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1891
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PROCLAMATION

Western Australia, }
to wit.)

(L. S.)

MALCOLM FRASER,
Administrator.

By His Excellency Sir MALCOLM FRASER, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Administrator of the Government in and over the Colony of Western Australia and its Dependencies, &c., &c., &c.

WHEREAS Her Majesty has signified Her assent to "The Electoral Act, 1889," and the said Act is now in force.

And whereas, in accordance with the provisions of the 4th section of the said Act, all appointments of Electoral Officers, and all Electoral Rolls made under any previous law, are now cancelled, and no person is now entitled to have his name inserted on any Electoral Register by reason of his name appearing in any Electoral Roll compiled under any previous law.

And whereas by the 31st section of the said Act it is provided that registers of voters may, at any time after the said Act shall have come into force, be prepared as though "The Constitution Act, 1889," were in force.

And whereas by the 41st section of "The Constitution Act, 1889," it is provided that the Governor in Council may, in order to the convenient holding of the first general election under the said Act to the Legislative Assembly, make such arrangements, appoint such persons, and fix such dates and periods as may to him seem under the circumstances to be required for the doing of any matter or thing necessary to be done under any Electoral Act, notifying the same in the *Government Gazette*.

NOW THEREFORE I, SIR MALCOLM FRASER, Administrator as aforesaid, hereby proclaim and cause this, my proclamation, to be notified in the *Government Gazette* that I have, by and with the advice of the Executive Council, appointed the following persons to be Returning Officers for the several Electoral Districts hereinafter mentioned, namely:—

<i>East Kimberley</i>	...	...	THE GOVERNMENT RESIDENT
<i>West Kimberley</i>	...	...	THE GOVERNMENT RESIDENT
<i>Roebourne</i>	...	...	THE GOVERNMENT RESIDENT

<i>De Grey</i>	...	...	...	OWEN, WILLIAM LAMBDEN
<i>Ashburton</i>	...	...	...	FORREST, DAVID
<i>Gascoyne</i>	...	...	...	THE RESIDENT MAGISTRATE
<i>Murchison</i>	...	...	...	WALSH, H. B.
<i>Geraldton</i>	...	...	...	THE GOVERNMENT RESIDENT
<i>Greenough</i>	...	...	...	THE GOVERNMENT RESIDENT
<i>Irwin</i>	...	...	...	THE GOVERNMENT RESIDENT
<i>Moore</i>	...	...	...	THE RESIDENT MAGISTRATE OF TOODYAY
<i>Swan</i>	...	...	...	THE RESIDENT MAGISTRATE
<i>Perth</i>	...	...	...	THE SHERIFF
<i>East Perth</i>	...	...	...	THE POLICE MAGISTRATE
<i>West Perth</i>	...	...	...	THE SHERIFF
<i>Fremantle</i>	...	...	...	THE RESIDENT MAGISTRATE
<i>North Fremantle</i>	...	...	...	GIBBONS, RICHARD
<i>South Fremantle</i>	...	...	...	THE RESIDENT MAGISTRATE
<i>Murray</i>	...	...	...	THE RESIDENT MAGISTRATE
<i>Wellington</i>	...	...	...	THE RESIDENT MAGISTRATE
<i>Bunbury</i>	...	...	...	THE RESIDENT MAGISTRATE
<i>Nelson</i>	...	...	...	THE POLICE MAGISTRATE
<i>Sussex</i>	...	...	...	THE RESIDENT MAGISTRATE
<i>Toodyay</i>	...	...	...	THE RESIDENT MAGISTRATE
<i>Northam</i>	...	...	...	THE RESIDENT MAGISTRATE
<i>York</i>	...	...	...	THE RESIDENT MAGISTRATE
<i>Beverley</i>	...	...	...	THE RESIDENT MAGISTRATE
<i>Williams</i>	...	...	...	THE RESIDENT MAGISTRATE
<i>Plantagenet</i>	...	...	...	THE GOVERNMENT RESIDENT
<i>Albany</i>	...	...	...	THE GOVERNMENT RESIDENT

Also that I have, by and with the like advice, appointed the following persons to be Electoral Registrars for the Electoral Districts hereinafter mentioned, namely:—

