

(No. 55.)



1871.

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

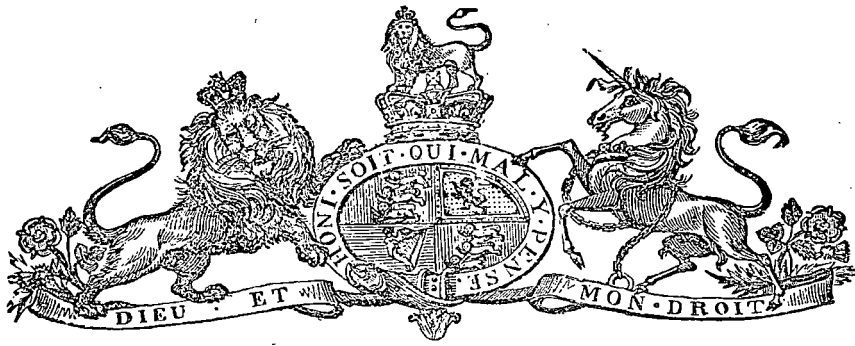
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P E T I T I O N

FROM R. J. LUCAS AGAINST THE RETURN OF CHRISTOPHER  
O'REILLY, ESQ., FOR THE ELECTORAL DISTRICT OF KING-  
BOROUGH.

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Presented by Mr. Rocher; and ordered by the House to be printed, 15 November,  
1871.



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

The humble Petition of Richard James Lucas, of Hobart Town, in Tasmania, Solicitor, a Candidate for Election of a Member for the District of Kingborough at the last General Election.

RESPECTFULLY SHOWETH:

THAT, on the twenty-second day of September last, Messieurs Christopher O'Reilly, John Lees Livingstone, and Henry Ivey, and your Petitioner were duly nominated as Candidates for the election of a Member to represent the Electoral District of Kingborough in your Honorable House; and Thursday, the twenty-eighth day of the same month, was duly appointed as the time for holding the said Election.

That the polling-places for the said District were appointed at Hobart Town, Ironstone Creek, Port Cygnet, Kingston, Oyster Cove, Three Hut Point, and Barnes' Bay respectively.

That James Laffer, Esquire, was appointed Deputy Returning Officer for Port Cygnet, and that the total number of votes polled at that place was considerably more than at any other of the above-named polling-places.

That your Petitioner having been informed that the polling-place at Port Cygnet was to be held at the licensed house of John Russell, who was then the duly appointed Election Agent of Mr. Christopher O'Reilly, sought and obtained an interview with Mr. Laffer, and requested him to have the Election conducted at the Police Office and not at the house of Mr. O'Reilly's Agent; but notwithstanding your Petitioner's request, and the reasons urged in support of it, that gentleman appointed the polling-place to be held at the house of the said John Russell, in which two rooms were engaged for the purpose, the outer room occupied by the Deputy Returning Officer and Scrutineers being in direct communication with the inner room in which a table and pencils were placed for the use of the voters, the table having been placed immediately under the window about four feet from the floor looking out on to the verandah of the house, and the blind of the window having been drawn up at the commencement of the poll and remained in that position until objected to by your Petitioner's Scrutineer, so that persons could see voters from the verandah in the act of preparing their ballot papers.

That the ballot box used at the last-mentioned polling-place was deposited by the Deputy Returning Officer in the said inner room, and out of the sight and supervision of that gentleman and the Scrutineers of the respective Candidates, contrary to the express provisions of the 69th section of the Electoral Act, 21 Vict. No. 32.

That Mr. Andrew George Pogue, as your Petitioner's Scrutineer at that place, at the commencement of the poll requested the Deputy Returning Officer to have the ballot box placed in the outer room occupied by himself and the Scrutineers, which he refused to do. Mr. Pogue then protested that the proceeding was illegal, and upon having referred to the Electoral Act, again repeated his protest.

That, in consequence of the ballot box not having been kept in the room with and under the supervision of the Deputy Returning Officer and Scrutineers, your Petitioner had no protection against the supporters of Mr. O'Reilly obtaining and preparing the ballot papers of the illiterate voters who supported that gentleman and getting them deposited in the ballot box.

That the manner in which the Election was conducted at Port Cygnet was not only in violation of the 69th section of the said Electoral Act, but also of the 60th section of the said Act, which provides that there shall be as many rooms or compartments opening only into the room in which the ballot box is kept, and sufficiently supplied with writing materials, in which the persons voting shall be enabled to fill up the ballot papers as thereinafter provided in *perfect secrecy* and with security from interruption.

That at the declaration of the Poll, which was made at Kingston on the following day, it appeared that Mr. O'Reilly had obtained a majority of 49 votes over your Petitioner, who was placed second on the list; and that the number of formal votes polled at Port Cygnet alone was 114, of which Mr. O'Reilly obtained 104, your Petitioner 8, and Mr. Ivey 2, being a majority for Mr. O'Reilly of 96, by which that gentleman's return was secured.

That at the declaration of the Poll your Petitioner made a Protest against the return of Mr. O'Reilly, which was overruled by the Returning Officer.

Your Petitioner humbly prays that your Honorable House will be pleased to institute a full enquiry into the allegations contained herein;

That the votes polled at Port Cygnet may be struck out of the computation of the number of votes polled at the said Election; and

That the return of the said Mr. Christopher O'Reilly as Member for the District of Kingborough may be declared invalid, and your Petitioner declared the duly elected Member for the said District.

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

R. J. LUCAS.