

there were three candidates proposed for the office of warden, namely, Thomas R. Ferguson, John Hogg, and deponent. That the said John Hogg withdrew his name as a candidate for the office, leaving the election to be contested between the said Thomas R. Ferguson and deponent. That previously to the Council being called to order by the clerk of the said Council, the said clerk ordered Duncan Mathewson and Anson Warburton, the reeves of Bradford and Sunnisdale respectively, to leave the Council, alleging that their certificates of election and qualification were informal. Whereupon the said Duncan Mathewson and Anson Warburton had to leave the said Council, and did leave the same, and were not allowed to and did not give their votes, nor did either of them give his vote at the said election. That both before and after the said election of warden the said Duncan Mathewson and Anson Warburton told deponent they intended voting for him as warden at the said election, and deponent verily believed that both of them would have voted for him at such election if allowed to take their seats. That on the vote being taken at the said election for the said Thos. R. Ferguson, the result was declared by the said clerk as follows: for the said Thos. R. Ferguson, the reeve of Barrie, the reeve of Medonte, the reeve of Tiny and Tay, the reeve of Flos, the deputy reeve of Nottawasaga, the reeve of Collingwood, the reeve and deputy reeve of Adjala, the reeve and deputy reeve of Essa, the reeve and the deputy reeve of Innisfil, and the deputy reeve of West Gwillimbury, in all thirteen. Against the said Thomas R. Ferguson the reeve of Tecumseth, the reeve of Oro, the deputy reeve of Oro, the reeve of Vespra, the reeve of Tosorontio, the reeve of Mulmur, the reeve of West Gwillimbury, the reeve of Nottawasaga, the reeve of Tecumseth, the reeve of Mono, the reeve of Orillia and Matchedash, the reeve of Morrison and Muskoka, the deputy reeve of Mono, in all thirteen. The result being a tie; a vote was then taken for deponent, which also resulted in a tie, the various reeves and deputy reeves last before mentioned who voted against the said Thomas R. Ferguson voting for the deponent, and the various reeves and deputy reeves last before mentioned who voted for the said Thomas R. Ferguson voting against deponent. The clerk of the said Council then requested the said Thomas R. Ferguson, as the reeve of the municipality having the highest number of names on its last revised assessment roll, to give the casting vote, which he did in his own favour. Whereupon the said clerk declared the said Thos. R. Ferguson duly elected warden of the said council, after which deponent protested against such election, and requested the said clerk to enter his protest on the minutes of the Council. The Council then adjourned until the following morning, when the said Thomas R. Ferguson took the oath of office as warden of the said Council, and took his seat as such warden, and called the Council to order and presided over the Council as its warden during the remainder of the session. That during the discussion in the Council, before the said election, deponent distinctly heard Thomas Saunders, the deputy reeve of Tecumseth, call the said clerk's attention to the certificate filed by John Hogg, the reeve of Collingwood, as being informal, and

not sufficient to entitle the said John Hogg to take his seat in the Council: But the clerk ruled the certificate sufficient and allowed said John Hogg to take his seat and vote as the reeve of the town of Collingwood. That previous to such election deponent also heard the said Thomas Saunders suggest to the said clerk that some of the other certificates filed by the various reeves and deputy reeves present might be informal, and that they ought to be all looked into. Which suggestion was taken no notice of by the said clerk, who declared all the certificates filed, except those of the said Duncan Mathewson and Anson Warburton, were sufficient and correct. That on the said clerk so ruling deponent charged him with acting partially in the election, and deponent heard Thomas Saunders, the deputy reeve of Tecumseth, also charge him with acting partially, yet the said clerk neglected to make any further examination of the aforesaid certificates.

Affidavits of Thomas Saunders, J. McManus, and Duncan Mathewson, corroboratory of the foregoing, were also filed.

The following abstract of the Minutes of the Council of the corporation of the County of Simcoe, as to the 1st days proceedings relative to the election of warden, was also filed:—

"The certificates of the reeves of Bradford and Sunnisdale being presented, were considered informal by the clerk; the members present suggested that he do take legal advice, which advice being had, the clerk felt justified in not allowing said gentlemen their seats in the council, and consequently they were requested to leave their seats and retire."

"The clerk called the council to order and requested them to elect their warden. It was moved by Mr. Hogg, seconded by Mr. Clarke, that Thomas R. Ferguson, Esq., M. P. P., be and he is hereby elected the warden of the county for the current year.

"It was moved by Mr. Kean and seconded by Mr. Murphy, that George McManus, Esq., reeve of Mono, be warden of this council for the current year. It was moved by Mr. McMurchy, seconded by Mr. Rowatt, that John Hogg, Esq., reeve of Collingwood, be the warden of this council for the current year. The first motion was put in order by the clerk—Yeas—Messrs. McClain, Davis, Little, Dewson, McMurchy, Kelly, Langley, Ardagh, Ferguson, Clark, Craig, Rowatt and Hogg, 13—Nays—Messrs. Saunders, Steele, Scott, Sissons, Murphy, Aberdeen, Armson, Russell, J. McManus, G. McManus, Kean, Stewart and Elder, 13. The second motion was then put by the clerk for McManus—Yeas—Messrs. Saunders, Steele, Scott, Sissons, Murphy, Aberdeen, Armson, Russell, G. McManus, J. McManus, Kean, Elder and Stewart, 13—Nays—Messrs. McClain, Davis, Little, Dewson, McMurchy, Kelly, Langley, Ardagh, Ferguson, Clark, Craig, Rowatt and Hogg, 13.

"The last motion nominating Mr. Hogg was then put by the clerk, and lost; Mr. Hogg requesting his name to be withdrawn, there being an equality of votes for both the other candidates. The clerk upon ascertaining from the Assessment Roll in his possession, that the Township of Innisfil had the largest number of inhabitants, suggested to Mr. Ferguson the reeve of said township, to give the casting vote in accordance with the statute in such case made and provided: