

(one inclusive) to the period of adjournment, which were in no degree complied with. Voters have rights as well as Candidates, and Returning Officers have no power to compromise them. The Petitioner therefore begs to represent the proceedings at the Hustings on the Twelfth of November as being illegal ; and as the Election was not extended to Portugal Cove, the termination of the Election of three Members to represent in this Honourable House the District of St. John's, terminated on Saturday the tenth of November, and the then state of the Poll ought to have been the guide of the Returning Officer.

The Petitioner further begs to represent that the Statute 22d George the Third, Chapter 45, for restraining any person concerned in any contract, commission, or agreement, made for the public service, from sitting as a Member of the House of Commons, utterly disqualifies Patrick Kough for being a Member of this Honourable House.—As, for example, his fitting up several places and appointments in the Court-House for the opening convenience of the Local Legislature. Constituted authorities in this country have heretofore been accustomed to extend unrestrained the limits of their authority. That this House will, in its commencement, feel the necessity of controlling and bringing within the precincts of the law all acts that may affect the honour, the dignity, and independence of the Representative House of Assembly. Elections are fountains, from whence flow the purity of Parliaments and Legislative Assemblies ; if the sources are permitted to be impure, the accumulated mass will soon be corrupt.

And praying that the House will take the matter of his Petition into consideration, and will place his name as one of the Members for the District of St. John's, in the room of the said Patrick Kough.

A Petition of HUGH ALEXANDER EMERSON was presented by Mr. PACK, and read, setting forth—

That, by virtue of His Majesty's Proclamation of the 26th day of July, A. D. 1832, regulating and appointing the number of Members or Representatives to serve in the General Assembly of this Island, One Member was allotted to the District of *Bonavista* in the said Island ; and by virtue of the power and authority given by the said Proclamation to His Excellency the Governor of this Island, a Proclamation was published by His Excellency, bearing date the twentieth day of September, in the year aforesaid, appointing the several places within the said District of *Bonavista*, namely, *Cape Freels*, *Green's Pond*, *King's Cove*, *Keels*, and *Bonavista* proper, at which the votes for such Representative should be accepted and registered by a certain Officer appointed for that duty, called a Returning Officer; and that PETER LEMESSURIER, Esquire, was duly appointed to that office. That the Petitioner, being duly qualified by law to offer himself as Candidate for the District of *Bonavista*, to represent the same in the General Assembly, did accordingly cause himself to be offered for the suffrages of the Electors at

*Bonavista* aforesaid, on the day appointed for that purpose, namely, the twenty-ninth day of October last, and that, upon the closing of the Poll at that place, on the thirtieth day of the same month, the Petitioner was declared by the said Peter Lemessurier to possess forty-seven good and legal votes, over and above those given and recorded for the person named WILLIAM BROWN, who then and there offered himself for the suffrages of the Electors of the said District. That upon the close of the Poll at *King's Cove*, the Petitioner had a majority of fourteen votes over and above those polled for the said William Brown ; and that at the close of the Poll at *Keels* aforesaid, the Petitioner had a majority of one hundred and six votes over and above any polled for the said William Brown. That the said Peter Lemessurier, well knowing the premises, afterwards, on the eighth day of November at *King's Cove*, and as such Returning Officer, accepted the voluntary resignation of the said William Brown, of any further claim by him to be longer considered as a Candidate at the said Election ; whereby the Petitioner of right was, and ought to have been, duly returned by the said Peter Lemessurier, as the Representative of the said District of *Bonavista* ; yet, that the said Peter Lemessurier did not, nor would return the Petitioner as the legal Representative of the said District ; but that, afterwards, namely, on the fifteenth day of the Month of November aforesaid, he proceeded to and opened the Poll for the said District at *Green's Pond*. Whereas, by the unconditional, unqualified, and absolute resignation of the said William Brown to him, as such Returning Officer, the said Peter Lemessurier was bound, by the law of the land, to have returned the Petitioner at *King's Cove*, as the legal Representative of the District of *Bonavista*.

That the said Peter Lemessurier, disregarding his further duty and the provisions of the said Proclamation, did not proceed to the several places named in the said Proclamation, for the taking of the votes of Electors in those places residing, and wholly refused and neglected to proceed to and take the Poll at *Cape Freels*, one of the places in the said District named in the said Proclamation for holding the Poll, and where he was bound to have opened and held the Poll, provided the said Election was not legally closed at some other place in the said Proclamation named. That the said Peter Lemessurier, in further violation of the trust reposed in him, by his Proclamation as such Returning Officer, at *Green's Pond*, on the tenth day of November, declared and made known to the Electors therein residing, that the Poll for the said Election would be opened at that place on the twelfth day of that month. Whereas, the said Peter Lemessurier, on the said twelfth day of November, caused other Proclamations to be made, declaring that the Election would be held, and the Poll opened, for that purpose, on the fifteenth and sixteenth days of the same month. And further, that the said Peter Lemessurier, as such Returning Officer, on the fifteenth day of November, at *Green's Pond*, when one William Carter, who then and there