

The House divided on the motion of amendment :

And the names being called for, they were taken down as in the two last preceding divisions.

So it passed in the negative.

Mr. *Rae* then again moved, in amendment to the said Resolution, to leave all out, and insert the following :

"That while the law remains unchanged, to pursue a line of conduct in respect to the seat of Mr. Coles, so diametrically opposite to that pursued in all previous analogous cases, would be of evil tendency, and ought therefore, to be avoided by this House."

The House divided on the motion of amendment :

And the names being called for, were taken down as in the three last preceding divisions.

So it passed in the negative.

Mr. *Rae* again moved, in amendment to the said Resolution, that all be left out, and the following substituted :

"That such determination would further be of evil precedent, as it might be held to invalidate all the Acts passed during the time when the present Speaker of the House of Assembly, the Hon. J. S. Macdonald and Edward Palmer, Esq., presently a Member of the House, all sat as Members of the Assembly, on no other or better tenure of their seats, than Mr. Coles has for his."

The House divided on the motion of amendment :

And the names being called for, were taken down as in the four last preceding divisions.

So it passed in the negative.

Mr. *Le Lacheur* then moved, that the said Resolution be amended, by leaving all out, and inserting the following :

"That supposing the acceptance of a seat in the Executive Council, to vacate the seat of a Member, and considering merely the last Election, it is very clearly laid

down in works treating of the Law of Elections, "If the Sheriff grant a Scrutiny, the return must be made on a vacancy in thirty days, at a General Election, on or before the return day of the Writ,"—(Disney, El. Stat. 150., 25th Geo. 3, cap. 84, sec. 1.) the Returning Officer, in the absence of any particular provision by our Colonial Law for such exigency, ought, in conformity with the Royal Instructions granting a Representative Constitution to this Colony, and with the practice of this and former Assemblies, to have been guided by the Parliamentary law of Great Britain ; and instead of annulling the Election, to have proceeded to the Scrutiny, and, under these circumstances, Mr. Coles having a majority of Votes by the Poll Books, whether regard be had to objected Votes or not, ought to be declared duly elected."

Mr. *Palmer* moved, in amendment to the said proposed amendment, that all after the word "That," be struck out, and the following substituted :

"Whereas, the Act of the General Assembly of this Island, passed in the First year of the Reign of Her present Majesty, cap. 9, prescribes the duty of the Sheriff and Returning Officer, as regards the time, place and manner of proceeding at Elections, to be, that he shall proceed as in and by the Writ of Election, he shall or may be directed ;

*Resolved, therefore,* That as the Writ of Election issued on the Twenty-seventh day of April last, by His late Excellency Lieutenant Governor Huntley, was made returnable in so short a time as the Tenth day of May following, the Returning Officer duly performed his duty by returning it on that day, although the Scrutiny demanded could not be completed within that time—there being no Statute or Law of this Island to authorize the Returning Officer to extend the time for a Scrutiny for the term of Thirty days, as prescribed for the conducting Elections in England, by the Imperial Act of 25th Geo. 3d, cap. 84 ; and this House considering the expense which will be incurred by a new Election for a Member to serve for the First District of Queen's County, extremely regret that His Excellency the late Lieutenant