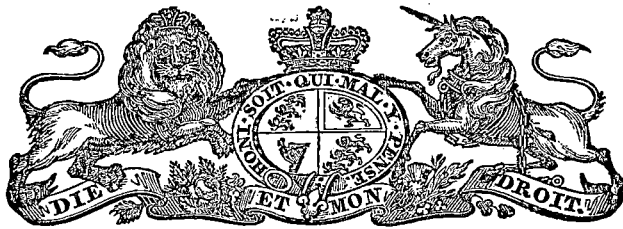


(No. 26.)



1867.

T A S M A N I A.

ELECTIONS AND QUALIFICATIONS.

REPORT OF THE COMMITTEE.

Ordered by the House of Assembly to be printed, 7th February, 1867.



REPORT from the COMMITTEE OF ELECTIONS AND QUALIFICATIONS in the matter of the Petition of ALEXANDER ROSE, Esquire, against the Return of JOHN WARD GLEADOW, Esquire, as Member of the House for the Electoral District of MORVEN; with Minutes of the Proceedings of the Committee, and Evidence.

MEMBERS OF THE COMMITTEE.

MR. SHARLAND.
MR. LEWIS.
MR. DODERY.

MR. JAMES SCOTT.
MR. BUTLER.

DAYS OF MEETING.

1st, 5th, 6th, and 7th February, 1867.

WITNESSES EXAMINED.

H. M. HULL, Esq., *Clerk of the House of Assembly.*
THEODORE BARTLEY, Esq., J.P.
MR. F. J. HOUGHTON.

EXPENSES OF WITNESSES CHARGEABLE ON THE COLONIAL TREASURY.

Nil.

REPORT.

THE Committee of Elections and Qualifications duly appointed under the provisions of "The Electoral Act," to whom was referred, on the 28th November, 1866, the Petition of Alexander Rose, Esquire, against the Election and Return of John Ward Gleadow, Esquire, as a Member for the Electoral District of Morven, have determined, and do hereby accordingly declare:—

That John Ward Gleadow, Esquire, was, on the 8th October, 1866, duly elected as Member for the Electoral District of Morven.

That the Committee have had satisfactory proof adduced that the allegations contained in the Petition of Alexander Rose, Esquire, to the effect "that at such Election the Lists provided by the Returning Officer as purporting to be Copies of the Electoral Roll and Polling Lists were not certified under his hand to be true Copies," were substantiated.

That the Committee determine that the neglect of duty on the part of the Returning Officer, in not complying with the directions contained in the 60th Clause of "The Electoral Act," though highly improper, did not affect the result of the Election.

W. S. SHARLAND, *Chairman.*

Committee Room, 7th February, 1867.

EXTRACTS from the Votes and Proceedings of the House of Assembly.

Votes and Proceedings, No. 2, Wednesday, 21st November, 1866 :—

5. Mr. Colonial Treasurer presented a Petition from Alexander Rose, Esquire, against the Election of the Member for Morven, which was read and received.

Votes and Proceedings, No. 6, Wednesday, 28th November, 1866 :—

6. *Ordered*, That the Petition of Alexander Rose, Esquire, against the return of the Honorable Member for Morven, be referred to the Committee of Elections and Qualifications. (*Mr. Charles Meredith.*)

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

The humble Petition of the undersigned Alexander Rose, lately a Candidate for a Seat in your Honorable House for the Electoral District of Morven.

RESPECTFULLY SHOWETH :

THAT your Petitioner was a Candidate at the late Election of a Member for your Honorable House for the District of Morven, held at Evandale, on Monday, the 8th day of October now last past.

That the Sixtieth Section of "The Electoral Act" of Tasmania directs that at every Election under said Act the Returning Officer shall (amongst other things) "cause to be furnished for the use of each Polling-place a sufficient number of copies of the Electoral Roll and Polling List of the District, and shall under his hand certify such copies to be true."

That the Sixty-ninth Section of the said Act of Council directs that each Elector, before voting, "shall first sign his name, or place his mark opposite to his name, upon a certified copy of the Electoral Roll."