<i>East Kimberley</i>	...	...	...	JERVOIS, WILLIAM GORDON
<i>West Kimberley</i>	...	...	...	BROWN, JAMES OWEN
<i>Roebourne</i>	...	...	...	SWETE, HERBERT
<i>De Grey</i>	...	...	...	SWETE, HERBERT
<i>Ashburton</i>	...	...	...	RYAN, M.
<i>Gascoyne</i>	...	...	...	RUSHTON, JOHN
<i>Murchison</i>	...	...	...	TURNBULL, DAVID
<i>Geraldton</i>	...	...	...	ELIOT, RAYMOND
<i>Greenough</i>	...	...	...	SEXTON, L.
<i>Irwin</i>	...	...	...	HOLMES, W. J.
<i>Moore</i>	...	...	...	RILEY, JOHN G.
<i>Swan</i>	...	...	...	BROWN, W. E.
<i>Perth</i>	...	...	...	HOWELL, T. J.
<i>East Perth</i>	...	...	...	HOWELL, T. J.
<i>West Perth</i>	...	...	...	HOWELL, T. J.
<i>Fremantle</i>	...	...	...	WRIGHT, HARRY GEO.
<i>North Fremantle</i>	...	...	...	WRIGHT, HARRY GEO.
<i>South Fremantle</i>	...	...	...	WRIGHT, HARRY GEO.
<i>Murray</i>	...	...	...	SCOTT, J.
<i>Wellington</i>	...	...	...	TEEDE, GEO. ROBERT

<i>Bunbury</i>	...	...	...	TEEDE, GEO. ROBERT
<i>Nelson</i>	...	...	...	STOKES, H.
<i>Sussex</i>	...	...	...	PRIES, A. R.
<i>Toodyay</i>	...	...	...	PIESSE, WILLIAM ROPER
<i>Northam</i>	...	...	...	CARROLL, W.
<i>York</i>	...	...	...	HARDMAN, RICHARD
<i>Beverley</i>	...	...	...	BROCKMAN, JAMES G. DRAKE
<i>Williams</i>	...	...	...	PIESSE, A. W.
<i>Plantagenet</i>	...	...	...	THOMAS, HUGH MERCER
<i>Albany</i>	...	...	...	THOMAS, HUGH MERCER

ALSO that I have, by and with the like advice, fixed the following days for the several matters required in the formation of Electoral Registers, for and in lieu of the several days in "The Electoral Act, 1889," mentioned:—

The 10th day of September in lieu of the 10th day of April, in the sixth Section of the said Act mentioned.

The 17th day of September and the 24th day of September next ensuing, in lieu of the 24th day of April and the 8th day of May, in the 11th Section of the said Act mentioned.

The 1st day of October next ensuing in lieu of the 15th day of May, in the 12th Section of the said Act mentioned.

The 6th day of October next ensuing in lieu of the 22nd day of May, in the 13th Section of the said Act mentioned.

The 15th day of October next ensuing in lieu of the 6th day of June, in the said Section mentioned.

The 25th day of October in lieu of the 30th day of June, in the 19th Section of the said Act mentioned.

The 29th day of October next ensuing in lieu of the first Tuesday of July, in the 18th Section.

The 12th day of November next ensuing in lieu of the 1st day of August, in the 27th Section of the said Act mentioned.

The 26th day of November next ensuing in lieu of the 1st day of September, in the said Section mentioned.

AND ALSO, by and with the like advice, I hereby proclaim that the Electoral Registers to be made as hereby directed shall only remain in force till the 1st day of October, 1891, when the Registration for the year 1891 will have been completed.

Given under my hand, and issued under the Public Seal of the said Colony, at Government House, Perth, this 15th day of July, 1890.

By His Excellency's Command,

OCT. BURT,

Acting Colonial Secretary.

GOD SAVE THE QUEEN!!!

NOTICE is hereby given, by order of His Excellency the Administrator, to all PERSONS desiring to CLAIM to have their NAMES put on the ELECTORAL REGISTER for an Electoral District under the new Constitution:

1. That by reason of the coming into force of "The Electoral Act, 1889," all existing ELECTORAL ROLLS are *Cancelled*, and no person whatever is now entitled to vote by reason of his name appearing on any Electoral Roll.

2. That for the same reason no person is now entitled to be put upon any ELECTORAL REGISTER, now or in future to be made, by reason of his name appearing on any Electoral Roll.

