

(No. 12.)



1856.

T A S M A N I A.

PETITION OF RICHARD CLEBURNE AGAINST THE
ELECTION OF A. NICHOLAS, ESQ.

Presented by Dr. Officer, and ordered by the House to be printed, 4 December, 1856.



*To the Honourable the Members of the House of Assembly for the
Island of Tasmania in Parliament assembled.*

The Petition of RICHARD CLEBURNE, of Murray-street, in the City of Hobart, Merchant.

SHOWETH :

THAT your Petitioner was a Candidate at the last Election with Mr. Alfred Nicholas, of Murray-street, in the City of Hobart, Wine Merchant, for the return of a Member of the House of Assembly for the District of Kingborough.

That John Hall, Esquire, the Returning Officer for the said Electoral District, gave notice, by virtue of a Writ to him directed, that a Public Meeting for the Nomination of Candidates for the said Electoral District would be held on the Township of Kingston, on the eleventh day of September then next ensuing ; and further notified that, in the event of the said Election being contested and a Poll demanded, the polling for the same would take place on Wednesday, the seventeenth of the said month of September, at the several Polling-places within the said District.

That your Petitioner and Mr. Nicholas were duly proposed and seconded at Kingston on the day of Nomination, and the show of hands was declared to be in favour of your Petitioner ; whereupon a Poll was demanded on the part of the said Mr. Alfred Nicholas.

That the Votes upon the day of Election were not taken at Victoria,—one of the Polling-places named in the Electoral Act,—but were taken by the Deputy Returning Officer at a Public-house called the *Ferry Inn*, at Ironstone Creek.

That a Protest was entered by the Scrutineer appointed by your Petitioner against such Votes to be taken at Ironstone Creek previously to any ballot paper being placed in the ballot-box.

That the Returning Officer, on the nineteenth of September last, was about to declare the result of the Votes taken at the Election for the District of Kingborough, when your Petitioner, in consequence of the informality of the Votes for Victoria having been taken at Ironstone Creek, entered his Protest against such Votes so taken, and demanded to be placed at the head of the Poll.

That the result of the Polling, as declared by the Returning Officer, was as follows :—
For your Petitioner, One hundred and twelve Votes ; for Alfred Nicholas, One hundred and thirty-six.

Your Petitioner therefore prays that his Petition may be referred to the Committee of Elections and Qualifications, when appointed by your Honourable House, for the purpose of hearing evidence as to the several allegations herein contained, and as to such other matters as your Petitioner may be advised to bring to the notice of such Committee ; that Counsel may be heard before such Committee on behalf of your Petitioner ; and that, upon striking off those Votes taken at Ironstone Creek,—that not being a Polling-place named in the Act for the District of Kingborough,—the Writ for the return of a Member to this Honourable House for that District may be amended accordingly.

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

R. CLEBURNE.

3rd December, 1856.

P E T I T I O N .

Ordered to be printed, 4 December, 1856.

JAMES BARNARD,
GOVERNMENT PRINTER, TASMANIA.