That at such Election the Lists provided by the Returning Officer as purporting to be copies of the Electoral Roll and Polling List were not certified under his hand to be true copies.

That, in consequence of the omission by the Returning Officer aforesaid to certify the correctness of the copies of the documents aforesaid, in accordance with the directions laid down and imposed in the Act of Council aforesaid, your Petitioner believes the Election for the District of Morven hereinbefore referred to to be illegal.

Your Petitioner, therefore, humbly prays your Honorable House to institute a full and searching inquiry into the allegations of this Petition, and when satisfactorily substantiated to declare the Return of the said Election to be void.

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

ALEXR. ROSE.

MINUTES OF THE PROCEEDINGS OF THE COMMITTEE.

FRIDAY, 1 FEBRUARY, 1867.

Present—Mr. Sharland (Chairman), Mr. Doderly, Mr. Scott, Mr. Lewis, Dr. Butler.

For the Parties.

For Petitioner—Mr. Cansdell. For Self—Mr. Gleadow.

1. Mr. Cansdell addressed the Committee on behalf of the Petitioner Alexander Rose.
2. The Clerk of the House was examined.
3. *Ordered*, That T. B. Bartley, Esquire, be summoned on behalf of Mr. Gleadow, for Tuesday next, at 11 o'clock.

The Committee adjourned at 2 o'clock to 11 o'clock on Tuesday next.

TUESDAY, 5 FEBRUARY, 1867.

Present—Mr. Sharland, Mr. Scott, Mr. Lewis, Mr. Butler. *Absent*—Mr. Dodery.

For the Parties.

Mr. Cansdell, Mr. Gleadow, Mr. Theodore Bartley.

There being no full attendance of the Committee, it was adjourned until to-morrow at 11 o'clock.

WEDNESDAY, 6 FEBRUARY, 1867.

Present—Mr. Sharland, Mr. Butler, Mr. Dodery, Mr. Scott, Mr. Lewis.

For the Parties.

Mr. Cansdell, Mr. Gleadow, Mr. Theodore Bartley, Mr. Houghton.

1. The Clerk read the Minutes of last Meeting.
2. The Clerk read a letter addressed to him by the Returning Officer of Morven, enclosing copy of the Electoral Roll.
3. Mr. Bartley was sworn and examined.
4. Mr. Cansdell having objected to a Question put by Mr. Gleadow, the Committee deliberated with closed doors, and decided against the Question being put.
5. Mr. Houghton was sworn and examined.
6. Mr. Gleadow addressed the Committee.
7. Mr. Cansdell addressed the Committee.

The Committee adjourn till to-morrow at 11:30.

THURSDAY, 7 FEBRUARY, 1867.

Present—Mr. Sharland, Mr. Lewis, Mr. Scott, Mr. Butler, Mr. Dodery.

1. The Clerk read the Minutes of the last Meeting.
2. *Resolved, nemine contradicente*, That John Ward Gleadow, Esquire, was, on the 8th day of October, 1866, duly elected as Member for the Electoral District of Morven.
3. *Resolved*, That the Committee have had satisfactory proof adduced that the allegations contained in the Petition of Alexander Rose, to the effect that at such Election the Lists provided by the Returning Officer as purporting to be copies of the Electoral Roll and Polling Lists were not certified under his hands to be true copies, were substantiated.
4. *Resolved*, That the Committee determine that the neglect of duty on the part of the Returning Officer in not complying with the directions contained in the 60th Clause of the Electoral Act, though highly improper, did not affect the result of the Election.
5. *Ordered*, That the Three Resolutions above carried be embodied in a Report to be brought up to the House this day.

The Committee adjourn to half-past 11 o'clock to-morrow to assess the costs in the case.

EVIDENCE.

FRIDAY, 1 FEBRUARY, 1867.

HUGH M. HULL, *Esq.*, Clerk of the House of Assembly, was examined.

By Mr. Cansdell.—You are Clerk of the House of Assembly? I am.

