



Government Gazette

EXTRAORDINARY OF WESTERN AUSTRALIA.

[Published by Authority.]

No. 55.]

PERTH: MONDAY, NOVEMBER 13.

[1893.]

No. 5429.—C.S.O.

First General Elections under "The Electoral Acts, 1889 and 1893."

NOTICE.

Colonial Secretary's Office,

Perth, 10th November, 1893.

IT is hereby notified, in conformity with Section 43 of "The Electoral Act, 1893," that the Governor in Council has, under the provisions of the said section, in order to facilitate the first General Elections under the said Act, fixed the following dates in lieu of the dates mentioned in paragraph 1 of the 32nd Section and in the 36th Section, respectively, of the said Act, namely, the first and fourteenth days of April in lieu of the first and thirtieth days of April, in paragraph 1 of Section 32, and the sixteenth day of April in lieu of the fifth day of May in Section 36.

The Governor in Council has also been pleased to appoint the undermentioned places at which Registration Courts shall be held, and to appoint the persons whose names appear opposite these respective places Electoral Registrars for such places, who shall be and act as Electoral Registrars for all the Electoral Districts and Provinces or portions of a Province or Provinces for which a Registration Court is held at that place.

Electoral Districts.	Places where Registration Courts are to be held.	Electoral Registrars.
East Kimberley ...	Police Court, Wyndham ...	W. D. Cummins.
West Kimberley ...	Do., Derby ...	F. J. Horgan.
Roebourne ...	Do., Roebourne ...	E. K. Veall.
DeGrey ...	Do., do. ...	Do.
Pilbarra ...	Warden's Office, Pilbarra ...	P. L. Gibbons.
Ashburton ...	Police Court, Onslow ...	W. Hodges.
Gascoyne ...	Do., Carnarvon ...	John Rushton.
Murchison ...	Wittenoom's Station, Boolardy ...	F. F. B. Wittenoom.
Nannine ...	Warden's Office, Cue ...	C. U. Bagot.
Geraldton ...	Police Court, Geraldton ...	R. Eliot.
Greenough ...	Do., Greenough ...	A. S. Kelly.
Irwin ...	Do., Dongarra... ...	A. Patton.
Moore ...	Do., New Norcia ...	H. Francisco.
Swan ...	Do., Guildford ...	Jas. O. Brown.

Electoral Districts.	Places where Registration Courts are to be held.	Electoral Registrars.
Perth	Police Court, Perth	H. G. Wright.
East Perth	Do., do.	Do.
West Perth	Do., do.	Do.
Fremantle	Do., Fremantle	W. E. Brown.
North Fremantle	Do., do.	Do.
South Fremantle	Do., do.	Do.
Murray	Do., Pinjarrah	C. N. Lovegrove.
Wellington	Do., Bunbury	G. R. Teede.
Bunbury	Do., do.	Do.
Nelson	Do., Bridgetown	H. Stokes.
Sussex	Do., Busselton	A. R. Pries.
Toodyay	Do., Newcastle	A. N. Piesse.
Northam	Do., Northam	J. H. Lloyd.
York	Do., York	W. G. Jervois.
Beverley	Do., Beverley	J. O. Tepper.
Yilgarn	Warden's Office, Southern Cross	A. E. F. Compton.
Williams	Police Court, Katanning	A. W. Piesse.
Plantagenet	Do., Albany	R. P. Greenshields.
Albany	Do., do.	Do.

The Governor in Council has also been pleased to appoint the following persons to be the Returning Officers for the Electoral Districts and Provinces as shown opposite their respective names:—

