

## Sundry Reports.

Returning Officer, and upon examining them, they appear to have been executed at the same time, and by the same persons.

Your Committee herewith attach an examination made before them of the Returning Officer relative to his letter to the Clerk of the Crown-in-Chancery—in which it was intimated there had been certain riots and other improper conduct at the said election on the part of the aforesaid friends of Messrs. Jameson and Gowan.

Your Committee beg to state that it appears by the evidence of the Returning Officer, that altho' he received an intimation from his Deputy Mr. Powell, that his personal safety was in some danger, and altho' there was a good deal of violence and improper conduct on Monday, yet he did not continue the election and execute the Indenture on Tuesday from any fear and apprehension of his personal safety.

On the subject of the proceedings of the Clerk of the Crown-in-Chancery in not immediately reporting to the House, Your Committee would observe that it appears by his own evidence that he received the Writ from the Returning Officer about 11 o'clock the 10th instant, and that he discovered the deficiency in the office of the Solicitor General and in Mr. Hagerman's presence, between 2 and 3 o'clock, and that he did not report the circumstances to the House until late in the afternoon of the next day, the 11th instant, and not until he had written two letters to the Returning Officer, one on Tuesday the 10th merely informing him of the omission, the other by the direction of His Excellency, the Lieutenant Governor, requiring the Returning Officer's immediate attendance at Toronto to complete the execution of the Writ for the County of Leeds by annexing the Return according to law.

Your Committee are clearly of opinion that it was the imperative duty of the Clerk of the Crown-in-Chancery to have reported the circumstances to the House immediately, and with the least possible delay on receiving the papers from the Returning Officer, and not to have presumed to hold any official communication with the Returning Officer in regard to the election and return or to have issued any orders to the Returning Officer, requiring him to give his attendance at Toronto to amend or alter the Writ or supply any deficiency by attaching any thing thereto, either upon his own responsibility or under the direction of His Excellency, the Lieutenant Governor, or any other person or body, except the House of Assembly; the said Clerk of the Crown-in-Chancery being merely a ministerial officer, and the House of Assembly being the only tribunal to whom the Returning Officer is or can be the least amenable for his conduct as Returning Officer, and who alone has any or the least control over him, or can in any wise punish him for his conduct as Returning Officer; and whose orders alone the said Returning Officer was, or is bound to obey, either in giving his attendance at Toronto, or to alter, amend, or supply any deficiency in the return, and undoubtedly wrong for the said Clerk to take it upon himself to wait until late in the afternoon the next day, or even from the hour of eleven o'clock in the forenoon until between two and three in the afternoon of the day he received the papers, (that being the time he states he discovered the omission, a space of between 3 and 4 hours,) while he could have performed the same in the course of as many minutes, the Secretary's office being only a short distance from the House of Assembly, and the Government House and the Solicitor General's office being on the road between the two. However, it appears by the evidence of the said Clerk of the Crown-in-Chancery, and that of several others examined before Your Committee, that there is some discrepancy on the subject of the time he discovered the omission and some other matters, in consequence thereof Your Committee conceive it is proper to report the evidence relative to the same.

Your Committee consider it of the most vital importance to the freedom of elections, and in order that Returning Officers should be removed entirely from any influence, either executive or of any other character, and clearly understand they are subject to no power or body for the due execution of their important trusts, but to the Commons House of Assembly, and that it is proper that it should be known, that for any body or power to interfere or presume to exercise any control over any Returning officer or for any Returning officer to alter or amend any return in pursuance of such order must be conceded as a high breach of the privileges of the Commons House of Assembly.

All which is submitted.

PETER PERRY,  
Chairman.

Committee Room, House of Assembly, }  
21st March, 1835. }

## EVIDENCE OF SAMUEL P. JARVIS, ESQUIRE, C. C. CHANCERY.

I received the return Writ for Leeds, about 11 o'clock, on Tuesday the 10th instant.

There was accompanying the Writ, the Poll Book; the oath of Returning Officer; a letter from the Returning Officer, giving a short history of the proceedings of the Election; and a protest by Messrs. Buell and Howard.

There was no return or indenture annexed to the writ, nor enclosed in the envelope, nor that accompanied it. About an hour after, I received the packet containing the Writ and the aforesaid papers, I proceeded on my way to the House of Assembly, to report the circumstance, supposing that the Return was regular. The Returning Officer having requested me to communicate the contents of his letter to His Excellency, I called and delivered the letter—after I left His Excellency's office, and before I had drawn up the usual report of the Return for the Speaker, I examined the Writ, and then discovered that the Return was wanting; before then I had merely broken the seal of the packet, or read the letter from the Returning Officer.

I afterwards returned to my office, and supposing it was an omission of the Returning Officer, purely accidental, I wrote to him to apprise him of the omission, and I determined to wait until the arrival of the mail on the following morning, before I made a report on the subject, for I could not help thinking that the absence of the Return was unintentional.

This morning, the 11th instant, I called at the Post Office, and found nothing addressed to me by the Returning Officer.

On my way to the House, about noon this day, (the 11th instant,) I again called on the Governor, and stated to him the omission of the Returning Officer to affix a Return to the Writ.

His Excellency seemed much annoyed at the circumstance, and desired me to write to the Returning Officer to repair immediately to Toronto; and likewise desired me to lose no time, in reporting to the House the circumstances, which I did forthwith.

I think the first time I communicated to His Excellency's Secretary the omission on the part of the Returning Officer, to annex the Indenture or Return to the Writ, was on the morning of the 11th inst near 12 o'clock, but I was at the Government Office on the afternoon before, and I may have spoken of it. I think there was some conversation about the election; I think I first discovered the omission in Mr. Hagerman's office, sometime about 2 or 3, P. M.