

(No. 12.)



1866.

SESSION II.

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TASMANIA.

LEGISLATIVE COUNCIL.

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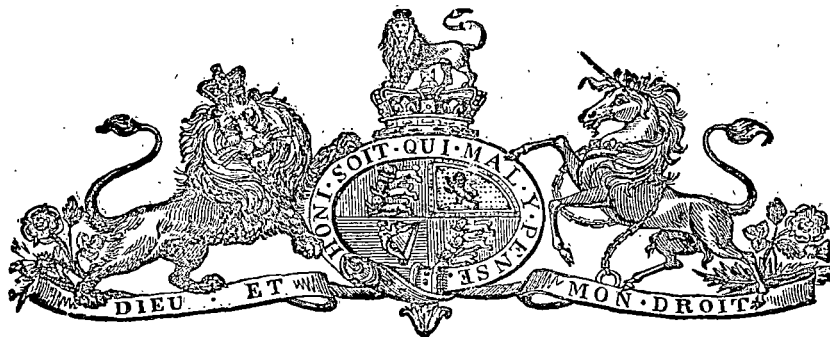
LAUNCESTON AND WESTERN RAILWAY.

CORRESPONDENCE RELATING TO TAKING OF POLL.

*Return to an Order of the Council dated January 29, 1867. (Mr. Whyte.)*

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Laid upon the Table by Sir R. Dry, and ordered by the Council to be printed,  
January 30, 1867.



(Copy.)

*Launceston and Western Railway, 7th January, 1867.*

SIR,

I HAVE the honor to call the attention of the Governor in Council to an error in the Report of the Returning Officer under the *Launceston and Western Railway Act*, which seriously affects the actual result of the Poll taken under the provisions of the 29 Victoriae, No. 24.

This Report is published as Paper No. 6, 23rd November, 1866; and contains the following paragraph:—

“The Abstract shows that 1073 Landholders came to the Poll and registered 2822 Votes. There were 9 informal or invalid Ballot-papers, representing 18 Votes. 163 Landholders registered 545 Votes ‘No,’ and 901 Landholders registered 2259 Votes ‘Yes.’ The total number of Landholders on the Polling List was 1403. It results from this Poll that the Landholders have, by a majority of Two out of Three Votes, (and 391 Votes and a fraction to spare) expressed their willingness to be chargeable with a rate in event of deficiency of interest on the Bonds issuable with the guarantee of Your Excellency in Council by ‘The Launceston and Western Railway Company, Limited.’”

The correct conclusion to be drawn from these figures is represented by the following:—

545 Votes were recorded *against*.

The conditions of the Act would, therefore, have been complied with had 1090 Votes been recorded in *favour*; all over this number (*i. e.* 1169 Votes) were “to spare.”

|  |      |
|--|------|
| In proof, I desire to submit that had the total number of Votes in the District been 1635 and only recorded <i>against</i> ..... | 545  |
|  | 1090 |

then the terms of the Act would have been complied with.

But 2259 were recorded in favour: hence there were “to spare” 1169. Taking the number of Voters the favourable result of the Poll is even more striking.

Only 163 polled *against* the Bill, and 901 in favour of the Bill, being 575 Voters “to spare,” beyond the Two out of Three required.

I have the honor to be,  
Sir,

Your obedient Servant,  
(Signed) H. DOWLING, *Hon. Secretary.*

*The Honorable the Colonial Secretary, Hobart Town.*

REFERRED for the observations of Mr. Yates, who is requested to afford an explanation of the discrepancy in the “*number of votes to spare.*”

(Signed) B. TRAVERS SOLLY.

10th January, 1867.

RETURNED, with a Memo. in reply.

(Signed) R. T. COGHLAN-YATES.

14th January, 1867.

MEMORANDUM OF THE RETURNING OFFICER.

I AM not aware of any *discrepancy* in my statement of the “*number of Votes to spare*” which requires observation or explanation at my hands.

I am willing, however, for the satisfaction of the Colonial Secretary, to state the basis of my calculation of the "actual result" of the Poll of the Landholders of the Launceston and Western Railway District taken by me on the 18th December, 1865.

