

APPENDIX

George Murdy,
Edward Stanley,
Walter Stanson,
John Mooney,
Darby Kelly,
Henry Boyle,

William Cahill stands on the Poll Book marked L. T., but erased, because the man must have satisfied him (the Returning Officer) that he had a deed, otherwise it would not have been erased.

William Grier,
Hugh Kusick,
William Magennis,
William Beckford,
John Green,
John Green, sen'r.
Hugh Moore,
William Barley,
Patrick Gorman,
John Heron,
William Green,
Hugh Dixon,
Robert Dixon,
James Seward,
Thomas Lynch,
Thomas Boyle,
D. Shannon,
Robert Argue,
Timothy Culin,
James Connerry,
William Connerry,
Thomas McGaven,
Michael Greig,
Foster Mora.

With the exception of William Cahill, these voters claimed to vote, and did vote on Location Tickets. They all were polled for Mr. Pinhey.

Charles White—Bond from
Canada Company.
James Dervine—Bond.
Henry Moorhouse do.
George Berry, do.
Michl. Blase—Purchased bond
James Holley do. do.
James Howe—Bond.
Martin Johnson do.
James Wilson—Bond.
Isaac Smith do.
James McVeigh do.
Robert Richards do.
Alex'r. McVickar, do.
Robert Welch—Bond from
Canada Company.
Alex'r. Goodwin—Bond.
Charles Goodwin do.

These sixteen voted on Property held as above described; which was so stated at the time of voting. They voted for Mr. Pinhey.

Michael Gleeson recorded "no deed." This record must have been made at the instance of Mr. Lyon. The man swore to his having a Freehold. He (the Returning Officer) imagines that he must have recorded "no deed" at the instance of Mr. Lyon. He recorded the Location Tickets at the instance of Mr. Lyon, and the voters acknowledged that they voted on Location Tickets; but he feels confident that Gleeson never admitted that he had no deed. After describing the Estate on which he voted, the oath ran—"You, Michael Gleeson, solemnly swear you are upwards of twenty-one years of age; that you have not before voted at this Election; and that you hold your lands by conveyance, or by purchase, or by Grant from the Crown" (as the case may have been.) He (the Returning Officer) adds that he administered oaths to voters at the Election "that they held their lands by purchase" in all cases of purchase or conveyance; and either that the deed had been registered three calendar months, or that the party had been in the actual possession, or in the receipt of the rents and profits thereof, to his own use, above twelve calendar months, was invariably added. He used the term "conveyance"—not "purchase," where the voter declared he had a deed of conveyance between parties. In cases where the voters voted on bonds for deeds, he used the term "conveyance" in the oath. When purchased from the Canada Company, or from the Crown Commissioner, where the voters had no deeds, he used the term "purchase" in the oath. He substituted these words for the words used in the Statute, that he might make a distinction between the cases of the several voters. The form of these oaths was objected to by Mr. Lyon at the time. He made no distinction on the Poll Book between those sworn in this way and those sworn according to the Statutes. He recorded those distinctions in his recollection only. He entered every objection that Mr. Lyon made, and if Mr. Lyon objected that Michael Gleeson should be called Michael Davis, he would have so entered his objection in the column used for recording objections;—thus, for example, he would have entered such objection—"Mr. Lyon objects to this name, and says it should be called Michael Davis." The reason why he made a distinction between those who purchased from the Crown Commissioner and the Canada Company, and those who purchased from private individuals, was, that although the purchasers from the Crown and the Canada Company had not yet received their deeds, yet they held their lands "by purchase," whereas the others having received their deeds, he stated that they held "by conveyance." He (the Returning Officer) considered that those who held land from the Crown and the Canada Company, although they had not yet received their deeds, were, notwithstanding, entitled to vote at the Election equally as if they had received them.

Michael Gleeson voted for Mr. Pinhey.

John Colbert voted for Mr. Pinhey. Opposite his name on the Poll Book is "no deed—objected."

John Brush voted for Mr. Pinhey—marked in the Poll Book "objected." Had he (the Returning Officer) been requested by Mr. Lyon to state in his Poll Book that the land on which Brush voted had been sold to pay the Taxes, he would have so stated it. He does not recollect Robert Burch coming forward in the Poll Room, at the time, and stating that he purchased the land on which Brush voted at Sheriff's Sale; that it is not possible for him to recollect all that was said in the Poll Room, because of the noise and confusion which usually prevailed therein; neither does he recollect refusing to strike out the name of John Brush because of his land having been sold.

M. Brenon voted for Mr. Pinhey: he swore to his having a freehold by virtue of land coming to him by marriage; but he

(the Returning Officer) does not recollect the nature of his wife's title. He cannot speak to this case more than from what is stated in the Poll Book. Does not recollect that Brenon stated that his wife held by Location Ticket.