3. That no person, however qualified to be on any ELECTORAL REGISTER, can be placed thereon, unless he take the steps hereinafter mentioned as prescribed by the new now existing law.

4. That any duly qualified person desiring to have his name placed on the ELECTORAL REGISTER must make his claim by making a declaration *in writing*, in accordance with the FORM appropriate to the qualification he possesses. Such claim must be made on or before the 10th day of September, 1890, if the claimant wish to vote at the coming General Election.

5. That although no legal obligation rests on the Government to supply such FORM, yet such forms are supplied *printed* to the Electoral Registrars, of whom they can be obtained *gratis*. Such forms, when duly filled up, signed, and witnessed, will be deemed to be in writing under the Act.

6. That care must be taken to obtain the form suitable to the qualification possessed by the claimant, who must fill it up accurately and sign it in the presence of a witness.

7. That the claimant should take the form, when duly filled up, to the ELECTORAL REGISTRAR, on or before the day above mentioned, or send it at his own risk by post, by messenger, or otherwise.

8. That should the Electoral Registrar reject a claim, or should some person give notice of objection hereto, the claimant in either such case will have an opportunity of appearing in support of his claim at the Revision Court, where he should be prepared with all necessary evidence.

9. That although a claimant must and should take some trouble in getting on the ELECTORAL REGISTER, yet when once duly there, if he still continue qualified, any one improperly objecting to the retention of his name on the Register will be liable to pay costs.

By Command,
OCT. BURT,
Acting Colonial Secretary.

No. 4321.—C.S.O.

Instructions to Returning Officers.

First General Election to the Legislative Assembly to be holden under the provisions of "The Electoral Act, 1889," and "The Constitution Act, 1889."

Colonial Secretary's Office,
Perth, 15th July, 1890.

1. All appointments of Electoral Officers having been cancelled by the coming into force of "The Electoral Act, 1889" (see Section 4), it became necessary to appoint Returning Officers for Electoral Districts.

2. Returning Officers should bear in mind that under Constitutional Government they are not necessarily appointed in respect of any General or other Election, but hold Office permanently until removed.

3. The attention of Returning Officers is directed to the Proclamation of the 15th day of July, 1890, and to any other Proclamations or Notices relating to the coming General Election duly published by authority.

4. A Returning Officer must, before entering upon the performance of any of the duties of his office, make before a Justice of the Peace the declaration required by the 34th Section of "The Electoral Act, 1889."

5. The Governor will issue his writ for the Election in each Electoral District of a member of the Legislative Assembly (see Section 12 of "The Constitution Act, 1889").

6. Such writ may be transmitted by telegraph in the same way that documents may be transmitted under the provisions of the 1st and 2nd sub-sections of the 4th Section of "The Telegraph Messages Act, 1874" (see Section 38 of "The Electoral Act, 1889").

7. So soon after the receipt of the writ or on receipt of the telegraphic transmission of the writ, whichever shall first happen, the Returning Officer must publish, as directed by the 41st Section of "The Electoral Act, 1889," the fact of such receipt, the day for the nomination, the day for polling, if any, and the place or places at which the poll will be taken.

8. That section requires the Returning Officer to make such publication by any available means and instances such means as

- (a) advertisement in the *Government Gazette*,
- (b) notice in a newspaper circulating in the district,
- (c) placards;

if possible, all these means should be adopted.

9. Such Advertisement, Notice, or Placards should be in the following form:—

The Electoral District of

I, the undersigned, being the Returning Officer for the said District, hereby give notice that on the day of instant [*or last*], I received from the Governor of the Colony a Writ for the Election of a Member to serve in the Legislative Assembly for the said District, that the day and time of Nomination will be from the hour of noon to the hour of two in the afternoon on the day of instant [*or next*], that the place of Nomination will be at being the [*or Central*] Polling Place for the said Electoral District, that in the event of a poll being required the day and time of the taking of such poll will be from the hour of ten in the forenoon to the hour of six in the afternoon on the day of instant [*or next*], and that the place [*or places*] for taking such poll will be above mentioned Place [*or and the following District Polling Place (or places)*] viz., at and at

Dated the day of 1890.

A.B.,

Returning Officer for the Electoral District of

Plainly printed Placards *must* be posted up at every Police Station and Justice Room, at every Polling Place in the Electoral District, and should also be posted up at other conspicuous places if possible.