Returning Officers for Electoral Districts.	Districts.	Provinces.	Returning Officer for Electoral Provinces.
The Resident Magistrate	East Kimberley	North	W. D. Cowan, Government Resident, Roebourne.
Ernest Black, R.M.	West Kimberley		
W. D. Cowan, G.R.	Roebourne	Central	
Do.	De Grey		
L. R. Davis, R.M.	Pilbarra	East	
A. Badock	Ashburton		
C. D. V. Foss, R.M.	Gascoyne	Metropolitan	
H. B. Walsh, J.P.	Murchison		
E. P. Dowley, R.M.	Nannine	West	
M. Brown, G.R.	Geraldton		
Do.	Greenough	South-West	
Do.	Irwin		
John Adam, R.M.	Moore	South-East	
Jas. Cowan, R.M.	Swan		
John Adam, R.M.	Toodyay	South-East	
Do.	Northam		
F. A. Hare, R.M.	York	South-East	
Do.	Beverley		
J. M. Finnerty, R.M.	Yilgarn	South-East	
J. B. Roe, J.P.	Perth		
Jas. Cowan, P.M.	East Perth	South-East	
J. C. H. James, J.P.	West Perth		
R. Fairbairn, R.M.	Fremantle	South-East	
L. W. Clifton, J.P.	North Fremantle		
G. A. Davies	South Fremantle	South-East	
Chas. Lovegrove, R.M.	Murray		
W. H. Timperley, R.M.	Wellington	South-East	
Do.	Bunbury		
W. A. G. Walter, R.M.	Nelson	South-East	
L. M. T. Hungerford, R.M.	Sussex		
W. K. Adam, R.M.	Williams	South-East	
R. C. Loftie, G.R.	Plantagenet		
Do.	Albany		

S. H. PARKER,
Colonial Secretary.

No. 5430.—C.S.O.

**The Constitution Act Amendment Act, 1893, and
The Electoral Act, 1893.**

*Colonial Secretary's Office,
Perth, 10th November, 1893.*

The following Sections of "The Constitution Act Amendment Act, 1893," and "The Electoral Act, 1893," are published for general information.

"THE CONSTITUTION ACT AMENDMENT ACT, 1893."

5. THE Colony shall be divided into seven Electoral Provinces, which shall return in all twenty-one members to serve in the Legislative Council, that is to say:— Electoral Provinces.

The Metropolitan Province, comprising Perth, East Perth, and West Perth Electoral Districts.

The West Province, comprising Fremantle, North Fremantle, and South Fremantle Electoral Districts.

The North Province, comprising East Kimberley, West Kimberley, Roebourne, DeGrey, Pilbarra, and Ashburton Electoral Districts.

The Central Province, comprising Gascoyne, Murchison, Nannine, Geraldton, Greenough, and Irwin Electoral Districts.

The East Province, comprising Moore, Swan, Toodyay, Northam, York, Beverley, and Yilgarn Electoral Districts.

The South-West Province, comprising Murray, Wellington, Bunbury, Nelson, and Sussex Electoral Districts.

The South-East Province, comprising Williams, Plantagenet, and Albany Electoral Districts.

Each Electoral Province shall return three members.

12. EVERY man of the age of twenty-one years, being a natural born or naturalised subject of Her Majesty and not subject to any legal incapacity, who shall have resided in Western Australia for twelve months, shall, subject to the provisions of this Act, if qualified as in this section is provided, be entitled to be registered as a voter and when registered to vote for each of any number of candidates not exceeding the number of members to be elected to serve in the Legislative Council for the Electoral Province in respect of which he is so qualified, that is to say, if he Qualification of electors.

(1.) Has a freehold estate in possession situate in the Electoral Province of the clear value of One hundred pounds sterling, above all charges and encumbrances in any way affecting the same of or to which he has been seized or entitled at law or in equity for twelve months next before the time of making his claim to be registered; or

(2.) Is a householder within the Province occupying any dwelling house of the clear annual value of Twenty-five pounds sterling, and has occupied the same for twelve months next before the time of making the claim; or

- (3.) Has a leasehold estate in possession situate within the Province of the clear annual value of Twenty-five pounds sterling, held upon a lease which at the time of making the claim has not less than eighteen months to run; or
- (4.) Has a leasehold estate so situate, and of such value as aforesaid of which he has been in possession for eighteen months next before the time of making the claim; or
- (5.) Holds and has held for twelve months previous to the time of making the claim a lease or license from the Crown to depasture, occupy, cultivate or mine upon Crown lands within the Province at a rental of not less than Ten pounds per annum;

Or if his name is on—

- (6.) The Electoral List of any Municipality in respect of property within the Province of the annual rateable value of not less than Twenty-five pounds; or
- (7.) The Electoral List of any Road Board District in respect of property within the Province of the annual rateable value of not less than Twenty-five pounds.

