No. 18.

An Act to provide for the Election of Members to serve in the Parliament of South Australia.

[Reserved, 23rd February, 1870.]

WHEREAS it is expedient to consolidate and amend the laws relating to the election of Members to serve in the Parliament of South Australia—Be it therefore Enacted, by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said Province, in this present Parliament assembled, as follows:

1. The several Acts mentioned in the First Schedule hereto, to the extent to which such Acts are in and by the said Schedule expressed to be repealed, shall be, and the same are hereby repealed; but this repeal shall not invalidate anything lawfully done under the authority thereof, nor affect any rights acquired, or liabilities incurred thereunder; nor shall such repeal be construed to revive any Acts or Ordinances, or portions of Acts or Ordinances, by the said hereby repealed Acts, or any of them repealed.

2. This Act may be cited as “The Electoral Act.”

3. This Act shall be divided into parts as follows—

PART I.—Appointment of Officers and preparation of Electoral Lists.
PART II.—Courts of Revision.
PART III.—Conduct of Elections.
PART IV.—Regulation of Elections.
PART V.—Court for Trial of Disputed Returns.
PART VI.—General Matters.
4. In the construction of this Act, unless the same is inconsistent with the context or subject matter, the following words and expressions shall have the meaning hereby assigned to them respectively, that is to say—"Returning Officer" shall mean the District Returning Officer of any electoral district, and the Deputy Returning Officer for the corresponding electoral division.

5. The Governor, with the advice of the Executive Council, shall appoint some fit person to be the returning officer for the said Province, and may from time to time remove such person, who shall perform the duties hereinafter mentioned, and until any other appointment shall be made the person who, at the time this Act comes into operation, is the returning officer for the said Province shall continue as such under this Act.

6. In each electoral district, the Governor, with the advice aforesaid, shall, from time to time, appoint some fit person to be returning officer for such district, to be called district returning officer, who shall perform the duties assigned to him by this Act, respecting the election of members to serve in the House of Assembly, and who shall reside within his district, and any such district returning officers, from time to time, to remove, and until any such appointment shall be made the persons who, at the time this Act comes into operation, are returning officers, shall continue to act as returning officers for their respective districts.

7. Every district returning officer shall be a deputy returning officer for the said Province, and shall perform the duties assigned to him by this Act, respecting the election of members to serve in the Legislative Council.

8. The returning officer for the said Province, and every district returning officer shall act until his appointment be cancelled, and in the case of his temporary absence, inability, or disability to act, the Governor, with the advice aforesaid, shall appoint a substitute to act temporarily in his place and stead; and the person so appointed shall perform and exercise the duties and powers, and be subject to the liabilities, of the returning officer in whose place he is appointed.

9. No candidate for election in any electoral district shall be competent to act as returning officer, or in any way to take part in the conduct of any election.

10. Every person who may, under the provisions hereof, be appointed a returning officer for the said Province, or district returning officer, shall, before he enters on the performance of any duty under the same, make and subscribe, before a Justice of the Peace of the said Province, the following declaration, and the Justice before
before whom such declaration may be made, is hereby required to transmit the same, by the first convenient opportunity, to the Attorney-General:

"I (A.B.) do hereby declare that I accept the office 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 that I will not reveal or disclose any knowledge that I may acquire in the discharge of my said office touching the vote of any elector."

11. If any returning officer for the said Province, or any district returning officer, after having accepted office as such, shall neglect or refuse to perform any of the duties which by the provisions hereof he is required to perform, every such returning officer, or district returning officer, shall, for every such offence, forfeit and pay any sum not less than Ten, nor exceeding Two Hundred Pounds; and, in like manner, if any clerk or other officer or person appointed or required to perform any duty, under or by virtue of this Act, shall neglect or refuse to perform any of the duties which by the provisions hereof he is required to perform, every such clerk or other officer or person shall, for every such offence, forfeit and pay any sum not less than Five, and not exceeding Fifty Pounds.

12. Every returning officer shall when this Act shall come into operation, copy into books, to be provided for that purpose, the electoral roll for his district, and portion of the electoral roll for the Province relating to his division, made out under the provisions of the Electoral Act, 1861, and shall add thereto the names of any persons who, since the then last Court of Revision, held under the said Act of 1861, had duly claimed, under the provisions thereof, to have their names inserted on the electoral roll for such district, or portion of the electoral roll for the said Province relating to such division, as the case may be.

13. The books to be provided, as mentioned in the last preceding section, shall be in the respective forms in the Second Schedule hereto, Nos. 1 and 2, and in copying such electoral rolls into such books, as hereinbefore provided, the names shall be arranged in alphabetical order, according to the first letter of the surname, under the headings of the several polling places in such district and division respectively, blank spaces being left after each letter for the addition of the names of such persons whose claims may from time to time be received as hereinafter mentioned; and in the column provided for entering the date of registration shall be entered against the name of each elector, in case his name shall be on the electoral roll as aforesaid, the date of the Court of Revision for the said division or district at which his claim was allowed; and, in the event of his having claimed since the holding of a Court of Revision, then the date on which such returning officer actually received such claim.

14. The
14. The books so prepared as aforesaid shall be the electoral roll for the particular district, and shall form a portion of the electoral roll of the said Province, for the division to which the same relates respectively, and shall remain in force, with such alterations and additions as hereinafter provided, as may from time to time be made therein, until the thirtieth day of September, in the year one thousand eight hundred and seventy-four: Provided always, that no person shall be entitled to vote at any election, unless he shall have been registered for six months under the said Act of 1861, or under this Act.

15. Each returning officer shall forward to the returning officer for the said Province a certified copy of the said roll for his particular district and portion of the roll of the said Province for his division; and the returning officer for the said Province shall cause the same to be printed, blank spaces being left after each letter for the addition from time to time of the names of claimants, and each returning officer shall be supplied with a sufficient number of copies.

16. When any new electoral districts shall be created, or the boundaries of electoral districts altered, the returning officers of such districts shall, within one calendar month, make up or alter the electoral rolls accordingly; and shall erase the names of all persons registered on the electoral rolls who, after any such alteration of boundaries, are not residents within their respective districts and divisions, and forward to the returning officers of any newly created or altered district a certified list of the names of such persons as shall reside in such newly created or altered district, their abodes, qualifications, and dates of registration, as appearing on the electoral rolls for the Legislative Council and House of Assembly respectively; and such last-mentioned returning officers shall, on the receipt of such lists, enter the names of such electors on the electoral rolls of their district or division, as the case may be, inserting against each name, in the column headed "Date of Registration," the date of registration, as appearing on the electoral roll on which the elector was previously registered; and shall make a memorandum against each name, stating the facts of the transfer, and shall initial the same; and every such elector shall be deemed to have been registered upon the electoral roll for such district or portion of the electoral roll of the said Province for such division, as from such date, and shall be entitled to vote accordingly.

17. The rolls so prepared shall be produced to and revised at the Courts of Revision duly proclaimed under the provisions hereinafter made.

18. There shall, during the month of February, in the year one thousand eight hundred and seventy-four, and in every fifth year thereafter, be left at the dwelling-house of every person residing within the said Province a schedule, in the form in the Third Schedule hereto, No. 1, to be filled up and signed, with their Christian and surnames in full, by the persons resident in such dwelling-house,
who claim to be qualified to vote at the election of Members for the Legislative Council, and another schedule, in the form in the Third Schedule hereto, No. 2, to be in like manner filled up and signed by the like persons who claim to be qualified to vote at the election of Members for the House of Assembly, and such schedules shall be headed with a notice requiring the occupier of such dwelling-house to call the attention of all male persons of the age of twenty-one years, resident in his dwelling-house, to the receipt by him of such schedules, and that they are required to fill up and sign the same, and after such schedules shall have been filled up and signed as aforesaid, the said occupier shall date the same, and sign the declaration at the foot thereof, and forward the same within fourteen days from the receipt thereof to the address mentioned in the said notice.

