

(No. 102.)



1871.

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T A S M A N I A.

H O U S E O F A S S E M B L Y.

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**ELECTION FOR NORFOLK PLAINS.**

REPORT FROM THE COMMITTEE OF ELECTIONS AND QUALIFICATIONS  
ON THE PETITION OF F. J. HOUGHTON, ESQ., AGAINST THE RETURN OF  
ADYE DOUGLAS, ESQ.

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Brought up by Mr. Attorney-General, and ordered by the House to be printed,  
December 1, 1871.



**REPORT** from the Committee of ELECTIONS AND QUALIFICATIONS in the matter of the Petition of FREDERICK JAMES HOUGHTON, Esquire, against the Return of ADYE DOUGLAS, Esquire, as Member of the House for the Electoral District of Norfolk Plains; with Minutes of the proceedings of the Committee, and Evidence.

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MEMBERS OF THE COMMITTEE.

MR. GIBLIN.	MR. GELLIBRAND.
MR. LEWIS.	MR. JACKSON.
MR. JAMES REID SCOTT.	

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DAYS OF MEETING.

29th November and 1st December, 1871.

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WITNESS EXAMINED.

WILLIAM GIBSON, Esquire.

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*EXTRACT* from the Votes and Proceedings of the House of Assembly, No. 6. 16 November, 1871.

18. *Ordered*, That the Petition of Frederick James Houghton, against the Election of the Member for Norfolk Plains, be referred to the Committee of Elections and Qualifications. (*Mr. James Scott.*)

*To the Honorable the Speaker and the Honorable the Members of the House of Assembly, Tasmania, in Parliament assembled.*

The humble Petition of Frederick James Houghton, of Perth, Tasmania.

RESPECTFULLY SHOWETH:

That your Petitioner was a duly nominated Candidate at the last General Election as a fit and proper person to serve as a Member for the Electoral District of Norfolk Plains in the House of Assembly of Tasmania.

That Adye Douglas, Esquire, of Launceston, was also nominated at the said General Election for the said Electoral District.

That, when the Nomination Paper of the said Adye Douglas was read by the Returning Officer at the hustings, your Petitioner protested against the election of the said Adye Douglas, because the said document was informal, and not "according to equity and good conscience."

That your Petitioner also protests against the election of the said Adye Douglas because several Electors whose names and qualifications were on the Electoral Roll for said District were refused to be allowed to record their votes at the said Election by the Returning Officer at Norfolk Plains, and by the Deputy Returning Officer at Perth.

That your Petitioner, therefore, humbly prays that your Honorable House will refer this Petition to the Committee of Elections and Qualifications, and that all papers and documents relating thereto may be produced.

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

Dated this 28th day of October, 1871.

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F. J. HOUGHTON.

## R E P O R T.

THE Committee of Elections and Qualifications, duly appointed under the provisions of "The Electoral Act," to whom was referred on the 16th November, 1871, the Petition of Frederick James Houghton, Esquire, against the Election and Return of Adye Douglas, Esquire, as a Member for the Electoral District of Norfolk Plains, have determined, and do hereby accordingly declare:—

1. That Adye Douglas, Esquire, was, on the 15th day of September last, duly elected a Member of the House of Assembly for the Electoral District of Norfolk Plains.
2. That the evidence discloses that the Nomination Paper of the said Adye Douglas was in accordance with "The Electoral Act;" and the Committee are of opinion that the allegation to the contrary contained in the Petition is without the slightest foundation.
3. That the statement that "several electors whose names and qualifications were on the Electoral Roll for said District were refused to be allowed to record their votes at the said Election by the Returning Officer at Norfolk Plains," is utterly disproved by the evidence of the Returning Officer.
4. That the Petitioner having declined to attend before the Committee, or to produce any evidence in support of the grave and serious charges contained in the Petition, the Committee are of opinion that the said Petition is vexatious and frivolous, and contains the most unwarranted and groundless imputations upon the Returning Officer at Norfolk Plains, and the Deputy Returning Officer at Perth.
5. That the Committee adjudge that the Petitioner shall pay the Costs of the Sitting Member in opposing the said Petition.

W. R. GIBLIN, *Chairman.*

Committee Room, 1st December, 1871.

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 MINUTES OF THE MEETINGS.
 

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WEDNESDAY, 29 NOVEMBER, 1871.

*Present*—Mr. Giblin (in the Chair), Mr. Jackson, Mr. Gellibrand, Mr. J. R. Scott, Mr. Lewis.

1. The Clerk read the Petition.
  2. F. J. Houghton's letter withdrawing his Petition read.
  3. Mr. Douglas addressed the Committee to the effect that he desired the case to be proceeded with, in order that the charges made by the Petitioner may be investigated. Mr. Douglas, in reply to the Chairman, said the Petition having been presented had not put him to any expense.
  4. Committee deliberated,—Nomination Papers of Mr. Houghton and Mr. Douglas having been produced and considered.
  5. Mr. Douglas addressed the Committee, and applied that Mr. F. J. Houghton and the Returning Officer for the District of Norfolk Plains be summoned for Friday next, at 10.30. A.M.
- The Committee adjourned at 11.11 until Friday, 1 December, 1871, at 10.30 A.M.