10. So soon as in any way publication of the fact of the receipt of the Writ has been made, whether as directed by the said section or otherwise, the Returning Officer may receive Nomination Papers, which papers may be received by him up to the hour of two in the afternoon of the Nomination Day.

11. A Nomination Paper may be signed by the candidate or his agent, and may be either delivered or telegraphed to the Returning Officer.

12. No Nomination Paper shall be valid unless it be accompanied by (*see* Section 40 of "The Electoral Act, 1889") the deposit of £25. Such deposit may be made in three ways—

- (a) in current coin,
- (b) a deposit receipt from a bank in favor of the Returning Officer,
- (c) a certificate from the Colonial Treasurer that the money has been deposited with him for the purpose of the election.

Such deposit receipt or such certificate may be telegraphed to the Returning Officer.

13. If there be one Polling Place only for the Electoral District, the Returning Officer must attend at that place (or, if there be more than one, at the Central Polling Place) on the Nomination Day, from twelve to two o'clock. He should bring with him any Nomination Papers he may have received, and wait from twelve to two o'clock for any Nomination Papers that may come in [*see* Section 44 of "The Electoral Act, 1889"].

14. At the end of the two hours he shall publicly produce all nomination papers he shall have received, and publicly state their contents (*see* same section).

15. If only one nomination paper shall have been received at the time of the expiration of the two hours, namely, at two o'clock, he shall then declare the candidate so nominated to be duly elected, and shall, so soon after as possible, make his return to the writ accordingly (*see* same section).

16. If there be more than one candidate nominated, he shall at two o'clock state publicly the number and names of the candidates [Section 45 of "The Electoral Act, 1889"], and should by any available means publish such names in the Electoral District, following as nearly as may be the directions given in paragraphs 8 and 9 as to modes of publication, except that any advertisement, notice, or placard should be in the following form:—

The Electoral District of

I, the undersigned, being the Returning Officer for the Electoral District of , hereby give public notice that the following persons, viz.:

C.D. of , Merchant,
E.F. of , Esquire,

have been duly nominated as candidates for election to the Legislative Assembly, for the said Electoral District.

A.B.,

Returning Officer for the Electoral District of

17. Care should be taken to appoint proper persons to preside at District Polling Places, to supply each polling place with a copy of the Electoral Register for the District with ballot box and ballot papers (*see* Section 47 of "The Electoral Act, 1889").

18. The "Directions" to voters should, as prescribed by the 48th Section of "The Electoral Act, 1889," be printed in conspicuous characters. The form is given in Schedule D. to the Act. This is of more importance than heretofore, owing to a *change in the mode of voting*. It is now necessary for a voter to strike out the name or names of any candidate or candidates for whom he does NOT vote. Only those ballot papers will be in order which contain, after the voter has voted, the unerased name of one candidate only.

19. When presiding at the Central Polling Place, care should be taken to exhibit to those present the ballot box, perfectly empty; and the Returning Officer should give directions to all other Presiding Officers to the like effect [*see Section 51 of "The Electoral Act, 1889"*].

20. To prevent the manner of counting proxies which sometimes has been adopted, namely, the counting of them after the poll was closed, or the counting of them after ascertaining what would be the state of the poll without reckoning them, it is enacted by the 52nd Section of "The Electoral Act, 1889," that the Returning Officer is to keep all envelopes containing the ballot papers and counterfoils relating to proxies until the commencement of the poll, and *during the taking of the poll* is to open the envelopes containing the counterfoils, mark his copy of the Electoral Register at the names of the persons voting by proxy, and then open the envelopes containing the ballot papers, after allowing the scrutineers the opportunity, should they so desire, of seeing that the seals of the envelopes are intact [and deposit the ballot papers in the ballot-box without opening them]. The proxy votes will thus be mixed with those given in the usual manner, and no separate statement of their number should be published to the "meeting," the term applied by the 49th Section of the said Act to those present at the polling place.

21. By the 57th Section of "The Electoral Act, 1889," it is provided that the name of the person declared by the Returning Officer shall be *inserted in or endorsed on* the writ before its return. The latter will be the method appropriate to the form of writ which will be used.

22. By the 58th Section of the said Act it is provided that the sealed parcel of ballot papers and counterfoils, and the certified copies of the Electoral Registers used at the election, should be sent by the Returning Officer to the Clerk of the Legislative Assembly. A Returning Officer should, in respect of the coming Election, wait until that official has been appointed.