19. The persons who shall leave or cause to be left the notices mentioned in the last clause shall be—

i. Town Clerks of Corporations, within the limits of the municipal boundaries of the cities or towns for which they are clerks:

ii. Clerks of District Councils, within the limits of the boundaries of the districts for which they are clerks:

iii. The Commissioner of Police for all other parts of the said Province not included in either of the preceding limits:

And every Town Clerk and Clerk to a District Council shall receive for the performance of the above duties, the sum mentioned in the Seventh Schedule hereto.

20. Between the thirty-first day of January and the eighth day of February, in the said year one thousand eight hundred and seventy-four, and in every fifth year thereafter, within the same period, the returning officer for the said Province shall cause to be published in the Government Gazette, and to be exhibited at every telegraph office, post office, and police station in the said Province, a notice calling public attention to the fact that fresh electoral rolls are about to be formed, and that Schedules, to be filled up by persons claiming to have their names inserted therein, have been or are about to be left at every dwelling-house within the said Province, and that every person desirous of having his name inserted in the new rolls must fill up and sign one or both of such Schedules, otherwise that his name will be excluded from such rolls.

21. Every returning officer shall, on the receipt of any such claim, file the same in his office, noting thereon the date of its receipt by him, and shall immediately enter the name of each claimant in books to be provided for that purpose, according to the forms in the said Second Schedule Nos. 1 and 2; the first an electoral roll of all persons included in his electoral division who claim to vote at the election of Members of the Legislative Council; and, secondly, an electoral roll of all persons included in his electoral district.
PART I.

Copies of roll to be forwarded to returning officer for the Province to be printed.

Printed lists to be exhibited.

Rolls to be revised, and to remain in force for five years.

Copies of rolls to be forwarded to District Council Offices, &c.

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district who claim to vote at the election of Members of the House of Assembly for the said district; and the names shall be entered in alphabetical order according to the first letter of the surname, under the headings of the several polling places in such division and district respectively; and he shall enter in the column under the heading “Date of Registration” the date on which he actually received such claim, and blank spaces shall be left after each letter for the addition from time to time of the names of claimants.

22. Each returning officer shall forward to the returning officer for the Province on or before the second Monday in March, in the year one thousand eight hundred and seventy-four, and on or before the same day in every fifth year thereafter, a certified copy of such roll for his particular district, and portion of such roll of the said Province for his division; and the returning officer for the said Province shall cause the same to be printed, blank spaces being left after each letter, for the addition from time to time of the names of claimants, and each returning officer shall be supplied with a sufficient number of such printed copies.

23. Every returning officer shall on the first day of May, in the year one thousand eight hundred and seventy-four, and every fifth year thereafter, add to such printed copies of the electoral roll for his district, and portion of the electoral roll of the said Province for his division, the names of all such persons as may have forwarded their claims to him prior to that date, and each returning officer shall sign, date, and certify his copies to be correct, and shall cause the same to be forwarded by post, not later than the said first day of May, to the place of meeting of every Corporation or District Council within the electoral division or district to which the said copies respectively refer, and also to any police station in any such division or district beyond the limits of a Corporation or District Council, and the said copies respectively shall be kept open to public inspection at such places until the twenty-first day of the said month of May.

24. The books to be prepared as aforesaid shall be produced to, and revised by, the Courts of Revision for the respective districts, to be held in the month of June next after the preparation thereof; and, being revised as hereinafter mentioned, shall, on the thirtieth day of September next following the holding of the Court of Revision at which the same were revised, become the electoral roll for the particular district, and portion of the electoral roll of the said Province for the particular division to which the same relate respectively, and shall remain in force, with such alterations as may be made therein from time to time as hereinafter provided, for five years from the said thirtieth day of September.

25. Every returning officer shall, on the first day of May in every year, except in the year one thousand eight hundred and seventy-four, and every fifth year thereafter, add to the printed copies of the electoral roll for his district, and portion of
of the electoral roll of the said Province for his division, the names of all such persons as may have forwarded their claims to him as hereinafter provided, and shall strike out the names of all such persons as have been struck off the original rolls by any Court of Revision; and each returning officer shall sign, date, and certify his copies to be correct, and shall cause the same to be forwarded by post, not later than the said first day of May to the place of meeting of every Corporation or District Council within the electoral division or district to which the said copies respectively refer, and also to any police station in any such division or district beyond the limits of a Corporation or District Council; and the said copies respectively, shall be kept open to public inspection at such places until the twenty-first day of the said month of May.

26. Any person whose name does not appear on the electoral roll for the said Province, or for any particular district may, except during the time fixed for the exhibition of the copies of the roll, and until after the Court of Revision shall have been held, have his name registered on the electoral roll for the said Province or district, as the case may be, by giving or sending by post to the proper returning officer for the division or district for which he claims to be registered a notice of his claim, which notice shall also state the polling place at which he intends to record his vote; and if he shall state no polling place, he shall be taken to intend to vote at the chief polling place for such division or district.

27. The notice of claim for the Legislative Council shall contain the particulars and be in the form in the Fourth Schedule hereto, No. 1, or to the like effect; and the notice of claim for the House of Assembly shall contain the particulars and be in the form in the Fourth Schedule hereto, No. 2, or to the like effect.

28. Upon the receipt of any claim, the returning officer shall file the same in his office, noting thereon the date of its receipt by him, and shall immediately enter the name of the claimant on the roll for the district, or portion of the roll of the said Province, as the case may require, and shall enter in the column, under the heading "Date of Registration," the date on which he actually received such claim; and on any such claim being allowed by a Court of Revision, such date shall for all purposes be deemed and taken to be the date of registration of such claimant as an elector on the electoral roll for the said Province, or for the particular district as the case may be.

29. Every person whose name shall be on the electoral roll for the said Province, or on the electoral roll for any district, as the case may be, may object to any person whose name shall appear thereon, as not being entitled to have his name retained on such electoral roll: Provided that the person so objecting shall give or cause to be given to the returning officer, and also to the person objected to, ten days notice in writing, prior to the day fixed for
for holding any Court of Revision, according to the form in the Fifth Schedule hereto.

30. Each returning officer shall, immediately after the receipt of such notices of objection, make a list of the names of the persons objected to arranged in alphabetical order in the forms in the Sixth Schedule hereto Nos. 1 and 2.

31. Each returning officer shall keep in his office the electoral roll for his district, and portion of the electoral roll of the said Province for his division, and the list of persons objected to, for such division and district, and permit the same to be perused by any person at all reasonable hours, until the day for holding the Court of Revision as hereinafter provided, without payment of any fee, and shall furnish to any person, desiring the same, a copy of any such roll, on the payment of the sum of Two Shillings and Sixpence for each copy.

32. Every returning officer may object to any person as not entitled to have his name retained on any electoral roll giving, or causing to be given, such notice of objection to the person objected to as is hereinbefore required to be given in case of objection by electors; and all returning officers are hereby required to object in the case of all persons who they shall have reason to believe are not entitled to be retained on the said rolls.

