

MONDAY, 6th FEBRUARY, 1837.

first and second year of the Reign of His late Majesty, entitled "An Act to regulate the Trials of Controverted Elections, or Returns of Members to serve in the House of Assembly of this Province," having been taken, and the Petitioner, Alexander Hamilton, and his Counsel, as also Mr. Spearwater, the sitting Member and his Counsel, being in attendance at the Bar of the House, the doors of the House were locked, and the Order of the Day for considering said Petition was read; whereupon, the House proceeded to ballot for a Select Committee, to try the merits of the Election and Return of Peter Spearwater, Junior, Esquire, as a Member for the Township of Shelburne, in the manner prescribed by said Act, when the following names of fifteen Members present (against whose Return no Petition was depending, and who did not appear to have voted at said Election,) were drawn, viz:—Mr. J. Sargent, Mr. Annand, Mr. Forrester, Mr. W. Sargent, Mr. Heckman, Mr. Elder, Mr. Fairbanks, Mr. DesBarres, Mr. Dodd, Mr. D'Entremont, Mr. Doyle, Mr. Holmes, Mr. Howe, Mr. Wilkins and Mr. Hatton; and thereupon, Mr. Chipman was named by the Petitioner to be added to those so chosen by lot, and Mr. Bell, was named by the sitting Member, to be likewise added thereto, and lists of the fifteen Members, so chosen by lot, were given to the respective Counsel of the Petitioner and the sitting Member, who then withdrew with the Assistant Clerk, in order to reduce the said number to seven in the manner prescribed by said Act.

Order of Day read

Ballotting for Shelburne Election Committee

Names drawn

Parties retire to strike Committee

Committee to wait on Gov. to obtain return of fees received at Pro. Sec. Office and their disposal

On motion of Mr. Doyle, *resolved*, that a Committee be appointed to wait upon His Excellency the Lieutenant-Governor, and request that His Excellency will be pleased to direct the proper Officer to lay before this House an Account of all Fees received at the Provincial Secretary's Office, during the last five years, specifying the particular items—the several sources whence they are derived—and how they are disposed of.

Ordered, That Mr. Doyle, Mr. J. Young and Mr. Miller, be a Committee for the above purpose.

List of Committee struck on Shelburne Election returned to House

Names.

Committee sworn

Order for meeting of Committee

The Assistant Clerk delivered into the House the names of the seven Members remaining after the number drawn by ballot, this day, in regard to the Election for the Township of Shelburne, had been reduced according to Law, by the parties alternately striking off names therefrom, and the names of the said seven Members so delivered in, being read by the Clerk, are as follow, viz:—Mr. J. Sargent, Mr. Heckman, Mr. DesBarres, Mr. Dodd, Mr. D'Entremont, Mr. Holmes and Mr. Howe; and thereupon, those seven Members last named, together with Mr. Chipman and Mr. Bell, so nominated by the parties as aforesaid, were duly sworn by the Clerk, at the Table of the House, "well and truly to try the merits of the Petition referred to them, and a true judgment to give according to the evidence," pursuant to the provisions of the Statute.

Ordered, That the said Select Committee, so formed, do meet to-morrow, at three of the clock, in the Committee-room of this House, in which the Supreme Court usually sit, for the purpose of hearing and determining the merits of the Election and Return of Mr. Spearwater, taken this day into consideration.

Petition & referred to Committee

Ordered, That the Petition of Alexander Hamilton, and also, the Schedule of qualification of Mr. Spearwater, be referred to the said Select Committee.

Message of Council made order of Day for Saturday

Mr. J. Young moved, that it be the Order of the Day, on Saturday next, to take into consideration the Message of the Council sent to this House on Saturday last: which, being seconded and put, and the House dividing thereon, there appeared, for the motion, twenty-six; against it, twenty.

For the motion,

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| Mr Miller | Mr B Smith | Mr D'Entremont |
| Mr Chipman | Mr McLellan | Mr Annand |
| Mr DesBarres | Mr Whitman | Mr Holdsworth |
| Mr Doyle | Mr Thorne | Mr W Young |
| Mr G Smith | Mr Goudge | Mr Mc Dougall |
| Mr Huntington | Mr Spearwater | Mr Clements |
| Mr J Young | Mr Forrester | Mr Dewolf |
| Mr Holmes | Mr Howe | Mr Archibald |
| Mr Kavanagh | Mr Upham | |

Against the motion.

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| Mr W Sargent | Mr Heckman |
| Mr Halton | Mr Stewart |
| Mr Taylor | Mr Benjamin |
| Mr Holland | Mr Dodd |
| Mr Dickey | Mr Morlon |
| Mr Bell | Mr Uniacke |
| Mr Rudolf | Mr Allison |
| Mr Lewis | Mr Wilkins |
| Mr Elder | Mr Fairbanks |
| Mr McDonald | Mr J Sargent |

So it passed in the Affirmative.

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