



C. A. M.

THIRD SUPPLEMENT
TO THE
VICTORIA
GOVERNMENT GAZETTE

OF FRIDAY, AUGUST 20, 1880.

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MONDAY, AUGUST 23.

[1880.

LEGISLATIVE ASSEMBLY.

RODNEY ELECTION.—PETITION.

I HEREBY notify that there was presented to me, on Saturday the twenty-first day of August instant, a Petition, of which the following is a true copy.

PETER LALOR,
Speaker.

To the Honorable Peter Lalor, Esquire, Speaker of the Legislative Assembly of Victoria.

The Petition of James Crowle, of Heathcote, in the Colony of Victoria, storekeeper and contractor,

RESPECTFULLY SHEWETH—

1. That in pursuance of the Acts of the Parliament of Victoria, numbered 279, intituled "*An Act to consolidate and amend the Law relating to Electors and Elections of Members to serve in Parliament,*" and numbered 548, intituled "*An Act to amend the Electoral Act 1865,*" the Most Honorable George Augustus Constantine, Marquis of Normanby, Governor and Commander-in-Chief in and for the Colony of Victoria, &c., did issue under his hand and the seal of the said Colony a Writ dated the second day of July, One thousand eight hundred and eighty, 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 for the said district, upon the receipt by him of the said writ, forthwith gave public notice, in manner provided by the said Act numbered 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 duly nominated under the provisions of the said Act as candidates for the office of Members of the Legislative Assembly for the said district at the said election, namely, Simon Fraser, of Echuca, the Honorable Duncan Gillies, of Melbourne, and James Crowle, of Heathcote, your Petitioner.

4. That your Petitioner was a candidate at the said election and a voter in and for the said Electoral District of Rodney and an inhabitant therein.

5. That your Petitioner had been, for some time previous to the said month of July in the year of our Lord One thousand eight hundred and eighty, the Returning Officer duly appointed by His Excellency the Governor in Council for the said Electoral District of Rodney.

6. That your Petitioner was, by order of His Excellency the Governor in Council, removed from the office of Returning Officer for the Electoral District of Rodney on the thirtieth day of June in the year of our Lord One thousand eight hundred and eighty, under the provisions of the said Electoral Act 1865.

7. That the seventh day of July in the year of our Lord One thousand eight hundred and eighty was by the said Returning Officer appointed as the last day for receiving nomination papers of persons desirous of being candidates for the said electoral district, and that on that day the substitute of the said Returning Officer, under instructions from the said Returning Officer, struck your Petitioner's name out of the list of candidates for members to serve in Parliament for the said electoral district on the ground that your Petitioner was not capable of being a candidate for election in that he had not resigned his office of Returning Officer at least fourteen days before the said day of nomination.

8. That on the seventh day of July in the year of our Lord One thousand eight hundred and eighty, as and being the day of nomination named in and appointed by the said writ, the said Returning Officer declared that the said Simon Fraser and the Honorable Duncan Gillies were the members returned to serve as Members of the Legislative Assembly of Victoria for the said Electoral District of Rodney, and endorsed the names of the said Simon Fraser and the Honorable Duncan Gillies on the said writ as having been returned as such members, under and by virtue of such Writ, and duly returned the same so endorsed as aforesaid to the Honorable the Speaker of your Honorable House.

9. That no poll of the electors for the said Electoral District of Rodney was taken at the said election.

10. That your Petitioner submits that your Petitioner, under the circumstances aforesaid, was not incapacitated from proceeding to a poll of the said electors, and that he was eligible for election as such candidate as aforesaid. And that the said Returning Officer, and his substitute, exceeded their duty in striking out your Petitioner's name from the list of candidates in and for the said electoral district, and that your Petitioner was qualified to be returned to serve as such member for the said electoral district, and that a poll of the said electors should have been taken, and that your Petitioner's name should have been included in the list of candidates.

11. Your Petitioner is advised and submits that by reason of the premises in this Petition aforesaid, the said return so endorsed upon the said writ is illegal and void, and that a poll of the said electors should, under the circumstances aforesaid, have been taken and held.

Your Petitioner therefore prays that you will communicate the matter of this Petition to the Legislative Assembly of Victoria, in order that the case of your Petitioner may be referred to the Committee of Elections and Qualifications of the said Legislative Assembly duly authorized to hear and enquire into and report upon the same.

And your Petitioner further prays that the said return and election may be declared void, and that it may be declared that the said Simon Fraser and the Honorable Duncan Gillies are not duly elected or returned to serve as members in the said Assembly for the said electoral district of Rodney, and that it may be further declared that your Petitioner was a duly qualified candidate at the said election.

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 ever pray.

JAMES CROWLE,

An elector of the Electoral District of Rodney,
and a Candidate at the said Election.

Dated at Heathcote this 20th day of August in the year of our Lord One thousand eight hundred and eighty.