, to be constituted in the manner and for the purposes herein-after mentioned, and that the said Legislative Council shall consist of Thirty-six Members, and that Twelve of the Members of the said Council shall from time to time, in the manner herein-after mentioned, be appointed by Her Majesty, and that Twenty-four of the Members of the said Council shall from time to time, in the manner herein-after mentioned, be elected by the Inhabitants of the said Colony.

Legislative Council to be constituted.

II. And be it enacted, That the Legislature now by Law established within the said Colony of *New South Wales* shall, by Ordinances to be for that purpose made and enacted in the manner and subject to the conditions now by Law required in respect of any Ordinances made and enacted by the said Legislature, make all necessary provisions for dividing the parts of the said Colony, within the boundaries of location, into convenient Electoral Districts, and for appointing and declaring the number of Members to be elected for each such District, and for the compilation and revision of lists of all persons qualified to vote at the elections to be holden within such Districts, and for the appointing of Returning Officers, and for the issuing, executing, and returning the necessary Writs for such Elections

Electoral Districts to be constituted.

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: Provided always, that the District of *Port Phillip* and the Towns of *Sydney* and *Melbourne* shall be Electoral Districts; and that the District of *Port Phillip* shall return at least Five Members, the Town of *Sydney* shall return Two Members, and the Town of *Melbourne* shall return One Member: Provided also, that for the purposes of this Act the boundary of the District of *Port Phillip* on the North and North-east shall be a straight line drawn from *Cape How* to the nearest source of the River *Murray*, and thence the course of that River to the Eastern boundary of the Province of *South Australia*.

Boundaries of  
Cities and  
Towns to be  
settled by the  
Governor.

III. And be it enacted, That, for the purpose of electing their several Representatives to the said Legislative Council, the Towns of *Sydney* and *Melbourne*, and such other Towns as shall be declared electoral Districts, shall be deemed to be bounded and limited in such manner as the Governor of the Colony of *New South Wales*, by Proclamation to be published in the *New South Wales*, Government Gazette, or by Letters Patent under the Great Seal of the Colony, shall set forth and describe; and such Parts of any such Town (if any) which shall not be included within the boundary set forth or described in such Proclamation or Letters Patent, for the purposes of this Act, shall be taken to be a part of the adjoining District, for the purpose of being represented in the said Legislative Council.

Power to alter  
System of  
Representation.

IV. And be it enacted, That it shall be lawful for the Governor and the said Legislative Council of the Colony of *New South Wales* by any Act or Acts to be hereafter passed, to alter the divisions and extent of the several Districts and Towns which shall be represented in the Legislative Council, and to establish new and other divisions of the same, and to alter the number of Members of the Council to be chosen by the said Districts and Towns respectively, and to increase the whole number of the Legislative Council, and to alter and regulate appointment of Returning Officers in and for the same, and make provision in such manner as they may deem expedient for the issuing and return of Writs for the election of Members to serve in the said Legislative Council, and the time and place for holding such elections: Provided always, that such number of the additional Councillors as is equal to one-third part of the whole increase, or, if such increase shall not be exactly divisible by three, such whole number as is next greater than one-third of the whole increase, shall be appointed by Her Majesty, and the remaining additional Members of the Council shall be elected by the Inhabitants of the Colony in like manner as the Elective Members first constituted under this Act.

Qualification of  
Electors.

V. And be it enacted, That the Elective Members shall be chosen by the votes of the Electors, each of whom shall be either in his own right seised of or entitled to an Estate of Freehold in possession in Lands or Tenements situate within the District for which such vote is to be given, of the clear value of two hundred pounds sterling money at the least, above all charges and incumbrances in any way affecting the same, or a householder within such District occupying a dwelling house of the clear annual value of twenty pounds sterling money at the least.

Persons disqualified  
to vote.

VI. And be it enacted, That no person shall be entitled to vote at any such Election as aforesaid unless he be of the full age of twenty-one years, and a natural-born subject of the Queen, or shall have

have been naturalized, or shall hold Letters of Denization, according to Law; and that no person shall be entitled to vote at any such Election who shall have been attainted or convicted of any Treason, Felony, or infamous Offence within any part of Her Majesty's Dominions, unless he shall have received a free Pardon, or one conditional on not leaving the Colony, for such Offence, or shall have undergone the sentence or punishment to which he shall have been adjudged for such offence.

VII. And be it enacted, That no person shall be entitled to vote at any such Election as aforesaid unless he shall have been in possession of the estate, or in occupancy of the house, by reason of which he is qualified to vote, for at least six calendar months next before the Date of the Writ for such Election, or, in case a Registration of Electors shall be established in the Colony, next before the last Registration of Electors in the District: nor shall any person be entitled to vote at any such Election 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 in respect of such estate, or as occupier in respect of such occupancy, except such as shall have become payable during three calendar months next before such Election or Registration respectively.

Possession or occupancy requisite to Qualification; as also payment of Rates and Taxes.

VIII. And be it enacted, That no person shall be capable of being elected a Member of the Legislative Council who shall not be of the full age of twenty-one years, and a natural born subject of the Queen, or naturalised by Law, or who shall not be legally or equitably seised of an estate of freehold, for his own use and benefit, in Lands and Tenements in *New South Wales* of the yearly value of one hundred pounds sterling money, or of the value of two thousand pounds sterling money, above all charges and incumbrances affecting the same.

Qualification of elective Members of Council.

IX. And be it enacted, That every Candidate at such Election, before he shall be capable of being elected, shall, if required by any other Candidate, or by any Elector, or by the Returning Officer, make the following Declaration:

Declaration by Candidates.

**I** *A.B.* do declare and testify, That I am duly seised at Law or in Equity of an Estate of Freehold, for my own use and benefit, in Lands or Tenements in the Colony of *New South Wales*, of the yearly value of one hundred pounds sterling money [or of the value of two thousand pounds sterling money, *as the case may be*], above all charges and incumbrances affecting the same; and that I have not collusively or colourably obtained a title to or become possessed of the said Lands and Tenements, or any part thereof, for the purpose of qualifying or enabling me to be returned a Member of the Legislative Council of the Colony of *New South Wales*.

X. And be it enacted, That if any person shall knowingly and wilfully make a false Declaration respecting his Qualification as a Candidate at any Election as aforesaid, such person shall be deemed to be guilty of a Misdemeanor, and being thereof lawfully convicted shall suffer the like Pains and Penalties as by Law are incurred in *New South Wales* by persons guilty of wilful and corrupt Perjury.

Persons making false Declarations liable to the Penalties of Perjury.

XI. And be it enacted, That whenever it shall be established, to the satisfaction of the Governor of the said Colony, that the seat of any Elective Member of the Legislative Council hath become vacant, the Governor, unless other provision in that behalf be made by the

Writ for new Election in case of vacancy.

Governor and Legislative Council, as hereinbefore provided, shall forthwith 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.

Appointment of  
part of the  
Council.

XII. And be it enacted, That it shall be lawful for Her Majesty, by any Warrant or Warrants to be from time to time issued under Her Majesty's Sign Manual, and countersigned by One of Her Majesty's Principal Secretaries of State, to nominate such part of the said Council as according to this Act is to be appointed by Her Majesty, and to designate such non-elective Members of the said Council either by their proper names, or as holders for the time being of any public Offices within the said Colony; and it shall also be lawful for Her Majesty, by any such Warrant or Warrants, from time to time to delegate to the Governor of the said Colony the power of nominating and designating such non-elective Members of the said Council, either by their proper names, or as holders for the time being of any such public Offices as aforesaid, which delegated power shall nevertheless be exercised by any such Governor provisionally only, and until Her Majesty's Pleasure shall be known, and shall not be exercised until the return of the Writs for the Election of all the elective Members: Provided always, that not more than half the number of such non-elective Members shall hold any Office of emolument under the Crown within the said Colony.

Appointment  
how made.

XIII. And be it enacted, That every appointment which shall be made by the Governor of any non-elective Member of the said Legislative Council shall be made by Letters Patent to be for that purpose issued under the Public Seal of the said Colony.

Tenure of Office  
of non-elective  
Councillor.

XIV. And be it enacted, That every non-elective Member of the Legislative Council of the Colony of *New South Wales* shall hold his seat therein for five years from the day of his appointment, or until the Council shall be sooner dissolved, subject nevertheless to the provisions hereinafter contained for vacating the same.

Resignation  
of Legislative  
Councillor.

XV. And be it enacted, That it shall be lawful for any Member of the Legislative Council of the Colony of *New South Wales*, by writing under his hand addressed to the Governor, to resign his seat in the said Legislative Council, and upon such resignation the seat of such Legislative Councillor shall become vacant.

Causes by which  
seat may be  
vacated.

XVI. And be it enacted, That if any Legislative Councillor of the Colony of *New South Wales* shall for two successive Sessions of the Legislature of the said Colony fail to give his attendance in the said Legislative Council, without the Permission of Her Majesty or of the Governor of the said Colony, signified by the said Governor to the Legislative Council, or shall take any oath or make any declaration or acknowledgment of allegiance, obedience, or adherence to any foreign prince or power, or shall do, concur in, or adopt any act whereby he may become a subject or citizen of any foreign state or power, or shall become bankrupt, or take the benefit of any law relating to insolvent debtors, or become a public defaulter, or be attainted of treason, or be convicted of felony or any infamous crime, or shall become *non compos mentis*, his seat in such Council shall thereby become vacant.

Vacation of the  
Seat of Official  
Councillors.

XVII. And be it enacted, That if any person who shall have been designated as a non-elective Member of the Legislative Council as the holder of a public Office shall cease to hold such Office, his seat in the Council shall thereupon become vacant.

XVIII.

XVIII. And be it enacted, That any question which shall arise respecting any vacancy in the Legislative Council of the Colony of *New South Wales*, on occasion of any of the matters aforesaid, shall be heard and determined by the said Legislative Council, on such questions being referred to them for that purpose by the Governor of the said Colony, and not otherwise.

Trial of questions of vacancy

XIX. And be it enacted, That in case of the vacancy of the seat of any non-elective Member of the said Council who shall have been designated as the holder of a Public Office, the seat shall continue vacant until the appointment of another person to fill the same Office, and in the case of the vacancy of the seat of any non-elective Member of the said Council, who shall have been so designated by his proper name, it shall be lawful for the Governor of the said Colony to designate by name and appoint some person to succeed to the place in the said Council of the Member so vacating his seat, which appointment shall be valid and effectual until the same shall be disallowed by Her Majesty, or until a new appointment, made by a Warrant to be issued as aforesaid under Her Majesty's Sign Manual, and countersigned by One of Her Majesty's principal Secretaries of State; and in case any such appointment shall be simply disallowed by Her Majesty, the Governor shall make a new appointment, subject as aforesaid to Her Majesty's approval; and every such appointment, disallowance, and new appointment shall take effect from the time of the notification thereof by the Governor in the *New South Wales* Government Gazette.