33. It shall be sufficient, if the notice of objection, required to be given as aforesaid, shall be sent by post, the sum chargeable as postage for the same being first paid, directed to the person to whom the same shall be sent, at his place of abode as described in the said electoral roll; and when any person shall be desirous of sending any such notice of objection by the post, he shall deliver the same, duly directed, open, and in duplicate, to the postmaster of any post office within such hours as shall have been previously given notice of at such post office, and under such regulations with respect to the registration of such letters, and the fee to be paid for such registration (which fee shall, in no case, exceed Twopence over and above the ordinary rate of postage) as shall from time to time be made by the Postmaster-General in that behalf; and in all cases in which such fee shall have been duly paid, the postmaster shall compare the said notice and duplicate, and, on being satisfied that they are alike in their address and their contents, shall seal or secure and forward one of them to its address by the post, and shall return the other to the party bringing the same, duly stamped with the stamp of the said post office; and the production by the party who posted such notice of such stamped duplicate, shall be evidence of the notice having been given to the person, at the place mentioned in such duplicate, on the day which such notice would, in the ordinary course of post, have been delivered.
PART II.—Courts of Revision.

34. On some day between the first and thirtieth days of June in every year, Courts shall be held for the revision of the electoral rolls, one of which Courts at least shall be held in each electoral district: Provided that it shall be lawful for the Governor, with the advice of the Executive Council, prior to any election, on receiving from the returning officer of any district a report certifying that it is desirable that the electoral rolls of such district should be revised, to issue a Proclamation in the Government Gazette, ordering a Special Court of Revision of any such district, and in any such Proclamation to appoint the times and such place or places within the electoral district, where such Courts shall be held, and also the times within which the electoral lists shall be exhibited, and notices of objection given.

35. Courts of Revision shall be presided over by a revising officer to be appointed for that purpose by the Governor with the advice of the Executive Council, at such reasonable remuneration as to such Governor with the advice aforesaid shall seem meet; and such Courts shall be held at such place or places within each electoral district, and at such times as may be appointed for that purpose by Proclamation to be published in the Government Gazette, and may be continued by adjournment from time to time: Provided that such Proclamation shall be published at least fourteen days before the date appointed for holding any such Court.

36. Courts of Revision shall have authority to hear, receive, and examine evidence, and by summons, under the hand of the revising officer, to require all such persons as such officer shall see fit to appear personally before such Court at a time and place to be named in the summons, and to produce to the Court all such books and papers in their possession or under their control as may appear necessary for the purpose of their examination, and any person so required as aforesaid who shall without just excuse neglect or refuse to comply with the tenor of such summons, or who having appeared before any such Court shall without just excuse refuse to be examined on oath or affirmation concerning the premises, or to take such oath or affirmation, or having taken such oath or affirmation to answer such questions as shall be put to him, shall on conviction be liable to a penalty of not more than Twenty Pounds.

37. Courts of Revision shall, upon hearing in open Court, determine all matters submitted for their decision, and the Officer presiding at any such Court shall have power to administer oaths or affirmations as the case may be, to all persons who may be required or tendered to be examined, and any person who shall answer falsely to any lawful questions put to him at such examination shall be guilty of perjury.

38. At the Courts of Revision held first after the times hereinbefore provided for, no new rolls shall be revised.
before appointed for the compilation of new rolls every fifth year, the returning officers for the respective districts, or, in case of the unavoidable absence of any such returning officer, some person on his behalf, shall produce the books compiled as hereinbefore provided, and intended to form such new rolls for the district or division for which such Court is being held, and such books shall be revised by the revising officer presiding at any such Court, who shall make such alterations therein, or additions thereto, as may seem to him necessary or proper to be made for the purpose of placing thereon the names of every person entitled to be placed upon the electoral roll of the particular district, or portion of the electoral roll of the said Province for the particular division, as the case may be, and who shall have duly claimed to be placed thereon, according to the provisions hereinbefore contained; and such revising officer shall, in open Court, sign his name at the foot of every page of such books, and also immediately under the last name before every blank space to be left as hereinbefore provided at the end of each letter, and shall also initial every alteration which, at the time of such revision, shall appear in such books, and shall certify at the end thereof respectively that the same has been duly revised by him; and, upon such books being so revised, the same shall, on the thirtieth day of September then next, become the electoral rolls for the particular district, or portion of the electoral roll of the said Province for the particular division, and shall so continue as hereinbefore provided.

39. The returning officer for each division or district, or, if he be unavoidably prevented, some person on his behalf, shall attend at each Court of Revision for his district, to be held at the times and places to be appointed as aforesaid, and shall produce the electoral rolls for his division and district, and the list of objections to such rolls, and each Court shall proceed to consider such objections (if any), and to revise such rolls as herein provided.

40. Courts of Revision shall retain on the electoral rolls under revision the names of all persons to whom no objection shall have been duly made, and shall also retain on such roll the name of every person who shall have been objected to by any other person, unless the person soobjecting shall appear by himself or some one on his behalf in support of such objection, and prove the due delivery of his notice of objection; and when the name of any person appearing on any electoral roll 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 before which such objection is made, 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 Court, the said Court shall expunge the name of every such person from such electoral roll, and shall also expunge from every such roll the name of every person who shall be proved to the Court to be dead, or to have ceased to reside within the district or division to which such roll relates, but in such last mentioned case,
case, only upon proof of notice of objection having been duly
given as hereinbefore provided; and the said Court shall also have
power, on the personal application of any elector, to change the
description of the qualification of the elector, as appearing on
such electoral roll, provided that the elector shall satisfy the
Court, on oath, that the qualification proposed to be substituted is
sufficient in law to entitle such person to vote, and such Courts
shall also correct any mistake, or supply any omission which shall
be proved to have been made in any such electoral roll, in respect
of the name or place of abode of any person whose name shall
appear therein, or in respect of the local description of his property;
and the revising officer shall, in open Court, write his initials
against the names struck out or inserted, and against any part of any
roll in which any mistake shall have been corrected or alteration made.

41. If in any case it shall appear to any Court of Revision that
any person shall have made or attempted to sustain any frivolous
and vexatious claim, or objection, to have any name inserted in, or
retained on, any electoral roll, such Court, in its discretion, may
make such order as may be fit, for the payment by such person of
the costs, or any part of the costs of any person, in resisting such
claim or objection, such order being in writing, and specifying the
sum (such sum not to exceed Ten Pounds), and by and to whom,
and when and where to be paid, failing which such order may be
entered up as a judgment of the nearest Local Court, and execution
issue thereon, and all proceedings taken as upon any judgment of
such Local Court.

42. Where any person whose name appears on any electoral
roll for any district or division shall be objected to on the ground of
having changed his place of abode, the Court may retain the name
of such person thereon, provided that such person or some one on
his behalf shall prove that he is possessed of the same qualification
in respect of which his name has been inserted on such electoral
roll, and shall also supply his true place of abode, which the said
Court shall insert in such roll.

43. No person claiming to register his vote in any electoral
district or division shall be obliged to appear in person to make
proof of the nature and sufficiency of his qualification, unless
required by the Court of Revision: Provided, that if such personal
attendance be rendered requisite on the application of any person
objecting as aforesaid, such person, if his objection be disallowed,
shall defray such expenses as the Court shall award for claimant's
attendance; and the amount of such expenses as fixed by the Court,
may be entered up as a judgment of the nearest Local Court and
execution issued thereon, and all proceedings taken as upon any
judgment of such Local Court.