23. A Returning Officer should carefully make himself acquainted with the provisions of "The Electoral Act, 1889," as these instructions are chiefly intended for his guidance as to matters and things in which the procedure heretofore has been departed from.

By Command,
OCT. BURT,
Acting Colonial Secretary.

No. 4322.—C.S.O.

Instructions to Electoral Registrars.

First General Election to the Legislative Assembly under the provisions of "The Electoral Act, 1889," and "The Constitution Act, 1889."

Colonial Secretary's Office,
Perth, 15th July, 1890.

1. The attention of Electoral Registrars is directed to the Proclamation of the 15th day of July, 1890, to the Notice published in the *Government Gazette* of the 15th day of July, 1890, and to any other Proclamations and Notices relating to the coming General Election, duly published by authority.

2. An Electoral Registrar must, before entering upon the performance of any of the duties of his office make, before a Justice of the Peace, the declaration required by the 34th Section of "The Electoral Act, 1889."

3. The attention of Electoral Registrars is particularly called to the fact that, by the above-named Proclamation, the dates and times for the several stages of the process of making the Electoral Registers are changed, for the purposes of this election, from those which under the provisions of "The Electoral Act, 1889," will for the future obtain in respect of the usual annual Registration.

4. The attention of Electoral Registrars is called to the fact that by virtue of the provisions of the 4th Section of "The Electoral Act, 1889," all *Electoral Rolls* made before the coming into force of that Act are cancelled.

5. An Electoral Registrar is in no wise to admit any claim to a vote by reason of the name of the claimant appearing on any Electoral Roll compiled under the previous law. Any person claiming to have his name inserted on an Electoral Register must make and prove his claim.

6. An Electoral Registrar will have to make three lists:

- (A.) A list of persons who have satisfied him of their being entitled to vote.
- (B.) A list of persons rejected by him.
- (C.) A list of persons objected to.

7. With respect to the making of the first mentioned list (A.) it should be observed:—

That a "declaration in writing" (as mentioned in the 6th Section of the said Act) does not mean that the *whole* declaration need necessarily be in writing, but it will be sufficient if a printed form of declaration, being one of the Forms numbered 5 to 13, both inclusive, in Schedule A. to the said Act, be signed by the claimant and signed by the witness.

That care should be taken to see that the description of the property, as given in the declaration, be precise enough to identify such property beyond possibility of mistake.

That care should be taken to see that the form is used which is appropriate to the qualification of the claimant.

That the following persons are entitled to claim in Form 5 of the said Schedule:—

- (a.) A person who has a freehold estate, unincumbered, worth £100 at the least.
- (b.) A person who has a freehold estate which though incumbered is, after allowing for all charges and incumbrances, worth £100 at the least.
- (c.) The mortgagor of an estate who is in actual possession of or in the receipt of the rents and profits of an estate of the value of £100 at the least.
- (d.) The person who is the beneficiary or, as termed in the 9th Section of the Act, the *cestui que trust*, although the legal estate may be vested in a trustee, the value of such estate being £100 at the least, but *not* such trustee.

That the following persons are entitled to claim in Form 6 of the said Schedule:—

- (a.) A person who is in possession of a leasehold estate of the clear value of at least £10 per annum.
- (b.) A person who, holding a lease of property at a rent, and who lets the whole or part of such property at such rent that he has a clear profit rent free from all charges of at least £10 per annum.

That the following persons are entitled to claim in Form 7 of the said Schedule:—

- (a.) A person who holds any lease of Crown lands, subject to his paying at the least £10 per annum. [Care must be taken to ascertain the exact rights such person has by the terms of the lease, that is to say, what he has power to do under such lease].
- (b.) A person who holds any license from the Crown, subject to his paying at least £10 per annum. [Care must be taken to ascertain the exact rights such person has under such license, over Crown lands, that is to say, what he has power to do under such license].

That the following persons are entitled to claim in Form 8 of the said Schedule:—

- (a.) A person occupying a dwelling house of the clear value of at least £10 per annum.
- (b.) A person who has occupied successively two dwelling houses within the required period.

That the following person is alone entitled to claim in Form 9 of the said Schedule:—

A person who, as a lodger, has complied with all the conditions mentioned in the said form in one lodging for the whole period, but *not* the occupier of successive lodgings.