Vacancy among appointed Members of Council, how supplied.

XX. And be it enacted, That it shall be lawful for the Governor of the said Colony for the time being to fix such place or places within any part of the said Colony, and such times for holding the first and every other Session of the said Council, as he may think fit, such times and places to be afterwards changed or varied as the Governor may judge advisable and most consistent with general convenience and the public welfare, giving sufficient notice thereof, and also to prorogue the said Council from time to time, and dissolve the same, by Proclamation or otherwise, whenever he shall deem it expedient.

Place and times of holding Council.

XXI. And be it enacted, That there shall be a Session of the said Council once at least in every year, so that a period of twelve calendar months shall not intervene between the last sitting of the Council in one Session and the first sitting of the Council in the next Session, and that every Council shall continue for five years from the day of the return of the Writs for choosing the same, and no longer, subject nevertheless to be sooner prorogued or dissolved by the Governor of the said Colony.

Duration of Council.

XXII. And be it enacted, That the first writs for the Election of Members of the said Council shall issue at some period not later than twelve calendar months after the Proclamation of this Act within the said Colony.

First calling together of the Council.

XXIII. And be it enacted, That the said Legislative Council shall at its first Meeting, and before proceeding to the despatch of any other business, elect some one Member of such Council to be the Speaker thereof, and as often as the place of the said Speaker shall become vacant by the death, resignation, or removal by a vote of the said Council, shall again elect some other Member to be Speaker thereof, and the Speaker so elected shall preside at all Meetings of the said Council: Provided nevertheless, that it shall be lawful for the Governor for the time being of the said Colony to disallow

Election of Speaker.

disallow the choice of any such Speaker, and upon such disallowance being signified by the said Governor to the Legislative Council, such appointment shall become and be absolutely null and void, and the said Legislative Council shall forthwith proceed to the choice of some other Member of the same to be Speaker thereof, and so from time to time until the choice of a Speaker who shall be allowed by the Governor for the time being.

Number  
necessarily  
present for  
transaction of  
business.

XXIV. And be it enacted, That the said Legislative Council shall not be competent to the despatch of business unless there be present, exclusive of the Speaker, one third part at least of the Members of the said Council; and that all questions which shall arise in the said Council shall be decided by the majority of votes of those Members of the Council who shall be present other than the Speaker, and in all cases where the votes shall be equal the Speaker shall have a casting vote.

Members to  
take the oath  
of allegiance.

XXV. And be it enacted, That no Member of the said Legislative Council shall be permitted to sit or vote therein until he shall have taken and subscribed the following Oath before the Governor of the said Colony, or before some person or persons authorised by such Governor to administer such Oath:

‘I, A. B., do sincerely promise and swear, That I will be faithful, and bear true Allegiance to Her Majesty Queen *Victoria* as lawful Sovereign of the United Kingdom of *Great Britain* and *Ireland*, and of this Colony of *New South Wales*, dependent on and belonging to the said United Kingdom; and that I will defend Her, to the utmost of my power, against all Traitorous Conspiracies and Attempts whatever which shall be made against Her Person, Crown and Dignity; and that I will do my utmost endeavour to disclose and make known to Her Majesty, Her Heirs and Successors, all Treasons and Traitorous Conspiracies and Attempts which I shall know to be against Her or any of them; and all this I do swear without any equivocation, mental evasion, or secret reservation, and renouncing all pardons and dispensations from any person or persons whatever to the contrary.

So help me God.’

Affirmation.

XXVI. And be it declared and enacted, That every person authorised by Law to make an affirmation instead of taking an Oath may make such affirmation in every case in which an Oath is hereinbefore required to be taken.

Standing  
orders to be  
adopted.

XXVII. And be it enacted, That the said Council, at its first meeting, and from time to time afterwards as there shall be occasion, shall prepare and adopt such standing rules and orders as shall appear to the said Council best adapted for the orderly conduct of the business of such Council, which rules and orders shall, by such Council, be laid before the Governor of the Colony, and, being by him approved, shall become binding and in force, subject nevertheless to the confirmation or disallowance of Her Majesty in manner hereinafter provided respecting the ordinances to be made by the Governor and Council of the said Colony.

Re-election  
and re-appoint-  
ment of Coun-  
cil.

XXVIII. And be it enacted, That upon any dissolution or other determination of the said Council, it shall be lawful for the Governor of the said Colony to issue new Writs for the general election of elective Members to serve in the Legislative Council; and after the return of such Writs, it shall be lawful for the Governor, in the name and on the behalf of Her Majesty, to nominate and appoint the



the non-elective Members to serve in the Legislative Council, which appointments shall be valid and effectual until the same shall be disallowed by Her Majesty, or until new appointments made by a Warrant or Warrants to be issued under Her Majesty's Sign Manual, and countersigned by One of Her Majesty's Principal Secretaries of State, which new appointments shall be taken as a disallowance of the appointments by the Governor in respect of which they are made; and in case any such appointment by the Governor shall be simply disallowed by Her Majesty, the Governor shall make a new appointment, subject as aforesaid to be disallowed by Her Majesty; and every such appointment, disallowance, and new appointment shall take effect from the time of the notification thereof by the Governor in the *New South Wales* Government Gazette.

XXIX. And be it enacted, That the Governor of the said Colony of *New South Wales*, with the advice and consent of the said Legislative Council, shall have authority to make laws for the peace, welfare and good government of the said Colony: Provided always, that no such law shall be repugnant to the law of England, or interfere in any manner with the sale or other appropriation of the Lands belonging to the Crown, within the said Colony, or with the Revenue thence arising.

Governor and  
Legislative  
Council author-  
ized to make  
Laws.

XXX. And be it enacted, That it shall be lawful for the Governor of the said Colony of *New South Wales* to transmit to the said Council for its consideration the drafts of any such laws which it may appear to such Governor desirable to introduce, and any amendments which he shall desire to be made in any bill presented to him for Her Majesty's assent, and such proposed laws shall thereupon be considered by the Council in like manner as if the same were Bills which had originated therein; and it shall be lawful for the Council to return any Bill in which the Governor shall have so made any amendments, with a message signifying to which of the amendments the Council agree, and those to which they disagree, and thereupon the Bill shall be taken to be presented for Her Majesty's assent, with the amendments so agreed to.

Governor may  
propose Laws  
and amend-  
ments, and may  
return Bills  
amended.

XXXI. And be it enacted, That every Bill which has been passed by the said Council, and also every law proposed by the Governor which shall have been passed by the said Council, whether with or without amendments shall be presented for Her Majesty's assent to the Governor of the said Colony, and that the Governor shall declare according to his discretion, but subject nevertheless to the provisions contained in this Act, and to such instructions as may from time to time be given in that behalf by Her Majesty, Her Heirs or Successors, that he assents to such Bill in Her Majesty's name, or that he withholds Her Majesty's assent, or that he reserves such Bill for the signification of Her Majesty's pleasure thereon; and all Bills altering or affecting the divisions and extent of the several Districts and Towns which shall be represented in the Legislative Council, or establishing new and other divisions of the same, or altering the number of the Members of the Council to be chosen by the said Districts and Towns respectively, or increasing the whole number of the Legislative Council, or altering the salaries of the Governor, Superintendent, or Judges, or any of them, and also all Bills altering or affecting the duties of Customs upon any goods, wares, or merchandize imported to or exported from the said Colony, shall in every case be so reserved, except such Bills for Temporary Laws as the Governor shall expressly declare necessary to be forthwith assented to by reason of some public and pressing emergency.

Giving or  
withholding  
assent to Bills.

Disallowance of  
Bills assented  
to.

XXXII. And be it enacted, That whenever any Bill which shall have been presented for Her Majesty's assent to the Governor of the said Colony shall by such Governor have been assented to in Her Majesty's name, the Governor shall by the first convenient opportunity transmit to one of Her Majesty's Principal Secretaries of State an authentic copy of such Bill so assented to; and that it shall be lawful, at any time within two years after such Bill shall have been so received by the Secretary of State for Her Majesty, by Order in Council, to declare Her disallowance of such Bill; and that such disallowance, together with a certificate under the hand and seal of the Secretary of State, certifying the day on which such Bill was received as aforesaid, being signified by the Governor to the Legislative Council of the said Colony, by speech or message to the said Council, or by Proclamation in the *New South Wales* Government Gazette, shall make void and annul the same from and after the day of such signification.

Assent to Bills  
reserved.

XXXIII. And be it enacted, that no Bill which shall be so reserved for the signification of Her Majesty's pleasure thereon shall have any force or authority within the Colony of *New South Wales* until the Governor of the said Colony shall signify, either by speech or message to the Legislative Council of the said Colony, or by Proclamation as aforesaid, that such Bill has been laid before Her Majesty in Council, and that Her Majesty has been pleased to assent to the same; and that an entry shall be made in the journals of the said Legislative Council of every such speech, message, or Proclamation, and a duplicate thereof, duly attested, shall be delivered to the Registrar of the Supreme Court, or other proper officer, to be kept among the records of the said Colony; and that no Bill which shall be so reserved as aforesaid shall have any force or authority in the said Colony unless Her Majesty's assent thereto shall have been so signified as aforesaid, within the space of two years from the day on which such Bill shall have been presented for Her Majesty's assent to the Governor as aforesaid.

Appropriation  
of Taxes and  
Duties.

XXXIV. And be it enacted, That, with the deductions and subject to the provisions hereinafter contained, the whole of Her Majesty's revenue within the said Colony, arising from taxes, duties, rates, and imposts levied on Her Majesty's subjects within the said Colony, shall be appropriated to the public service within the said Colony, by Ordinances to be for that purpose enacted by the Governor, with the advice and consent of the Legislative Council of the said Colony, and in no other manner; Provided always, that it shall not be lawful for the said Council to pass, or for the said Governor to assent to, any Bill appropriating to the public service any sums or sum of money arising from the sources aforesaid, unless the Governor, on Her Majesty's behalf, shall first have recommended to the Council to make provision for the specific public service towards which such money is to be appropriated.

Issue of money  
under warrant.

