

APPENDIX objection made to him, nor what oath he took. Witness (on recollection) says that he (O'Keefe) was objected to on suspicion of his having no deed. Does not recollect that this voter stated that he had no deed.

183. William Wilson voted for Mr. Pinhey; he voted on the 20th lot in the 11th Concession of Huntley. His vote was objected to. He was sworn; but witness does not recollect what oath he took, nor the nature of the objection made to his vote.

184. Timothy Forest voted for Mr. Pinhey, on the twenty-first lot in the eleventh concession of Huntley. His vote was objected to. He was sworn.

339. Alexander McMillan voted for Mr. Pinhey, on the seventh lot in the ninth concession of Fitzroy. His vote was objected to. He was sworn. He voted on a U. E. Right purchased, and the Land in Fraser's name. The voter admitted this, and it was taken down; he (the voter) did not pretend that he held any Deed for the Land. Witness does not recollect the oath which was administered to McMillan. He was objected to by Mr. Lyon.

271. James Mantle voted for Mr. Pinhey, on the twenty-seventh lot, tenth concession of Huntley. His vote was objected to. He was sworn. He did not say that he had a Deed.

94. Martin Manian voted for Mr. Pinhey, on the thirteenth lot, in the ninth concession of Huntley. He was sworn; but no objection marked. Witness does not remember that any objection was made. Witness put down "sworn" after some names, of which greater doubt existed as to their having titles, than to others; also the lot, concession, and township.

170. John Lewis voted for Mr. Pinhey, on the tenth lot, in the fourth concession of March—no objection put down.

254. John Lindsay voted for Mr. Pinhey, on the eighth lot, fourth concession of Pakenham.

294. Hugh Moore voted for Mr. Pinhey, on the fifth lot, eighth concession of Huntley.

303. William Gardiner voted for Mr. Pinhey, on the lot J, concession A Nepean.

307. John Gardiner voted for Mr. Pinhey, on lot N, concession A Nepean.

309. Nicholas Brannan voted for Mr. Pinhey, on second lot, fourth concession of March. Objected on account of his wife's title. Witness does not exactly recollect the title.

320. John King voted for Mr. Pinhey, on the fourteenth lot, in the sixth concession of the Township of Fitz Roy.

376. William Lucas voted for Mr. Pinhey, on lot number one, in the fourth concession, Township of Huntley.

197. John Whelan voted for Mr. Pinhey, on lot B, concession G, Township Nepean.

379. Thomas Lay voted for Mr. Pinhey, on the seventh lot, in the twelfth concession, Township of Huntley. He was objected to by Mr. Lyon, on the ground of his being one of Mr. Robinson's settlers—he did not state that he had a Deed. Witness does not recollect if this voter was asked if he had a Deed.

The book or memorandum kept by Witness, was here delivered to the Clerk of the House.

Mr. Samson, seconded by Mr. Berezy, moves that the further consideration of the trial of the Contested Election for the County of Carleton, be deferred until twelve o'clock to-morrow.

Ordered.

THURSDAY, 3rd JANUARY, 1833.

Agreeably to the order of the day, the trial of the Carleton contested election was resumed.

The Speaker directed the Counsel on the behalf of the Petitioners to proceed.

The Counsel attended, and called upon James Johnson (a witness) who stated, that his residence was at Bytown; that he left his home on Friday morning last, knows Henry Edwards, late Returning Officer for the county of Carleton; saw him (Mr. Edwards) the evening before he (the witness) left home, at the Union Bridge, where a tavern was formerly kept by Mr. Firth, in this Province. Witness asked the Returning Officer if he was going to York, and was answered that he was going to gaol; he thought witness asked Mr. Edwards, (the Returning Officer) if the Deputy Serjeant at Arms were there, who answered that he was inside, at Mr. Firths: witness went in and saw a person whom he recognised to be the same which he had seen before coming out of Richmond, on his way to March, on the seventeenth December, about eleven o'clock in the morning. There was no other man in the room on his entering, than the person he took to be the Deputy Serjeant at Arms: he wore spectacles. Witness attended court at Perth, from the eighteenth December till Saturday the twenty-second of the same month, and returned to Bytown. The distance between those places is fifty-three miles. After returning to Bytown and waiting until Wednesday, he rode to Colonel Lloyd's, and there saw Mr. Keating (the Deputy Serjeant at Arms) through a window, in Colonel Lloyd's house. The next day, Thursday, he saw Mr. Edwards (the Returning Officer) at Mr. Firths, who asked him (the witness) when he thought the House would be prorogued: witness answered that he thought about the tenth January. Mr. Edwards

