



THIRD SUPPLEMENT
TO THE
VICTORIA
GOVERNMENT GAZETTE

OF FRIDAY, JUNE 15, 1877.

Published by Authority.

No. 64.]

THURSDAY, JUNE 21.

[1877.

LEGISLATIVE ASSEMBLY.

I HEREBY notify that there were presented to me, on Thursday, 21st day of June instant, Petitions, of which the following are true copies.

C. GAVAN DUFFY,
Speaker.

BARWON ELECTION.—PETITION.

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

The Petition of John Ince, of Newtown, in the Borough of Geelong West, farmer and storekeeper,

RESPECTFULLY SHEWETH—

Your Petitioner was a duly nominated candidate at the election of a Member to serve in the Legislative Assembly for the Electoral District of Barwon, held on the eleventh day of May 1877.

That at such election your Petitioner was second on the poll.

That Jonas Felix Levien was declared elected and returned as the Member for the said district.

That by himself and by his agents, committee-men, partisans, or other persons on his behalf, the said Jonas Felix Levien was guilty of bribery, undue influence, and other corrupt and illegal practices in the forwarding of his election.

Your Petitioner therefore prays that the said Jonas Felix Levien may be declared not duly elected for the said district.

That your Petitioner may be declared duly elected for the said district.

That the Return may be amended accordingly.

And that your Petitioner may have such further and other relief as the circumstances of the case may require.

And your Petitioner as in duty bound will ever pray.

JOHN INCE.

20th June 1877.

No. 64.—JUNE 21, 1877.—1.

SOUTH GIPPSLAND ELECTION.—PETITION.

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

The Petition of Francis Conway Mason, of Carlton, near Melbourne, in the colony of Victoria, 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 South Gippsland, commanding him to proceed as therein directed, according to law, to the election of one Member to serve in the Legislative Assembly for the said district.

2. That, according to the exigency of the said Writ, James Henry Alley, of Port Albert, in the said electoral district, Esquire, being 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, Frederick Lloyd, of West Melbourne, Esquire; George David Macartney, of Melbourne, Doctor of Laws; William Sykes, of South Gippsland, Esquire, and your Petitioner.

4. 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.

5. That the said James Henry Alley, as such Returning Officer as aforesaid, 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 to be as follows:—

For George David Macartney	...	...	368 votes
„ your Petitioner	...	...	327 votes
„ Frederick Lloyd	...	...	115 votes
„ William Sykes	...	...	14 votes.

And the said Returning Officer, by such notice as aforesaid, declared the said George David Macartney duly elected to serve as Member of the Legislative Assembly of Victoria for the said Electoral District of South Gippsland.

6. That the said James Henry Alley, as such Returning Officer as aforesaid, endorsed the name of the said George David Macartney 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.

7. That your Petitioner has been informed and believes that the said George David Macartney was at the time of his said nomination and election, and of the return of the said Writ, and still is a minister of a religious denomination, and accordingly incapable of being elected a Member of the Legislative Assembly.

8. That your Petitioner is advised and believes that the said George David Macartney, being such minister of the Church of England, was, at the time of the said election, unqualified to be elected or returned as a Member of the Legislative Assembly; and that the said George David Macartney was unduly elected and returned as such Member as aforesaid.

9. That the said George David Macartney was discharging the functions of a minister of religion in the said Electoral District of South Gippsland some time prior to the said election, and the electors of the said district were, at the time of the said election, well aware of the fact that the said George David Macartney was such minister of a religious denomination as aforesaid.

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 the next greatest number of votes to the said George David Macartney.

Your Petitioner therefore respectfully prays—

1. 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 according to law.

2. And that the said George David Macartney may by such Committee be declared to have been unqualified at the time of the said election, and that your Petitioner may be declared to have been duly elected at the said election.

3. And that the said return to the said Writ, so far as it relates to the said George David Macartney, may be declared to be void.

4. And that the said return may be amended by striking out the name of the said George David Macartney 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.

And your Petitioner will ever pray, &c.

FRANCIS CONWAY MASON.

Dated at Melbourne the twentieth day of June in the year of our Lord One thousand eight hundred and seventy-seven.

WIMMERA ELECTION.—PETITION.

To the Speaker of the Legislative Assembly of Victoria.

The Petition of William O'Callaghan, of Main street, in the Borough of Stawell, in the Colony of Victoria, licensed publican,

RESPECTFULLY SHEWETH—

That at the general election of Members to serve in the Legislative Assembly of the Colony of Victoria, held on the eleventh day of May in the year of Our Lord One thousand eight hundred and seventy-seven, your Petitioner was a duly nominated candidate for the Electoral District of the Wimmera.

That by the return to the Writ directing the holding of such election it appears that Robert Clark and James MacBain were elected the Members of such district.

That your Petitioner complains that James MacBain was not duly elected, and claims that your Petitioner was duly elected, and that the name of your Petitioner should be inserted in the return in lieu and instead of the name of James MacBain, on the ground hereinafter stated.

That at the close of the poll a list of votes, alleged to have been given at such election, at the Drung Drung polling booth in the said district, but which list was not verified as required by the Electoral Act, was offered to the Returning Officer, who then declined to receive such list and said he would treat such list (as well as other parcels alleged to have been forwarded from such polling booth) as waste paper, as being illegal and informal.

That about eight days afterwards and despite your Petitioner's written protest against such proceeding the Returning Officer counted the votes appearing on such list, and thereby gave the seat to the said James MacBain, who otherwise had less votes than your Petitioner.

That your Petitioner submits that it was not lawful, under the circumstances, to have regard to such list.

That if such list had been excluded your Petitioner had a majority of votes over the said James MacBain, and consequently was and is entitled to be declared elected and returned.

Your Petitioner therefore prays that the Legislative Assembly will take the premises into their consideration, and declare not only that the said James MacBain was not duly elected, but that your Petitioner was duly elected, and cause the said return to be amended accordingly, and give your Petitioner such further or other relief as the circumstances of the case when fully disclosed shall warrant.

And that this Petition may be referred to the Committee appointed for such purposes.

And your Petitioner as in duty bound will ever pray, &c.

WILLIAM O'CALLAGHAN.

June 21st, 1877.

W. O'C.