XXXV. And be it enacted, That no part of Her Majesty's revenue in the said Colony, arising from the sources aforesaid, shall be issued or shall be made by any such law issuable, except in pursuance of Warrants under the Hand of the Governor of the Colony, directed to the public Treasurer thereof.

Revenue to be  
charged with  
the expense of  
collection and  
management.

XXXVI. And be it enacted, That the said revenue of the Colony of *New South Wales* shall be permanently charged with all the costs, charges, and expenses incident to the collection, management and receipt thereof, such costs, charges, and expenses being subject nevertheless to be regulated and audited in such manner as shall be directed by any law of the Governor and Legislative Council.

XXXVII.

XXXVII. And be it enacted, That out of the said revenue fund there shall be payable every year to Her Majesty, Her Heirs and Successors, the sum of thirty-three thousand pounds, for defraying the expenses of the several services and purposes in the Schedule marked (A.) annexed to this Act, and a further sum of eighteen thousand six hundred pounds for defraying the expenses of the several services and purposes named in the Schedule marked (B.) annexed to this Act, and a further sum of thirty thousand pounds for defraying the expenses of the several services and purposes named in the Schedule marked (C.) annexed to this Act, the said sums of thirty-three thousand pounds, eighteen thousand six hundred pounds, and thirty thousand pounds, to be issued by the Treasurer of the said Colony in discharge of such Warrant or Warrants as shall be from time to time directed to him under the Hand and Seal of the Governor; and the said Treasurer shall account to Her Majesty for the same through the Lord High Treasurer, or the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain and Ireland*, in such manner and form as Her Majesty shall be graciously pleased to direct.

Grants for Civil and Judicial Services.

XXXVIII. And be it enacted, That, until altered by any Bill passed by the said Legislative Council, and assented to by Her Majesty, the salaries of the Governor, Superintendent, and Judges shall be those respectively set against their several offices in the said Schedule marked (A.); but that it shall be lawful for the Governor to vary the sums appropriated to any of the services or purposes named in the said Schedule (B.); and that the amount of saving which may accrue from any such alterations in either of the said Schedules shall be appropriated to such purposes connected with the administration of the Government of the said Colony as to Her Majesty shall seem fit; and that Accounts in detail of the Expenditure of the several sums of thirty-three thousand pounds, eighteen thousand six hundred pounds, and thirty thousand pounds, hereinbefore granted, and of every part thereof, shall be laid before the Legislative Council of the said Colony, within thirty days next after the beginning of the Session after such expenditure shall have been made.

How the appropriation of sums granted may be varied.

XXXIX. And be it enacted, That within thirty days after the beginning of the first Session of the Legislative Council in each year the Governor shall make known by message to the Legislative Council, the amount of the sums intended to be appropriated out of the said sum of eighteen thousand six hundred pounds, to the several services and purposes named in the said Schedule (B.) for the service of the year then next ensuing.

Governor to intimate intended appropriation of the sum of £18,600.

XL. And be it declared and enacted, That it shall be lawful for Her Majesty, with the advice of Her Privy Council, or under Her Majesty's Signet and Sign Manual, or through one of Her Principal Secretaries of State from time to time to convey to the Governor of the said Colony of *New South Wales* such instructions as to Her Majesty shall seem meet, for the guidance of such Governor, for the exercise of the powers hereby vested in him of assenting to, or dissenting from, or for reserving for the Signification of Her Majesty's pleasure, Bills to be passed by the said Council, and it shall be the duty of such Governor to act in obedience to such instructions.

Governor to conform to instructions.

XLI. And whereas it is expedient that provision be made for the local Government of the different parts of the said Colony: be it enacted, That it shall be lawful for the Governor, by Letters Patent under the Great Seal of the Colony of *New South Wales*, to incorporate the Inhabitants of every County within the said Colony, or

District Councils to be established.

of

of such parts of Counties or other divisions as to him shall seem fit, to form Districts for the purposes of this Act, and by such several Letters Patent to establish a Council in every such District for the Local Government thereof, subject to the following provisions; (that is to say,) it shall be provided,

1. That every such District Council shall be elective, after the first nomination thereof, as herein-after mentioned, the elections being made in the several Districts or other fit divisions, to be defined by the Charter within the District, so that, until further provision be made in this behalf by the Governor and Legislative Council of the Colony of *New South Wales*, if the population in such District, according to the last Census taken before the Charter, be less than seven thousand souls, the number of Councillors for such District shall not be more than nine; if the population be seven thousand and less than ten thousand, the number of Councillors shall not be more than twelve; if the population be ten thousand and less than twenty thousand, the number of Councillors shall not be more than fifteen; if the population be twenty thousand and upward, the number of Councillors shall not be more than twenty-one.
2. That until further provision be made in this behalf by the Governor and Legislative Council of the Colony of *New South Wales*, the District Councillors shall be persons qualified to be elected Members of the Legislative Council, and shall be elected to such Office, by the persons qualified to vote in the Election of Members of the Legislative Council within the District in which the Election is made.
3. That no District Councillor shall hold any lucrative Office or appointment under such District Council, or enter into or be concerned or interested in any Contract or any pecuniary dealings with such District Council, under a penalty or penalties to be fixed in such Letters Patent of Incorporation:
4. That no District Councillor shall continue in office for more than three years, unless re-elected:
5. That the District Council shall be presided over by a Warden, to be appointed and be removeable by Her Majesty, or by the Governor in the name of Her Majesty:
6. That a District Surveyor who shall have passed an examination before a competent Tribunal, approved by the Governor, shall be appointed in each District for superintending the construction of roads and other public works undertaken by authority of the District Council subject to the approval of the Governor:
7. That accounts in detail of all monies expended in every year by or under the authority of the District Councils be laid before the Governor, and otherwise published in such manner as may be directed by the Charter, or provided by any law of the Governor and Legislative Council of the Colony of *New South Wales*.

For what purposes the Council may make Bye-Laws.

XLII. And be it enacted, That it shall be lawful for each of the said Councils in the said Districts respectively to make Orders and Bye Laws for all or any of the following purposes; (that is to say,)

For

For making, maintaining, or improving any new or existing road, street, bridge, or other convenient communication and means of passage through the District, or for stopping up, altering or diverting any road, street, or communication within the limits of the District :

For building, repairing, and furnishing public buildings :

For the purchase of such real and personal property situate within the District as shall be required, in the opinion of the Council, for the use of the inhabitants thereof :

For the sale of such part of the real and personal property belonging to the District as shall have ceased, in the opinion of the Council, to be useful to the inhabitants :

For the management of all property belonging the District.

For providing the means of defraying such expenses of or connected with the Administration of Justice and Police within the District as are, or shall be hereinafter by Law directed to be defrayed by the district, or out of the District Funds.

For providing for the establishment and support of Schools :

For raising, assessing, levying, and appropriating such monies as shall be required for the purpose of carrying into effect all or any of the objects for which the said District Councils respectively shall be empowered to make orders and Bye Laws, which monies shall be raised either by means of Tolls to be paid in respect of any public work within the District, or by means of rates and assessments to be assessed and levied on real or personal property, or both, within the District, or in respect of such property upon the owners and occupiers thereof:

For the collecting and accounting for all Tolls, Rates, and Assessments imposed or raised under the authority of any such Council, and of the Revenues belonging to the District.

For imposing and determining reasonable penalties to be recovered from such persons as, having been elected to Offices as herein-before provided, shall refuse to serve the same, or refuse or neglect to take and subscribe such Oaths of Office as shall by Law be required to be taken by such Officers respectively :

For determining the amount and time of payment of all salaries or other remuneration of District Officers to be appointed under the authority of this Act :

For providing for any other matters which shall be specially subjected to the direction and control of the said District Councils respectively by any Law of the Governor and Legislative Council of the Colony :

Provided always, that no such Bye Law shall impose any punishment of imprisonment, or any penalty exceeding Ten Pounds.

XLIII. Provided always, and be it enacted, That it shall not be lawful for any such District Council as aforesaid to levy any rate or assessment whatever on any lands or tenements, goods or chattels, real or personal estates, belonging to Her Majesty, Her Heirs and Successors.

No tax to be laid on property belonging to the Crown.

XLIV. And be it enacted, That a copy of every Bye Law made by any District Council under the authority of this Act shall be transmitted

Transmission of bye-laws of District Council.

cils, to Governor for assent.

mitted by the Warden of the District, within fourteen days after the making thereof, to the Governor of the Colony of *New South Wales*; and it shall be lawful for the said Governor, with the advice of his Executive Council, at any time within two calendar months after the receipt of such copy, to disallow such Bye Law, and such disallowance shall without delay be signified to the Warden of the District where such Bye Law shall have been passed, and thenceforward such Bye Law shall be void and of no effect; and no such Bye Law shall have effect until the expiration of the said period of two calendar months, unless the said Governor shall have his given assent thereto before the expiration of that period.

Provision for further definition of powers of District Councils.

XLV. And be it enacted, That, subject to the provisions herein contained, it shall be lawful for the said Governor to specify in writing, and by the said several Charters of Incorporation, the metes and bounds of the said several Districts, and the number of Councillors which shall be for every District, and the time and manner of their election, and to fix the qualification of the Councillors, and to nominate, among the persons qualified to vote in the election of Councillors, the Councillors, being duly qualified, who shall form the first Council in every such District and to appoint the order and manner in which they shall go out of office, and to fix penalties for qualified persons refusing to take office in the Council, and to make all other necessary provisions for establishing such District Councils, for defining their powers, and enabling them to exercise their functions: Provided always, that, notwithstanding any such Charter, it shall be lawful for the Governor and Legislative Council of the Colony of *New South Wales* to make further or other provisions respecting the constitution of the said Councils, and to extend or limit the powers of such Councils in any way which may be found expedient, so that it be not repugnant to this Act or to the law of *England*, and to alter the number and boundaries of the Districts, and to establish a Council in each of such New Districts.

If no election, Governor to appoint.

XLVI. And be it enacted, That in every case of vacancy of the office of District Councillor if a new election shall not be made within the time prescribed by the Charter of Incorporation, or by any law of the Governor and Legislative Council of the Colony respecting the constitution of such District Council, the Governor shall nominate a person duly qualified to fill the vacancy.

Police Expenditure.