That Forms 10, 11, 12, and 13 are for persons who are joint owners, holders, or occupiers whose share or interest in such joint owning, holding, or occupying is such that when the total money value of such owning, holding, or occupying is divided by the number of such joint owners, holders or occupiers, the fraction thereof is of an amount which would be sufficient to entitle a person to claim had he owned, held, or occupied singly to such amount.

Form 10 is for joint freeholders.

Form 11 is for joint leaseholders.

Form 12 is for joint lessees or joint licensees of Crown Lands.

Form 13 is for joint occupiers of dwelling houses.

That care should be taken that in respect of each and all these qualifications that they be within the Electoral District, that the claimant has possessed his qualification for the last twelve calendar months, and that he be of full age and not subject to any legal disability.

8. With respect to the making of list (B.) it should be observed—

(a.) That an Electoral Registrar should reject the claim of any claimant who has not, in his opinion, satisfied the provisions of the Law as to his claim [see Section 7 of “The Electoral Act, 1889”].

(b.) That if such claimant attend in person the Electoral Registrar should deliver to him in writing a notice that he has rejected his claim [see same Section].

(c.) That if the claim to insert the name on the List has not been made by the claimant in person, the Electoral Registrar should post such notice to the usual address of the claimant within one week after the receipt of the claim [see same Section].

(d.) That although “The Electoral Act, 1889,” does not enact that the Electoral Registrar who rejects a claim should state the ground or grounds on which he bases his rejection of such claim, yet in justice to the claimant, and in order that the Court of Revision may have, should the claimant appeal thereto, all necessary material before it, it would be well if the notice prescribed were given in the following form:—

Electoral District of

I, the undersigned, being the Electoral Registrar for the said Electoral District, hereby give you notice that I have this day rejected your claim to have your name entered on the Electoral List on the following ground [or grounds], namely:—

[Here state the ground or grounds of rejection.]

Witness my hand this day of 1890.

M.N.

Electoral Registrar for the Electoral District of

To O.P. of

9. With respect to the making of List (C.) it should be observed:—

That the objector should sign his name to the notice of objection and describe himself, as required by Form 2 of Schedule B. to the said Act, as “of” some property or residence. Such description will be sufficient for the purposes of this Election if he shall have claimed to be inserted on an Electoral List in respect of the property or residence named in writing by him after the said word “of” in the said form.

That such form, though addressed to the Electoral Registrar and to the person objected to, is to be sent to the Electoral Registrar, who should [see Section 12 of the said Act], within one week after the receipt of the notice of objection, deliver or post to the person objected to a copy of such notice.

10. The Electoral Registrar should, on or before the 17th day of September, 1890, make up List A., and let it lie open for public inspection at his office [see Section 11 of the said Act] from the said date until the 24th day of September, 1890, inclusive. Up to and including the 1st day of October, 1890, he shall receive written notices of objection [Section 12]; on or before the 6th day of October, 1890, he shall make out lists B. and C., and such lists shall lie open for public inspection at his office until the 15th day of October, 1890, inclusive, while copies of such lists are posted up and published as directed by the 14th Section of the said Act.

11. The Electoral Registrar should issue a summons to any person objected to, as directed by the 15th Section of the said Act in Form 5, Schedule B.

12. An Electoral Registrar may make such corrections in an Electoral List as are prescribed by the 17th Section of the said Act.

13. On or before the 25th day of October, 1890, an Electoral Registrar must produce or forward to the Revision Court all three lists, A., B., and C. [Section 19].

14. The Electoral Registrar should attend the Revision Court, on 29th day of October, 1890, or, if unavoidably prevented, should appoint a person to attend for him, and he or such person must produce all documents having reference to any entries in the said lists [Section 22].

15. Electoral Registrars have, under the 79th Section of the said Act, the privilege of sending registered letters free of charge, provided they be on electoral business, and sent in conformity with any instructions which may be issued by the Postmaster General.

16. Electoral Registrars are liable, under the 66th Section of the said Act, to penalties in certain cases.

17. Electoral Registrars should carefully make themselves acquainted with the provisions of “The Electoral Act, 1889,” as these instructions are not exhaustive.

By Command,

OCT. BURT,

Acting Colonial Secretary.