



SECOND SUPPLEMENT
TO THE
VICTORIA
GOVERNMENT GAZETTE

OF FRIDAY, JUNE 15, 1877.

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WEDNESDAY, JUNE 20.

[1877.

LEGISLATIVE ASSEMBLY.

I HEREBY notify that there were presented to me, on Wednesday, 20th day of June instant, Petitions, of which the following are true copies.

C. GAVAN DUFFY,
Speaker.

RODNEY ELECTION.—PETITION.

To the Honorable Sir Charles Gavan Duffy, Speaker of the Legislative Assembly of Victoria.

The Petition of James Shackell, of Echuca, gentleman,

RESPECTFULLY SHEWETH—

1. That in pursuance of the Acts of the Parliament of Victoria, number 279, intituled "An Act to consolidate and amend the law relating to Electors and Elections of Members to serve in Parliament," and number 548, intituled "An Act to amend the Electoral Act 1865," His Excellency Sir George Ferguson Bowen, Governor of Victoria, did issue, under his hand and the seal of the said colony, a Writ, dated the thirtieth day of April, One thousand eight hundred and seventy-seven, directed to the Returning Officer of the Electoral District of Rodney, commanding him to proceed as therein directed according to law to the election of two Members to serve in the Legislative Assembly for the said district.

2. That, according to the exigency of the said Writ, the Returning Officer of the said district, upon the receipt by him of the said Writ, forthwith gave public notice in manner provided by the said Act, number 279, of the purport of the said Writ and of the day of nomination, the day of polling, the polling-places, and the return day respectively mentioned therein, and also of a place within the said district appointed by such Returning Officer at which he would receive the nomination papers and payments in the said Act mentioned.

3. That the following persons and no others were nominated as candidates for the office of Member of the Legislative Assembly for the said district at the said election, namely, Simon Fraser, of Echuca; The Honorable Duncan Gillies, of Melbourne; Thomas Spenser, of Rochester; J. P. Conway, of Corop; and your Petitioner; but the said J. P. Conway, after such nomination, duly retired from his candidature in accordance with the provisions in that behalf in the said Act, number 279, contained.

4. That your Petitioner was a candidate at the said election.

5. That, pursuant to the exigency of the said Writ, a poll was taken on the eleventh day of May, One thousand eight hundred and seventy-seven, being the day named in the said Writ for that purpose, at the several polling-places for the said district.

6. That the said Returning Officer by notice signed by him, and posted and published as by the said Act directed, announced the number of votes given at such poll as aforesaid for each of the said candidates who went to the poll to be as follows:—

For Simon Fraser	...	...	1,836 votes.
For the Honorable Duncan Gillies	...	...	1,534 votes.
For your Petitioner	...	...	1,515 votes.
For Thomas Spenser	...	...	1,430 votes.

And the said Returning Officer, by such notice as aforesaid, declared the said Simon Fraser and the Honorable Duncan Gillies duly elected to serve as Members of the Legislative Assembly of Victoria for the said Electoral District of Rodney.

7. That the said Returning Officer endorsed the names of the said Simon Fraser and the Honorable Duncan Gillies on the said Writ as having been duly elected under and by virtue of such Writ, and returned the said Writ endorsed as aforesaid to the Governor aforesaid.

8. That the said the Honorable Duncan Gillies was, by himself, by his agents or agent, and by other persons on his behalf, guilty of bribery before, during, and after the said election, whereby he was and is incapacitated to serve in the present Parliament for the said or any other electoral district, and the said election and return of the said the Honorable Duncan Gillies was and is wholly null and void.

9. That the said the Honorable Duncan Gillies was by himself, by his agents or agent, and by other persons on his behalf, guilty of undue influence before, during, and after the said election, whereby he was and is incapacitated to serve in the present Parliament for the said or any other electoral district, and the said election and return of the said the Honorable Duncan Gillies was and is wholly null and void.

10. That your Petitioner, being as hereinbefore mentioned a candidate at the said election, had at such election, and at the taking of the poll thereat, the next greatest number of votes to the said the Honorable Duncan Gillies.

11. That at the said election divers of the ballot-papers delivered by the Returning Officer or Deputy Returning Officer to divers of the electors who voted for the said the Honorable Duncan Gillies at the said election had not written upon the back of them any number corresponding to the number set opposite the elector's name in the Electoral Roll, as required by the said Act, number 279; and your Petitioner submits that the votes of all such electors by means of such ballot-papers were null and void, and ought now to be struck off the poll.

12. That at the said election divers persons whose names appear on the Electoral Roll for the said district voted twice in favor of the said the Honorable Duncan Gillies, and the votes of such persons should now be struck off the poll.