Provided that—

- (a.) No aboriginal native of Australia, Asia, or Africa shall be entitled to be registered, except in respect of a freehold qualification.
- (b.) No elector possessing more than one qualification within a Province shall be thereby entitled to be registered more than once for that Province; and
- (c.) A person claiming to be registered as a naturalised subject of Her Majesty must have been so naturalised for the period of twelve months before making the claim.

Disqualifications.

13. EVERY person nevertheless shall be disqualified from being registered as a voter who

- (1.) Is of unsound mind or in the receipt of relief from Government or from any charitable institution; or
- (2.) Has been attainted or convicted of treason, felony, or any infamous offence in any part of Her Majesty's dominions, unless he shall have served his sentence for the same or have received a free pardon for such offence or a pardon conditional on his not leaving the Colony.

Electoral Districts.

16. THE Colony shall be divided into thirty-three electoral districts, each returning one member to serve in the Legislative Assembly, that is to say, the districts of—

East Kimberley	Irwin	Bunbury
West Kimberley	Moore	Nelson
Roebourne	Swan	Sussex
De Grey	Perth	Toodyay
Pilbarra	East Perth	Northam
Ashburton	West Perth	York
Gascoyne	Fremantle	Beverley
Murchison	North Fremantle	Yilgarn
Nannine	South Fremantle	Williams
Geraldton	Murray	Plantagenet
Greenough	Wellington	Albany

21. EVERY man of the age of twenty-one years, being a natural born or naturalised subject of Her Majesty and not subject to any legal incapacity, who shall have resided in Western Australia for twelve months, shall, subject to the provisions of this Act, if qualified as in this section is provided, be entitled to be registered as a voter and when registered to vote for a member to be elected to serve in the Legislative Assembly for the Electoral District in respect of which he is so qualified, that is to say, if he—

Qualification of
Electors.

- (1.) Is resident in the Electoral District at the time of making his claim to be registered, and during the six months then next preceding has resided therein; or
- (2.) Has a freehold estate in possession situate in the Electoral District of the clear value of Fifty pounds sterling, above all charges and encumbrances in any way affecting the same of or to which he has been seized or entitled at law or in equity, for six months next before the time of making the claim; or
- (3.) Is a householder within the District occupying any house, warehouse, counting house, office, shop, or other building of the clear annual value of Ten pounds sterling, and has occupied the same for six months next before the time of making the claim; or
- (4.) Has a leasehold estate in possession situate within the District of the clear annual value of Ten pounds sterling, held upon a lease which at the time of making the claim has not less than eighteen months to run; or
- (5.) Has a leasehold estate so situate, and of such value as aforesaid, of which he has been in possession for eighteen months next before the time of making the claim; or
- (6.) Holds and has held for six months previous to the time of making the claim a lease or license from the Crown to depasture, occupy, cultivate or mine upon Crown lands within the District at a rental of not less than Five pounds per annum.

Or if his name is on—

- (7.) The Electoral List of any Municipality in respect of property within the Electoral District; or
- (8.) The Electoral List of any Road Board District in respect of property within the Electoral District.

Provided that—

- (1.) No aboriginal native of Australia, Asia, or Africa shall be entitled to be registered, except in respect of a freehold qualification.
- (2.) No elector possessing more than one qualification within an Electoral District shall be thereby entitled to be registered more than once for that District; and
- (3.) A person claiming to be registered as a naturalised subject of Her Majesty must have been so naturalised for the period of six months before making the claim.

22. EVERY person nevertheless shall be disqualified from being registered as a voter who

Disqualifications.

- (1.) Is of unsound mind or in the receipt of relief from Government or from any charitable institution; or

(2.) Has been attainted or convicted of treason, felony, or any infamous offence in any part of Her Majesty's dominions, unless he shall have served his sentence for the same or have received a free pardon for such offence or a pardon conditional on his not leaving the Colony.

“THE ELECTORAL ACT, 1893.”