Do you produce the sealed packet of Ballot Papers used in the Election of Mr. Gleadow at Morven, in October 1866, which have been deposited with you under "The Electoral Act?" I do. They were sealed up when I received them on the 11th October last, and they are now sealed up.

Will you open that packet? [Here the Chairman directed Mr. Hull to break the seals.] I have opened the packet.

Will you produce any Electoral Rolls or Polling Lists which may be there? I produce two printed copies of the Electoral Roll,—one of which bears the signatures of a great number of Electors; the other copy has no signatures on it in ink; two initials are on top of page 1. There are no Polling Lists in the packet.

Are the Electoral Rolls, or either of them, certified under the hand of the Returning Officer? No; the name of John Thomas Lakeland, Returning Officer, is *printed* at the end of each copy.

Do you produce from the packet a Protest signed by Mr. Scott and Mr. Houghton addressed to the Returning Officer? I do.

WEDNESDAY, 6 FEBRUARY, 1867.

THEODORE BRYANT BARTLEY, *Esquire*, sworn.

By Mr. Gleadow.—You acted as one of my Scrutineers at the Morven Election? I did.

Who were the others? Mr. H. B. Dowie of Evandale, and John Bryan of Evandale.

Who acted for Rose? The two I saw acting were James Scott and F. J. Houghton.

Did you see them tick off names on Electoral Roll? I saw Mr. Houghton do so frequently as I came in. I was not present except at intervals during the Polling; but on those occasions I saw Mr. Houghton tick off Electors as they voted.

Were you present some time before the closing of the Poll? Yes, at intervals all day, and some time before the close; fully half an hour before the close without leaving the room.

You were present when the Poll was closed? Yes.

And during the time the Ballot Papers were being examined? Yes.

Were James Scott and Houghton present during the examination of Ballot-papers and at the close of the Poll? They were.

Did they examine the Ballot-papers as they were opened? They did, in conjunction with your Scrutineers, examine every one of the Ballot-papers carefully.

Did they make any objection to the Ballot-papers? Yes, in some instances.

Were any votes given on my behalf struck off? There were only two instances. The first was a Ballot-paper in which the pen had marked a part of the "G." Mr. Houghton claimed it on behalf of Mr. Rose, and I conceded it.

Had the whole of Mr. Rose's name been defaced on that Ballot-paper? No, I should say not.

What in the other case? The other was that the pen had been struck through the number opposite to Rose's name. Mr. Rose's name was not touched, and it was considered an informal paper.

Did Mr. Houghton and Mr. Scott keep a vigilant look out? Yes, they did, on every Ballot-paper, and made careful arrangements how each Ballot-paper was to be examined by Scrutineers and Returning Officer. There was a rigid scrutiny by all parties on both sides.

After all the Ballot-papers were gone through, what was the result of the Poll? The Scrutineers carefully counted the Ballot-papers; and after going through them several times, they agreed that the majority was in your favour: 53 I believe, and was as such admitted by the Scrutineers on both sides and by the Returning Officer.

What took place then? The moment the majority was decided by all parties, Mr. Houghton said, "We protest against Mr. Gleadow's return," on the ground that the copies of the Electoral Roll were not certified as correct by the Returning Officer in accordance with a Section which he named of the Electoral Act, and which requires such certificate.

Will you go on to state what took place? I said to Mr. Houghton, "You gentlemen have accepted that copy of the Electoral Roll on behalf of Mr. Rose; you have ticked off the Voters as they came in, and occasionally compared it with the copy of the Electoral Roll used by Mr. Gleadow's Scrutineer. Why did you not take the objection before?—you were aware of it during the Polling!" Mr. Houghton replied, they were not aware of it until a very short time previous to the close of the Poll, and that very few Voters had polled after they discovered it. Mr. Houghton requested the Returning Officer to take a note of his objection, and he handed in a protest. The Returning Officer then proceeded to the door, and declared Mr. Gleadow a Member.

Then nothing was said about protesting till the result of the Poll was ascertained? No, nor objections taken.