George Carter voted for Mr. Pinhey, on a Letter of Licence from the Canada Company. He swore to his freehold, as held by purchase, being the usual term sworn to by such purchasers. He did not pretend to have a deed. He was not asked to take any other oath.

James Mantle voted for Mr. Pinhey—recorded "P. R. objected." This man stated that he held by Location Ticket under Mr. Peter Robinson.

Ringrose Woods voted for Mr. Pinhey—marked "C. R. objected," he claimed to vote on a Clergy Reserve which he had purchased and paid for. He was sworn to the holding of his land "by purchase."

Richard Remington voted for Mr. Pinhey, on a purchase from the Canada Company—he so stated it—he was sworn to his freehold as held "by purchase."

Alexander McMillan voted for Mr. Pinhey, he held his land by purchase of a U. E. Right, and swore to the freehold as held by purchase.

Patrick Lindsay voted for Mr. Pinhey, recorded as a "transfer"—swore to his freehold as a conveyance, as to the best of his (the Returning Officer's) recollection—can recollect nothing of the circumstance further than it is recorded.

Michael Reed voted for Mr. Pinhey, on a grant from the Crown, as recorded; he must have sworn to his freehold as required in the Statute, as holding by grant from the Crown—would have no hesitation in swearing to this in a Court of Justice, to the best of his recollection.

Joshua Moorehouse voted for Mr. Pinhey, recorded—"Canada Company's letter of licence."

John Marshall voted for Mr. Pinhey, recorded—"from a power of Attorney to draw a Deed"—swore to his freehold as holding "by purchase," to the best of Returning Officer's recollection.

William Shirley voted for Mr. Pinhey—this vote was recorded—an objection was made, and Mr. Lyon wished to have it recorded "mortgage"—is certain that the objection was made because of his land having been mortgaged.

Thomas Lay voted for Mr. Pinhey—marked "P. R."—meaning a Location Ticket under Mr. Peter Robinson, in right of which he voted—was sworn that he held his land from the Crown. The Returning Officer takes upon himself to declare, to the best of his recollection, that he never administered an oath to any of the Electors that "they held their lands from the Crown," without inserting the words "by grant." The Returning Officer admits, that he might, in some cases, have administered the following oath, but he does not recollect having done so—viz: "You declare that you are upwards of twenty-one years of age, that you have not before voted at this Election, and that you hold your land from the Crown, (by purchase, &c.)—So help you God."

Does not recollect having at all administered this oath—does not recollect handing a form of an oath to Mr. Lyon—recollects having repeated the form of oath to Mr. Philip, who took it down in writing; but owing to the confusion and noise in the room at the time, he does not know if Mr. Philip took it down correctly—some of Mr. Lyon's friends, and he believes himself, Mr. Lyon, objected to the form of the oath—recollects that Mr. Philip offered him the Statutes, and desired to point out to him the oath required by law. Mr. Lyon objected to the votes of those who held Location Tickets, Letters of License, and who did not hold Deeds for their Lands—there were no votes admitted on the ground of being Leases for Clergy Reserves, or any other Leases.

J. B. Monk voted for Mr. Pinhey; there is nothing recorded before his name. He claimed to vote on a Location Ticket, and Mr. Lyon objected to his vote—does not recollect whether he did vote on a Location Ticket or on a Deed, and does not recollect whether he was sworn or not—for on this particular day, the disturbance was so great, that he was obliged to call in the Magistracy to aid him in preserving order. He is sure that he did not omit to put down the objections made, notwithstanding the noise, for on its becoming too great, he closed the Poll till order was restored. By closing the Poll, he means his having ordered his Clerks to close their books, and to record no vote until quietness was restored, so that every person might hear every objection made to the voters.

Here the Counsel for the Petitioners closed his examination of this witness,—and he was cross-examined by the Counsel for the sitting member, William Henry Draper, Esquire, Barrister-at-Law.

The Returning Officer states, that it was distinctly understood, that Mr. Monk had a Deed for the Land on which he voted at the time of voting. The Election opened on the sixth day of March. A Poll was demanded at the instance of Mr. Pinhey, as he recollects. The Poll was closed late in the afternoon of the fourth day. Early in the morning of that day, Mr. Lyon spoke to him, and stated, that it was his intention that the Poll should be closed on the arrival of Mr. Radenhurst, as witness thinks, for that it was useless to continue the contest. This was about eleven o'clock, the Poll having commenced at ten. There were voters polled for both after this declaration. Mr. Radenhurst arrived about four in the afternoon, and the Poll had been closed before witness saw him, to the best of his recollection. Had no other reason than what was said by

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