Section three defines—

“Natural-born Subject” or “British Subject”—To mean a person born in Her Majesty's Dominions, or whose parents or either of them were or was so born:

“Naturalised Subject,” or “Naturalised”—To mean a person who in England or Western Australia has been naturalised.

“Local Authority”—To mean the Council of a Municipality, or the Road Board of a Road District.

Registrars to furnish deaths.

9. EVERY Registrar and Assistant or District Registrar of births, deaths, and marriages, shall, during the month of January in every year, furnish to the Electoral Registrars of every Electoral District any part whereof is comprised in the registry district for which he is such Registrar, Assistant, or District Registrar of births, deaths, and marriages, a correct list of all deaths of adult males of 21 years and upwards, which have been registered by him during the twelve months then last past.

List of Ratepayers.

Schedules.

10. THE clerk of every local authority in Western Australia shall, during the month of January in every year, make out a list to be called “The List of Ratepayers,” containing in alphabetical order of surnames the name of every male person whose name appears in the Electoral or Voters' Lists of such local authority. Such lists shall be in the following form, and shall contain all the other information required by such form:—

LIST OF RATEPAYERS
OF THE [MUNICIPALITY OR DISTRICT] OF

Number.	OCCUPIER.			OWNER.			Description and Situation of the Land.	Portion, Subdivision, or as the case may be.	Annual Rateable value.
	Surname.	Christian Name.	Trade or Occupation.	Sur-name.	Christian Name.	Trade or Occupation, and Place of Residence.			
1	Brown	James	Tinsmith	Jones	Thomas	Solicitor, Perth	Shop, Hay St., Perth	Portion Town Lot F 1	£75

To the Electoral Registrar for the District of

I certify the above to be a correct List of Ratepayers taken from the Electoral or Voters' List of the _____ for the purposes of “*The Electoral Act, 1893.*”

Dated this _____ day of _____, 189 .

(Signed) A.B.,
Clerk of the

To be transmitted to Registrar.

11. IT shall be the duty of such clerk as aforesaid, on or before the thirty-first day of January in every year, to transmit the said list, certified by such clerk under his hand, to the Electoral Registrar or Registrars of the district or districts within the boundaries of which the local authority or any part thereof, or the municipality or district (as the case may be) of such local authority is situate.

14. A PERSON claiming to have his name inserted in the Electoral List of voters for an Electoral District or for an Electoral Province in respect of any qualification to vote for such Province, situate or arising in such District, may deliver his claim, or send it by post to the Electoral Registrar for such District.

Mode of claiming
registration.

The claim must be in the following form or to the like effect, and must set forth, in the form of answers to the questions contained in it, sufficient facts to show that the claimant is entitled to be registered.

Form of claim.

THE ELECTORAL ACTS, 1889 AND 1893.

CLAIM.

To the Electoral Registrar of the Electoral District of

I claim to have my name inserted in the Electoral Roll for the Electoral ["Province" or "District," as the case may be] of ; my name and qualification being as appears by the answers to the following questions:—

1. What is your Christian name and surname ?
2. What is your age ?
3. What is your occupation ?
4. What is your place of abode ?
5. What are the particulars of your qualification ?
6. Are you by birth a British subject ?
7. If you are not by birth a British subject, how long have you been and where were you naturalised ?
8. How long have you resided in Western Australia ?
9. Are you registered in respect of the qualification of residence as an elector for any other Electoral District ?
10. If so, for what district or districts ?
11. Are you in receipt of relief from the Government or from any charitable institution ?

And I do solemnly and sincerely declare that the foregoing answers to the above questions are true.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of an Ordinance made and passed in the eighteenth year of the Reign of Her Present Majesty, No. 12, intituled "An Ordinance for the Abolition of Unnecessary Oaths and to Substitute Declarations in lieu thereof."

(Signed) A. B.

Signed and declared before me this day of 18 .
J.P. (or as the case may be).

15. THE claimant must, in answer to the question, "What is your place of abode," give such a description of the locality of his place of abode as will enable it to be easily and clearly identified.

Mode of filling up
Claims.