*The Launceston and Western Railway Act*, 29 Victoria, No. 24, requires (Sect. 107) that willingness to be assessed to a Railway Rate should be "expressed" by the Landholders resident in the District "by a majority of Two out of Three Votes, at a Poll to be taken for the purpose."

The Votes registered at the Poll amounted to 2804. "Two out of Three," or a two-thirds majority of that number, may be stated without fractions as 1868. This last number of Votes would, therefore, have been sufficient to express the Landholders' "willingness to be chargeable" as required by *The Launceston and Western Railway Act*.

But 2259 Votes "expressed" such "willingness," or 391 Votes beyond the required "Two out of Three Votes," or two-thirds majority of the Votes registered at the Poll.

This result may be thus expressed in figures:—

$$\begin{array}{l} \text{Total Votes, } 2804 \div 3 = 934\frac{2}{3} \times 2 = 1869\frac{1}{3} \text{ Two out of Three Votes.} \\ \text{Votes "Yes" } 2259 - \text{Two-thirds } 1869\frac{1}{3} \quad \left. \vphantom{\begin{array}{l} \text{Total Votes, } 2804 \div 3 = 934\frac{2}{3} \times 2 = 1869\frac{1}{3} \text{ Two out of Three Votes.} \\ \text{Votes "Yes" } 2259 - \text{Two-thirds } 1869\frac{1}{3} \end{array}} \right\} = 389\frac{2}{3} \text{ Votes to spare.} \\ \text{One-third, } 934\frac{2}{3} - \text{Votes "No" } 545 \end{array}$$

I do not pretend to understand—I am not concerned to explain—the "discrepancy" between this correct statement of the "actual result" of the Poll, and the misconceptions or miscalculations of the Hon. Secretary to the Launceston and Western Railway Company, or League. I have long been familiar with his view of the subject, having seen it expressed in much the same terms and formula in the Northern press, immediately after the Poll; but I thought it unnecessary to notice it otherwise than by the statement of the result in my Report, which Mr. H. Dowling's letter impugns.

But I shall maintain that my Report contains no "error which seriously affects the actual result of the Poll." Expressed with precise accuracy, the number of Votes "to spare" is  $389\frac{2}{3}$  or 389.66, not "391 and a fraction." The statement in my Report admits of no other correction.

Mr. H. Dowling appears to have taken the Votes "No," 545, as one-third of the Votes; but I cannot so read the 107th Sect., which unquestionably requires "Two out of Three," or a two-thirds majority of the total number of Votes registered "Yes" and "No."

I should have felt inclined to resent, had it come from any other quarter, this impertinent attribution to my Report of "an error which" it is alleged "seriously affects the actual result of the Poll," taken under my superintendence on the 18th December, 1865.

But I am satisfied with the reflection that, when my Report was submitted a year ago to the Governor in Council, I was honored with "an intimation of the approval by the Government of the satisfactory and efficient manner in which I had conducted *and concluded* my duties as Returning Officer for the Launceston and Western Railway District." (H. A., Sess. II., 1866, No. 6, p. 27.) It has been reserved for the Hon. Secretary to the Launceston and Western Railway Company, or League, to accuse my Report of "error."

I have gone out of my way, in my Report, to advert to the surplus of Votes over and above the two-thirds required by law; and at the declaration of the Poll on the 19th December, 1865, I stated publicly, as I have also stated in my Report, that the number of Landholders who voted "Yes" was 901, while no more than 163 voted "No;" adding these words, "You will observe that this result gives a majority in favour of the construction of the Railway considerably larger than the two-thirds required by Law." (H. A., Sess. II., 1866, No. 6, p. 27.)

I am not surprised at a suggestion of "error" in my Report from an office-bearer of the Launceston and Western Railway Company, or League. But I will add that, if Mr. H. Dowling's letter is to be taken as insinuating an intention on my part as Returning Officer to understate or misrepresent "the actual result" of the voting of the Northern Landholders in favour of the Deloraine Railway, I desire to offer to the baseless and ungenerous imputation a deliberate, a direct, and a contemptuous contradiction.

I trust the Colonial Secretary will do me the justice to bring this Memorandum under the notice of the Governor in Council whenever Mr. H. Dowling's letter is submitted to His Excellency's attention.

(Signed) R. T. COGHLAN-YATES, *Returning Officer,*  
*Launceston and Western Railway District.*

14th January, 1867.