44. Every returning officer shall preserve the electoral roll
of his district and the portion of the electoral roll of the said Province
relating to his division among the records of his office, and all such
returning
returning officers shall permit the said rolls, and portion of roll, to be inspected at all reasonable times.

45. Immediately after any rolls shall have been revised each returning officer shall forward to the returning officer for the said Province a certified copy of the roll for his district, and portion of the roll for the said Province for his division, and the returning officer for the said Province shall cause the same to be printed, blank spaces being left after each letter, for the addition from time to time of the names of claimants, and each returning officer shall be supplied with a sufficient number of copies.

46. Any person whose name may, for the time being, be upon any electoral roll in any division, and who may desire and be entitled to have his name inserted upon any other electoral roll in any other division may, on written application, signed by the person desiring to be transferred, obtain from the returning officer for the division on the electoral roll of which his name then is, a certificate of transfer, in the form in the Eighth Schedule hereto, addressed to the returning officer of the division to which he shall desire to be transferred, and thereupon such last mentioned officer shall insert the name of such person upon the portion of the electoral roll of the said Province relating to his division, according to the tenor of such certificate, and shall, under the heading "Date of Registration," insert the date mentioned in such certificate of transfer as the date on which such person was registered upon the roll from which he is so transferred, and such person shall be deemed to have been registered upon the portion of the electoral roll of the said Province for the division to which he is so transferred, as from such date, and shall be entitled to vote accordingly.

47. Every returning officer upon giving any such certificate of transfer as aforesaid shall strike the name of the person to whom the same shall be issued off the electoral roll for his division, and shall make a memorandum against such name stating the fact of the transfer, and shall initial the same; and every returning officer inserting the name of any person upon any electoral roll for any division, by virtue of any such certificate of transfer shall make a memorandum against such name, stating the fact of the transfer, and shall initial the same.

48. Every elector for the House of Assembly, duly registered for six months on the Electoral Roll for any district, who shall change his residence into another electoral district, shall be entitled to vote at any election for the district from which he has removed, anything to the contrary herein notwithstanding, until such time as he shall have been six months registered on the roll, and a Court of Revision shall have been held in the district to which he has removed: Provided such elector, within one month, gives written notice of such removal to the returning officer of the district which he has left, and forwards to the returning officer of the district
district to which he has removed, his claim to be placed on the electoral roll of such last-mentioned district, and in such notice of claim also states the roll upon which he is registered, and notifies his intention to retain his right to vote.

49. Every returning officer shall keep separate lists of certificates of transfers issued and received, and shall insert in such lists all such certificates as may have been given or received by him since the date of the last Court of Revision, and shall produce such lists to the revising officer at every Court of Revision.

50. Any person whose name may for the time being be registered upon any electoral roll, and who may desire to change the polling place at which he is entered therein as intending to vote to some other polling place in the same division or district, may have the same changed accordingly, by giving the returning officer a notice in writing of such his desire; and upon receipt of such notice, the returning officer shall make such change accordingly, striking out the name of such person as then appearing in the roll for such district, or portion of the roll of the said Province for such division, and inserting the same as entitled to vote at the polling place mentioned in such notice, and such returning officer shall make a memorandum against such name of the fact of such change of polling place, and shall initial the same; and thereupon such person shall be entitled to vote at such last mentioned polling place in the same manner as if his name had been originally entered upon such roll as intending to vote thereat.

51. Except, as hereinbefore provided, no additions or alterations made to or in any electoral roll shall be of any force or effect whatever until after the same shall have been allowed by a Court of Revision and initialled by the revising officer.

52. The portions of the electoral roll for the various electoral divisions shall collectively form the electoral roll of the said Province.

53. If from any cause the revision of any electoral rolls shall not have been made or completed within the time in that behalf hereinbefore specified it shall be lawful for the Governor, with the advice of the Executive Council, by Proclamation in the Government Gazette, to appoint a day of not more than twenty days from the last day upon which such revision might have been made to be the day for holding a Revision Court for the revision of such rolls, and such day, shall as to all such acts and proceedings as shall yet remain to be done or had with respect to such rolls, be deemed to be for all intents and purposes within the time appointed hereby for such revision.

54. Where a Court of Revision is appointed to be held at more than one place within the same electoral district the meetings of the Court shall be deemed to be adjournments of the first meeting, and
and, in the case of the Courts held first after the compilation of new rolls, the certificate hereinbefore required to be given by the revising officer shall not be given nor shall he sign his name to each page of the electoral list until the last meeting of the Court to be held for such district.

PART III.—Conduct of Elections:

55. Writs for the election of members to serve in the Legislative Council and House of Assembly respectively, shall be issued by the Governor, directed to the proper returning officer; in which writs shall be named the day of nomination for such elections, and in the event of any such elections being contested, the day for taking the votes at the different polling places, and the day on which such writs shall be made returnable to the said Governor.

56. Writs for the purpose of electing a member to fill any seat in the Legislative Council or House of Assembly, vacant by the death, resignation, acceptance of office, or other incapacity of any member, shall be issued by the Governor, upon the receipt from the President or Speaker of the said Legislative Council or House of Assembly respectively, of a notification of such vacancy.

57. All writs to be issued for the election of members of the said Parliament under this Act shall be framed in any manner and form which may be necessary and sufficient for carrying the provisions hereof into effect.

58. Upon the receipt of any writ for the election of members to serve in the said Legislative Council, the returning officer of the said Province shall endorse thereon the day of receiving the same, and shall, within two days from the receipt thereof, forward a copy thereof to the deputy returning officer for each division of his district; and every deputy returning officer shall, upon the receipt of such copy, endorse thereon the day of receiving the same, and shall, within seven days from the receipt of such copy, give the like notices, and forward the same by post, together with a list of voters of the said Province relating to his division, to the same places as are hereinafter directed and prescribed with regard to writs for the election of members to serve in the House of Assembly.

59. Upon the receipt of any writ for the election of members to serve in the House of Assembly, the returning officer shall endorse thereon the day of receiving the same, and shall, within seven days thereafter, give notice of the receipt thereof, and of the day of nomination and of taking votes fixed therein, and of the chief polling-place and other polling-places, if any, for taking the votes at such election, and shall forward such notice by post, together with a list of voters for his district, to the places of meeting of every Corporation or District Council within such district, and also to every police station therein beyond the limits of such Corporations or District Councils.

60. In
60. In the case of an election of members to serve in the Legislative Council, any two or more electors registered upon the electoral roll of the said Province, and in the case of an election of members to serve in the House of Assembly for any electoral district, any two or more electors registered upon the electoral roll for such district may, before the hour of the day fixed for nomination, address and forward, or deliver to the returning officer of the said Province or for such district, as the case may be, a letter or letters, signed by such two or more electors, as proposers of a person to be therein named as a candidate to serve in the Legislative Council, or to represent the district in the House of Assembly, as the case may be; the person, proposed as a candidate, signifying his assent, in writing, to act if elected; and on the day of nomination named in the writ, the returning officer shall attend at noon, at the chief polling-place of his electoral district, or in case of an election of members to serve in the Legislative Council the returning officer of the said Province shall, on the day of nomination, attend at noon at the chief polling-place for the electoral district of East Adelaide, and such returning officer, or returning officer of the said Province, as the case may be, shall there read all letters so addressed to him; and, if there shall not be a greater number of candidates so proposed, and consenting as aforesaid, than are by such writ required to be elected, such returning officer or returning officer of the said Province, as the case may be, shall declare such candidate or candidates to be duly elected, and make his return accordingly; and, in the event of there being more candidates so proposed and seconded, and consenting as aforesaid, than are by such writ required to be elected, such returning officer or returning officer of the said Province, as the case may be, shall then and there give notice of the names of the candidates, and of the names of the persons by whom they have been proposed, and of the day appointed in the writ for the taking of votes, and of the time of voting.

