

(No. 22.)



1877.

SESSION III.

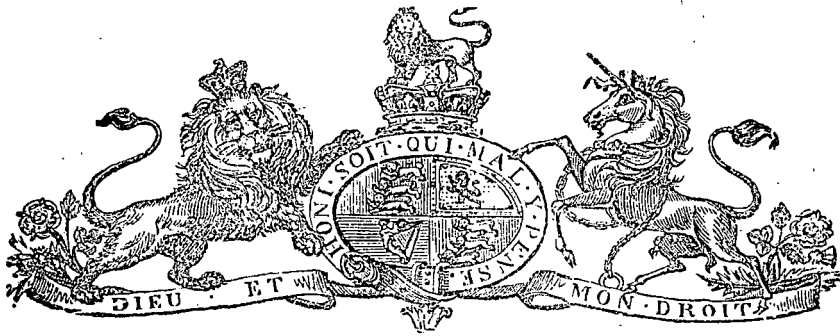
T A S M A N I A.

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

S E L B Y.

PETITION AGAINST MR. T. C. JUST'S ELECTION BY
MR. D. MURRAY.

Presented by Mr. Gellibrand, 18 July, 1877, and referred by the House to the
Committee of Elections and Qualifications: ordered by the House to be printed,
24 July, 1877.



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

The humble Petition of the undersigned, one of the Candidates at the late Election for the Representation
of the District of Selby.

RESPECTFULLY SHOWETH :

THAT your Petitioner desires to bring under the consideration of your Honorable House the circumstance that Thomas Cook Just, who, on the 26th day of June now last past, was declared to be elected Member for the District of Selby, is directly or indirectly interested in a Contract for the printing of Government Advertisements in *The Cornwall Chronicle* and *Launceston Examiner* newspapers, published in the Town of Launceston, he at the same time being the registered proprietor of one of the said newspapers, to wit, *The Cornwall Chronicle*.

That your Petitioner respectfully submits that the said Thomas Cook Just is, therefore, incapable of holding a seat in your Honorable House, inasmuch as his doing so would be a violation of the 19th Section of "The Constitutional Act," 18 Victoria, No. 17, which provides 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."

That your Petitioner therefore respectfully protests against the Election of Thomas Cook Just to serve as a Member of your Honorable House for the Electoral District of Selby, and prays that the Election of the said Thomas Cook Just may be declared absolutely void, and that your Petitioner may be declared the duly elected Member for the District of Selby.

That your Petitioner also humbly prays that your Honorable House will refer this Petition to the Committee of Elections and Qualifications, and that all papers and documents relating thereto may be produced.

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

D. MURRAY.

[In continuation of Paper No. 22, presented 18th July, 1877.]

REPORT from the COMMITTEE OF ELECTIONS AND QUALIFICATIONS upon the
*Petition of DAVID MURRAY, Esquire, against the return of THOMAS COOK JUST,
Esquire, with Minutes of the Proceedings of the Committee.*

[Brought up by Mr. Douglas, 7th August, 1877, and ordered by the House of Assembly to be printed.]

MEMBERS OF THE COMMITTEE.

MR. DOUGLAS.
MR. HODGSON.
MR. BELBIN.

MR. PILLINGER.
MR. BALFE.

DAYS OF MEETING.

24 July, and 1, 2, and 3 August, 1877.

EXTRACT from the Votes and Proceedings of the House of Assembly, No. 4, 18th July, 1877.

3. Mr. Gellibrand presented a Petition from David Murray, Esquire, against the Election of T. C. Just, Esq., as Member for Selby.

Which being read, was referred, in accordance with "The Electoral Act," to the Committee of Elections and Qualifications.

R E P O R T.

THE Committee of Elections and Qualifications duly appointed under the provisions of "The Electoral Act," to whom was referred on the 18th July, 1877, the Petition of David Murray, Esquire, against the Election of Thomas Cook Just, Esquire, as a Member for the Electoral District of Selby, have determined and do hereby declare:—

1. That Thomas Cook Just, Esquire, was, on the 25th day of June, 1877, duly elected a Member of the House of Assembly for the Electoral District of Selby.

2. That the Petitioner having requested to be allowed to withdraw the Petition, the Committee have decided that the privilege of withdrawing the Petition shall be accorded to Mr. Murray.

3. That the Committee adjudge that the Petitioner shall pay the costs of the sitting Member in opposing the said Petition.

ADYE DOUGLAS, *Chairman.*

Committee Room, 7th August, 1877.

No. 5.

MINUTES OF MEETING OF THE COMMITTEE.

FRIDAY, AUGUST 3, 1877.

Present.—Mr. Douglas, Mr. Hodgson, Mr. Balfe, Mr. Pillinger, Mr. Belbin.

1. The Committee met at 11.30.

2. Mr. Just's case, which was yesterday adjourned to this day, was called on.

Mr. Giblin appeared for Petitioner, Mr. Murray.

3. Mr. Giblin asked leave to withdraw the Petition.

The Chairman, having taken the opinion of the Committee in favour of the withdrawal, intimated that Mr. Giblin was permitted to withdraw the Petition.

4. Ordered, that the decision of the Committee be reported to the House at its meeting on Tuesday next.

The Committee adjourned *sine die*.