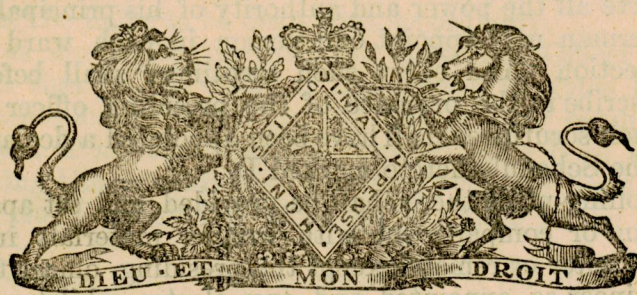


This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

Legislative Assembly Chamber,
Sydney, 20 November, 1874. }

STEPHEN W. JONES,
Clerk of Legislative Assembly.

New South Wales.



ANNO TRICESIMO OCTAVO

VICTORIÆ REGINÆ.

No.

An Act to amend the "Sydney Corporation Act of 1857."

WHEREAS it is desirable to provide for the election of the Mayor Preamble.
of the City of Sydney by the Ratepayers of the said City Be it
therefore enacted by the Queen's Most Excellent Majesty by and with
the advice and consent of the Legislative Council and Legislative
5 Assembly of New South Wales in Parliament assembled and by the
authority of the same as follows:—

1. The twentieth section of the Act of Council twentieth Repeal of portion of
Victoria number thirty-six shall be and the same is hereby repealed. Act 20 Victoria
No. 36.

2. On the ninth day of December next and on the like day in Election of Mayor.
10 every succeeding year the ratepayers enrolled on the Ratepayers Rolls
for the various wards in the City of Sydney shall assemble in the various
wards of the said city and elect in the manner hereinafter mentioned
out of the Aldermen a fit and proper person to be Mayor of the City of
Sydney and the person so elected shall enter on office on the first day
15 of January next following and shall continue in such office for one
whole year or until a successor shall be elected and shall enter upon
office.

Sydney Corporation Act Amendment.

3. The first and all subsequent elections of Mayor under this Act shall be holden before the Mayor and such other persons as he may appoint to be other presiding officers and the voting at every such election shall commence at nine o'clock in the forenoon and shall finally close at four o'clock in the afternoon of the same day. **Mode of electing.**
4. At every election of Mayor the Returning Officer may cause such booths to be erected or rooms to be hired in each ward as occasion may require for taking the poll and making such arrangements for the convenience of the voters as he may deem expedient and shall appoint a polling clerk or polling clerks for every such polling-place. Provided always that no election shall be holden in any church chapel or place of public worship nor in any house licensed for the sale of wines spirits and beer. **Booths and polling clerks.**
5. In case the Returning Officer or any presiding officer shall be prevented from attending any of his duties by illness or other sufficient cause it shall be lawful for him by writing under his hand to appoint a substitute to act for him which substitute shall thereupon for the time-being have all the power and authority of his principal. **Substitutes for presiding officers.**
6. Every Alderman may appoint one person in each ward as scrutineer at the election. And every such scrutineer shall before acting make and subscribe in the presence of the presiding officer of the ward in which such scrutineer shall have been appointed a declaration in the form of the Schedule hereto marked D. **Alderman may appoint scrutineers.**
7. At every polling-place there shall be provided and set apart a separate ballot-room or compartment with writing materials into which no person shall enter or remain except the presiding officer the poll-clerk every scrutineer so appointed and any elector whilst preparing his ballot-paper as hereinafter provided but no longer. And every person otherwise than as aforesaid wilfully entering or remaining in such room shall be guilty of a misdemeanor and may be forthwith given into custody and dealt with according to law. **Balloting-rooms.**
8. Before and in time for every such election the Returning Officer shall cause to be printed for each ward ballot-papers according to the form of the Schedule hereto marked E containing the names of the different Aldermen for the said city and also papers containing the declaration hereto marked F. And the Returning Officer shall on the morning of the day of election but not sooner deliver to the presiding officer of each ward so many of such ballot-papers signed by himself on the back thereof by means of a stamp or otherwise as shall be equal to the number of enrolled ratepayers for such ward and shall sign in like manner and keep for himself a like sufficient number for the ward in which he is to preside. **Ballot-papers to be prepared and furnished.**
9. The Returning Officer shall provide for each polling-place a ballot-box with an opening sufficient to receive papers folded as hereinafter mentioned. And such box being previously locked by the Returning Officer with the only key which shall be kept by himself shall be placed on a table before the presiding officer. And every ratepayer on applying to vote after having made and signed the declaration last aforesaid in the presence of the presiding officer or some person appointed by him for that purpose shall receive one of the ballot-papers signed as aforesaid which he shall carry into the ballot-room aforesaid and shall there strike through the names of all persons so nominated except of the person for whom he intends to vote and then fold up the same so as to conceal the interior and disclose only the Returning Officer's name so signed upon the back. And shall then return to the polling table and there openly in the presence of the presiding officer poll-clerk and scrutineers present deposit such ballot-paper in the ballot-box. Provided that in the case of any ratepayer who is blind or cannot write the declaration shall be read over. **Ballot-box and mode of voting.** **Proviso as to blind men and marksmen.**

over

Sydney Corporation Act Amendment.

