

That the said Returning Officer frequently decided questions against the said *Henry John Boulton*, while under the influence of such violent passion and excitement, as to be incapable of exercising a sound and impartial judgment, after refusing to hear reasoning or agreement against the course he was pursuing, and with unbecoming heat and violent jesticulation, arbitrarily deciding questions against the right of Electors, to vote in favour of the said *Henry John Boulton*, where a due sense of Justice, and a calm and unbiassed consideration of the circumstances would have produced a contrary decision,

Petition against
Niagara Election.

That the said *John L. Alma*, illegally, knowingly, and wilfully received colourable and fraudulent votes in favour of the said *Edward Clarke Campbell*, while he rejected votes, tendered by duly qualified Electors, in favour of the said *Henry John Boulton*, and that by these means a great many of fraudulent and colourable votes were recorded upon the Poll in favour of the said *Edward Clarke Campbell*, and many legal votes tendered in favour of the said *Henry John Boulton* were rejected,

That on closing the Poll on the fifth day of the said election, it was declared by the said Returning Officer, with the consent of the said *Henry John Boulton* and *Edward Clarke Campbell*, that the Poll should be finally closed on the following day (being the last day of the Election) at five o'clock, being the hour of adjournment on each day previously during the said Election, and that such agreement was made public by the said Returning Officer, and that his determination to close the Poll at that hour was frequently promulgated during the last day of the Election, and was fully understood by the Electors and Candidates.

That about three o'clock in the afternoon of the last day of the said Election, the said Returning Officer publicly announced his intention of polling his own vote at five minutes before five, the hour fixed for finally closing the Poll as aforesaid, and that as the hour approached, he the said Returning Officer held his watch in his hand, the said *Henry John Boulton* being then in a nominal minority, although when the hour of five arrived, he the said *Henry John Boulton* had polled the votes of a number of Electors, equal to the number of persons polled for the said *Edward Clarke Campbell*, whereupon the numbers being declared equal by the said Returning Officer at the said hour of five, he also declared "that he would not take any more votes, that the Poll was closed, that the numbers were equal, and that he would make no return"

That accordingly he did close the Poll, the Electors separating and going away, the Candidates and the Returning Officer departing from the Poll under the belief that the Poll was finally closed, nevertheless the said Returning Officer, having subsequently consulted in private with person in the interest of the said *Edward Clarke Campbell*, and in his presence, but in the absence of the said *Henry John Boulton*, determined about six o'clock to re-open the Poll,

That the arrangement so made by the Returning Officer, and agreed to by the said Candidates for closing the Poll on *Saturday*, at five o'clock in the afternoon, was perfectly just to all parties, and afforded every elector in the Town a full opportunity of tendering his vote before that hour, as the voters had come in very slowly during *Friday*, and not more than ten persons polled during the whole of *Saturday*, and that if any elector had abstained from tendering his vote before five o'clock, when the Poll was closed, it was his own fault, as there were long intervals during the day when no elector appeared to vote, and therefore the Returning Officer was bound to close the Poll at the hour appointed, even had an elector tendered his vote after that hour,

That the said Returning Officer did nevertheless, in compliance with