

WEDNESDAY, 2d JANUARY, 1833.

A Petition of WILLIAM CARSON was presented by Mr. HOYLES, and read, setting forth,

That the Petitioner was a Candidate to represent the District of St. John's in this Honourable House as a Member for that District. That he was qualified, as will appear from his Certificate presented to the Returning Officer on Monday Morning, the Fifth of November last, on the commencement of the Election. That there were four other candidates, viz. :—JOHN KENT, WILLIAM THOMAS, WILLIAM BICKFORD ROW, and PATRICK KOUGH, Esqrs. That preliminary arrangements were entered into on the part of the Returning Officer, and an authorised deputation from each of the Candidates, one of which was, that each Candidate should bring in rotation to the Poll a tally of not more than ten voters.

That on Tuesday, the Second day of the Election, the Petitioner came to the Hustings rather late on that day, when he found to his surprise, that JOHN KENT had, in violation of the above agreement, made on the first day of the Election, brought forward two fictitious Candidates, for the purpose of giving him three tallies to the other Candidates' one. And that PATRICK KOUGH had, on the second day of the Election, likewise in violation of a positive arrangement, brought forward two fictitious Candidates, with the avowed purpose of giving him a similar advantage to Mr. KENT.

That the Petitioner strongly objected to this violation of a well-understood arrangement, when the Returning Officer stated, that he had of himself taken an especial objection, but had placed the votes brought forward by the fictitious Candidates on the Poll. Seeing Mr. THOMAS preparing to follow Mr. Kough's example, the Petitioner had no alternative but resigning the contest, or endeavouring to place himself, as far as circumstances would then permit, on an equality with his opponents. That Mr. Kent and Mr. Kough then consented to withdraw their fictitious Candidates, thereby acknowledging that they were creatures acting agreeably to their wills.

The Petitioner therefore strongly represents to this Honourable House, that Patrick Kough thereby obtained an unfair advantage over the Petitioner, which of itself is sufficient to disqualify him from being a Member of this Honourable House, and that all the votes thus unfairly obtained ought, agreeably to law and justice, to be thrown away and lost.—That it is a well-known maxim of law, that no person can profit by his own wrong.

That Mr. Thomas and the Petitioner demanded that each ought to be permitted to bring forward as many tallies as the other Gentlemen had unfairly obtained, but that the Returning Officer overruled this demand.

The Petitioner therefore prays that this Honourable House, animated by a love of justice as well as of respect for the law, will not sanction an advantage obtained by the violation of positive engagements, and in violation of the custom and law of Elections. That the persons voting for Mr. Kough, brought forward by William

Walsh and Stephen Ryan ought to be struck off the list of persons voting for Mr. Kough, which will reduce him forty-eight votes on the Poll. In a numerical point of view, this might have been of little consequence, had all the voters been finally polled; but the Petitioner is prepared to prove that, during the six days' Poll, he had never, at any one time, fewer than three tallies, of ten each, arranged, ready to be brought up on a minute's notice; and that he is likewise prepared to show that, at the close of the Poll on Saturday, the Tenth of November, he had still more than four hundred voters, possessing more property in this district than all the voters polled by his opponents during the week, many of whom were paupers and fishermen, having no fixed residence. The Petitioner is further prepared to prove to this Honourable House that very few special objections against his voters were taken; while it will appear from the poll-book that there were many of the voters brought to the poll by Mr. Kough, to whom special objections were taken. That the Petitioner particularly objected to splitting and dividing votes, as being contrary to the law of England. That the Act 10th of Queen Anne, chap. 23, renders it illegal to multiply voices by splitting and dividing houses and lands. It enacts, "That no more than one voice shall be admitted to one house or tene-ment." Whereas several, even six and seven, and more, eating from the same dish, and cooking from the same kettle, were admitted by the Returning Officer as good voters. That the Constitution does not invest any person with an authority to dispense with the law. Lord Goderich, in his instructions to the Governor, when, recommending that the Colonial Law should change a principle of the Constitution in this country, expressly says, "That this however is a system which I apprehend His Majesty could not establish by the exercise of his authority." That the Returning Officer ought to have been guided by the law, in the construction and application of the word "occupancy."

That the Petitioner, at the close of the Poll, agreeably to the report of the Returning Officer, stood on the Poll five hundred and ninety-one votes, exactly the same number which he stated Mr. Kough had; but if the forty-eight votes polled by Walsh and Ryan, unfairly, as the Petitioner contends, he will stand five hundred and ninety-one, while Mr. Kough will stand only five hundred and forty-three, giving the Petitioner a majority of forty-eight votes. That the Petitioner, deeming himself secure in his existing position, had no motive or inducement to apply for an extension of the Poll to Portugal Cove.

With regard to the proceedings on the Hustings at St. John's on Monday the 12th November, the Petitioner begs to represent them as entirely irregular and illegal. That the Returning Officer had no authority to continue the Election at St. John's longer than the time specified in his notices, or proclamations, unless by the consent of Candidates, and by notices and proclamations as extensive as the first, and at least four days