Did you believe that this informality complained of in any way affected the result? (Mr. Cansdell objected to the question.)

By Mr. Lewis.—Do you know the number of Electors on the Roll? I think 257.

How many voted for Mr. Rose? 61 I think.

How many for Mr. Gleadow? 114 I think.

To your knowledge were the names of many dead or absent persons on that Roll? About 17. I don't speak positively.

By Mr. Sharland.—Look at these Rolls. Whose initials are those? I think the first initial is in James Scott's handwriting. I don't say positively as to the other.

Mr. Bartley withdrew.

F. J. HOUGHTON, *Esquire, sworn.*

By Mr. Cansdell.—You were present at the late Election for Morven? I was, as Scrutineer for Mr. Rose.

Was any protest made against the sitting Member? There was, against the Election.

At what period of the Election was it made? Immediately after the Ballot-papers were gone through, I asked the Returning Officer to show me the Electoral Roll which had been signed by the voters who had voted.

Did you have the Electoral Roll handed to you? I did.

Did you find any certificate on the Electoral Roll under the hand of the Returning Officer of its correctness? There was none.

Did you make any protest? I then made a verbal protest, and desired Mr. Scott to write one. I then sat down with the other Scrutineers and reckoned up the number of votes for Gleadow and Rose.

You positively swear that your protest was made before the votes were counted up? I am positively sure; that is, the verbal protest.

Was any reply made to your protest? Mr. Bartley said, "Houghton, whatever do you mean by running the country to the expense of another Election?"

Afterwards a written protest was handed in? Yes; immediately after the numbers were ascertained, and before the Returning Officer opened the door to go and state the result of the Poll.

Can you remember the gross number on the Roll? No, I can't; but Mr. Scott and I both put our initials to the two Rolls so that we might know them again. These initials are mine and Mr. Scott's. This second is the Roll the Returning Officer used. There is my signature as an Elector, having voted at that Election.

Did you, in signing the paper, certify to the correctness of the Roll? No; I only did it for identification.

By Mr. Sharland.—When did you put your initials to the Roll? Immediately after I entered the verbal protest.

By Mr. Gleadow.—You said you voted at that Election, and Mr. James Scott also? I believe he did; I did, and Mr. Rose also.

You say that all the Ballot-papers had been gone through before you entered your protest? Yes.

Had you taken a note as the Ballot-papers were gone through? I merely made a stroke as each Elector voted. (I hand in a paper showing how I did it.)

Then this Memorandum shows how you marked off the Ballot-papers as they were produced? Yes.

Then being marked off in this manner, did you not see at once who had the majority of votes? Yours looked a larger lot than Mr. Rose's, but I could not tell till I added it up.

You had no doubt in your own mind as to who had the majority? I can't say I had. I had not made my mind up as to who was the successful candidate. I had made up my mind a quarter of an hour before the Poll closed, that if the Electoral Rolls were not certified I should enter a protest against the Election. Whatever was the result, I made up my mind to protest.

Then you positively swear that you told the Returning Officer? I never told the Returning Officer a sentence till I protested.

Will you swear that you protested before you knew the actual result? I do swear.

When you say you first protested was Mr. Bartley present? Yes; and Mr. Dowie and Mr. Bryan. Mr. Gleadow had three Scrutineers, and Mr. Rose had two.

You were all together when you signified your intention to protest? We were all in the room; so that each party could hear what the others said.

When you verbally protested, had the result been stated by any one? I have a faint recollection, whilst I was making the verbal protest, one of your Scrutineers said Gleadow so many, Rose so many.

At what stage in the proceedings? The words of protest had come out of my mouth, and the Returning Officer was going to answer. I am sure the Scrutineers did not say as above before the protest.

As Scrutineer for Rose, can you say whether the result was affected by the absence of that certificate on the Roll? I can't say anything about that; I don't know.

By Mr. Lewis.—Were you in the Returning Officer's room most of the time? Yes.

