

And the same were read as follow :—

GASPÉ CONTROVERTED ELECTION.

In the matter of an Election Petition for the County of *Gaspé*, between HORATIO LEBOUTILLIER, Petitioner, and LOUIS GEORGES HARPER, Respondent, under “*The Controverted Elections Act, 1873.*”

I, *Thomas McCord*, one of the Judges of the Superior Court, and one of the Judges for the time being, for the trial of Election Petitions for the Dominion of *Canada*, within the *Quebec* Division of the Province of *Quebec*, do hereby, in virtue of the said Acts, certify that the above-mentioned Election Petition was tried before me on the 18th, 19th and 20th days of August, and on the 2nd, 3rd, 5th, 6th, 7th and 8th days of October, 1874, in the presence of the Counsel for the said Petitioner and for the said Respondent respectively.

And I further certify that on the said trial it appeared to me requisite that, before determining upon the said Election Petition, I should submit— and that I did accordingly, on the 8th of October, 1874—submit to the Election Court at *Quebec*, the following

CASE :—

“ On the 13th of January, 1874, the Respondent received from (and over the signature of) the Clerk of the Crown in Chancery, a Commission, under the hand and Seal at Arms of the Governor General, appointing him Returning Officer for the then coming Election in the County of *Gaspé*. He at the same time received the Writ of Election, and signed, as Returning Officer, the receipt endorsed upon the Writ. The Commission and the Writ are both dated the 2nd of January, 1874.

“ On the 14th of January, 1874, the Respondent signed the usual Proclamations as Returning Officer, and afterwards caused them to be posted up throughout the County.

“ On the 31st of January, 1874, the Respondent appointed *L. Z. Joncas* to be his Election Clerk, and on the same day, the Clerk of the Crown in Chancery received from the Respondent a telegram, informing him that he (the Respondent) was presenting himself as a Candidate and could not therefore act as Returning Officer, stating that he had transferred all the papers that had been forwarded to him as Returning Officer, to his Election Clerk, and also requesting an answer.

“ On the 2nd of February, 1874, the Respondent wrote his Election Clerk a letter, notifying him that in consequence of his having become a Candidate he could no longer act as Returning Officer, and that he, the Clerk, was bound to act in his stead, divesting himself in favor of his said Clerk, of all his powers as Returning Officer, stating that he will no longer act as such, and requesting him to inform the Clerk of the Crown in Chancery.

“ About the same time, the Respondent mailed to the Clerk of the Crown in Chancery a letter, which the latter did not receive. By the evidence of the Respondent himself, when examined by me, it would appear that the date of this letter was the 2nd of February, that it referred to his telegram of the 31st of January, as being yet unanswered, that after stating the purport of that telegram, it declared that the Respondent had resigned, and did thereby resign, through the said Clerk of the Crown in Chancery, into the hands of the Governor General, the Office of Returning Officer, and that he had instructed his Election Clerk to act in his stead.

“ After the 2nd of February, the Respondent did not act as Returning Officer.

“ On the 4th of February, 1874, the Respondent received from the Clerk of the Crown in Chancery, a telegram as follows :—

“ ‘ Your telegram of 31st January received. Can only refer you to Chapter six, Section thirty-three, Subsection five of Consolidated Statutes of *Canada*, also, to ‘ thirty-fourth *Victoria*, Chapter nineteen.’