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GOVERNMENT GAZETTE.

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MONDAY, DECEMBER 6.

[1920.

LEGISLATIVE ASSEMBLY.

UPPER GOULBURN ELECTION.—PETITION.

I HEREBY certify that there was presented to me on Monday, the 6th day of December, 1920, a Petition, of which the enclosed is a true Copy.

J. E. MACKEY,
Speaker.

Speaker's Chambers, State Parliament House,
Melbourne, 6th December, 1920.

To the Honorable John Emanuel Mackey, Speaker of the Legislative Assembly of the State of Victoria.

The Humble Petition of WILLIAM HOSKIN WHITING, of Alexandra, in the State of Victoria, Auctioneer,

RESPECTFULLY SHEWETH :

1. That your Petitioner, William Hoskin Whiting, was a duly qualified and nominated candidate at the election of one Member to serve in the Legislative Assembly of the State of Victoria for the Electoral District of Upper Goulburn, held on the 21st day of October, in the year One thousand nine hundred and twenty.

2. That at such election Edwin Joseph Mackrell purported to be a candidate, and his name was printed as a candidate on the ballot-papers used at the said election.

3. That Christopher Samuel Gleeson was also a candidate at the said election.

4. That the said Edwin Joseph Mackrell was declared duly elected by the Returning Officer, and has taken his seat as a Member of the said Legislative Assembly.

5. That the said Edwin Joseph Mackrell did not become or be a candidate at the said election within the meaning of the *Constitution Act Amendment Act 1915*, Number 2632, and/or the said Edwin Joseph Mackrell was not nominated in manner required by the provisions of the said Act inasmuch as he was not nominated by not less than ten persons entitled to vote at the said election in manner required by the said Act, viz. : After the issue of the Writ and before noon on the day of nomination, the twelfth day of October, in the year One thousand nine hundred and twenty, there was not delivered to the Returning Officer a nomination paper in the form of the Twentieth Schedule to the said Act naming the said Edwin Joseph Mackrell as a candidate at the election, and signed by not less than ten persons entitled to vote thereat, and nominating the said Edwin Joseph Mackrell as a candidate at the election, and having at the foot thereof a statement under the hand of the said Edwin Joseph Mackrell that he consented to such nomination, nor was any nomination paper so delivered as required by the provisions of the said Act, and further, the said Edwin Joseph Mackrell did not nor did any person for him or on his behalf within the time aforesaid, and at the time of the delivery of such paper to the Returning Officer, pay to the Returning Officer the sum of Fifty pounds, as provided by Section 206 of the said Act to be dealt with as in the said Act provided.

6. That by reason of the facts aforesaid the said Edwin Joseph Mackrell was not duly elected as a Member for the said Electoral District of Upper Goulburn, and the return of the Returning Officer returning him was invalid.

7. That the said Edwin Joseph Mackrell, so returned as duly elected, was unqualified at the time of such election.

8. That your Petitioner, William Hoskin Whiting, was the person having the next greatest number of votes at the said election.

9. That your Petitioner, William Hoskin Whiting, received the greatest number and an absolute majority of first preference votes at the said election in that he received the greatest number of and an absolute majority of votes thereat after the first preference votes cast in favour of the said unqualified candidate Edwin Joseph Mackrell are excluded, and after what purport to be second preference votes in such cases, but are in fact by reason of such exclusion first preference votes, are distributed and counted.

Your Petitioner therefore prays :

That you will be pleased to lay this Petition before the Legislative Assembly of Victoria in order that the same may be referred to the Committee of Elections and Qualifications of your Honorable House.

And further prays :

- (a) That a declaration be made that the said Edwin Joseph Mackrell was not duly nominated as a candidate at the said election and that he has not been duly elected as a Member of the said Legislative Assembly for the Electoral District of Upper Goulburn.
- (b) That the said Edwin Joseph Mackrell be declared to have been unqualified at the time of such election and incapable of being elected or returned for the said Electoral District and of sitting as a Member for the said Electoral District.
- (c) That the declaration be made that your Petitioner, William Hoskin Whiting, was the person having the greatest number of votes and an absolute majority of first preference votes at the said election.
- (d) That it be declared that your Petitioner, William Hoskin Whiting, ought to have been returned as Member for the said Electoral District, and should be so declared, and also should be declared duly elected for such Electoral District, and that any recount necessary should be made.
- (e) That the return for such Electoral District be amended accordingly.
- (f) Alternatively, that the said election be declared null and void.

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

As witness the hand of the said William Hoskin Whiting, and dated this fourth day of December, in the year One thousand nine hundred and twenty.

W. H. WHITING.

Witness—EDW. C. RIGBY, Solicitor, 60 Market-street, Melbourne.