61. It shall not be lawful for any candidate for election as a Member of the said Legislative Council or House of Assembly to solicit personally the vote of any elector, or to attend any meeting of electors convened or held for electoral purposes, if such meeting be held, in the case of an election of members to serve in the Legislative Council, within twelve hours of the time appointed for the nomination of candidates, or in case of an election of members to serve in the House of Assembly, within a like period of the time appointed for the nomination of candidates for the particular electoral district to represent which he is a candidate, nor except for the purpose of recording his vote, until after the close of the poll at such election; and the attendance of any candidate at any such meeting, or his personal solicitation of the vote of any elector, shall have the same effect as the acts of bribery and corruption herein-after mentioned, so far as the same render any election void.

62. At every election the returning officer, if it shall appear to him expedient for taking votes at such election, may cause booths to be erected or hired for taking votes.
to be erected, or rooms to be hired and used as such booths, at the several polling places of his district or division, and the same shall be so divided and allotted into compartments as to the returning officer shall seem most convenient, and such returning officer shall, before the day fixed for taking the votes, if there be a contest, cause to be furnished, for the use of each booth, a copy of that portion of the electoral roll containing the names of persons who shall have been registered for six calendar months on the electoral roll for the district or division, as the case may be, and whose claim shall have been allowed at a Court of Revision, and shall under his hand certify such copy to be a true copy.

63. The returning officer of each electoral district shall preside at the election within his district or division, and unless prevented by illness or other unavoidable cause, shall attend at the chief polling place at the time fixed for commencing the voting; and may appoint a deputy to act for him and take the votes at each polling place: Provided that such deputy be appointed by writing under the hand of the said returning officer.

64. The voting for the election of members of the Legislative Council and House of Assembly, at each polling place, shall be held before the returning officer or his deputy, and shall commence at nine o'clock in the forenoon, and shall finally close at five o'clock in the afternoon of the same day, and shall be conducted in manner following, that is to say—Every elector entitled to vote, and who shall vote in the election of members of the Legislative Council or House of Assembly, as the case may be, shall vote at the polling place in the district or division for which his name appears on the electoral roll, and shall present himself to the returning officer or his deputy at such polling place, and state his Christian and surname, abode and profession, or occupation; and, in case of voting for a member of the Legislative Council, the nature of his qualification, and the place where the property or qualification is situated: whereupon the returning officer or his deputy shall place a mark against the voter's name on a copy of the electoral roll, and hand to such voter a voting paper bearing the initials of the returning officer or his deputy, and containing the Christian and surname of each candidate arranged in alphabetical order, according to such surnames, and if there are two candidates of the same surname, then according to the Christian name or names of such candidates, and if there are two candidates of the same Christian and surname, then according to the residences of such candidates arranged in like order, and every such voting paper shall have a square printed opposite to the name of each candidate, with a number corresponding with such alphabetical order inserted in such square; and no other matter or thing shall be inserted in or on such voting paper, viz., the Christian and surnames of the candidates, and the residence of any two or more where necessary, and the numbers in such squares; and there shall be provided separate apartments, or places forming part of the polling booth, into which the voter shall immediately
immediately retire, and there, alone, and in private, without interruption, indicate the name of each candidate for whom he intends to vote, by making a cross within the square opposite the name of such candidate, and shall then fold the same paper and immediately deliver it so folded to the returning officer or to his deputy, who shall forthwith publicly, and without opening the same, deposit it in a box to be provided for that purpose; and no voting paper so deposited in any box shall, on any account, be taken therefrom, unless in the presence of the scrutineers after the close of the election: Provided, that no voting paper shall be received unless it be so folded as to render it impossible for the returning officer, or any other person to see for what candidate or candidates the vote is given; and any voter wilfully infringing any of the provisions of this clause, or obstructing the voting by any unnecessary delay in performing any act within the polling booth or room, shall be deemed guilty of a misdemeanor, and on conviction shall be liable, at the discretion of the Court before which he is convicted, to be imprisoned with or without hard labor for any term not exceeding two years.

65. The only persons who shall be allowed to remain within any polling booth or room shall be the electors about to vote, the returning officer and his deputies, and the scrutineers, appointed in writing by, and not exceeding two for each candidate.

66. No inquiry shall be permitted at any election as to the right of any person to vote, except only as follows, that is to say—The returning officer or his deputy may, or if required by any two electors entitled to vote in the same electoral district or division, shall put to any voter at the time of his tendering his vote, and not afterwards, the following questions, or any of them, and no other:

First—Are you the person whose name appears as A.B. in the electoral roll now in force for this electoral district [or division, being registered therein for property described to be situated in?] [here specify the street or place described in the electoral roll.]

Second—Have you already voted at the present election?

Third—Had you, at the time of being registered, the qualification for which your name now stands in the electoral roll for the division of [specifying in each case the particulars of the qualification as described in the electoral roll], and are you still possessed of the same qualifications? [or, Are you of the age of twenty-one years, and did you at the time of being registered, and do you still reside within the District of ? and where do you now reside? and when did you change your residence? as the case may be].

And no person required to answer any of the said questions shall be permitted or qualified to vote until he shall have answered the same, nor if he shall have answered the same in such a manner as
PART III.

Punishment for voting twice, or personating voters.

67. Every person who shall vote a second time, or offer to vote a second time, at the same election, for any electoral district, or at any election of members to serve in the Legislative Council, or who shall personate any other person for the purpose of voting at any such election, shall be guilty of a misdemeanor; and on conviction shall be liable, at the discretion of the Court before which he is convicted, to be imprisoned with or without hard labor for any term not exceeding two years.

68. Immediately before taking the votes, the returning officer or deputy returning officer shall exhibit the ballot box empty, and shall then and there securely close and seal the inner cover of such ballot box so that no voting papers can be removed therefrom without breaking such seal; and each deputy returning officer shall immediately on the close of the voting, publicly close and seal the outer cover of such box containing 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, or to the deputy returning officer for the electoral division, as the case may be; and in cases of elections of members to serve in the Legislative Council, the deputy returning officers for each division shall, with the least delay possible, deliver or cause to be delivered the whole of such boxes to the returning officer for the said Province; and any returning officer or deputy returning officer convicted of illegally tampering with the ballot boxes, shall be guilty of a misdemeanor and be liable to pay a penalty of not less than Fifty nor more than Two Hundred Pounds, and to imprisonment until the same be paid.

Adjournment of nomination, or of voting in case of riot.

69. 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 votes, the returning officer, or the deputy of any returning officer, shall not for such cause terminate the business of such nomination, nor finally close the voting, but shall adjourn the nomination or the taking the votes at the particular polling place at which such interruption or obstruction shall have happened, until the following day, and if necessary, shall further adjourn such nomination or voting, 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 votes, as the case may be, at the place at which the same respectively may have been interrupted or obstructed; and the day on
on which the business of the nomination shall have been concluded shall be deemed to have been the day fixed for the election, and the commencement of the voting shall be regulated accordingly; and any day whereon the voting shall have been so adjourned, shall not as to such place be reckoned the day of taking of votes at such election, within the meaning hereof; and whenever the voting shall have been so adjourned by any deputy of any returning officer, such deputy shall forthwith give notice of such adjournment to the returning officer, who shall not finally declare the state of the voting, or make proclamation of the member chosen, until the voting so adjourned at such place shall have been finally closed, and the boxes containing the votes delivered or transmitted to such returning officer.

