

Oxford  
Election.

parties to have a decision elsewhere. I was told by a political opponent on the hustings, on the declaration day, that the Returning Officer had said at the nomination, that "he would hold Mr. *Hincks'* Qualification to be good for that day only, and that he "would consider the matter previous to the close of "the Election," and not, as I have stated, leave the parties to find redress from his final decision. And I also heard the observation of Mr. *Vansittart* as to that point yesterday, but I did not hear any such statement made on the nomination day; and had there been such statement, I must have heard it.

Sir *Allan N. MacNab* moved, seconded by the Honorable Mr. *Macdonald*, and the Question being put, That the last preceding Answer contains hearsay evidence, and is therefore inadmissible by the Law of Evidence and the practice of Parliament.

The House divided; and the names being called for, they were taken down; as follow:—

## YEAS.

Messieurs *Badgley, Cameron, Cayley, Cryslar, Daly, Macdonald* of GLENGARY, *Macdonald* of KINGSTON, Sir *Allan N. MacNab, Prince, Robinson, Sherwood* of TORONTO, and *Webster*.—(12.)

## NAYS.

Messieurs *Beaubien, Boutillier, Cauchon, Chabot, Chauveau, DeWitt, Drummond, Duchesnay, Dumas, Fortier, Fournier, Guillet, Holmes, Jobin, Laterrière, Laurin, Marquis, McFarland, Mongenais, Morrison, Nelson, Notman, Papineau, Taché, and Thompson*.—(25.)

So it passed in the Negative.

4. Did you protest against the Qualification oaths of Mr. *Carroll* and of Mr. *Campbell*?—I did.

5. Did the Returning Officer make any remark when you handed him the protest against Mr. *Carroll's* Qualification?—The protest I gave in against Mr. *Carroll's* Qualification was general, on the ground of informality, and being contrary to the statute. When I handed it to the Returning Officer, Mr. *Carroll* and he inspected it for a few minutes, and the Returning Officer then came to me and said, "Mr. *Brown*, what are the informalities in Mr. *Carroll's* Qualification?" I said that I thought that was not a part of his duty as Returning Officer, and declined telling him. Mr. *Vansittart* said he had no interest in the matter; it was only in order to keep the parties right. He then took the protest, and Mr. *Carroll's* Qualification, and consulted with one of the officials of the District; after inspecting them, they discovered that Mr. *Carroll* had omitted to describe the property upon which he qualified. Mr. *Vansittart* pointed this out to Mr. *Carroll*, who amended his Qualification, interlining the property on which he qualified, as may be seen on the original document now in the possession of the House.

6. In whose favor was the show of hands; and did the Returning Officer declare Mr. *Hincks* duly elected by a show of hands?—The show of hands was in favor of Mr. *Hincks*, and the Returning Officer declared it so.

7. What days were fixed upon as the polling days; and were the days first fixed upon changed; and if so, why were they changed?—At the commencement of the proceedings on the nomination day, I was informed that the polling days would be Tuesday and Wednesday of the week following; but before the close of the proceedings, they were changed to Saturday and Monday, being New Year's day and the Town-Meeting day. Of course, I have no positive knowledge of the reason of this change, but I can suspect the reason.

8. Did the Returning Officer send circulars to his Deputies; and if so, on what point; and did you apply to him in reference to those circulars,—and

what was his reply?—The Returning Officer did send circulars to his Deputies in reference to his construction of the Naturalization Act. He called at my hotel during the progress of the Election, and I then took occasion to show him, if possible, that his instructions were illegal, and likely to prove very injurious to Mr. *Hincks'* interest. He stated that he had taken legal advice on the subject, and that had been his mature decision. I then called his attention to the proclamation which had just appeared in the *Royal Gazette*, extending the Alien Act for a further period, and requested him, as he had already sent one circular, that he would send another, bringing under the notice of his Deputies the proclamation in the *Royal Gazette*. He said he could not do that as it would be taking a side, and refused to comply with my request. I think Mr. *Vansittart* said that he had not seen the *Royal Gazette* referred to.

9. Was the Returning Officer associated with Mr. *Carroll's* Committee during the Election?—If I give any answer to that question, it must be upon hearsay evidence; evidence, however, of the truth of which I have no doubt.

10. Did you tender a second Qualification oath, or declaration of Qualification by Mr. *Hincks* to the Returning Officer, before the close of the Election; and did he accept or refuse it; and what happened as to it?—Mr. *Hincks* had sent up, before the declaration day, a second Qualification, not doubting that the date of the first one was perfectly legal, but under the impression that some legal technicality might be found in the document. This impression, on examination, was seen to be unfounded; but as a rumour was current on the morning of the declaration, that notwithstanding the large majority of votes which Mr. *Hincks* had received at the Polls, the Returning Officer was about to return Mr. *Peter Carroll*, I called upon Mr. *Vansittart* at his office, and not finding him, spoke to him in the Court House on the subject of the second Qualification which I had received. I told him that Mr. *Hincks* had no doubt, nor had I myself, nor counsel, whose opinion we had obtained, that Mr. *Hincks'* first Qualification was perfectly valid; but, as it had been urged against that Qualification that, though Mr. *Hincks* might have been possessed of the necessary property in August preceding yet he might not be so qualified on the nomination day, in order to remove all conscientious doubts which he might have upon returning a gentleman possibly not having the proper Qualification, I had brought him a second Qualification oath, shewing that, in fact, Mr. *Hincks* was possessed of the very same property one week before the nomination. Mr. *Vansittart* replied that it was too late; and did not wish to receive it. On my urging his receiving it, he did so; but brought it again to me within a few minutes, and insisted on my taking it from him, which I did.

11. Is there any other matter or circumstance within your own knowledge, not before mentioned by you, which you desire to state; or, if mentioned, you wish to explain?—Previous to the nomination, it was generally believed, and indeed Mr. *Vansittart* stated yesterday to the House, that he had taken legal advice on the point previous to the nomination, that Mr. *Hincks'* Qualification would be summarily refused by the Returning Officer on the nomination day; and as we were, consequently, afraid of some such proceeding, we had arranged, in that event, to bring forward another candidate. Mr. *Vansittart's* temporary acceptance of Mr. *Hincks'* Qualification deprived us of this resource, and was, no doubt, the reason why the Qualification was not summarily refused; besides this advantage that the step need not have been resorted to, in case Mr. *Carroll* gained the majority of votes. After Mr. *Vansittart* declared

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