The claimant must, in answer to the question, "What are the particulars of your qualification," give a description of the particulars of his qualification in such one of the forms hereunder mentioned as is applicable, or to the like effect, that is to say:—

If the claimant claims to have his name inserted in the Electoral Roll for a Province:—

For Province.

- (a.) Ownership for the last preceding twelve months of a freehold estate in possession at [giving the situation and number of the portion, location, or allotment (if any), or otherwise describing the locality so as to identify it] of the clear value of not less than One hundred pounds above all encumbrances.
- (b.) Householder at [describing situation as above directed] for the last preceding twelve months, the dwelling house being of the clear annual value of Twenty-five pounds.
- (c.) Holder of a leasehold at [describing situation as above directed] of the clear annual value of Twenty-five pounds, the lease of which has eighteen months to run.
- (d.) Holder for the last preceding eighteen months of a leasehold at [describing situation as above directed] of the clear annual value of Twenty-five pounds.

- (e.) Holder for the last preceding twelve months of a lease or license of Crown Lands at the annual rental of not less than Ten pounds.
- (f.) That his name is on the Electoral List of a Municipality or Roads Board, in respect of property in the Electoral District, of the annual rateable value of Twenty-five pounds.

For District.

If the claimant claims to have his name inserted in the Electoral Roll for a District:—

- (g.) Residence for the last preceding six months at [describing situation as above directed]
- (h.) Ownership for the last preceding six months of a freehold estate in possession at [describing situation as above directed] of the clear value of not less than Fifty pounds above all encumbrances;
- (i.) Householder at [describing situation as above directed] for the last preceding six months, the premises occupied being of the clear annual value of Ten pounds;
- (j.) Holder of a leasehold at [describing situation as above directed] of the clear annual value of Ten pounds, the lease of which has eighteen months to run;
- (k.) Holder for the last preceding eighteen months of a leasehold at [describing situation as above directed] of the clear annual value of Ten pounds;
- (l.) Holder for the last preceding six months of a lease or license of Crown lands at [describing situation as above directed] at the annual rental of not less than Five pounds;
- (m.) That his name is on the Electoral List of a Municipality or Roads Board District in respect of property within the Electoral District.

The situation of the property, if any, in respect of which registration is claimed must be specified in such a manner as to enable it to be easily and clearly identified.

Declaration and attestation.

17. THE claim must be signed by the claimant with his own hand, in the presence of, and be declared before, and attested by, a Justice of the Peace, or an Electoral Registrar, or the Head Male Teacher of a Government School, or an Inspector, Sub-Inspector, or Sergeant of Police, or the Officer in charge of any Police Station, or a Postmaster, each of whom is hereby authorised to take such declaration.

Justice to certify.

18. THE Justice or other person attesting the claim shall, if he is not personally acquainted with the facts, satisfy himself by inquiry from the claimant or otherwise that the answers to the questions are true, and shall sign at the foot of the claim a certificate in the following form, or to the like effect, that is to say:—

I _____, J.P. [or as the case may be] hereby certify that the above-named A. B. has satisfied me, after full inquiry, that he possesses the qualification above stated.

Duty of Justices.

Penalty.

19. ANY Justice or other person who signs any such certificate, without personal knowledge or full inquiry from the claimant or otherwise, shall be liable on summary conviction to a penalty not exceeding Fifty pounds, and on such conviction shall be incapable of being or acting as a Justice, or of being registered as an elector, or voting at any Parliamentary election for the period of two years from the date of the conviction.

Penalty for neglect by Returning Officer, &c.

62. (1.) EVERY Returning Officer who, after having accepted office as such, wilfully neglects, or refuses to perform any of the duties which by the provisions of this or the Principal Act he is required to perform, shall for every such offence forfeit and pay a sum not exceeding Two hundred pounds.

(2.) Every justice, presiding officer, clerk of any local authority, registrar, assistant, or district registrar of births, deaths, and marriages, or other officer or person who wilfully neglects or

refuses to perform any of the duties which by the provisions of this or the Principal Act he is required to perform, shall for every such offence forfeit and pay any sum not exceeding Fifty pounds.