70. 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, in the presence of two or more scrutineers, whereof each candidate may name one, open all the boxes containing the voting papers delivered in at such election, and shall examine the same, and shall reject all voting papers which shall contain crosses against the names of a larger number of persons than are required to be elected at any such election, or shall contain any matter or thing other than is hereinbefore provided than such crosses, and shall openly declare the general state of the votes at the close of the election, as the same shall have been made up by him from the voting papers taken at the several voting-places; and he shall at the same time and place declare the name 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 his casting vote decide which of the candidates shall be elected: Provided that no returning officer shall vote at any election for the electoral district of which he is the returning officer, except in case of an equality of votes as aforesaid: Provided, however, that the deputy of any returning officer may vote at any election for the electoral district, in like manner as if he had not been appointed and acted as such deputy.

71. The name of the person or persons so elected shall be inserted in or endorsed on the writ by the returning officer, and the writ returned to the Governor within the time by which the same may be returnable.

72. All voting papers shall be destroyed by the returning officer forthwith, after the declaration of the names of the persons duly elected, and all voting-papers issued to any deputy returning officer, and not used by him, shall be returned by him to the returning officer, with the ballot-box.

73. No election shall be held to be void in consequence solely of any delay of the holding of such election at the time appointed, or in the return of the writ, or the absence of the returning officer, or any deputy, the use of written instead of printed rolls, or any error
error on the part of any returning officer or deputy, which shall not affect the result of the election, or of any error or impediment of a mere formal nature; and within the period of twenty days before or after the day appointed for the holding of any election, the Governor may, with the advice of the Executive Council, extend the time allowed for the holding of such election, or for the return of the writ issued for the same, and may adopt or cause to be adopted such measures as may be necessary to remove any obstacle by which the due course of any election may be impeded, and may supply any deficiency that may otherwise affect the same: Provided that any measures so adopted by the Governor, with the advice of the Executive Council, shall be duly notified in the Government Gazette.

PART IV.—Regulation of Elections.

74 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, cockades included, 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 in any shape, in order to influence his vote, or making use of any threat to any elector, or otherwise intimidating him in any manner with a view to influence his vote; the treating of any elector, 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, or 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.

75. The commission of any one of the above-mentioned acts shall, on proof thereof, by the decision of the Court for the trial of complaints against the validity of returns hereinafter mentioned, be held to render void the election of the person committing such act, and to disqualify him from sitting and voting in the said Parliament, during the whole period that may intervene between the commission of the same and the time of the next periodical or general election.

76. 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 above-mentioned Court that such acts were committed with his knowledge or consent.

77. If
77. If any of the above-mentioned acts, hereby declared to be acts of bribery and corruption, shall be committed by any person not the authorized agent of any candidate or member, the person so committing, or having committed them, shall be deemed guilty of a misdemeanor, and may be indicted for such act as for a misdemeanor, in the Supreme Court, and punished with fine not exceeding Two Hundred Pounds, or imprisonment not exceeding six calendar months, at the suit or on the plaint 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.

78. If any person who shall have, or claim to have, any right to vote in any election of a Member of the Legislative Council or House of Assembly, 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 for any of his family or kindred, to give his vote, or to abstain 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 to give his vote in any such election, or to abstain from giving the same, such offender shall, for such offence, forfeit the sum of Fifty Pounds sterling to the person who shall first sue for the same, to be recovered with full costs, by action in any Court of competent jurisdiction.

79. No action, suit, or other proceeding shall be maintainable in any Court of the said Province against any person who may have been a candidate at any election for or in respect of any costs or expenses whatsoever in or about or relating to such election.

PART V.—Court for Trial of Disputed Returns:

80. For the purpose of forming a Court for the trial of any complaints which may be made against the validity of any returns made by the returning officers of the several electoral districts hereby created, the Legislative Council, within one week after its first meeting, and thereafter within one week after its first meeting subsequent to each election to supply the place of members who shall retire by rotation, and the House of Assembly, within one week after the first meeting subsequent to every general election, shall elect, each out of its own body respectively, four persons to be members of the said Court, and the junior or the sole acting Judge of the Supreme Court shall be the president of such Court.

81. If the said Legislative Council or House of Assembly shall fail to elect the said four members of the said Court within the said one week, such four members may be nominated at any time afterwards by the President or Speaker, as the case may be; and if any member shall be incapacitated to attend a meeting of the Court by reason of resignation, refusal to act, acceptance of office, death, sickness,
sickness, or any other impediment, to be allowed by the President of the Legislative Council or Speaker of the House of Assembly, his place shall be supplied by a person nominated for that purpose by the Legislative Council or House of Assembly respectively, or in default of such nomination for the period of one week, by the President or Speaker.

82. The record of the election or nomination of the said members of the said Courts respectively shall be entered by the Clerk of the Legislative Council or House of Assembly on the proceedings of their respective Houses; and proof of such entry having been made shall be sufficient authority for the proper constitution of such Courts.

83. The said Courts respectively shall not proceed to any business unless convened by order of the Legislative Council or House of Assembly, nor until each member thereof shall take the following oath or affirmation, as the case may be, which shall be administered by the president to each of the members, and afterwards by any member to the president:

"I, A. B., do swear (or affirm as the case may be), that I will duly administer justice in all matters which may be brought before this Court, and that I will decide in all such matters according to the principles of good faith and equity, without partiality, favor, or affection, and according to the best of my understanding."

"So help me God."

84. The Courts thus constituted shall have power to inquire into all cases which may be brought before each Court by the House by which it shall have been appointed, respecting disputed returns of members to serve in the said House, whether such disputes arise out of an alleged 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 the return.

85. In the trial of any complaints as aforesaid, the members of the said Courts 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 that they can procure, or that is laid before them, whether the same be such evidence as the law would require in other cases or not.

86. Each of the said Courts shall be an open Court, and shall have power to adjourn its sittings from time to time, as in its discretion it may think proper, provided that the interval of adjournment shall not in any instance exceed four days, and shall be competent to regulate the form of its own proceedings; but such proceedings shall in no case extend beyond the period of five sitting days, unless by leave of the House by which it shall have been appointed; and that if no decision be adopted by a majority within five sitting days, or any enlarged period as aforesaid, the President of
of the Court shall, on such evidence as may then be before the Court, pronounce a decision; and that every decision, whether so pronounced by the President or by the Court, shall be final and conclusive, without appeal.

87. The said Courts shall be attended by one of the officers of the Legislative Council or House of Assembly, as the case may be, who shall make a minute of all proceedings of the Court in such manner and form as shall from time to time be directed by the Court; and a copy of the minutes shall be laid from time to time, or at the termination of any inquiry before the Legislative Council or House of Assembly, as the case may be.

88. The said Courts shall not have power to inquire into the correctness of any electoral roll, or into the qualifications of proposers or seconds, or into the qualifications of persons whose votes may on the day of election have been either admitted or rejected, but simply into the identity of the persons, and whether their votes were improperly admitted or rejected, assuming the roll to be correct.