From your own knowledge, did any person claiming qualification as an Elector complain of his name being omitted on the Electoral Roll used by the Returning Officer and Polling Clerk? One or two instances only.

By Mr. Dodery.—During the day did you see the Electors signing the Roll? Yes.

Did you observe it was not certified to by the Returning Officer? No, I did not. I did not tell the Returning Officer that the paper he supplied me with was not certified. I signed the Scrutineer's Declaration under the Act.

In that Declaration does it not say, "I will faithfully assist in the Election?" I thought I was doing my duty faithfully to my employer, and that I had no business to interfere with the Returning Officer. I considered it no duty of mine to inform the Returning Officer that he had made an omission.

By Mr. Lewis.—Did not Rose's Scrutineers bring their Roll from Launceston? No, the Returning Officer gave it to them.

Mr. Houghton withdrew.

REPORT from the COMMITTEE OF ELECTIONS AND QUALIFICATIONS in the matter of the Petition of FREDERICK JAMES HOUGHTON, Esquire, against the Return of THOMAS DANIEL CHAPMAN, Esquire, as Member of the House for the Electoral District of LAUNCESTON; with Minutes of the Proceedings of the Committee, and Evidence.

MEMBERS OF THE COMMITTEE.

MR. SHARLAND.	MR. JAMES SCOTT.
MR. LEWIS.	MR. BUTLER.
MR. DODERY.	

DAYS OF MEETING.

1st, 5th, 6th, and 7th February, 1867.

WITNESSES EXAMINED.

JOHN SCOTT, Esq., M.H.A.
MR. F. J. HOUGHTON.
MR. W. J. HARRIS.

EXPENSES OF WITNESSES CHARGEABLE ON THE COLONIAL TREASURY.

Nil.

REPORT.

THE Committee of Elections and Qualifications duly appointed under the provisions of "The Electoral Act," to whom was referred, on the 16th January, 1867, the Petition of Mr. Frederick James Houghton against the Election and Return of the Honorable Thomas Daniel Chapman, Esquire, as a Member for the Electoral District of Launceston, have determined and do hereby declare:—

That the Honorable Thomas Daniel Chapman, Esquire, was, on the 31st day of December, 1866, duly elected as a Member for the District of Launceston.

That the Nomination Paper of Mr. Frederick James Houghton was not in strict compliance with the 62nd Clause of "The Electoral Act," which the Committee regard as mandatory.

W. S. SHARLAND, *Chairman.*

Committee Room, 7th February, 1867.

EXTRACT from the Votes and Proceedings of the House of Assembly.

Votes and Proceedings, Tuesday, 15th January, 1867 :—

3. A Petition, protesting against the return of Thomas Daniel Chapman, Esquire, as Member for Launceston, was presented by Mr. Charles Meredith from Frederick James Houghton; which was read, and ordered to be referred to the Committee of Elections and Qualifications.

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

The humble Petition of Frederick James Houghton, of Launceston, in Tasmania.

SHOWETH :

THAT, on the 31st day of December last past, your Petitioner was duly nominated in writing as a Candidate for election to serve in House of Assembly of Tasmania as a Member for the Electoral District of Launceston aforesaid, and that such Nomination in writing, accompanied by your Petitioner's written consent to serve, was duly presented to John Scott, Esquire, the Returning Officer of the said Electoral District, before the hour of four of the clock in the afternoon of the same day, (a true copy of which Nomination is written at the foot or end of this Petition.)

That, at the expiration of four of the clock in the afternoon of the said day, the said Returning Officer publicly declared "that Thomas Daniel Chapman, Esquire, was duly elected a Member for the Electoral District of Launceston to serve in the said House of Assembly in the place of John Crookes, Esquire, resigned, and that he (the said Returning Officer) had received another Nomination (meaning your Petitioner's), but which was void from informality."

That your Petitioner protests against the Return so made by the said Returning Officer, and prays that your Honorable House will be pleased to refer the said Nomination of your Petitioner, and the said Return made by the said Returning Officer, to the enquiry and decision of the Committee of Elections and Qualifications of your Honorable House.