64. EVERY person who wilfully misleads any Electoral Registrar in the compilation or preparation of any list, or who wilfully inserts or causes to be inserted therein any false or fictitious name or qualification, shall on summary conviction of any such offence be liable to a penalty not exceeding Twenty pounds, or to be imprisoned for any period not exceeding three months.

Persons wilfully misleading Electoral Registrar, &c., liable to penalty.

65. EVERY person who—

- (1.) Wilfully makes a false answer to any of the questions hereinbefore authorised, or
- (2.) Wilfully makes a false declaration when required to make a declaration under this Act, or
- (3.) Wilfully makes any false statement in any claim to be inserted in an Electoral List, or
- (4.) Wilfully makes any false statement, orally or in writing, in any Registration Court, in anywise affecting or relating to the qualification of himself or any other person,

False answers punishable as misdemeanour.

shall be deemed guilty of a misdemeanour, and, on conviction thereof, shall suffer the penalties of wilful and corrupt perjury.

Forms of claim will, on application, be furnished without fee by the Electoral Registrars, and, in the country districts, by the officers in charge of Police Stations, and Postmasters.

Claims must be received by the Electoral Registrars on or before the 15th of February next. They may be delivered or sent by post.

OCT. BURT,
Under Secretary.

No. 5431.—C.S.O.

Instructions to Electoral Registrars.

Colonial Secretary's Office,

Perth, 13th November, 1893.

First General Elections to the Legislative Council and Legislative Assembly under the provisions of "The Electoral Acts, 1889 and 1893," "The Constitution Act, 1889," and "The Constitution Act Amendment Act, 1893."

1. THE attention of Electoral Registrars is directed to the Notice of the 10th day of November, 1893, published in the *Government Gazette* of the 13th day of November, 1893, and to any other 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 Notice, the dates and times for the revision of the Electoral Lists, and the handing to the Returning Officers of such Lists when revised, apply only to the next ensuing General Elections, and that in all subsequent elections the provisions of "The Electoral Act, 1893," will obtain.

PREPARATION OF ELECTORAL LISTS.

4. THE qualifications and disqualifications of persons claiming to be put upon the Electoral List for an Electoral Province are set out in Sections 12 and 13 respectively of "The Constitution Act Amendment Act, 1893," and the qualifications and disqualifications of persons claiming to be put upon the Electoral List for an Electoral District are set out in Sections 21 and 22 respectively of the said Act.

5. FOR the interpretation of the terms "Electoral Province" and "Electoral District," Electoral Registrars are referred to Section 3 of "The Electoral Act, 1893."

6. THE Electoral Registrar shall place on the Electoral List for an Electoral Province the name of any person appearing on the Electoral List now in force for any Electoral District, who shall be duly qualified to have his name placed on the Electoral List of such Electoral Province.

7. IN January in every year the clerks of Municipal Councils and Roads Boards are required by Sections 10 and 11 of "The Electoral Act, 1893," to transmit to the Electoral Registrars of the Districts wherein the same are situated, the List of Ratepayers in such Municipalities or Roads Boards Districts, which Lists shall be respectively dealt with by Electoral Registrars in the manner prescribed by Sections 12, 13, and 30 of the said Act.

8. ALL persons claiming to have their names inserted on an Electoral List must comply with the provisions of Sections 14, 15, and 17 of the said Act.

9. THE attention of Electoral Registrars is particularly directed to Sections 18, 20, 21, 22, 23, and 24 of the said Act.

10. THE Electoral Registrars shall, on or before the 21st day of February, make out Electoral Lists in accordance with Sections 25, 26, and 27 of the said Act, and such Lists shall be open to inspection by the public in the manner prescribed by Section 28 of the said Act.

11. FOR the publication of lists of persons objected to, see Section 31 of the said Act.

12. ELECTORAL Registrars must notify the time and place of holding Registration Courts for revising the said Electoral Lists, as required by Section 32 of the said Act, and may, when necessary, adjourn such Courts in accordance with the provisions of the said section.

13. THE Electoral Registrar must attend the Registration Court for his District, or appoint a substitute, and produce all lists and papers as required by Section 33 of the said Act.

