

(No. 53.)



1871.

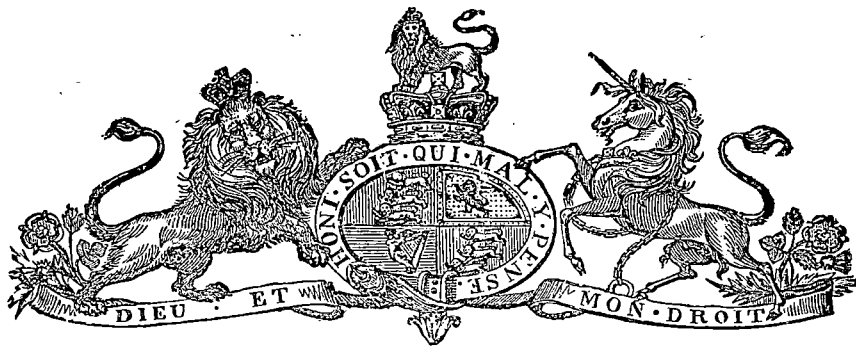
T A S M A N I A.

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

P E T I T I O N

FROM RICHARD HILL, ESQ., AGAINST THE RETURN OF JOHN
DAVIES, ESQ., FOR THE ELECTORAL DISTRICT OF FRANKLIN.

Presented by Mr. Balfe, November 10, 1871 ; and ordered by the House to be
printed.



To the Honorable the Members of the House of Assembly, in Parliament assembled.

The humble Petition of the undersigned Richard Hill, lately a Candidate for a seat in your Honorable House for the Electoral District of Franklin.

RESPECTFULLY SHOWETH :

THAT your Petitioner was a Candidate at the late Election of a Member for your Honorable House for the District of the Franklin, held at Franklin on Wednesday, the twenty-seventh day of September now last past.

That the 19th Section of "The Constitutional Act" of Tasmania enacts that any person who shall, directly or indirectly, himself or by any person whatsoever in trust for him, or for his use or benefit, or on his account, undertake, execute, hold, or enjoy, in the whole or in part, any contract or agreement for or on account of the Public Service, shall be incapable of being elected or of sitting or voting as a Member of such Assembly during the time he shall execute, hold, or enjoy any such contract or any part or share thereof, or any benefit or emolument arising from the same: provided always, that nothing herein contained shall extend to any contract or agreement made, entered into, or accepted by any incorporated company or any trading company consisting of more than six persons where such contract shall be made, entered into, or accepted for the general benefit of such incorporated or trading company: provided also, that if any person, being a Member of such Assembly, shall enter into any such contract or agreement, or having entered into it shall continue to hold it, his election shall be void.

That, at the declaration of the Poll at the said Election so held as aforesaid, John Davies, of Hobart Town, in Tasmania, Esquire, who was also a Candidate, was declared duly elected a Member of your Honorable House for the said District of Franklin.

That your Petitioner on that occasion protested in writing against the candidature of the said John Davies on the ground of his then being the avowed proprietor of the *Mercury* newspaper and interested in a contract for printing for the Government, and therefore disqualified; but the Returning Officer refused to receive or entertain such protest.

That your Petitioner affirms that on such ground as is in the last paragraph of this Petition disclosed the said John Davies was then incapable of being elected, and now is incapable of sitting or voting as a Member of your Honorable House.

Your Petitioner therefore humbly prays your Honorable House to institute a full and searching enquiry into the allegations of this Petition, and, when satisfactorily substantiated, to declare the return of the said Election to be void, and your Petitioner the only duly nominated and elected Member of your Honorable House for the said Electoral District of Franklin.

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

RICHARD HILL.