

C. L. Ch]

McLEAN & WATSON.

[Election case.]

days of January, one thousand eight hundred and sixty-four, at the town of Goderich aforesaid, in the said county of Huron, and declaring that he the said relator had an interest in the said election as a voter, shewed the following causes why the said election of the said James Watson to the office of mayor should be declared invalid and void:

First—That the said election was not conducted according to law in this: That the polls in the wards of St. David and St. Andrew, in the said town, were not kept open from ten o'clock in the forenoon until four of the clock in the afternoon during the said fourth and fifth days of January aforesaid; but on the contrary, that the poll in the said ward of St. David was closed and kept closed by the returning-officer thereof from the hour of twelve of the clock, noon, until the hour of half-past twelve of the clock in the afternoon, on the fourth and fifth days of January aforesaid; and that the poll in the said ward of St. Andrew was closed and kept closed by the returning-officer thereof from the hour of twelve of the clock, noon, to the hour of half-past twelve of the clock in the afternoon, on the fifth day of January aforesaid, and that during said time no access was or could be had to either of the said polls in either of the said two wards by any voter during the said last-mentioned time.

Second—That the said James Watson was not, at the time of his election, qualified to be a member of the council of the said corporation, because at the said time he was disqualified as having an interest in a contract with the said corporation in this: that one Charles Fletcher, of the said town of Goderich, was before and at the time of the said pretended election of the said James Watson as mayor, treasurer of the Municipal Corporation of the said town of Goderich; and that the said James Watson was, before the said election of mayor and for a long time thereafter, surety for the due performance of the duties of treasurer of the said Municipal Corporation of the town of Goderich by the said Charles Fletcher, by bond duly executed by the said James Watson to the said Municipal Corporation of the said town of Goderich, dated the fourth day of August, in the year of our Lord one thousand eight hundred and fifty-eight, and which bond was, at the said time mentioned, in full force, virtue, and effect.

Third—That the said James Watson was not, at the time of his election, qualified to be a member of the council of the said corporation, because at said time he was disqualified as having an interest in a contract with the corporation in this: that he the said James Watson, before and at the time of the said election, for a valuable consideration, held a shop-license from the Municipal Corporation of the said town of Goderich, for the sale of spirituous and other liquors, which said license was still in force, uncancelled and unrevoked.

James Shaw Sinclair made oath, that he was present at the nomination of candidates for the office of mayor of the town of Goderich, for the year one thousand eight hundred and sixty-four, which nomination took place on the twenty-first day of December, 1863. That James

Watson attended at said nomination, and consented to his being nominated as a candidate, and addressed the electors in his own behalf. That the said James Watson exerted his influence on his own behalf during the fourth and fifth days of January, being the polling-days at said election. That deponent was present at the public declaration of the election of him the said James Watson, held on the seventh day of January, 1864, and that the said James Watson publicly thanked his supporters and accepted the office of mayor of the said town, for the year one thousand eight hundred and sixty-four. That deponent was present at the first meeting of council for the said town of Goderich, held on the eighteenth day of January, 1864, at which time the said James Watson filed his declaration of office of mayor, and took his seat as such mayor, and took part in the business of the said council as the head thereof.

Mr. Sinclair also made oath that he had searched in the office of the town-clerk of the town of Goderich, and found a bond from James Watson, Esquire, mayor of the said town of Goderich for the year one thousand eight hundred and sixty-four (together with other obligors therein named), to the Municipal Corporation of the said town of Goderich aforesaid, for the due performance of the duties of the office of treasurer of the said town by one Charles Fletcher. That he, deponent, knew the handwriting of the said James Watson. That the signature, "James Watson," set and subscribed to the bond, was the proper handwriting of the said James Watson. [Annexed was a copy of the bond.] That the said Charles Fletcher had for several years occupied the office of treasurer of the said town of Goderich; that he did on the twenty-first day of December last, and on the fourth and fifth days of January instant, occupy the said office of treasurer of the said town, and fulfil the duties thereof. That the said bond was in full force and effect from the day of the date thereof (being the fourth day of August, one thousand eight hundred and fifty-eight) up to and until after the said fourth and fifth days of January instant; and furthermore, until after the public declaration (as the law directs) of him the said James Watson as mayor of the said town of Goderich by the returning-officer of the said election, and that during all the said time the said bond of the said James Watson was in full force, virtue, and effect, according to the tenor thereof. That the said bond was accepted by the said Municipal Corporation of the said town, and held by them as a valid and subsisting security against the said James Watson, mayor of the said town of Goderich, elected on the fourth and fifth days of January, 1864, aforesaid, and the other obligors therein mentioned from the date thereof up to and until after the election and declaration of him the said James Watson as mayor aforesaid. That deponent was informed, and verily believed, the accounts of the said Charles Fletcher as such treasurer as aforesaid, had not been finally audited and settled between him as treasurer as aforesaid and the said Municipal Corporation of the town of Goderich, for the year one thousand eight hundred and sixty-three. That he, deponent, had caused search to be made in the office of the treasurer of the corporation of the said town of Goderich (he being the proper officer of