



SUPPLEMENT
TO THE
VICTORIA
GOVERNMENT GAZETTE

OF FRIDAY, JUNE 15, 1877.

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TUESDAY, JUNE 19.

[1877

LEGISLATIVE ASSEMBLY.

GRENVILLE ELECTION.—PETITION.

I HEREBY notify that there was presented to me, on Tuesday, 19th day of June instant, a Petition of which the following is a true copy.

C. GAVAN DUFFY,
Speaker.

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

The Petition of the undersigned, Frederick Falconbridge, of Nintingbool, near Smythesdale, in the colony of Victoria, ironmonger,

RESPECTFULLY SHEWETH—

That, in pursuance of a Writ duly issued on the thirtieth day of April 1877, under the hand of His Excellency the Governor and the Seal of the colony, an election of two members to serve in the Legislative Assembly, for the Electoral District of Grenville in this present Parliament, was duly held.

That four candidates were, on the fifth day of May 1877, nominated for said election, that is to say, John Bird, of Scarsdale, land owner; William Clarke, of Buninyong, gentleman; David Mortimer Davies, of Ross' Creek, gentleman; and Richard Henry Lock, of Smythesdale, gentleman.

That the number of candidates nominated as aforesaid, being in excess of the number to be elected, a poll was taken on Friday the eleventh day of May 1877, at the undermentioned places, that is to say:—at Buninyong, Scotchman's, Durham Lead, Yenden, Clarendon, Grenville Diggings, Linton's, Happy Valley, Snake Valley (Carngham), Grassy Gully, Bulldog, Whimholes, Rokewood, Break-o'-Day, Shelford, Scarsdale, Piggoreet, Staffordshire Reef, Smythesdale (within the district), Ross' Creek, and at Cape Clear, all within the said electoral district.

That on the twelfth day of May 1877 the Returning Officer, William Henry Bacchus, Esquire, publicly notified, as by law required, that the number of votes recorded for each candidate was as follows:—John Bird, 1,169; William Clarke, 962; David Mortimer Davies, 1,274; Richard Henry Lock, 1,067; and declared the said John Bird and David Mortimer Davies to be duly elected members to serve in the Legislative Assembly for the said electoral district.

That your petitioner is an elector of the said district, and voted at the said election.

That the said William Henry Bacchus, Esquire, as such Returning Officer, as aforesaid, endorsed the names of John Bird and David Mortimer Davies on the said writ, as having been duly elected under and by virtue of such writ, and returned the said writ so endorsed by him as aforesaid, to His Excellency the Governor aforesaid.

That at the time of such nomination, election, and return of the said writ, the said David Mortimer Davies was incapable of being lawfully elected a Member of the Legislative Assembly of Victoria, and is now incapable of sitting or voting therein by reason of his being before and at the

time of his said nomination, election, and return, a minister of a religious denomination in Victoria, to wit, the Congregational or Independent Denomination.

That the said David Mortimer Davies was duly registered in the Book of Registered Clergy pursuant to the provisions of the Act of the Parliament of Victoria passed in the twenty-seventh year of the reign of Her Majesty (being No. 268) as a minister of religion authorized to celebrate marriages on the twenty-seventh of August 1867, and he continued so registered at the date of his said nomination, election, and return as aforesaid, and up to the 19th day of May 1877.

That the said David Mortimer Davies in divers ways exercised the functions of a minister of the said religious denomination between the month of August 1867 and the 19th day of May 1877 in Victoria.

That your Petitioner is advised and believes that the said David Mortimer Davies being such Minister of the said religious denomination as aforesaid was, at the time of the said election, unqualified to be elected or returned as a member of the Legislative Assembly, and the said David Mortimer Davies was unduly elected and returned as such member as aforesaid.

That your Petitioner is advised and submits that by reason of the said David Mortimer Davies being so incapable of being elected a Member to serve in the Legislative Assembly as aforesaid, the said Richard Henry Lock being as hereinbefore mentioned a candidate at the said election had the next greatest number of votes at the said election after the said John Bird, and is entitled to be declared elected in place of the said David Mortimer Davies.

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 receive enquire into and report upon the same according to law.

And your Petitioner prays that the said David Mortimer Davies may be declared by such Committee to have been at the time of his said election unqualified and incapable of being elected a member to serve in the Legislative Assembly, and that the said Richard Henry Lock may be declared to have been duly elected at the said election. And that the said return to the said writ so far as it relates to the said David Mortimer Davies may be declared to be void. And that the return to the said writ may be amended by taking out the name of the said David Mortimer Davies and substituting in lieu thereof the name of the said Richard Henry Lock. 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.

FREDERICK FALCONBRIDGE,
An Elector of the Electoral District of Grenville.

Dated at Smythesdale the 18th day of June A.D. 1877.