XLVII. And be it enacted, That one half the expense of the Police Establishment of the said Colony (exclusive of the Convict Establishment) shall be defrayed out of the general Revenue arising from Taxes, Duties, Rates, and Imposts within the said Colony, and the other half shall be defrayed by Assessment upon the several Districts of the Colony, in such proportions as shall be from time to time fixed by the Governor and Legislative Council; and as soon as any Bill shall have passed the Legislative Council, and shall have been assented to by the Governor, for appropriating any sum to the service of the Police for the year then next ensuing, and for apportioning an equal sum among the several Districts of the said Colony, it shall be lawful for the Governor to issue Warrants under his hand, directed to the Treasurers of the several District Councils, requiring them within two calendar months from the receipt of the Warrant to pay an amount equal to the sum assessed upon that District to such person as the Governor shall appoint to receive the same, out of any monies in their hands belonging to the District.

Assessments to be levied by local Rate.

XLVIII. And be it enacted, That the Treasurer of each District Council to whom any such Warrant shall come, shall pay the amount mentioned

mentioned in the Warrant out of any monies in his hands belonging to the District, or if there be no monies or an insufficient sum in his hands, the District Council shall assess and levy the amount by a fair and equal rate upon all property within the District, which the Legislative Council, or, until a Bill for that purpose shall have been passed by the Legislative Council, and assented to by the Governor with the advice of his Executive Council, shall declare to be liable thereunto.

XLIX. And be it enacted, That the amount ordered by such Warrant to be paid by the Treasurer of any District shall not be paid, within two calendar months after the receipt of the Warrant, to such person as the Governor shall appoint to receive the same, it shall be lawful for the public Treasurer of the said Colony, or other proper Officer appointed by the Governor for such purpose, to issue his Warrant for levying the amount, or so much thereof, as shall be in arrear, with all costs and charges of such proceeding, by distress and sale of the goods of the said Treasurer of the District, and of all or any of the Members of the said District Council, and if no sufficient distress can be thereby made, then by distress and sale of the goods of any of the inhabitants of the said District.

Power of Distress and Sale.

L. And be it enacted, That the amount so contributed from each District, and an equal sum out of the amount appropriated out of the general revenue for the service of the Police, shall be expended for the service of the Police in that District, under the direction of the Governor; and the surplus, if any remaining over and above the expenditure in each year, shall be carried forward in diminution of the charge for the next year.

Amount to be expended for District Police by the Governor.

LI. And whereas the said Colony of *New South Wales* is of great extent, and it may be fit that the Territories now comprised within the said Colony should be divided into separate Colonies, and Provision should be made for the temporary Administration of the Government of any such newly erected Colony as, not being comprised within the limits hereinafter mentioned, may not possess a sufficient population for the immediate establishment therein of the form of Government hereinbefore provided; be it therefore enacted, That, anything hereinbefore contained to the contrary notwithstanding, it shall be lawful for Her Majesty, by Letters Patent, to be from time to time issued under the Great Seal of the United Kingdom of *Great Britain and Ireland*, to define, as to Her Majesty shall seem meet, the limits of the Colony of *New South Wales*, and to erect into a separate Colony or Colonies any Territories which now are, or are reputed to be, or hereafter may be comprised within the said Colony of *New South Wales*: Provided always that no part of the Territories lying southward of the twenty-sixth degree of south latitude in the said Colony of *New South Wales* shall by any such Letters Patent as aforesaid be detached from the said Colony.

Provisions for Constitution of New Colonies.

LII. And be it enacted, That in case Her Majesty shall, by any such Letters Patent as aforesaid, establish any such new Colony or Colonies as aforesaid, it shall be lawful for Her Majesty, by any such Letters Patent to authorise any number of persons not less than seven, including the Governor or Lieutenant-Governor of any such new Colony or Colonies, to constitute a Legislative Council or Legislative Councils for the same; and that every such Legislative Council shall be composed of such persons as shall from time to time be named or designated by Her Majesty for that purpose, and shall hold their places therein at Her Majesty's pleasure; and that it shall be lawful for such Legislative Council to make and ordain

Form of Government in any such new Colony.

all

such Ordinances as may be required for the peace, order, and good government of any such Colony as aforesaid, for which such Legislative Council may be so appointed; and that in the making all such Ordinances the said Legislative Council shall conform to and observe all such instructions as Her Majesty, with the advice of her Privy Council, shall from time to time make for their guidance therein: Provided always, that no such instructions, and that no such Ordinances as aforesaid, shall be repugnant to the Law of *England*, but consistent therewith, so far as the circumstances of any such Colony may admit: Provided also, that all such Ordinances shall be subject to Her Majesty's confirmation or disallowance, in such manner and according to such regulations as Her Majesty, by any such instructions as aforesaid, shall from time to time see fit to prescribe: Provided also, that all instructions which shall in pursuance hereof be made by Her Majesty, with the advice of her Privy Council, and that all Ordinances which shall be made in pursuance hereof by any such Legislative Council, of any such newly-erected Colony as last aforesaid, shall be laid before both Houses of Parliament within one calendar month from the date of any such instructions, or from the arrival in this Kingdom of the transcripts of any such Ordinances, if Parliament shall then be sitting, or if not, then within one calendar month from the commencement of the next ensuing Session of Parliament.

Repealing Part  
and continuing  
other Parts of 9  
G. 4. c. 83 as  
continued by 6  
and 7. W. 4. c.  
46; 7. W. 4. and  
1. Vict. c. 42; 1  
and 2. Vict. c.  
50; 2 and 3  
Vict. c. 79; and  
by 3 and 4 Vict.  
c. 62.

LIII. And whereas an Act was passed in the ninth year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to provide for the Administration of justice in New South Wales and Van Diemen's Land, and for the more effectual Government thereof, and for other purposes relating thereto*, which Act was continued by three Acts passed successively in the seventh year of the Reign of His late Majesty, in the first and in the second years of the Reign of Her Majesty, and was afterwards continued, with Amendments, by two Acts passed in the third and in the fourth years of the Reign of Her Majesty: And whereas so much of the said first recited Act as relates to the constitution of a Council in *New South Wales* will be superseded by this Act; be it enacted, That so much of the said Acts or any of them as relates to the constitution, appointment, and powers of a Council in *New South Wales*, therein mentioned, shall continue until the first Writs shall issue for the election of Members of the Legislative Council under this Act, and from and after the Issue of such Writs shall be repealed, and that, subject to the provision herein-after contained, the other parts of the said recited Acts which, but for the passing of this Act would expire at the end of this Session of Parliament, shall become permanent, both with respect to the said Colony of *New South Wales* and the said Colony of *Van Diemen's Land*: Provided always, that nothing herein contained shall extend or be construed to extend to repeal or abrogate any Law or Ordinance made in pursuance of the said recited Acts or any of them, but that every such Law or Ordinance shall hereafter be as valid and effectual as if every part of the said recited Acts had been hereby made permanent: Provided also, that it shall be lawful for the Governor and Legislative Council of the said Colony, in exercise of the powers to them respectively granted by this present Act, and in the manner and subject to the Rules herein-before prescribed, to repeal, vary, or alter all or any part of the said recited Acts or any of them, or any Law or Ordinance made in pursuance thereof.

Interpretation  
of "Governor"

LIV. And be it enacted, That by the word "Governor," as employed in this Act, shall be understood the person for the time being lawfully administering the Government of the said Colony of *New South Wales*.



LV. And be it enacted, That this Act shall be proclaimed by the Governor of *New South Wales* within six weeks after a copy of it shall have been received by him, and shall take effect within the said Colony from the day of the Proclamation thereof.

Commence-  
ment of Act.

LVI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

Act may be  
amended or  
repealed.

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SCHEDULES referred to in the forgoing Act.

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SCHEDULE (A.)

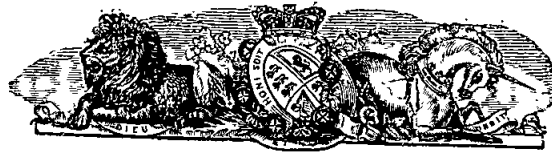
	£
Governor ... ..	5,000
Superintendent at Port Phillip ... ..	1,500
Chief Justice ... ..	2,000
Three Puisne Judges ... ..	4,500
Salaries of the Attorney and Solicitor General, Crown So- licitors, and contingent and miscellaneous Expenses of Administration of Justice throughout the Colony ... }	20,000
	<hr/> 33,000

SCHEDULE (B.)

	£
Colonial Secretary, and his Department ... ..	7,000
Colonial Treasurer, and his Department ... ..	5,000
Auditor General, and his Department ... ..	3,000
Salary of Clerk and miscellaneous Expenses of Executive Council ... .. }	600
Pensions ... ..	3,000
	<hr/> 18,600

SCHEDULE (C.)

	£
Public Worship ... ..	30,000



ANNO SEPTIMO & OCTAVO

# VICTORIÆ REGINÆ.

## CAP. LXXII.

An Act to clear up doubts as to the Regulation and  
Audit of the Accounts of the Customs in *New  
South Wales*.  
[6th August, 1844.]

**W**HEREAS by an Act passed in the sixth year of the Reign of  
Her present Majesty, intituled, "*An Act for the Govern-  
ment of New South Wales and Van Diemen's Land*," it was enacted  
that the Revenue therein mentioned of the Colony of *New South  
Wales* shall be permanently charged with all cost, charges, and  
expenses incident to the collection, management, and receipt  
thereof; such costs, charges, and expenses being subject, neverthe-  
less, to be regulated and audited in such manner as shall be  
directed by any law of the Governor and Legislative Council: And  
whereas doubts have arisen whether under and in pursuance of the  
said Act, the costs, charges, and expenses incident to the collection,  
management, and receipt of the duties on goods imported and  
exported at the said Colony, are not subject to be regu-  
lated and audited in manner therein mentioned: Be it and it is  
hereby declared and enacted by the Queen's most excellent Majesty,  
by and with the advice and consent of the Lords Spiritual and Tem-  
poral, and Commons, in this present Parliament assembled, and  
by the authority of the same, That the costs, charges, and  
expenses incident to the collection, management, and receipt of  
duties of goods imported or exported at the said Colony are not  
according to the true intent and meaning of the said recited Act,  
subject, and shall not be subject, to be regulated and audited in such  
manner as shall be directed by any law of the Governor or the  
Legislative Council, but that all such costs, charges, and expenses  
of such duties of import and export are and shall be subject to be  
regulated and audited in such manner as shall be directed by the  
Commissioners of Her Majesty's Treasury of the United Kingdom  
of *Great Britain and Ireland*, or by any three of them, anything in  
the said recited Act to the contrary notwithstanding.

5 & 6 Vict. c.  
76.

Charges and  
expenses inci-  
dent to the  
collection of  
the imports  
and exports  
to be audited  
in such manner  
as shall be  
directed by  
the Treasury.