And your Petitioner will ever pray, &c.

F. J. HOUGHTON,
who was a Candidate at the above-named Election.

Dated Launceston, January the 5th, 1867.

COPY of the Nomination referred to.

WE, the undersigned, being Two Electors of the Electoral District of Launceston, do nominate to you, the Returning Officer of and for the said District of Launceston, Frederick James Houghton, of Wellington Road, in Launceston, as a Candidate for Election to serve in the House of Assembly of Tasmania as a Member for the said District. Dated at Launceston this thirty-first day of December, one thousand eight hundred and sixty-six.

WILLIAM CHICK, St. John-street. Mrs. Kidd's house. House and shop.
W. JOB HARRIS, Householder, York-street.

To the Returning Officer of the Electoral District of Launceston.

MINUTES OF THE PROCEEDINGS OF THE COMMITTEE.

FRIDAY, 1 FEBRUARY, 1867.

Present—Mr. Sharland (Chairman), Mr. Dodery, Mr. Scott, Mr. Lewis, Mr. Butler.

For the Petitioner—Mr. Cansdell. For the Sitting Member—Mr. Chapman.

1. Mr. Cansdell appeared for the Petitioner Houghton, and addressed the Committee.
2. Mr. John Scott, Returning Officer for Launceston, was called in and examined.

3. Mr. Cansdell having asked Mr. Scott a question to which Mr. Chapman objected, the Committee ordered the room to be cleared; and, having deliberated upon the matter, the Question was put, That Mr. Cansdell be allowed to put the Question.

AYES.
Mr. Scott.
Mr. Lewis.
Mr. Butler.

NOES.
Mr. Dodery.

4. Mr. Cansdell applied that the Ballot-papers used at the last General Election in Launceston (now in the possession of the Clerk of the House) might be produced.

The Committee, having deliberated, decide against their production.

5. Mr. Cansdell further examined Mr. Scott.

6. Mr. Cansdell applied for the admission before the Committee of an Affidavit to be made by Mr. W. J. Harris, of Launceston, instead of requiring the personal appearance before the Committee of that gentleman.

Question put and negatived.

Ordered, That Mr. Harris be summoned for Tuesday next.

The Committee adjourn until Tuesday next, at half-past 11 o'clock.

TUESDAY, 5 FEBRUARY, 1867.

Present—Mr. Sharland, Mr. Butler, Mr. Scott, Mr. Lewis. *Absent*—Mr. Dodery.

For the Parties.

Mr. Cansdell, Mr. Chapman, Mr. Houghton, Mr. W. J. Harris.

There not being a full attendance of the Committee, it adjourned until to-morrow at 11 o'clock.

WEDNESDAY, 6 FEBRUARY, 1867.

Present—Mr. Sharland, Mr. Butler, Mr. Lewis, Mr. Scott, Mr. Dodery.

For the Parties.

Mr. Cansdell, Mr. Chapman, Mr. Dobson, Mr. Houghton, Mr. Harris.

1. The Clerk read the Minutes of the last Meeting.

2. Mr. Dobson appeared for Mr. Chapman.

The Committee are of opinion that on all future occasions Counsel for either Party shall appear before the Committee in legal costume.

4. Mr. John Scott's Evidence given on the 1st February having been read over to him, he was sworn as to its correctness.

5. Mr. Scott produced the Nomination Paper of T. D. Chapman, Esq., as Member for Launceston; which was read.

6. Mr. W. Job Harris called in and examined.

7. Mr. Cansdell addressed the Committee.

8. Mr. Dobson addressed the Committee.

The Committee adjourned until to-morrow at 11:30.

THURSDAY, 7 FEBRUARY, 1867.

Present—Mr. Sharland, Mr. Butler, Mr. Lewis, Mr. Scott, Mr. Dodery.

1. The Clerk read the Minutes of the last Meeting.

2. *Resolved, nemine contradicente*, That Thomas Daniel Chapman, Esquire, was, on the 31st day of December, 1866, duly elected as Member for the Electoral District of Launceston.