89. All complaints of the undue return of members to serve in the said Legislative Council or House of Assembly, shall be addressed in the form of a petition to the said Legislative Council and House of Assembly respectively; and no petition shall be noticed, nor any proceedings had thereon, unless it shall have been so presented by a person who was a candidate at the election whereof it may be alleged that an undue return has been made, or by a number of persons who either voted or were qualified to have voted at the said election, amounting to not less than one-tenth of the whole number on the roll of electors, the signature of each petitioner being attested by two witnesses whose place of abode and occupation shall be given, and unless a sum of Fifty Pounds shall be lodged with the President of the Legislative Council or the Speaker of the House of Assembly, as the case may require, by the petitioner or petitioners as security for costs; and no petition shall be noticed which shall not be presented within twenty-one days from the day of election, or one week from the meeting of Parliament, which shall last happen: Provided, that in case that the branch of the Legislature to which a petition is presented shall have adjourned, and not again met before the expiration of the said periods of seven or twenty-one days, then such petition may be presented not later than the second sitting day after the next meeting of the House.

90. Any such petition shall, within ten days after the same shall have been duly received, be referred to the Court above-mentioned, appointed by the House to which the said petition shall be addressed, and such Court shall inquire whether or not such petition is duly and properly signed.

91. The said Courts respectively, in hearing and deciding on the merits of every such petition, shall be guided by the principles of good faith and equity, and shall receive or reject at their discretion any
any evidence that may be tendered to them, and shall have power to compel the attendance of witnesses and to examine them on oath; and also to send for and examine papers, records, and other documentary evidence affecting the matter under investigation; and if any such Court shall declare that any person was not duly elected who was returned as elected by the returning officer of any electoral district, the person so declared to have been not duly elected shall cease to be a member of the Legislative Council or House of Assembly, as the case may be; and if such Court shall declare any person to have been duly elected who was not returned by any returning officer, the person so declared to be duly elected shall be sworn a member of the said Legislative Council or House of Assembly, as the case may be, and take his seat accordingly; and if such Court shall declare any election to have been absolutely void, the President or Speaker, on the same being certified to him by the President of the Court, shall forthwith cause to be issued a new writ for the holding of another election for such district.

92. The said Courts respectively may, in writing under the hand of the President, award to the party petitioning, or the candidate against whom the petition shall have been presented, such reasonable costs and expenses as such Court may deem fit; and the President or Speaker of the Legislative Council or House of Assembly, as the case may require, shall, by order under his hand, direct the payment of the said sum of Fifty Pounds, deposited according to the provisions hereinbefore contained, or a sufficient sum thereof, to any party or parties who, by such award, 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 award 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 said President or Speaker shall, by warrant under his hand, directed to the Sheriff of the said Province, 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, in the same manner as in executing a levy under a writ of fieri facias, levy for the said amount, and, when it 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 received, 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 pay the same, or a proportionate share thereof, according to the number of persons so liable, and according to the extent of the liability of each person; and every such warrant shall be returned to the said President or Speaker, as the case may be.

93. If any person summoned by any such Court shall disobey such summons,
summons, or shall refuse or neglect to produce any papers, records, or other documentary evidence relating to or affecting the matter under investigation, or shall refuse to submit himself to examination, shall be deemed guilty of contempt and be liable in the same manner as for a contempt of the Supreme Court; and any person wilfully or knowingly giving false evidence before any such Court, shall be deemed guilty of wilful and corrupt perjury, and shall be liable to the penalties for such offence; and the Sheriff and his officers shall give effect to any order given by, and execute any warrant under the hand of the President of, the said Court.

PART VI.—General Matters.

94. For the remuneration of the returning officers, there shall be paid to them, in respect to the several matters and things by this Act directed to be performed by them, the several sums mentioned in the Ninth Schedule hereto and no other, and such payments shall be made by the Treasurer, in pursuance of warrants under the hand of the Governor.

95. When any matter or thing is hereby directed to be performed on a certain day, and that day shall happen to be a Sunday, Good Friday, Christmas Day, or other public holiday, the said matter or thing may be performed on the next succeeding day, not being any of the days aforesaid.

96. Every proceeding under this Act, for omissions, defaults, acts, or offences, to which any pecuniary penalty is attached, shall, unless some other mode be prescribed for the recovery thereof, be had and taken and may be heard and determined in a summary way, by any Special Magistrate or two Justices, under the provisions of an Ordinance of the Governor and Legislative Council, No. 6 of 1850, “To facilitate the performance of the duties of Justices of the Peace out of Session, with respect to summary convictions and orders,” or of any Act hereafter to be in force relating to the duties of Justices with respect to summary convictions and orders, and all convictions and orders may be enforced, as in the said Ordinance is mentioned.

97. There shall be an appeal from any conviction by any Special Magistrate or Justice for any offence against this Act, or from any order dismissing any information or complaint, or from any order for payment of money for costs or otherwise; which appeal shall be to the Local Court of Adelaide of Full Jurisdiction only, and the proceedings on such appeal shall be conducted in manner appointed by the said Ordinance, No. 6 of 1850, for appeals to Local Courts; but the Local Court of Adelaide aforesaid may make such order as to the payment of the costs of appeal as it shall think fit, although such costs may exceed Ten Pounds.

98. The Local Court of Adelaide, upon the hearing of any appeal, may state one or more special case or cases for the opinion of the Supreme Court, upon hearing of appeal, may state special case.
Supreme Court, and the Supreme Court shall hear and decide such special case or cases according to the practice of the Supreme Court on special cases, and the Supreme Court shall make order as to costs of any special case as to the said Court shall appear just; and any two or more Justices, or the Local Court of Adelaide, shall make an order in respect to the matters referred to the Supreme Court, in conformity with the certificate of the said Supreme Court, or of any Judge thereof; which order of the Justices or Local Courts shall be enforced in manner provided for the enforcement of orders of Justices, under the said Ordinance No. 6 of 1850; and save as herein provided, no order or proceeding of any Special Magistrate or Justices, or of any Local Court, made under the authority of this Act, shall be appealed against, or removed by certiorari, or otherwise into the Supreme Court of the said Province.

99. One moiety of all moneys received for penalties imposed for offences against this Act, shall be paid to the informant, and the other moiety to the Treasurer on behalf of Her Majesty, Her heirs, and successors, for the public uses of the said Province, and in support of the Government thereof.

100. No action shall be brought or information laid for the recovery of any penalty imposed by this Act, except within three calendar months after the commission of the act in respect of which such action is brought, or information laid respectively.

I reserve this Bill for the signification of Her Majesty's pleasure thereon.

JAMES FERGUSSON, Governor.
THE SCHEDULES REFERRED TO.

THE FIRST SCHEDULE.

Acts Repealed.

<table>
<thead>
<tr>
<th>Number of Act.</th>
<th>Title of Act</th>
<th>Extent of Repeal</th>
</tr>
</thead>
<tbody>
<tr>
<td>No. 10 of 1865-6</td>
<td>An Act to provide for the Election of Members to serve in the Parliament of South Australia.</td>
<td>The whole.</td>
</tr>
<tr>
<td>No. 8 of 1856</td>
<td>An Act to amend “An Act to provide for the Election of Members to serve in the Parliament of South Australia.”</td>
<td>The whole.</td>
</tr>
<tr>
<td>No. 32 of 1855-6</td>
<td>An Act to make further provision for the Election of Members to serve in the Parliament of South Australia.</td>
<td>The whole.</td>
</tr>
<tr>
<td>No. 20 of 1861</td>
<td>An Act to provide for the Election of Members to serve in the Parliament of the Province of South Australia.</td>
<td>The whole, except Sections 3 and 4 and Schedules A and B.</td>
</tr>
</tbody>
</table>

THE SECOND SCHEDULE.

Form of Electoral Rolls.