ANNO SEPTIMO & OCTAVO

# VICTORIÆ REGINÆ.

## CAP. LXXIV.

An Act to explain and amend the Act for the Government of *New South Wales* and *Van Diemen's Land*.  
[6th August, 1844.]

**W**HEREAS by an Act passed in the sixth year of the Reign of Her present Majesty, intituled, "*An Act for the Government of New South Wales and Van Diemen's Land*," it is amongst other things enacted, That one half the expense of the Police Establishment of the Colony of New South Wales (exclusive of the convict establishment) shall be defrayed out of the general revenue arising from taxes, duties, rates, and imposts within the said Colony, and the other half shall be defrayed by assessment upon the several districts of the Colony in such proportions as shall be, from time to time, fixed by the Governor and Legislative Council of the said Colony; and whereas doubts have arisen as to what is the convict establishment so mentioned and referred to as aforesaid; now, therefore, for the removal of such doubts, be it declared and enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that the convict establishment mentioned and referred to in the said recited enactment, doth comprise, and shall be construed to comprise, such gaols and places of safe custody only as are, or as shall be maintained for the reception of convicts, actually undergoing therein sentences, or commuted sentences, of transportation from the United Kingdom, such gaols or places of safe custody being under the superintendence of officers for that purpose appointed by or under the authority of Her Majesty, and remunerated by funds for that purpose appropriated by some Act of Parliament: Provided always, That if at any time any such gaol or place of safe custody shall be used for the imprisonment of any other offenders jointly with such convicts as aforesaid,

5 & 6 Vict. c. 76.  
Defining extent of Convict Establishment.  
Proviso.

No. 1, JULY 9th, 1851.—10.

said, then such gaol or place of safe custody shall be taken to be a convict establishment within the meaning of this Act, and the said recited Act, so far only as relates to such convicts as aforesaid.

Repeal of part  
of 5 & 6 Vict. c.  
76, s. 13.

II. And whereas doubts have arisen as to the manner in which the declaration required by the said recited Act to be made in certain cases by candidates at the election of a Member of the Legislative Council is to be made by candidates not present at the election: Be it enacted, That so much of the said recited Act as renders any such candidate incapable of being elected until he shall have made such declaration shall be repealed.

Declaration of  
Qualification  
to be made in  
the Council.

III. And be it enacted, That every elective Member of the said Legislative Council, before he shall sit or vote in the said Council after the election of a Speaker, shall make the said declaration in writing under his hand, by delivering to the Clerk of the Council, at the place where and while the Council is sitting; with the Speaker in the Chair, a paper signed by such Member, containing the said declaration, and also a statement of the county or counties in which the lands or tenements are situated out of which his qualification arises, with such other description thereof as may serve to identify the same, and the nature of his estate or interest therein, or in the rents and profits thereof; and the said papers shall be filed and kept by the Clerk with the other records of this office; and every elective Member who shall sit and vote in the said Council after the election of a Speaker before making such declaration as aforesaid shall be liable for every day on which he shall so offend, to a penalty of two hundred pounds; and if he shall not be qualified according to the true intent and meaning of the said recited Act, his election shall be void and a new writ shall be issued to elect another member in his stead.

Repealing  
Provision in  
recited Act as  
to Payment of  
Sums to be  
levied.

IV. And whereas by the said recited Act it is amongst other things enacted, That the Treasurer of each District Council of the said Colony, to whom any such warrant as therein mentioned shall come, shall pay the amount mentioned in the warrant out of any moneys in his hands belonging to the District, or if there be no moneys or an insufficient sum in his hands, the District Council shall assess and levy the amount by a fair and equal rate upon all property within the District which the Legislative Council, or until a Bill for that purpose shall have been passed by the Legislative Council, and assented to by the Governor, with the advice of his Executive Council, shall declare to be liable thereunto: and the said recited enactment hath, by the accidental omission therein of certain words, been rendered obscure and ineffectual for the purposes thereof: Be it enacted, That the said last recited enactment shall be repealed.

Enabling  
Treasurer to  
pay Amount  
named in the  
Warrant.

V. And be it enacted, That the Treasurer of each District Council of the said Colony of *New South Wales*, to whom any such warrant as in the said recited Act mentioned shall come, shall pay the amount mentioned in the warrant out of any moneys in his hands belonging to the district, or, if there be no moneys or an insufficient sum in his hands, the District Council shall assess and levy the amount by a fair and equal rate upon all property within the district which the Legislative Council, or (until a Bill for that purpose shall have been passed by the Legislative Council and assented to by the Governor) which the Governor, with the advice of his Executive Council, shall declare to be liable thereunto.

Defining  
Colony.

VI. And whereas it is, by the said Act, amongst other things provided, that it shall be lawful for the Governor and Legislative Council

Council of the said Colony, in exercise of the powers to them respectively granted by the said Act, and in the manner and subject to the rules therein-before prescribed, to repeal, vary, or alter all or any part of the Acts therein recited, or any of them, or any law or ordinance made in pursuance thereof; and whereas doubts may arise whether the Colony mentioned in the last said recited enactment is the Colony of *New South Wales* or the Colony of *Van Diemen's Land*: Be it declared and enacted, That by the Colony in the said last-recited enactment mentioned, is and shall be understood the Colony of *New South Wales*, and not the Colony of *Van Diemen's Land*.

VII. And whereas by the said recited Act it is provided, That certain Bills shall in every case be reserved by the Governor for the signification of Her Majesty's pleasure thereon, and the intent of such provision was to ensure that such Bills as aforesaid should not be assented to by the Governor without due consideration: Be it enacted, That it shall not be necessary for the Governor to reserve any such Bill for the signification of Her Majesty's pleasure thereon, from which, in the exercise of his discretion, as limited in the said recited Act, he shall declare that he withholds Her Majesty's assent, or to which he shall have previously received instructions on the part of Her Majesty to assent, and to which he shall assent accordingly.

Extending the Governor's Powers as to giving or withholding the Royal Assent.

VIII. And be it enacted, That by the word "Governor," as employed in this Act, shall be understood the person for the time being lawfully administering the Government of the said Colony *New South Wales*.

Defining "Governor,"

IX. And be it enacted, That this Act shall be proclaimed by the Governor of *New South Wales* within six weeks after a copy of it shall have been received by him, and shall take effect within the said Colony from the day of the Proclamation thereof.

Commencement of Act.

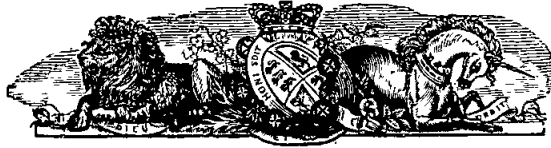
X. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament,

Act may be amended, &c.





# NEW SOUTH WALES.



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.]

**W**HEREAS 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 in the said Legislative Council, and otherwise to provide

Preamble  
5 & 6 Vict. cap. 76.  
13 & 14 Vict. cap. 59.

No 1, JULY 9th, 1851.—10. for

## NUMBER OF MEMBERS.

Legislative Council to consist of thirty Members.

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 herein-after mentioned.

## 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 returned 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 Electoral 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 excluded from Counties.

V. 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

*Victoria Electoral.—1851.*

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 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 Dis-  
tricts.

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 Poll-  
ing 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,

QUALIFICATION OF  
ELECTORS.

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

next

QUALIFICATION OF  
ELECTORS.  
*Continued.*

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, 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.

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

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.

ELECTORAL LISTS.  
*Continued.*

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

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.

As to police Districts forming parts of two or more Electoral Districts

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 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.

Additional Officers may be appointed by the Governor.

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.

ELECTORAL LISTS.  
(PREPARATION.)

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

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

*Victoria Electoral.—1851.*ELECTORAL LISTS.  
(PREPARATION.)  
*Continued.*without payment of any  
fee.

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.

ELECTORAL LISTS.  
(REVISION.)Proceedings at Re-  
vision Courts in Mel-  
bourne and Geelong.

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 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.

Proviso.

Proceeding when  
Alderman, &c., de-  
sires to be relieved

XVII. And be it enacted, That if any Alderman or Assessor shall desire to be relieved from the duty of revising the Electoral List

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.

ELECTORAL LISTS.  
(REVISION.)  
*Continued.*

from revising Electoral List, &c.

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

Revision Courts to be held by Magistrates in other Electoral Districts.

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.

ELECTORAL LISTS.  
(REVISION.)  
*Continued.*

Powers of adjournment.

Courts of Revision  
may administer oath  
or affirmation.

Penalty for swearing  
or affirming falsely.

Personal attendance  
of claimant where  
necessary.

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

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.

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.

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 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 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.

XXIII.



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.

ELECTORAL LISTS.  
(REVISION.)  
*Continued.*  
Copies to be printed  
for distribution.

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.

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

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 OF ELECTION.

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

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 said Council and no longer.

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

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 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.

by the Governor, if  
there be no Speaker.

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

No 1, JULY 9th, 1851.—13.

Writs to be directed  
to Returning Officer.

Writ

WRITS OF ELECTION.  
*Continued.*

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.

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

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.

PROCEEDINGS AT  
ELECTIONS.

Mode of proceeding on  
the day of nomination.

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 favour of each Candidate, and after such show of hands, shall declare the person or persons on whom the Election has fallen, and shall return the same accordingly, unless a Poll be 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.

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

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 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 to  
preside at one Polling  
place, and his Deputies  
at others.

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.

XXXIII.

*Victorial Electoral.—1851.*

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 situate within their Electoral District or not:

PROCEEDINGS AT  
ELECTIONS.  
*Continued.*

Where Electors to vote

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

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

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.

Poll not to extend be-  
yond one day.

Voting papers,

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:—

Questions which may  
be asked of person  
tendering his vote.

FIRST.—Are you the person whose name is signed as A.B, to  
the

PROCEEDINGS AT  
ELECTIONS.  
*Continued.*

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

Returning Officer may  
require declaration  
against bribery.

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 :—

Form of 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 “ 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.”

No person qualified  
to vote until he an-  
swers questions.

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;

False answers  
punishable as perjury.

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.

No other oath neces-  
sary.

XL. And be it enacted, That no Elector shall at any such Election, be required to take any oath or affirmation, except aforesaid, either in proof of his freehold or of his residence, age, 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.

XLI.

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**XLI.** 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.

PROCEEDINGS AT  
ELECTIONS.  
*Continued.*

Voting papers not to  
be rejected for want  
of form.