3. *Resolved*, That the Nomination Paper of Mr. F. J. Houghton was not in strict compliance with the 62nd Clause of "The Electoral Act," which the Committee regard as mandatory.

4. *Ordered*, That the above Resolutions be embodied in the Report to be brought up to the House this day.

The Committee adjourn until to-morrow at half-past 11 o'clock to assess the costs in the case.

EVIDENCE.

FRIDAY, 1ST FEBRUARY, 1867.

Present—All the Members.

JOHN SCOTT, *Esq., M.H.A., Mayor of Launceston, called in and examined.*

By Mr. Cansdell.—1. You are Returning Officer for Launceston and acted as such at the late Election? I did.

2. Do you produce the Nomination Paper of Mr. Houghton which on that occasion you pronounced informal? I do. (Mr. Scott laid it upon the Table.)

3. In what way did you come to the conclusion that it was informal? Because I did not consider it in compliance with the 62nd Clause of the Electoral Act.

4. Will you point out to the Committee in what way it is not in compliance? The 62nd Clause provides that "any two Electors of any Electoral District may, at any time during the period of Nomination for any Election for such District named in the Writ, by writing under their hands stating their respective residences and qualifications as described in the Roll then in force for such District, nominate to the Returning Officer any number of persons named and described in such writing not exceeding the number of Members then to be elected as a Candidate or Candidates at such Election."

5. In what respect is the Nomination Paper informal? The first part of the 62nd Clause on which my reason was based is, "any two Electors may, by writing under their hands stating their respective residences and qualifications as described in the Roll then in force for such District," &c. This Nomination Paper sets forth that Mr. Houghton was nominated by "Wm. Chick, St. John-street, Mrs. Kidd's house, house and shop;" and the second name on the Paper was not strictly in accordance with the Clause,—the name "W. Job Harris, householder, York-street," was, on the Electoral Roll, described as "Job Harris, freeholder, York-street." For these reasons I rejected the Nomination Paper as informal.

6. You did not consider Chick's name informal? I considered it partly so, as it set forth no qualification at all.

7. Did you limit your objection to the Nomination Paper solely on account of the informality in Harris's name? Not solely, but that was my principal objection.

8. I think you said the name Chick was partly informal? Yes. His qualification is not set forth. The words Wm. Chick appear without stating the nature of his qualification.

9. Point out the omission making Harris's informal.—The Nomination Paper sets forth that it is signed by "W. Job Harris, householder, York-street," and on referring to the Electoral Roll I found no such name as "W. Job Harris." I cannot produce the actual copy I used on the occasion. It is in the possession of the officials of the Corporation, the Town Clerk of Launceston. The Election was not contested. I read the 60th Clause simply as regards contested Elections.

10. Did you at the Election have a number of certified copies as is required in the Act? No; I considered it not necessary.

11. Did you certify on any Rolls that they were correct? I did not, because it was not required, no contest having taken place.

12. What do you mean by saying that there were no copies? The copy of the Electoral Roll certified by the Clerk of the Peace is in Launceston, to which I referred. It is in possession of the Town Clerk, Launceston. I produce a copy of the Electoral Roll for Launceston. I believe it to be a correct copy. I got it from the Clerk of the House, who obtained it for me from the Government Printer.

13. Look at the name Wm. Chick on that Roll as described. Is not that the same person as signed this Nomination Paper, to your knowledge?

(Mr. Chapman objected to this question, but after deliberation the Committee decided that it should be put.)

It is. I wish to state that the Returning Officer is not supposed to know any one, but to go strictly by the Electoral Act. The Nomination Paper sets forth "Wm. Chick, as St. John-street, Mrs. Kidd's house, house and shop." On the Electoral Roll it is set forth as "Wm. Chick, St. John-street, Leaseholder, Mrs. Kidd, house and shop."

