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same words; yet no one had ever questioned the votes of such freeholders; and even the said Thomas Williams himself, declared he was willing that their votes should be received at this Election, (and they were in fact so received). It was further stated to the said Returning Officer, that the said Marshall S. Bidwell came into this Province to reside, in the year 1812, before the late War with the United States, and had resided here ever since, a term of more than seven years: that after a regular Clerkship, according to the rules of the Law Society, he had been called and admitted to the profession and practice of Law in this Province, as a Barrister and Attorney, and had taken the Oaths of Office, of Allegiance, Supremacy and Abjuration, and the declaration of belief in the Christian Religion, before His Majesty's Court of King's Bench; that he was seized and possessed in his own right of the requisite estate in fee simple, and was legally qualified as a Candidate for the election.—Wherefore in his behalf, and in behalf of the electors who nominated him, and those who intended and were ready to vote for him, the said Returning Officer was desired not to assume upon himself to reject the votes aforesaid for the said Marshall S. Bidwell, yet he the said Returning Officer expressed his determination to reject them; declaring that his only reason for so doing was that, in his opinion, the said Marshall S. Bidwell, having been born in the United States, was an alien.

The Oath of Office was then administered to the said John McLean as Returning Officer; he not having taken the same until after he had sworn and declared his determination to reject all votes for the said Marshall S. Bidwell; It was stated to the said Returning Officer, that the said Marshall S. Bidwell was willing to take the oath of qualification prescribed by the Provincial Statute to be taken by Candidates, if required; and several of the Electors then present requested and demanded of the said Returning Officer, that he should receive the Votes which might be polled for the said Marshall S. Bidwell, whose name had already been entered by the Poll Clerk as a Candidate; but the said Returning Officer persisted in declaring that he would receive no Votes for him. Whereupon the said Marshall S. Bidwell, and the Electors by whom he had been nominated, and other Electors who intended and were ready to vote for him, objected and protested against the proceedings and conduct aforesaid of the said Returning Officer, and against the election about to be proceeded in, as arbitrary, illegal, and subversive of the constitutional rights of the Electors.

*Lenox and Addington,*

1822.

The Poll, however, was opened, and several of the Electors then came forward and offered and declared their Votes for the said Marshall S. Bidwell, but the said Returning Officer refused to suffer them to be entered on the Poll Book. He was thereupon requested to permit a person as Clerk to sit by the Poll, and take down the names of the Electors who had thus offered and might offer their Votes for the said Marshall S. Bidwell, which he the said Returning Officer refused to permit; but received the Votes for Messrs. Clark and Williams; and, at the close of the Poll, declared the said Matthew Clark elected, and accordingly returned him as the Member elect.

Twelve of the freeholders present protested against the said election and return, on the grounds above stated,

Upon these facts, which can be verified by satisfactory evidence, and will not, it is believed, be denied by the sitting Member the undersigned freeholders of the said Counties of Lenox and Addington respectfully submit to your Consideration, that the proceedings and conduct aforesaid of the said Returning Officer, were a transgression of his duty as a Returning Officer, an usurpation of the proper authority of Your Honorable House to judge of the qualifications of the Members thereof, and to decide all contested or doubtful points either of law or fact relating thereto, an infringement upon the constitutional rights of the Electors, and an example dangerous and in its tendency fatal to the freedom and security of Elections; and though the said Matthew Clark himself did not object to the said Marshall S. Bidwell as a Candidate, nor require the Votes tendered for him to be rejected; yet, as they were rejected, although at the instance of another Candidate, it does not, and cannot appear that the said Matthew Clark was elected by the majority of the Electors qualified and claiming to vote in the said election: On the contrary, it is believed, that a great majority of them were in favor of the election of the said Marshall S. Bidwell, and would have voted for him, if they had not been deprived of the privilege of voting for the Candidate of their own free choice, for which reason many of them went home without voting at all.

Wherefore the Petitioners humbly pray your Honorable House to adjudge and declare, that the said Matthew Clark was not duly elected, ought not to have been returned, and is not entitled to a seat in the House, as a Representative of these Counties, And as in duty bound will pray.