13. That the said the Honorable Duncan Gillies by the means aforesaid obtained an apparent and colorable majority over your Petitioner, whereas in truth and in fact your Petitioner had a majority of the votes of the electors of the said district who voted at the said election, and was duly elected as a Member to serve in Parliament for the said district, and ought to have been returned as such Member.

Your Petitioner, therefore, respectfully prays that you will communicate the matter of this Petition to the Legislative Assembly of Victoria, in order that the same may be referred to "The Committee of Elections and Qualifications," to be dealt with by such Committee according to law. And that the said the Honorable Duncan Gillies may by such Committee be declared to have been guilty of bribery or undue influence at the said election; and that the said the Honorable Duncan Gillies was not duly elected or duly returned; and that the said election and return, so far as respects the said the Honorable Duncan Gillies, was and is wholly null and void. And that it may be declared by such Committee that your Petitioner was duly elected and ought to have been returned.

And that the said return to the said Writ, so far as it relates to the said the Honorable Duncan Gillies, may be declared to be void. And that the said return may be amended by striking out the name of the said the Honorable Duncan Gillies and substituting in lieu thereof the name of your Petitioner.

And that your Petitioner may have such further or other relief as the circumstances of the case may require, or as to the said Committee may seem meet.

And your Petitioner will over pray.

JAMES SHACKELL.

Dated at Melbourne the twentieth day of June 1877.

SOUTH BOURKE ELECTION.—PETITION.

To the Honorable the Speaker of the Legislative Assembly of Victoria.

The Petition of John Branscombe Crews, of Prahran, in the colony of Victoria, auctioneer,

RESPECTFULLY SHEWETH—

That a Writ for the election of one Member for the Electoral District of South Bourke to serve in the Legislative Assembly of the present Parliament of Victoria was, on the thirtieth day of April in the year of our Lord One thousand eight hundred and seventy-seven, issued by His Excellency Sir George Ferguson Bowen, the Governor and Commander-in-Chief of the Colony of Victoria, directed to the Returning Officer of the Electoral District of South Bourke, and Saturday the fifth

day of May in the year of our Lord One thousand eight hundred and seventy-seven was the day of the nomination named in the said Writ, and Friday the eleventh day of May in the year of our Lord One thousand eight hundred and seventy-seven was the day for taking the poll in the said Writ named and appointed at the places therein named and appointed.

That your Petitioner was, on the fifth day of May in the year of our Lord One thousand eight hundred and seventy-seven; duly nominated as a candidate for election for the said Electoral District of South Bourke, and was at the date of the election and return hereinafter mentioned and still is capable of being elected a Member to serve in the Legislative Assembly, and did and performed all things on his part necessary to be done and performed to entitle him to become a candidate for election, and became and was a candidate for election at the said election for the said electoral district, to serve in the Legislative Assembly.

That James Fergusson, Esquire, of Gardiner, near the city of Melbourne, in the colony of Victoria, was also duly nominated as a candidate for election for the said Electoral District to serve as aforesaid; and Alfred Davis, Joseph Fielding Higgins, John Keys, and Francis John Sidney Stephen were also duly nominated as candidates for election for the said electoral district to serve as aforesaid.

That on the taking the poll for the said election, which was duly taken on the day appointed at the places appointed as aforesaid, the Returning Officer announced that the number of votes given by the electors to each of the candidates for election was as follows :—

John Branscombe Crews	...	...	Three hundred and five.
Alfred Davis	...	...	Twenty-three.
James Fergusson	...	...	Four hundred and twenty-two.
Joseph Fielding Higgins	...	...	Ninety-three.
John Keys	...	...	Three hundred and eighty-eight.
Francis John Sidney Stephen	...	...	One hundred and thirty-three.

And on the day of in the year of our Lord One thousand eight hundred and seventy-seven the said Returning Officer declared the result of such election to be, that the said James Fergusson, Esquire, was duly elected as Member for the said Electoral District of South Bourke to serve in the Legislative Assembly aforesaid, and the said Returning Officer endorsed on the said Writ the name of the said James Fergusson, Esquire, as the person elected, and returned the same, together with the said Writ, as he was by the said Writ commanded, to His Excellency the Governor.

That the said James Fergusson, Esquire, has been duly sworn and taken his seat in the Legislative Assembly of Victoria as the Member elected and returned for the Electoral District of South Bourke at the said election.