14. THE Electoral Registrar shall, on or before the 16th day of April, deliver the Electoral List for the Legislative Assembly, as revised by the Registration Court, to the Returning Officer of the Electoral District, and shall also at the same time deliver the Electoral List for the Legislative Council, in like manner revised, to the Returning Officer of the Electoral Province of which such District forms part.

15. ELECTORAL Registrars have, under Section 79 of "The Electoral Act, 1889," the privilege of sending registered letters free of charge, provided such letters are on electoral business and sent in conformity with any instructions which may be issued by the Postmaster General.

16. ELECTORAL Registrars are liable under Section 66 of "The Electoral Act, 1889," to penalties in certain cases.

17. ELECTORAL Registrars are expected and required to make themselves thoroughly acquainted with the provisions of "The Electoral Acts, 1889, and 1893."

OCT. BURT,
Under Secretary.

No. 5432.—C.S.O.

Instructions to Returning Officers.

First General Elections to the Legislative Council and Legislative Assembly to be holden under the provisions of "The Electoral Acts, 1889 and 1893," "The Constitution Act, 1889," and "The Constitution Act Amendment Act, 1893."

Colonial Secretary's Office,

Perth, 13th November, 1893.

1. The attention of Returning Officers is directed to the Notice of the 10th day of November, 1893, and to any other Notices relating to the coming General Elections duly published by authority.

2. 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."

3. 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") and for the Election in each Province of three members of the Legislative Council (*see* Section 46 of "The Constitution Act, 1889," and Section 5 of "The Constitution Act Amendment Act, 1893").

4. Such writs 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 Telegraphic Messages Act, 1874" (*see* Section 38 of "The Electoral Act, 1889").

5. 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.

6. 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.

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

The Electoral Province [*or* District] of
I, the undersigned, being the Returning Officer for the said Province [*or* 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 [*or* Members] to serve in the Legislative Council [*or* Assembly] for the said Province [*or* 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 Province [*or* 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 189

A.B.,

Returning Officer for the Electoral Province [*or* District] of

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

8. 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.

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

10. 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 favour 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.

11. If there be one Polling Place only for the Electoral Province or 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").

12. 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).

13. If no greater number of nomination papers than the number of members to be elected 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 or candidates so nominated to be duly elected, and shall, so soon after as possible make his return to the writ accordingly (*see* Section 45 of said Act).

14. If there be more than the required number of candidates nominated, he shall at two o'clock state publicly the number and names of the candidates [Section 46 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 6 and 7 as to modes of publication, except that any advertisement, notice, or placard should be in the following form:—

The Electoral Province [*or* District] of

I, the undersigned, being the Returning Officer for the Electoral Province [*or* 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 Council [*or* Assembly] for the said Electoral Province [*or* District].

A.B.,

Returning Officer for the Electoral Province [*or* District] of _____

15. 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 List for the Province or District, with ballot box and ballot papers (*see* Section 47 of "The Electoral Act, 1889").

16. 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. It is 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 do not contain, after the voter has voted, a greater number of names of candidates not struck out than the number of members to be elected.

17. 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").

18. The 52nd Section of "The Electoral Act, 1889," enacts 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.

19. If an Elector, having received a Ballot Paper from the Presiding Officer, attempts to leave the booth or polling place without depositing the Ballot Paper in the Ballot Box in the manner provided by the 51st section of "The Electoral Act, 1889," or to take the paper out of the booth or polling place, the Presiding Officer must direct the summary apprehension of the person whom he reasonably suspects of so offending, in order that such person may be taken before a Justice and dealt with according to law.

At the close of the Poll every Ballot Paper which —

- (1.) Has not been initialled by the Returning Officer, or
- (2.) Contains a greater number of names of candidates not struck out than the number of members to be elected, or
- (3.) Has upon it any mark or writing not authorised by law to be put upon it,

must be rejected and not taken into account.

20. 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.

21. 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 Chamber to which the election refers, and shall at the same time forward the Certificate referred to in the said section.

22. A Returning Officer should carefully make himself acquainted with the provisions of "The Electoral Acts, 1889 and 1893," as well as carefully studying these instructions.

OCT. BURT,
Under Secretary.