**XLII.** 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 Re-  
turning Officer.

**XLIII.** And be it enacted, That the Returning Officer of each Electoral District shall, at the place of nomination, and as soon as may be practicable after the Election shall have been held, openly declare the general state of the Poll at the close of the Election, as the same shall have been made up 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 declared by  
Returning Officer.

**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.

Name of person elected  
to be endorsed on Writ.

**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.

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

**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

What shall be deemed  
Acts of Bribery.

PROCEEDINGS AT  
ELECTIONS.  
*Continued.*

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 avoid elec-  
tion, &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 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.

Principals to be  
bound by acts of  
Agents.

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.

Penalty for com-  
mission of acts of  
Bribery.

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

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

abstain from giving the same, such person shall for such offence forfeit the sum of fifty pounds sterling, to the person who shall *bona 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.

PROCEEDINGS AT  
ELECTIONS.  
*Continued.*

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 his 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 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.

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

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 despatch of business, shall take effect as

DISPUTED RETURNS.  
(COMMITTEE.)

Appointment of Election  
Committee by  
Speaker, subject to dis-  
approval by the  
Council.

DISPUTED RETURNS.  
(COMMITTEE.)  
*Continued.*

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.

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

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.

Duration of office of  
Members of Com-  
mittee.

Resignation.

Illness.

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.

Resolution of Council  
to dissolve Com-  
mittee.

Re-appointment.

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 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 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.

Time of meeting.

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

Oath of Committeemen.



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.

DISPUTED RETURNS.  
(COMMITTEE.)  
*Continued.*

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 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.

General powers and course of enquiry by Committee.

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,

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

DISPUTED RETURNS.  
(PROCEEDINGS OF  
COMMITTEE.)  
*Continued.*

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

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.

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 qualified 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 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.

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

LXIV.

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.

ELECTION PETITIONS.  
*Continued.*

## Withdrawal of Petition

## Costs thereon.

**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 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.

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

**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 cost 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.

Costs upon frivolous  
objection to individual  
voters.Costs occasioned by  
unfounded specific  
allegations.

**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.

Costs how to be  
ascertained.

**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

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 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.

ELECTION PETITIONS.  
*Continued.*

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.

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,

PENALTIES.

Penalty for neglect by  
Returning Officer, &c.

Recovery of penalties.

Appropriation of  
penalties.

*Victoria Electoral.—1851.***PENALTIES.**  
*Continued.*Governor may mitigate  
or remit penalty.

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.

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

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.

General issue.

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.

**INTERPRETATION.**

Interpretation clause.

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 of the first Writs under the provision 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.*

CHARLES NICHOLSON,  
Speaker.

WM. MACPHERSON, CLERK OF THE COUNCIL.

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

CH<sup>s</sup> A FITZ ROY,  
GOVERNOR.

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

## SCHEDULE A. REFERRED TO IN THIS ACT.

Schedule A.

## BOUNDARIES OF ELECTORAL DISTRICTS.

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**:—Bounded on the north by part of the southern boundary of the County of Evelyn, being the dividing range from the source of the Buneep Buneep 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 Warrigrin Range, thence along the said range in a northerly direction to the mouth of the Buneep Buneep 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

*Victoria Electoral.—1851.*

Schedule A.  
*Continued.*

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:—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, 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 Yallock Creek; on the east and south-east by the Pirron Yallock 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 Prackmingerrin 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 Baillie's Creek, by Baillie'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 Prackmingerrin 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 Guar-  
keet



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keet Ponds to Lake Korangamite, thence by the western shore of that lake to a point east of Lake Pormpect; 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 Burrumbet Creek, thence by that creek and the southern shores of Lake Burrumbet 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.

Schedule A.  
*Continued.*

**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 Yallock 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 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.

*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-pou-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.

Schedule A.  
Continued.

### 9. *The Electoral District of MURRAY.*

Bounded on the south and west by the counties of Evelyn and Anglesca and the River Goulburn to its junction with the Murray; and 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 Follett, 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 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 Waurin 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 shores 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 10 chains 25 links from the south-west corner of section No. 15, township of Belfast,

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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.

Schedule A  
Continued

WARRNAMBOOL:—Commencing at Messrs. Strong 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 of Rutledge's 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.

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Schedule B.

SCHEDULE B. REFERRED TO IN THIS ACT.  
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 Follett .....	Portland, the Grange, and Pearson's Station.
5. The United Counties of Villiers and Heytesbury	Belfast and Warrnambool.
6. The United Counties of Ripton and Hampden, Grenville and Polworth...	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

## Victoria Electoral.—1851.

## SCHEDULE D. REFERRED TO IN THIS ACT.

Schedule D

## NOTICE OF CLAIM.

To THE TOWN CLERK OF  
BENCH OF  
I hereby give you notice, that I claim to have my name inserted in the Electoral  
List of  
at  
I occupy at  
, or TO THE CLERK OF THE  
, (as the case may be)  
, in virtue of the freehold property which I possess  
, (or, as the case may be, of the dwelling-house which

Dated at                      day of                      in the  
Year 18  
(Signed) JOHN ASHTON, of (place of abode.)

## SCHEDULE E. REFERRED TO IN THIS ACT.

Schedule E.

## NOTICE OF OBJECTION.

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

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. REFERRED TO IN THIS ACT.

Schedule F.

## 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 .....	License to depasture .....	Loddon
Everett Samuel .....	Leasehold .....	Bourke

(Signed) A. B.  
Clerk of the Bench.

Dated at        this        day of

## SCHEDULE G. REFERRED TO IN THIS ACT.

Schedule G.

## 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.

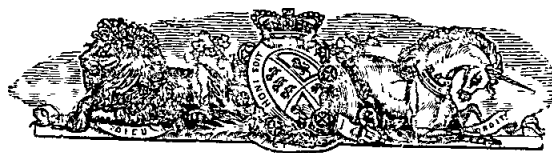
Christian name and Surname of each person objected to	Nature of the Property for which his name is on the Electoral List	Place where the Property is situated.
Amwell Charles .....	Freehold .....	Brighton
Barton William .....	Dwelling House .....	ditto
Curtis John .....	Freehold .....	Heidelberg
Dobson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

(Signed) A. B.  
Clerk of the Bench

Dated at        , this        day of



# NEW SOUTH WALES.



ANNO DECIMO QUARTO

## VICTORIÆ REGINÆ

By His Excellency SIR CHARLES AUGUSTUS FITZ ROY, Knight Companion of the Royal Hanoverian Guelphic Order, Captain-General and Governor-in-Chief of the Territory of New South Wales and its Dependencies, and Vice-Admiral of the same, with the advice and consent of the Legislative Council.

### No. XLV.

An Act to preserve the jurisdiction and authority of Public Officers and Magistrates within the Colony of Victoria, until new Commissions shall have issued. [Assented to 2nd May, 1851.]

**W**HEREAS by an Act of the Imperial Parliament, passed in Preamble the Session of the thirteenth and fourteenth years of the Reign of Her present Majesty Queen Victoria, intituled, "*An Act for the better Government of Her Majesty's Australian Colonies,*" 13 & 14 Vict. c 59. it is amongst other things enacted, that after such provisions for establishing Electoral Districts as therein mentioned shall have been made by the Governor and Legislative Council of New South Wales, and upon the issuing of the Writs for the first Election in pursuance thereof, the Territories comprised within the District of Port Phillip shall be separated from the Colony of New South Wales, and that thereupon the powers of the Governor of New South Wales over and in respect of the Colony of Victoria shall cease: And whereas by the said recited Act it is provided that until a Court of Judicature, to be styled "The Supreme Court of the Colony of Victoria," shall be established by Her Majesty within the said Colony of Victoria, all the authorities, powers, and jurisdictions of the Supreme Court of New South Wales, and of the Judges thereof, within and in respect of the said Colony of Victoria shall remain as if the said recited Act had not been passed, or until the same shall be varied by an Act of the Governor and Council of the said Colony of Victoria: And whereas no such or the like provision is made by the said recited Act of Parliament in respect of any other powers, authorities, and jurisdictions, within the said Colony of Victoria: And whereas doubts may arise whether the authorities, powers, and jurisdictions, duties and obligations, of Justices of the Peace and of all Civil Officers within the said District of Port Phillip holding Commissions

Jurisdiction of Public Functionaries at Port Phillip to continue until new Commissions and Appointments shall have been issued and made under the Government of the Colony of Victoria.

Commissions and Appointments under the Government of New South Wales, will not, by reason of such separation, be thereupon suspended until revived by new Commissions and Appointments under the future Government of the said Colony of Victoria; And whereas it is expedient to prevent such doubts, and to make provision for the preservation of all such Jurisdictions, powers, authorities, duties, and obligations: Be it therefore enacted, by His Excellency the Governor of New South Wales, with the advice and consent of the Legislative Council thereof, That all Justices of the Peace for the Territory of New South Wales, who at the time when this Act shall receive the Royal Assent, shall be commonly resident within the District of Port Phillip; and all persons who at the said time shall hold commissions as Justices of the Peace for the City of Melbourne and for the Town of Geelong respectively, and all and every Public Officer or Servant who at the said time shall hold any office or employment within the said District of Port Phillip, shall and may lawfully continue to act in their several capacities, and to discharge their respective duties, and shall and may hold and exercise, in the same manner and subject to the like obligations as if the said recited Act had not been passed, their several authorities, jurisdictions, and powers within the Territorial limits now comprised within the said District of Port Phillip, or within the said City of Melbourne and Town of Geelong respectively, or at or within the places to which their several duties relate or appertain, as the case may require, until new Commissions and Appointments shall have been issued under the Government of the Colony of Victoria, in the place of the previous Commissions and Appointments of such Justices, Officers, and Public Servants, or whereby or by the effect whereof such previous Commissions and Appointments shall have been revoked, or until and unless any such Justice, Officer, or Public Servant shall have been removed from his office or place by the Governor or Officer administering the Government for the time being within the said Territorial limits of the District of Port Phillip, anything in any law contained to the contrary notwithstanding.

*Passed the Legislative Council, this twenty-  
ninth day of April, one thousand eight-  
hundred and fifty-one.*

CHARLES NICHOLSON,  
Speaker.

WM. MACPHERSON, CLERK OF THE COUNCIL.

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

CH<sup>S</sup> A FITZ ROY,  
GOVERNOR.