That the said James Fergusson, Esquire, then being a candidate at an election within the meaning of the Act of Parliament of Victoria number two hundred and seventy-nine, did, on the third day of May in the year of our Lord One thousand eight hundred and seventy-seven, at Gardiner, within the said electoral district, corruptly give and provide meat, drink; entertainment, or provisions to J. A. Locke, J. T. Paul, William Ellingworth, George Hunt, F. Forster, David Begg, Andrew, Robert, and Alexander Wilson, electors having votes at the said election, and to divers other persons electors having votes at the said election, in order to forward his election.

That the said James Fergusson, Esquire, then being a candidate at an election as aforesaid, also on the day and year aforesaid did, at the place aforesaid, corruptly give and provide meat, drink, entertainment, or provisions to the persons aforesaid electors having votes as aforesaid, and to divers other persons electors having votes at the said election, in order to forward his being elected.

That the said James Fergusson, Esquire, then being a candidate at an election as aforesaid, did also on the day and year aforesaid, at the place aforesaid, corruptly give and provide meat, drink, entertainment, or provisions to the persons aforesaid electors having votes as aforesaid, and to divers other persons electors having votes at the said election, for the purpose of corruptly influencing the said persons aforesaid and the said divers other persons electors having votes as aforesaid to give their votes respectively at the said election.

That the said James Fergusson, Esquire, then being a candidate at an election as aforesaid, was, on the third day of May in the year of our Lord One thousand eight hundred and seventy-seven, accessory to the corruptly giving and providing on his behalf at Gardiner, in the said electoral district, of meat, drink, entertainment, or provisions to the persons aforesaid electors having votes at the said election as aforesaid, and to divers other persons electors having votes at the said election, in order to forward his election and in order to forward his being elected as aforesaid, and also in order to corruptly influence the said persons and the said divers other electors having votes as aforesaid to give their votes respectively at the said election.

That the said James Fergusson, Esquire, then being a candidate at an election as aforesaid, directly and indirectly by William Ellingworth, a person on his behalf, and directly and indirectly by means of other persons on his behalf, and by other ways and means on his behalf, did, on the third day of May in the year of our Lord One thousand eight hundred and seventy-seven, at Gardiner, in the said electoral district, corruptly give, provide, or cause to be given or provided, meat, drink, entertainment, or provisions to the persons aforesaid and to divers persons electors having votes at the said election, in order to forward his election and in order to forward his being elected as aforesaid, and also in order to corruptly influence the said electors having votes as aforesaid to give their votes respectively at the said election.

That the said James Fergusson, Esquire, then being a candidate at an election as aforesaid, did, before and during the said election, corruptly, directly and indirectly, allow other persons to pay on his behalf expenses for meat, drink, entertainment, or provisions supplied to divers electors having votes at the said election, in order to forward his election and in order to forward his being elected as aforesaid, and also in order to corruptly influence the said electors having votes as aforesaid to give their votes respectively at the said election.

That at Mulgrave, Nunawadding, and Bulleen polling-places, appointed at the said election, and within the said electoral district, certain persons, then being the authorized agents of the said James Fergusson, a candidate as aforesaid, did, on the day of the said election, give and cause to be given to divers persons electors having votes at the said election, and about to vote, drink by way of refreshment.

That the said agents at the places aforesaid did also, on the day and at the places aforesaid, give and cause to be given to divers persons electors having votes at the said election, and who had voted, drink by way of refreshment.

That the said James Fergusson, Esquire, was, at the date of the said election and return as aforesaid, and still is by law wholly disqualified from being elected or sitting as Member for the said Electoral District of South Bourke, for and by reason of that he the said James Fergusson was and is indirectly concerned or interested in a contract (not excepted by Act number ninety-one) for the supply of stationery, &c., entered into on behalf of Her Majesty. And also for that he then and now indirectly participates or is entitled to participate in the profits or in the benefits or emoluments arising from a contract (not excepted by Act number ninety-one) for the supply of stationery, &c., entered into on behalf of Her Majesty.

Your Petitioner, therefore, humbly prays—

That the said election and return may be declared wholly void.

That the said James Fergusson, Esquire, may be declared incapable of being elected or sitting as Member for the Electoral District of South Bourke to serve in the Legislative Assembly.

That the said James Ferguson, Esquire, may be declared to be disqualified from being elected or sitting as Member for the Electoral District of South Bourke to serve in the Legislative Assembly.

That a new Writ may be issued for the holding another election for the election of a Member to serve in the Legislative Assembly for the Electoral District of South Bourke.

And your Petitioner, &c.

J. B. CREWS.

Dated at Prahran, in the colony of Victoria, this twentieth day of June in the year of our Lord One thousand eight hundred and seventy-seven.