14. Do you know the handwriting of Wm. Chick or of W. J. Harris, or either of them? No.

15. Is not the residence of Wm. Chick as described in the Nomination Paper the same as on the Electoral Roll? Yes.

16. Are not the particulars of qualification on the Nomination Paper identical with the same name in the Electoral Roll attached to Wm. Chick? Yes.

17. Then the omission in Wm. Chick's case is the omission of the nature of the qualification; viz.—Leaseholder? Yes.

18. Is not the residence attached to the name "W. Job Harris" in the Nomination Paper the same as that attached to "Job Harris" in the Electoral Roll? Yes, York-street.

19. Do you, of your own knowledge, know if the party "W. J. Harris" in the Nomination Paper resides in York-street? I do.

20. Is there any other person of the name of "Job Harris" in York-street, to your knowledge? No.

21. You have long been resident in Launceston? I have.

22. Do you believe there are two persons in Launceston named Job Harris? I am not aware there are.

23. Do you think there are? There may be, but I am not aware. Well, I could not positively say.

24. Look at the particulars of the qualification of W. J. Harris in the Nomination Paper, and Job Harris in the Electoral Roll, and state where is the difference? In the Nomination Paper W. Job Harris appears as householder, York-street. In the Electoral Roll it is Job Harris, house and stables, ditto.

25. What meaning do you attach to Ditto? It means York-street.

26. Can you say of your own knowledge that Wm. Chick ever voted before on any Election? Not of my own knowledge, but I believe he has.

27. Has the party W. J. Harris on the Nomination Paper ever voted before at any Election in Launceston? Not to my knowledge; but he may have for all I know. I know him very well. I cannot say whether he has ever voted before; he may have.

28. As Returning Officer have you had any objection taken to his voting under the signature W. Job Harris? I have never heard any: but this is the first year I have acted as Returning Officer. I cannot say from my own knowledge that he has ever been objected to.

29. Do you know if the party W. Job Harris voted at the last general Election? I cannot say.

30. Under what Section of the Electoral Roll do you consider yourself qualified to decide on the validity of the Nomination Paper? On the construction of the 62nd Clause.

By Mr. Chapman.—31. I understand you to say there is no qualification after W. Chick's name in the Nomination Paper, which the Electoral Roll requires? Yes.

32. Turning to W. Job Harris, do you find any W. Job Harris on the Electoral Roll? None.

33. For the reason now given you rejected the Nomination Paper? Exactly; those were my reasons.

34. *By Mr. Cansdell.*—But in W. Chick's case the particulars of the qualification are stated? Particulars? yes.

35. *By Mr. Chapman.*—The qualification is not put in the Nomination Paper? No.

36. *By Mr. Lewis.*—Does the Schedule in the Electoral Act require that on the Electoral Roll the nature of the qualification shall be stated? Yes.

Mr. Scott withdrew.

WEDNESDAY, 6TH FEBRUARY, 1867.

Present—All the Members.

WM, JOB HARRIS *sworn*.

By Mr. Cansdell.—Is your name Job Harris or William Job Harris? William Job Harris.

Do you always sign as W. Job Harris? Sometimes as Wm. Job Harris, sometimes W. Job Harris.

Have you at any time made a claim in regard to the Electoral Roll of Launceston? Yes.

You are a publican? Yes, and licensed as Wm. Job Harris.

Did you vote at the recent General Election, Launceston? Yes.

Was any objection made to your voting by Returning Officer? Not the slightest.

Have you long resided in Launceston? About 13 years.

Have you voted at any other Election previous to last General Election? Oh yes!

And has any objection ever been taken to your vote? Never.

You are described in the Nomination Paper as Householder. The house you live in is your own? Yes, it is freehold.

Can you say if there is any one named Job Harris in Launceston? I think not; I never heard of one.

Is there any member of your family bearing the name Job Harris? None.

Do you occupy any other house than one your own freehold? No.

(Nomination Paper shown to Mr. Harris.) Is that your signature? Yes, it is.

The Witness withdrew.

JOHN SCOTT, *Esq.*, *sworn*.

The evidence given by him on 1st February, 1867, was read over to him, and declared by him to be correctly taken down.