

Chap. Messrs. Wright Chamberlain, and Marcus
 xx xiv. Child were the candidates for the representa-
 1831. tion of the county, and the former had been
 returned by Mr. Ritchie, the returning officer,
 as having the greatest number of *legal voters*,
 although Mr. Child had the majority of votes
 according to the poll-book, but many of them,
 it was said, were squatters and therefore not
 entitled to vote. The assembly, however, after
 investigation, unseated Mr. Chamberlain, and
 gave his seat to Mr. Child, who they consider-
 ed was duly entitled to it and ought to have
 been returned accordingly by the returning
 officer.*

* The case submitted by Mr. Ritchie, through the civil secretary,
 for advice, was in these terms :

"The candidates, major Wright Chamberlain, and Marcus Child, Esq., at the commencement of the election, agreed that all persons should vote at the polls, provided they were of lawful age, and occupiers of land, not being proprietors, but what are generally termed squatters; from day to day such persons have been permitted to vote without being objected to by the respective candidates. I am bound by the 13th section of an Act, Geo. IV. cap. 33, to receive them, although by the 20th section of the same Act, no person shall be admitted to vote without he is a freeholder, &c. &c. The point on which I shall be at a stand in making my return is, whether according to my oath of office, I am bound to return the person who has the most votes, the majority being composed, as is evident from the poll book, of such voters as above mentioned, and I am apprehensive that the contest will be so close that a small majority must decide the event; or shall I return the person who appears to me to have the most legal votes, without any reference to numerical number? I would wish to be put in possession of his lordship's opinion with the least possible delay, in order that I may act in reference to it."

Mr. Hamel's opinion was as follows :—

"The law is positive as to the qualification of the persons who style themselves electors, for independent of being british subjects, either by conquest of this province, or by civil birth, the electors of members to the house of assembly as a component part of the legislature in this province, are of necessity persons having, and possessing, for their own use and benefit, lands and tenements within the district or county or circle wherein they pretend to have a right