- over to him and his verbal assent thereto being obtained the presiding officer or poll-clerk shall write such ratepayer's name in the ratepayer's signing place and attest the same under his own name and hand and such signature and attestation shall bind such ratepayer to such
- 5 declaration and to all the consequences thereof if false And such presiding officer or poll-clerk shall also if such elector cannot read strike through upon such ballot-paper the names of all persons so nominated except such as the ratepayer shall declare his intention of voting for Provided also that before any-ballot paper shall be deposi-
- 10 ted in the box the presiding officer or poll-clerk shall upon a certified copy of the Electoral Roll make a mark against the name of the person then voting which shall be *prima facie* evidence of the identity of such voter with the person whose name shall be so marked on the Electoral Roll and of the fact of his having voted at such election.
- 15 10. No question shall be put to any person applying to vote who shall duly make as aforesaid the declaration hereby required And every person wilfully making such declaration falsely shall be guilty of perjury and be liable to be dealt with accordingly.
- 20 11. Except as hereinafter provided the Returning Officer shall not vote Provided that in the event of the number of votes being upon final examination found equal for any two or more candidates any of whom would if no such equality existed have been found elected the Returning Officer shall have a casting vote and declare in writing which of such candidates shall be declared to be duly
- 25 elected.
12. Each presiding officer shall immediately on the close of the poll transmit to the Returning Officer the ballot-box still locked and shall also send carefully sealed up the Electoral Roll marked at his polling-place signed by him and the poll-clerk the remainder of the
- 30 ballot-papers delivered to him by the Returning Officer and not used and all ballot-papers proffered but not allowed to be deposited and all declarations so signed as aforesaid And also all books kept by him during the polling with an exact statement of the numbers of electors who have voted the number of ballot-papers originally
- 35 delivered to him the number thereof used and the number left unused and returned And such statement shall be signed by himself and the poll-clerk and verified by the signatures of the scrutineers then present.
13. The Returning Officer shall immediately after receiving the
- 40 ballot-boxes and sealed-up documents and papers aforesaid for each ward in the presence of such of the scrutineers as may then attend be examined at the Town Hall and the result of the election ascertained therefrom by the said officers or the majority of them and the Returning Officer shall then and on the then next day declare by
- 45 advertisement in the *Government Gazette* to be published exclusively for that purpose and in one or more daily Sydney newspapers which of the said Aldermen have been elected Mayor.
14. No election under this Act shall be liable to be questioned by reason of any defect in the title or any want of title of any person
- 50 by or before whom such election shall have been holden if such person shall have really acted at such election nor by reason of any formal error or defect in any declaration or other instrument or in any publication under this Act or intended so to be or by reason of any such publication being out of time.
- 55 15. No advantage shall be taken of the invalidity of any proceeding under this Act in any suit which may be brought by or against the Council but every such suit shall be tried as if no such objection existed.

Voter to be marked off on roll.

Nothing required of voters beyond declaration.

Returning Officer shall only vote in case of equality.

Ballot-boxes to be transmitted to the Returning Officer.

Final state of the poll.

Election not to be questioned for defect of title.

Invalidity no plea in action.

Sydney Corporation Act Amendment.

16. In case any extraordinary vacancy shall be occasioned in ^{Extraordinary} the office of Mayor during any year the ratepayers of the city shall elect ^{vacancy of Mayor.} from out of the said Aldermen another person for the Mayor of the city for the remainder of the then current year.

5 17. This Act shall come into operation on the ninth day of ^{Short title.} December now next ensuing and shall and may be cited as the "Sydney Corporation Act Amendment Act."

SCHEDULES.

SCHEDULE D.

Scrutineer's Declaration.

10

I A.B. on behalf of C.D. one of the persons nominated for election this day as Mayor of the City of Sydney to be a Scrutineer at such election do hereby solemnly declare that I will faithfully assist as such Scrutineer and will not attempt to ascertain for whom any elector shall vote nor by any word or action directly or indirectly aid in discovering
15 the same unless in answer to any question which I am legally bound to answer.

SCHEDULE E.

BALLOT-PAPER.

Election of Mayor on the _____ day of _____ 187 .

LIST OF CANDIDATES FOR ELECTION.

20

Names.

Addresses.

SCHEDULE F.

Voter's Declaration.

Voter's Number []

25 I A.B. do hereby solemnly declare that I am the person named in the Electoral Roll for the Electoral District of Sydney now in force for Ward my name being numbered therein as in the margin hereto and that I have not already voted at this Election in this [or any other] Ward. And I further solemnly declare that I am a ratepayer in the said Ward and that no part of any City rate due by me is in arrear.

30

NOTE.—In elections for Aldermen omit the bracketed words "or any other."