

Then, on motion of the Honourable Mr. Attorney General Smith, seconded by the Honourable Mr. Papineau,

The House adjourned.

Veneris, 20<sup>a</sup> die Decembris.

ANNO OCTAVO, VICTORIÆ REGINÆ, 1844.

Election, 3rd Riding York.

THE hour appointed for taking into consideration the Petition of Robert Harrison and others, electors of the Third Riding of York, complaining of the undue election and return of the Honourable James Edward Small as a Member to represent the said Third Riding of York in this present Parliament, being come,

The House proceeded to the appointment of a Select Committee to try and determine the merits of the said Petition.

The Sergeant-at-Arms was directed by Mr. Speaker to go with the Mace to the places adjacent, and require the attendance of the Members on the business of the House,

And he went accordingly.

And, being returned, the House was called, and more than thirty members being present,

Mr. Speaker called upon the Petitioners, their counsel or agent, to appear at the Bar.

W. H. Boulton, Esquire, a Petitioner on behalf of himself and the other Petitioners, appeared at the Bar.

Mr. Speaker called upon the Sitting Member, his counsel or agent, to appear.

Mr. Small, Sitting Member for the said Third Riding of York, appeared in his place in his own behalf.

Mr. Boulton, one of the Petitioners, presented a list of witnesses in behalf of himself and the other Petitioners, which was read by the Clerk as follows:

NAMES.	RESIDENCE.
Andrew Mercer, Esquire,	City of Toronto.
Wm. Cawthra, do	do
Christopher Widmer, do	do
William Proudfoot, do	do
Clarke Gamble, do	do
John H. Haggarty, do	do
William B. Jarvis, do	do
Joshua G. Beard ...	...
John Ridout ...	...
Charles C. Small ...	...
Walter McKenzie ...	...
Alexander Dixon ...	...
Robert Beard ...	...

Mr. Small handed in a list of the witnesses required in behalf of himself as the Sitting Member for the Third Riding of York, which was also read by the Clerk, as follows:—

- F. Fortier, Esquire, Clerk of the Crown in Chancery.
- Francis Leys, Returning Officer; with the oath of qualification made before him by the Sitting Member.
- John Radenhurst, Esquire, of the City of Toronto.
- Edward Shea, Deputy Returning Officer for the Township of Whithy.
- William Botsford Jarvis, Esquire, Sheriff of the Home District.
- Alexander Grant, Esquire, City of Toronto.

Thos. G. Ridout, do	Cashier of the Bank of Upper Canada.	Election, 3rd Riding York.
Clarke Gamble, do	City of Toronto.	
Charles C. Small, do	do do.	
John Dempsey, do	Clerk in the Crown Office.	
George Ridout, do	of the City of Toronto.	
George P. Ridout, do	do do	
Edward Goldsmith, do	do do	
John F. Small, do	do do	
Sheldon Ward, do	do do	Gent.
John Harper, do	do do	
Joshua G. Beard, do	do do	
Hy. E. Nicholl, do	Land Agent of the City of Toronto.	
Andrew Mercer, do	City of Toronto.	
Jas. R. Gowan, do	of Barrie, Dist. of Simcoe.	
John Strathy, do	City of Toronto.	
Henry Latham, do	do do	
John Bell, do	do do	
Archibald Clendenning or Glendinning, do	Deputy Returning Officer for the Township of Scarborough.	
Thomas Hilliwell, Esquire, do	City of Toronto.	
John Ewart, do	do do	
Henry John Boulton, do	do do	
Corry Coulson, Gentleman, do	do do	
T. C. McCord, Esquire, do	do do	

And all such other persons as are witnesses to the execution of certain deeds of bargain and sale in fee simple from several grantors of lands in the said deeds mentioned, to the said James Edward Small, the names of which witnesses cannot be ascertained without reference to the several deeds which are now in Toronto.

J. E. SMALL.

Mr. Speaker then desired the Sergeant-at-Arms to lock the door.

And the doors being locked accordingly, and the Order of the Day for taking the said Petition into consideration being read, the attestation of Mr. Speaker was taken from off the box, in which, agreeably to the Statute, the names of all the Members of the House were sealed up, and the same was read by the Clerk as follows:—

I attest that this box was on Wednesday, the eighteenth day of December, 1844, made up in my presence, in the manner directed by an Act passed in the fourth year of the Reign of His late Majesty King George the Fourth, intituled, 'An Act to repeal an Act passed in the forty-fifth year of His late Majesty's Reign, intituled, 'An Act to regulate the trial of Controverted Elections, or Returns of Members to serve in the House of Assembly,' and to make more effectual provision for such trials.'

ALLAN N. MACNAE,  
Speaker.

The box was then opened, and the attestation of the Clerk was taken out of the box, and read by him as follows:—

I attest that I did on Wednesday, the eighteenth day of December, 1844, in the presence of the Speaker of this House, put into a box, in which this attestation is found, the names of all the Members composing the present House of Assembly, written upon slips of parchment, and rolled up as directed by an Act passed in the fourth year of the Reign of His late Majesty King George the Fourth, intituled, 'An Act to repeal an Act passed in the forty-fifth year of His late Majesty's Reign, intituled, 'An Act to regulate the trial of Controverted Elections, or Returns of Members to serve in the House of Assembly,' and to make more effectual provision for such trials.'

W. B. LINDSAY,  
Clerk of Assembly.

The names of all the Members were taken out of the box, and put into three other boxes.

The drawing of the names was then proceeded in, in the usual manner, and the following names were drawn, to which no objection was taken:—