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



# NEW SOUTH WALES.



ANNO DECIMO QUARTO

## VICTORIÆ REGINÆ.

### No. XLIX.

An Act to provide that the Revenue and other Laws and Regulations made in and for the Colony of New South Wales, shall, after the erection of the District of Port Phillip into the separate Colony of Victoria, continue in force within the last mentioned Colony until altered by the Legislature thereof, (Assented to, 2nd May, 1851.)

WHEREAS by an Act of the Imperial Parliament, passed in the Session of the thirteenth and fourteenth years of the Reign of Her present Majesty Queen Victoria, intituled, "*An Act for the better Government of Her Majesty's Australian Colonies*," it is amongst other things enacted, that after such provisions for establishing Electoral Districts as therein mentioned shall have been made by the Governor and Legislative Council of New South Wales, and upon the issuing of the Writs for the first Election in pursuance thereof, the Territories comprised within the District of Port Phillip shall be separated from the Colony of New South Wales, and that thereupon the powers of the Governor of New South Wales, over and in respect of the Colony of Victoria shall cease: And whereas it is expected that such Writs will shortly be issued, whereupon the Territories comprised within the said District of Port Phillip will cease to form part of the Colony of New South Wales: And whereas certain Acts of the Governor and Council of the Colony of New South Wales have provided for the levying of certain "duties upon spirits, wines, and other goods and merchandise imported into the said Colony of New South Wales and its dependencies": And whereas also a certain other Act of the said Governor and Council has provided for the "General Regulation of the Customs in New South Wales": And whereas also divers other Acts of the said Governor and Council, and various Government and other Public Regulations, made in pursuance of some of such Acts, have made other provisions and regulations purporting to apply to the said "Colony of New South Wales only": And whereas doubts may arise whether after such separation as aforesaid, the said several duties upon spirits, wines, and other goods and merchandize will be legally leviable within the said Colony of Victoria, and also whether the said several other Acts, and the said Government and other Public Regulations, will apply to and be in force within the said Colony of Victoria after such separation as aforesaid: And whereas it is necessary to remove such doubts, and to provide that

all

No 1, JULY 9th, 1851.—19.

Laws now in force for the collection of Customs in the Colony of New South Wales, including Port Phillip, to remain in force in the Colony of Victoria, until altered by Legislature of the last mentioned Colony.

all Laws and all Rules and Regulations founded thereon, which now apply to the said District of Port Phillip as a part of the said Colony of New South Wales, shall until altered by the Legislature of Victoria, continue to be in full force and effect within the Territories comprised within the said District after their separation as aforesaid, in the same manner as if such separation had not taken place: Be it therefore enacted, That all and every the duties and duty now chargeable and payable within the Colony of New South Wales, upon all spirits, wines, and other goods, and merchandize, imported into the same, shall be charged and paid within the District of Port Phillip, after its erection into the separate Colony of Victoria, upon all spirits, wines, and other goods and merchandize, imported into the last mentioned Colony, in the same manner in every particular, as if such separation had not taken place; and that all and every the Laws and Regulations now in force for the collection and regulation of the Customs in New South Wales, shall in like manner after such separation continue to be in force, and shall be applied to the said Colony of Victoria, as if such separation had not taken place, until such duties, Laws, and Regulations, shall severally and respectively have been altered by the Governor and Legislative Council of Victoria.

All Laws, and Government, and other Public Regulations, now in force in the District of Port Phillip, to remain in force in the Colony of Victoria after separation, until altered as aforesaid.

II And be it enacted, That all and every other the Laws and Government or other Public Regulations which have at any time been passed or made for the Colony of New South Wales, or for the District of Port Phillip, and now in force within the said District, shall after such separation as aforesaid, and until other provision shall have been made in respect of the same matters respectively by the Governor and Legislative Council of Victoria, or other competent authority, severally and respectively continue to be in force within and shall be applied to the Territories comprised within the Colony of Victoria, and to all persons, matters, and things therein, in the same manner to all intents and purposes as if such separation had not taken place,

Duties to be paid on all imported Goods in each Colony after separation.

III. And be it declared and enacted, That after the separation of the Colony of New South Wales and Victoria, all goods, merchandize, and articles now subject to duty on importation into the Colony of New South Wales, shall be liable to, and shall pay, duty in each of the said Colonies respectively, irrespective of the place at which they were first landed: provided that if such goods, merchandize, or articles have paid the import duty in the one Colony, the usual drawback shall be allowed on its exportation to the other.

Passed the Legislative Council, this first day  
of May, one thousand eight hundred and  
fifty-one.

CHARLES NICHOLSON,  
Speaker.

WM. MACPHERSON, CLERK OF THE COUNCIL.

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

CH<sup>S</sup>. A. FITZ ROY,  
GOVERNOR.

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

(COPY)

Duplicate  
No 1.Downing-street,  
28th January, 1851

SIR,

I transmit to you herewith the copy of a Dispatch which I have addressed to Sir Charles Fitz Roy, detailing the manner in which Her Majesty's Government have thought it advisable to alter the form of the Commissions and Royal Instructions which had up to this time been issued for the Government of the Australian Colonies.

2. You will learn from this Despatch that although the Governor General of the Australian Colonies will likewise be Governor of Victoria, Van Diemen's Land, and South Australia, in accordance with the precedent established in those of British North America, it is not intended that he should, in virtue of that office, interfere in matters connected with the ordinary Government of these latter Provinces.

3. At the same time, as Victoria has been so recently detached from New South Wales, and must still have so many subjects of public interest in common with that Colony, you will, probably, find it expedient to keep up a closer communica-

tion with Sir Charles Fitz Roy in reference to such subjects, than will be the case with the other two Colonies, now placed under his Commission as Governor General.

4. And you will, I am certain, not fail to notice the caution conveyed against inadvertently allowing any Legislative measures to affect that freedom of traffic, between the two Colonies which is so essential to their prosperity, and any infringement of which, would do them injury more than counter balancing such benefit as they may derive from Separation.

5. You will receive your own Commission as Lieutenant Governor through Sir Charles Fitz Roy, and in conferring it on you, Her Majesty's Government have great pleasure in acknowledging the services which you have rendered to the community of Victoria, during your long and careful superintendence of its affairs, while constituting a District of New South Wales.

I have the honor to be

Sir,

Your most obedient humble Servant

(Signed) GREY.

Lieutenant Governor La Trobe.

Enclosure to No 1.

SIR,

Downing-street, January 13, 1851.

I transmit to you herewith four separate Commissions under the Great Seal of the United Kingdom, by which the Queen has re-appointed you to the office of Governor of the colony of New South Wales, with the style of Captain-General and Governor-in-Chief; and appointed you also to be Governor, with the same style, of each of the Colonies of Van Diemen's Land, South Australia, and Victoria, together with the several Royal Instructions to which those Commissions refer.

I also transmit to you Her Majesty's warrants, delegating to the Governor of each of the colonies the power of nominating the several non-elective members of the Legislative Councils.

I further transmit to you the Queen's Commission under the Great Seal, by which you are constituted Governor-General of all Her Majesty's Australian possessions, including the colony of Western Australia, together with Letters Patent under the Seal of the High Court of Admiralty, appointing you to the office of Vice-Admiral of each of the Colonies of New South Wales, Van Diemen's Land, South Australia, and Victoria.

You will immediately open your Commission of Governor of New South Wales, and your Commission as Governor-General.

The first of these instruments with the Royal instructions, and your Commission as Vice-Admiral, are to be deposited in the archives of the Colony of New South Wales. Your Commission as Governor-General is to remain in your personal charge, and is to accompany you to any of Her Majesty's Australian possessions to which you may eventually have occasion to repair.

The Commissions and Royal instructions for Van Diemen's Land, South Australia, and Victoria, you will transmit to the respective Lieutenant Governors of those colonies, together with your Commissions as Vice-Admiral, to be opened by those Officers and to be by them deposited in the archives of their colonies.

You will, at the same time, transmit to the Lieutenant-Governors their respective Commissions under the Royal Sign Manual, which are herewith enclosed.

As the Commission of Governor-General of the Australian Colonies is now for the first time issued by Her Majesty, it is necessary to explain to you, that in intrusting to you the extensive powers which are conveyed to you by this and by Her Majesty's other several Commissions, I neither desire nor intend that you should exercise practically any interference in the administration of the governments of the Colonies of Van Diemen's Land, South Australia, and Victoria, with respect to matters affecting only the internal interests of any of these several colonies. No change is to be made in the mode in which the ordinary public business of each of the Australian Colonies has hitherto been transacted and carried on. This is to be performed as heretofore by their own administrative officers, separately from, and irrespectively of the affairs of the other Colonies.

The Lieutenant-Governors of Van Diemen's Land, South Australia, and Victoria, together with the Governor of Western Australia, will continue to administer as heretofore, the governments of these colonies, and to correspond directly with the Secretary of State respecting their affairs.

But as the expanding interests and increasing relations of these communities with each other cannot fail to create a want of some means of establishing a mutual understanding and concert between them on a variety of subjects, Her Majesty's Government have considered it fitting that the officer administering the government of the oldest and largest of those colonies should be provided with a general authority to superintend the initiation and foster the completion of such measures as those communities may deem calculated to promote their common welfare and prosperity. I therefore deemed it proper to avail myself of the occasion which had arisen out of the recent Act of the Legislature of this country, for altering the Commissions of the Governor of New South Wales, Van Diemen's Land, and South Australia, and for issuing a new Commission to Victoria, in order to supply you with those fresh powers which seem to be needed for the purposes which I have thus very briefly indicated. In furtherance of the same purposes, the Lieutenant-Governors of the Australian Colonies will be directed to communicate with you on all points on which the measures adopted in any one colony may appear calculated to effect the interests of the others, and, in the absence of any express instructions from Her Majesty's Government, to be guided by your judgment should any question arise in which more than one of the colonies is concerned.

With the Colony of Victoria, from its having hitherto formed part of New South Wales, the relations of the latter must necessarily continue to be more intimate than those which it will at present have with Van Diemen's Land and South Australia.

This remark applies more especially to the commercial relations of the two first-named colonies; and I should regard it as very injurious to both, that the freedom of intercourse which has hitherto existed between them should be restricted, as it must be if differences should arise in the scale of duties imposed in the ports of each on goods imported for consumption. Hence, I consider it to be highly necessary that there should be no legislation by either of these colonies for the purpose of altering the existing duties on imports without previous communication with the other, and I shall instruct Mr La Trobe accordingly.

