

3rd riding county
of Lincoln Election.

Resolved, That it is the opinion of this Committee that at the proper time for closing the Poll at the General Election for the Third Riding of the County of Lincoln, David Thorburn Esqr. had a majority of votes on the Poll Book, and ought alone to have been returned by Alexander Hamilton, Esq., Returning Officer at the said Election for the said Riding.

Resolved, That John Johnson Leftery Esq. is not duly elected a Member to serve in this present Parliament for the Third Riding, of the County of Lincoln.

Resolved, That David Thorburn, Esq. is duly returned as a Member to serve in this present Parliament for the said Third Riding, by the Return executed by Alexander Hamilton, Esq.

Resolved, That the Indenture of Return executed by Alexander Hamilton, Esq., by which John Johnson Leftery, Esq. is returned a Member to serve in this present Parliament for the said Third Riding, be taken off the file and the return amended by the proper Officer accordingly.

Resolved, That the defence set up by John Johnson Leftery, Esq., was not frivolous or vexatious.

Resolved, That in the opinion of this Committee, the conduct of Alexander Hamilton, Esq., Returning Officer for the said Third Riding of the County of Lincoln, was impartial, and that he conscientiously executed his trust, according to the best of his understanding-

All which is respectfully submitted,

CHARLES DUNCOMBE,

Chairman.

Committee Room, House of Assembly, }
2nd February, 1835. }

On motion of Mr. Duncombe, of Oxford, seconded by Mr. Smith,

Order for attend-
ance of Returning
Officer at bar.

Ordered, That Alexander Hamilton, Esq., Returning Officer for the third riding of the County of Lincoln at the last General Election, be notified to attend forthwith at the Bar of this House.

Mr. Hamilton at-
tends.

Mr. Speaker directed the Serjeant at Arms to notify Alexander Hamilton Esq. to attend at the Bar of this House, which being done, Mr. Hamilton attended forthwith.

On motion of Mr. Duncombe, of Oxford, seconded by Mr. Smith,

Order for returning
officer to amend
return.

Ordered, That the Returning Officer at the late General Election for the County of Lincoln, Third Riding, now attending at the Bar of this House, be directed to take off the file the return by which John Johnson Leftery, Esq. is returned a Member to serve in this present Parliament, and to amend the return for the said Riding accordingly.

Return amended
but not according to
Order.

The Returning Officer then amended the return, but such amendment not being in accordance with the order of the House,

On motion of Mr. Perry, seconded by Mr. Norton,

Returning officer
have leave to state
his reasons for not
amending the return
in accordance with
the order of House.

Ordered, That the Returning Officer for the late Election of the Third Riding of the County of Lincoln, be allowed to state what reason, if any, he had for not amending the return made by him at the said Election agreeably to the instructions of the House

Reasons given by
the returning officer.

Mr. Hamilton, the Returning Officer, then stated that being convinced in his own mind that Mr. Thorburn had not a majority of votes at the close of the Election, he could not, he thought, conscientiously, make the return required as of himself; but that he was perfectly willing to make such return if he should be permitted to add thereto a statement that he had so made it in obedience to the order of the House, and that his only object in making any objection was to satisfy his conscientious scruples on the occasion.

Ret'g officer have
leave to amend the
return as the Order
of the House.

Mr. Duncombe, of Oxford, seconded by Mr. Wilkinson, moves that it be resolved, that Alex. Hamilton, Esq., late Returning Officer for the third Riding of the County of Lincoln, be allowed to amend the return for the said Riding, as the order of this House, according to the resolution of this House.

Amendment pro-
posed.

In amendment, Mr. Gowan, seconded by Mr. McKay, moves that after the word "resolved" in the original, the whole be expunged, and the following inserted, "that the explanation of Mr. Hamilton, the Returning Officer, for the Third Riding of the County of Lincoln, at the late Election, is satisfactory to this House, and that he be allowed to amend the return in obedience to the order of the House, with the additional explanation given by Mr. Hamilton at the Bar.

Amendm't lost.

Lost.