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stated, that he was then going to Bytown, which (witness says) is out of the direct route to York. When witness first saw the Deputy Serjeant at Arms going from Richmond to March, the roads were perfectly good; there was good sleighing, and the roads remained in that state until witness left Bytown on Friday:—between the seventeenth of December and Friday there had been no heavy fall of snow to prevent the roads being travelled. Witness could not tell positively how long a time it would take to convey a letter from Bytown or Richmond to York—his own letters had been about eight days on the way. Witness did not think that the Deputy Serjeant at Arms and Returning Officer, would come to York before the close of the Session. Witness was a supporter of Mr. Lyon, and is a Petitioner against Mr. Pinhey's Return.

Mr. Attorney General, seconded by Mr. Crooks, moves that the testimony of James Johnston, one of the Petitioners, be expunged.

On which the House divided.—Yeas 5—Nays 29.

Anthony Philip again called by the Counsel for Petitioners, who states that

310. Patrick Nelligan voted for Mr. Pinhey upon land in Huntley. The particular property not noted on witness' book. Witness summed up the numbers on both sides, which were,—for Mr. Pinhey, three hundred and eighty-four;—for Mr. Lyon, three hundred and thirty-five. Majority: forty-nine in favor of Mr. Pinhey at the close of the Poll. Those were the numbers declared by the Returning Officer—they included all the witness spoke of yesterday.

Witness states that on the oaths administered by the Returning Officer to certain Voters being offered, objections were made to the forms of those oaths, and the Statute Book was shown to the Returning Officer, and the oath pointed out which he should administer, when he (the Returning Officer) pushed the book from him, saying, "damn the law, I want no law here, I am the Judge of this Court." Witness states that the poll was stopped on some occasions, and on one of those occasions, he asked the Returning Officer if he did not think he was acting partially for Mr. Pinhey—when he answered, that his duty was at variance with his feelings: this answer made no particular impression upon witness at the time.—Witness thinks that the Returning Officer acted partially in favor of Mr. Pinhey; because when a Voter presented himself for Mr. Pinhey, the Returning Officer allowed to Mr. Lyon a shorter time to question him, than he allowed to Mr. Pinhey when he questioned those offering to vote for Mr. Lyon.

When the Voter came forward, the Returning Officer asked him to swear if he held his land from the Crown; to this Mr. Lyon objected, and wished to ascertain by what particular title he held his land, but his objections were borne down by the Returning Officer, who said, that if the Voter would swear that he held his land from the Crown, he would receive his vote. The first question put by the Returning Officer to every person coming to vote, was, "How do you hold your lands?" when in some cases Mr. Pinhey advised the Voter not to describe the exact nature of his title; then the Returning Officer usually said, that if he would swear he held his land from the Crown he would receive his vote. After administering the oath, the last question usually asked was, who the voter intended to vote for. In addition, witness states, that previous to the Voters being sworn, the number of the Lot, the Concession; and the Township were usually taken down. Witness thinks that the oaths substituted for that Election, were intended to favor Mr. Pinhey, and that they had that effect.

During the Election Mr. Pinhey applied to the witness's book frequently, for the state of the poll, because he so kept it that the numbers could readily be known.

Whereas the Poll Clerks of the Returning Officer so kept theirs that they had sometimes to add up several pages before they could declare the numbers. These applications at length became so frequent, that witness had recourse to secret numbers, to prevent his being so much troubled about the state of the poll. These applications were made for the purpose of discovering the state of the poll at the time of making them.

The Returning Officers return of Hamnett Pinhey, Esquire, was here read, which, with the Writ of Election, the Clerk of the Crown in Chancery had just delivered at the Clerks table.

Edward Griffin was called by the Counsel for the Petitioners.

States that he is a Clerk in the Office of the Canada Company, that a blank printed paper shown to him by the Counsel, is a form of the letter usually given to persons purchasing land of the Canada Company.

The form of the letter was here delivered to the Clerk of the House, and read by him.

No. _____ Canada Company's Office, }
York.

Sir, I hereby acknowledge the receipt of _____ being the first Instalment of the purchase money for Lot number _____ in the _____ Concession of _____ as also your promissory notes for the _____, remaining Instalments.

You are now at liberty to take possession of the said Lot, and to hold the same; subject however to the condition, that if the above mentioned promissory notes, or any one of them, be not punctually paid, the Canada Company shall be entitled to re-enter the

Minutes of Trial
of Carleton Election