You will perceive from what I have said, that I do not contemplate any immediate necessity for your repairing to Van Diemen's Land, South Australia, or Victoria; but you will understand, that if such a necessity should arise you would, by virtue of the Queen's Commission to you, assume the government of any one of those colonies in which you might be present, and retain it during the whole period of your residence. During such period the functions of the Lieutenant-Governor would be completely suspended. Bearing this in mind you will take care that no unnecessary interruption to the ordinary government of any of these colonies takes place; and if it should in this manner devolve on yourself, you will I have no doubt, take the utmost care, by all your acts and proceedings, to maintain unimpaired the respect and deference which are due to the authority of the Lieutenant-Governor.

To Western Australia it is unlikely that you would have occasion under any circumstances to proceed. The administration of the government of that colony remains vested entirely in the present Governor.

I have transmitted a copy of this Despatch direct to the Lieutenant-Governors of Victoria, Van Diemen's Land, and South Australia, and likewise to the Governor of Western Australia.

I have the honor to be,

Sir,

Your most obedient servant,

GREY.

Sir C. A. Fitz Roy  
&c. &c.

P.S.—Since writing this Despatch, I learn from the Board of Admiralty that your Commission as Vice-Admiral cannot be completed in time to be sent by this opportunity.

#### PROCLAMATION

By His Excellency SIR CHARLES AUGUSTUS FITZ ROY, Knight Companion of the Royal Hanoverian Guelphic Order, Governor-General of all Her Majesty's Australian Possessions, Vice Admiral of the same, and Captain General and Governor-in-Chief of the Territory

of New South Wales and its Dependencies, &c., &c., &c.

WHEREAS HER MAJESTY has been graciously pleased, by two several Commissions, under the Great Seal of the United Kingdom of Great Britain and Ireland, bearing date at Westminster, the thirty-first day of December one thousand eight hundred and fifty, to constitute and appoint me, Sir Charles Augustus Fitz

Roy, Knight, to be Governor-General of all Her Majesty's Australian Possessions, including the Colony of Western Australia, and also to re-appoint me to be Governor of New South Wales, with the style of Captain General and Governor-in-Chief: Now, therefore, I, the Governor General and Governor-in-Chief aforesaid, do hereby proclaim and declare that I have this day taken the prescribed Oaths before His Honor Sir Alfred Stephen Knight, the Chief Justice of the Supreme Court of the said Territory of New South Wales, and that I have accordingly assumed the said office of Governor-General, and re-assumed the said office of Captain-General and Governor in Chief.

Given under my Hand and Seal at Government House, Sydney, this twelfth day of June, in the year of Our Lord one thousand eight hundred and fifty one, and in the fourteenth year of Her Majesty's Reign.

(L.S.) CHs. FITZ ROY.

By His Excellency's Command,  
E. DEAS THOMSON.

GOD SAVE THE QUEEN.

#### PROCLAMATION.

By His Excellency SIR CHARLES AUGUSTUS FITZ ROY, Knight Companion of the Royal Hanoverian Guelphic Order, Governor-General of all Her Majesty's Australian Possessions, and Captain-General and Governor-in-Chief of the Territory of New South Wales and its Dependencies.

WHEREAS by a certain Act of the Imperial Parliament of Great Britain and Ireland, passed in the fifth and sixth years of the Reign of Her Most Gracious 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 it should be lawful for the Governor of New South Wales to prorogue the Legislative Council thereof from time to time, and dissolve the same by proclamation or otherwise, whenever he should deem it expedient; and whereas it is expedient to dissolve the said Legislative Council; now therefore, I, Sir Charles Augustus Fitz Roy, the Governor-General and Governor aforesaid, in pursuance of the power and authority so in me vested, do hereby dissolve the said Legislative Council accordingly.

Given under my Hand and Seal at Government House, Parramatta, this thirtieth day of June in the year of Our Lord one thousand eight hundred and fifty one, and in the fifteenth year of Her Majesty's Reign.

(L.S.) CHs. A. FITZ ROY.

By His Excellency's Command,  
E. DEAS THOMSON.

GOD SAVE THE QUEEN!

No. 1, JULY 9th, 1851.—20.

#### PROCLAMATION.

By His Excellency SIR CHARLES AUGUSTUS FITZ ROY, Knight Companion of the Royal Hanoverian Guelphic Order, Governor-General of all Her Majesty's Australian Possessions, and Captain-General and Governor-in-Chief of the Territory of New South Wales and its dependencies.

WHEREAS by an Act of the Imperial Parliament of Great Britain and Ireland, passed in the Session of the thirteenth and fourteenth years of Her Majesty's Reign, intituled, "*An Act for the better Government of Her Majesty's Australian Colonies*," after reciting amongst other things that it is expedient that the District of Port Phillip, then and now part of the Colony of New South Wales, should be erected into a separate Colony, it is amongst other things enacted, that after such provisions as hereinafter mentioned shall have been made by the Governor and Council of New South Wales, and upon the issuing of the Writs for the first Election in pursuance thereof, the Territories comprised within the said District of Port Phillip, including the Town of Melbourne, and bounded on the north and north-east by a straight line drawn from Cape Howe to the nearest source of the River Murray, and thence by the course of that river to the eastern boundary of the Colony of South Australia, shall be separated from the Colony of New South Wales, and shall cease to return Members to the Legislative Council of such Colony, and shall be erected into and thenceforth form a separate Colony, to be known and designated as the Colony of Victoria; and whereas it is by the said Act further enacted, that upon the issuing of such Writs for the first Election of Members of the Legislative Council of the said Colony of Victoria, such Colony shall be deemed to be established, and the legislative authority of the Governor and Council of New South Wales, and the powers of such Governor over and in respect of the Territories comprised in the said Colony of Victoria, and the Revenues thereof shall cease; and whereas by a certain Act of the said Governor and Legislative Council of New South Wales, passed in the fourteenth year of Her Majesty's Reign, intituled, "*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*," the several provisions required by the said recited Act of Parliament to be made before such separation, have been duly made and enacted by the said Governor and Legislative Council of New South Wales: Now, therefore, I, Sir Charles Augustus Fitz Roy, the Governor-General and Captain-General and Governor-in-Chief aforesaid, do hereby proclaim and declare, that in pursuance of the provisions of the said Act of Parliament and Act of Council respectively I have this day issued the necessary Writs for the first election of Members of the Legislative Council of the said Colony of Victoria; and I do further proclaim and declare, that the Territories hitherto comprised within the said District of Port Phillip, including the Town of Melbourne, and bounded as aforesaid, have thereupon been, and now are, separated from the Colony of New South Wales, and have been erected into, and will henceforth form, a separate Colony, to be known and designated as the Colony of Victoria, and that the Legislative authority of the Governor

and Council of New South Wales, and the powers of such Governor, over and in respect of the Territories comprised in the said Colony of Victoria, and the Revenues thereof, have now ceased.

Given under my Hand and Seal, at Government House Sydney, this first day of July, in the Year of Our Lord one thousand eight hundred and fifty-one, and in the fifteenth year of His Majesty's Reign.

CH<sup>S</sup>. A. FITZ ROY.

*By His Excellency's Command,*

E. DEAS THOMSON.

GOD SAVE THE QUEEN!

*Colonial Secretary's Office,  
Sydney, 30th June, 1851.*

#### POSTAGE BETWEEN NEW SOUTH WALES AND VICTORIA.

**H**IS Excellency the GOVERNOR-GENERAL, having conferred with His Honor the Superintendent of Port Phillip, relative to the Postage which will become chargeable on letters, packets, and newspapers, passing between this Colony and Victoria, on the erection of the

latter into a separate. Dependency of the Crown, has been pleased to direct, that, pending the necessary legislation on the subject, the same charges for Postage shall continue to be made as at present on all such letters, packets, and newspapers; but it being necessary to make such arrangements, in reference to this matter, as will ensure to each Colony, so far as circumstances will permit, the benefit of its postal Revenue, it is to be understood, that Postage Stamps of each Colony will only be available in posting letters, packets, or newspapers in the Colony to which they are issued; but they will nevertheless, if of sufficient value, free them from further charge on delivery in the other Colony to which they may be conveyed. If not prepaid by money or in stamps they will nevertheless be forwarded to their destination, and in such case they will become chargeable (newspapers excepted) with double postage in the Colony in which they may be delivered. If the value of the stamps be insufficient, the difference necessary to make up the proper amount of postage, will also be charged double on delivery of the letters and packets. The amount received for postage on letters, packets, and newspapers not prepaid will be carried to the credit of the revenue of the Colony which the same is collected.

*By His Excellency's Command,*

F. DEAS THOMSON.

*Colonial Secretary's Office,*

*Sydney, 1st July, 1851.*

#### WRITS OF ELECTION, VICTORIA.

**R**EFERRING to the announcement contained in the GOVERNOR GENERAL'S Proclamation of this date, of the issue of the Writs for the first Election for the Colony of Victoria, His Excellency directs it to be notified for general information, that the following is the arrangement for the holding of the several Elections, viz:—

No.	ELECTORAL DISTRICT.	Date of Writ.	Place of Nomination.	Date of Nomination.	Polling Day.	Return of Writ
		1851.		1851.	1851.	1851.
1	North Bourke.....	1 Jul y.	Richmond ...	8 Sept.	13 Sept.	1 Oct.
2	South Bourke, Evelyn, and Mornington ...	" "	Brighton .....	9 " "	15 " "	" "
3	Grant .....	" "	Geelong .....	10 " "	16 " "	" "
4	Normanby, Dundas, and Follet .....	" "	Portland .....	4 " "	13 " "	" "
5	Villiers and Heytesbury.....	" "	Warrnambool .....	5 " "	15 " "	" "
6	Ripon, Hampden, Grenville, and Polwarth .....	" "	Colac .....	6 " "	17 " "	" "
7	Talbot, Dalhousie, and Anglesey .....	" "	Kyneton .....	8 " "	18 " "	" "
8	Gipps Land .....	" "	Albion .....	4 " "	16 " "	" "
9	The Murray .....	" "	Benalla.....	5 " "	17 " "	" "
10	The Loddon .....	" "	Carisbrook ...	5 " "	17 " "	" "
11	The Wimmera .....	" "	Horsham .....	4 " "	16 " "	" "
12	Melbourne .....	" "	Melbourne ...	10 " "	11 " "	" "
13	Geelong .....	" "	Geelong .....	12 " "	13 " "	" "
14	Portland .....	" "	Portland .....	9 " "	10 " "	" "
15	Belfast and Warrnambool .....	" "	Belfast .....	8 " "	11 " "	" "
16	Kilmore, Kyneton, and Seymour .....	" "	Kilmore .....	9 " "	13 " "	" "

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