No. 1.—Roll of Electors for the Electoral Division of who claim to vote at

|-----|-----------------------------------------------------|-----------------|--------------------------|---------------------------------------------------|-----------------------|----------|

No. 2.—Roll of Electors for the Electoral District of who claim to vote at

<table>
<thead>
<tr>
<th>No.</th>
<th>Christian and Surname of each person at full length.</th>
<th>Place of Abode.</th>
<th>Profession or Occupation.</th>
<th>Date of Registration.</th>
<th>Remarks.</th>
</tr>
</thead>
</table>
To

Take notice, that you are hereby required to make known to every male person, of the age of 21 years and upwards, resident in your dwelling-house at the date of the receipt hereof, that they, and each of them, are to insert their names in the following Schedules, in order to entitle them or him to vote at elections of Members to serve in the Legislative Council or House of Assembly, for the said Province respectively; and you are further required to sign the declaration at foot, and to cause this notice, as soon as duly filled up and signed by yourself, to be delivered to Mr. [residence] before the day of 

And further take notice, that if you fail to return the same on or before the date aforesaid, you will be liable to a penalty of not less than nor more than shillings.

(Signed) A. B., Returning Officer for the District of

Dated this day of

The undermentioned are the voting places appointed in this district:

Chief voting place

Other voting places

<p>| No. 1.—Schedule of Persons claiming to vote for Members of the Legislative Council. |
|---|---|---|---|</p>
<table>
<thead>
<tr>
<th>Signature of claimant, Christian and surname of each person, at full length.</th>
<th>Place of abode.</th>
<th>Nature of qualification.</th>
<th>Where the property affording the qualification is situate.</th>
<th>Polling place at which the elector will vote.</th>
</tr>
</thead>
<tbody>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
</tbody>
</table>

<p>| No. 2.—Schedule of Persons claiming to vote for Members of the House of Assembly. |
|---|---|---|---|</p>
<table>
<thead>
<tr>
<th>Signature of claimant, Christian and surname at full length.</th>
<th>Place of abode.</th>
<th>Profession or occupation.</th>
<th>Polling place at which the elector will vote.</th>
</tr>
</thead>
<tbody>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
</tbody>
</table>

Declaration.

I hereby declare that I have complied with the requirements of this notice, and the above is a true return of all matters relating thereto.

Dated this day of

(Signed) A. B., (being the person to whom the above notice is addressed).
THE FOURTH SCHEDULE.

Notices of Claim.

No. 1.—Legislative Council.

To the Deputy Returning Officer for the District of

I hereby give you notice, that I claim to have my name inserted in the electoral roll for the division of , in virtue of the under-mentioned qualification, and to vote at in the said division.

Dated day of in the year one thousand eight hundred and

1. Freehold, clear value of £50.
2. Registered leasehold of £20, with three years to run or right of purchase.
3. Occupying dwelling-house of clear annual value of £25.

* N.B.—State fully where qualifying property is situate—in the country, give Section; in towns, name of street.

No. 2.—House of Assembly.

To the Returning Officer of the District of

I hereby give you notice, that I claim to have my name inserted in the electoral roll for the district of , and to vote at in the said district.

Dated at day of 18

THE FIFTH SCHEDULE.

Notice of Objection.

To the Returning Officer of (and to the person objected to).

I hereby give you notice, that I object to the name of [name and describe the person objected to as in the electoral roll], being retained on the electoral roll of the electoral district [or division] of

Dated this

(Signed) A.B., of [here state the place of abode or property for which he is, or claims to be, included in the electoral roll.]

THE SIXTH SCHEDULE.

List of Persons Objected to.

No. 1.

The following persons have been objected to, as not being entitled to have their names retained on the electoral roll for the electoral division of

<table>
<thead>
<tr>
<th>No.</th>
<th>Christian name and surname of each person objected to.</th>
<th>Place of abode.</th>
<th>Nature of the property or qualification for which his name is on the electoral roll.</th>
<th>Place where the property or qualification is situated.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Dated at this day of

(Signed) A. B., Deputy Returning Officer.

No. 2.
Electoral Act.—1869-70.

No. 2.

The following persons have been objected to as not entitled to have their names retained on the electoral roll for the electoral district of

<table>
<thead>
<tr>
<th>No.</th>
<th>Christian name and surname of each person, at full length.</th>
<th>Place of abode.</th>
<th>Profession or occupation.</th>
</tr>
</thead>
</table>

|       |                                                        |                 |                           |

Dated at ........................................ day of ...........................................

(Signed) A. B. Returning Officer.

THE SEVENTH SCHEDULE.

Fees to be taken by Town Clerks, and Clerks of District Councils.

| To the Clerks of District Councils and Town Clerks, excepting the | £ s. d. |
| Town Clerk of the City of Adelaide, for services performed under | 10 0 0 |
| clause 18, a sum not exceeding ........................................ |     |
| To the Town Clerk of the City of Adelaide, a sum not exceeding ... | 20 0 0 |

THE EIGHTH SCHEDULE.

Certificate of Transfer.

I, A.B., Deputy Returning Officer for the Division of ........................................ do hereby certify that C.D., of ........................................ was duly registered as an elector on the electoral roll for the said division on the ........................................ day of ........................................, and his name still remains on the said roll, and that the said C.D., claiming to be entitled to vote for the division of ........................................ hath applied to be transferred thereto. Whereupon I, the said A.B., have given this certificate of transfer to the said C.D., to the intent that his name may be transferred from the electoral roll of the said division of ........................................ to the electoral roll of the division of ........................................ Dated the ........................................ day of ........................................ (Signed) ........................................ A.B.

To E.F., Deputy Returning Officer for the Electoral Division of ........................................

THE NINTH SCHEDULE.

Fees to be paid to Returning Officers.

| To the Returning Officers preparing and copying into books the lists to form new electoral rolls for Legislative Council and House of Assembly, and certified copies for printing, for eachfolio of seventy-two words ........................................ | £ s. d. | 0 0 6 |
| For adding to and correcting printed copies of rolls, and making and copying lists of objections; postage of same to places where they are to be exhibited; drawing out and sending by post notices of objection; attending Revision Courts, including travelling expenses and all other services, not included in the above, connected with the amendment and preservation of the rolls. To the Returning Officers of Districts (per annum) ........................................ |     | 25 0 0 |
| To the Returning Officer for the Province (per annum) .................. |     | 100 0 0 |

In addition to the above, when elections take place—

| Attending on day of nomination ........................................ | £ s. d. | 2 2 0 |
| Attending on day of voting ............................................. |     | 4 4 0 |
| Travelling on each occasion, in addition to 1s. per mile ............. |     | 1 1 0 |

Fees
<table>
<thead>
<tr>
<th>Description</th>
<th>£</th>
<th>s</th>
<th>d</th>
</tr>
</thead>
<tbody>
<tr>
<td>Attending the scrutiny and declaration</td>
<td>3</td>
<td>3</td>
<td>0</td>
</tr>
<tr>
<td>Hire or erection of booths, at per booth, a sum not exceeding (as per voucher)</td>
<td>5</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Stationery, advertising, and all other expenses not included in the above, if the election be contested</td>
<td>20</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>If not contested</td>
<td>10</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Deputy Returning Officer taking votes</td>
<td>2</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>Clerk of Court of Revision and voting clerk</td>
<td>1</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Doorkeeper on day of voting</td>
<td>0</td>
<td>10</td>
<td>6</td>
</tr>
<tr>
<td>Conveyances of ballot boxes (as per vouchers)</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Electoral Act.—1869-70.