FRIDAY, 1 DECEMBER, 1871.

Committee meet at 10.30 A.M.

*Present*—All the Committee.

1. The Clerk read Minutes of the last meeting.
2. A Letter from F. J. Houghton to the Chairman, stating that it was out of his power to attend the Committee, read.
3. Mr. William Gibson was sworn and examined. Mr. Douglas applied that Mr. Houghton be summoned as a witness. The Committee deliberated,—
4. And *Resolved*,—
  1. *Nemine contradicente*, That Adye Douglas, Esquire, was on the 15th day of September last duly elected a Member of the House of Assembly for the Electoral District of Norfolk Plains.
  2. That the evidence discloses that the Nomination Paper of the said Adye Douglas was in accordance with the Electoral Act; and the Committee are of opinion that the allegation to the contrary contained in the Petition is without the slightest foundation.

3. That the statement, that "several electors whose names and qualifications were on the Electoral Roll for said District were refused to be allowed to record their votes at the said Election by the Returning Officer at Norfolk Plains," is utterly disproved by the evidence of the Returning Officer.
4. That the Petitioner having declined to attend before the Committee, or to produce any evidence in support of the grave and serious charges contained in the Petition, the Committee are of opinion that the said Petition is vexatious and frivolous, and contains the most unwarranted and groundless imputations upon the Returning Officer at Norfolk Plains, and the Deputy Returning Officer at Perth.
5. That the Committee adjudge that the Petitioner shall pay the Costs of the Sitting Member in opposing the said Petition.

*Ordered,* That the five Resolutions above carried be embodied in a Report to be brought up to the House to-day at 4 o'clock P.M.

The Committee assessed the Costs of Adye Douglas, Esq. to be paid by Frederick James Houghton at £7.

## EVIDENCE.

WILLIAM GIBSON, ESQ., *sworn and examined.*

*By Mr. Douglas.*—Your name is William Gibson, and you were Returning Officer for the District of Norfolk Plains on the 15th September last? Yes.

Do you know if Mr. Frederick James Houghton was a Candidate at that Election? He was.

He has stated in his Petition to this House that several Electors, whose names and qualifications were on the Electoral Roll for the said District, were refused to be allowed to record their votes at the said Election by the Returning Officer at Norfolk Plains. Did you refuse any Elector whose name was on the Roll? No; one person tendered his vote and was refused by me, but his name was not on the roll; his name was William Brown, of Victoria, and he desired to vote in place of his father, who is dead, and whose name had been struck off the roll.

Did you hear of any Electors for Perth being refused? I did; one.

On what grounds was he refused? For giving in the wrong name; he was a man of the name of John Bilham.

Did you hear that the Scrutineers on either side objected to his vote? The Scrutineers on *both* sides agreed that he had no right to vote. I was so informed by Mr. Thomas Ritchie yesterday, who was Deputy Returning Officer at Perth.

*By the Chairman.*—Was complaint by any one made that their claim to vote had been rejected? None whatever.

Has Mr. Houghton spoken to you as to Mr. Douglas not being properly returned? No; he found fault with Mr. Douglas' nomination paper, and I was subsequently applied to by Rocher and Rocher, on behalf of Mr. Houghton, for the nomination paper, or a copy of it; but I declined, as I considered I had carried out the Act.

Was Mr. Houghton present at the Polling Place on the day of the Election? I saw him there at the declaration of the state of the Poll, and after 4 o'clock.

Did Mr. Houghton represent to you that Electors had not been suffered to vote? No.

Did he protest verbally or in writing? He did verbally when I declared the state of the Poll.

On what ground? Only on the ground of the nomination paper.

When did you first hear that Frederick James Houghton had protested on the ground that votes had been refused? About a week ago; not until after the Petition had been presented.

What was the majority by which Mr. Douglas was returned? Six.

How many polling places were there? Four; Perth, Carrick, Launceston, and Longford.

As far as you know were only two persons who had claimed to vote refused? Yes; *one* of my own knowledge and *one* at Perth.

*By Mr. Scott.*—Would the result of the Election have been affected if these two votes had been erroneously refused? No.

*By the Chairman.*—Would both have supported Mr. Frederick James Houghton? I believe so.

*By Mr. Douglas.*—Did you know that Brown was a resident of Victoria when you declined his vote? Yes.

*By Mr. Scott.*—Have you examined Mr. Douglas' nomination paper? Yes; the names and residences of the nominators are as in the Electoral Roll.

*By Mr. Douglas.*—Do you know Mr. Frederick James Houghton's circumstances? I cannot speak positively; he resides on his own property at Perth, and has a mill there.

Did the Scrutineers make any complaint as to the conduct of the Election? Not a word.

*By Mr. Jackson.*—Did you take any active part in the Election as a partisan? None whatever.

Mr. Gibson withdrew.