

(No. 26.)



1866.

SESSION II.

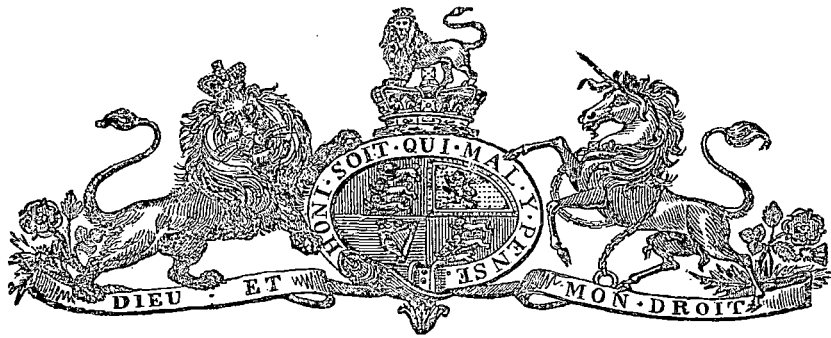
T A S M A N I A.

LEGISLATIVE COUNCIL.

LAUNCESTON AND WESTERN RAILWAY.

LETTER FROM MR. H. DOWLING TO THE COLONIAL SECRETARY
AS TO RETURNING OFFICER'S MEMORANDUM.

Laid upon the Table by Sir R. Dry, and ordered by the Council to be printed,
February 6, 1867.



Launceston and Western Railway, 6th February, 1867.

SIR,

ON behalf of the Promoters I have to request to be allowed, briefly, to notice the Official Memorandum of the Returning Officer under the Railway Act, published in Parliamentary Paper, No. 12, in reply to my letter of the 7th ultimo.

The Promoters deem it desirable to record their dissent from the conclusions of the Returning Officer.

Men will, of course, judge for themselves as to the fact; but I still maintain that the large number of 1169 Votes were registered in favour of the construction of the Railway in excess of the two-thirds required by law (Sect. 107), and not 389 and a fraction.

The Returning Officer construes the terms of the law erroneously. These terms are, "a majority of 2 out of 3 Votes;" and not as he puts it, "a two-thirds majority of the total number of Votes registered 'Yes' and 'No.'" The law provides in fact that, for every Vote registered "No," there shall be two Votes "Yes," to render the Bill operative. All the affirmative Votes over were therefore "to spare," for they were in excess of the requirements of the law.

To put the question in another form, the law claimed an affirmative Vote of 2 out of 3, or *two-thirds*; the Freeholders voted, affirmatively, more than 4 out of 5 of the Votes registered; or *four-fifths* and a fraction.

I have the honor to request that this communication be laid before the Council and printed.

I have the honor to be,

Sir,

Your obedient Servant,

H. DOWLING, *Honorary Secretary.*

*The Hon. the Colonial Secretary,
Hobart Town.*