

Hastings Election.

Which special Return was accompanied by a certain protest of the Honorable Robert Baldwin, and others, marked (A.) herewith enclosed.

Felix Fortier,
Clerk of the Crown in Chancery.

To *W. B. Lindsay, Esquire,* }
Clerk of the Legislative Assembly.

Protoc. To *John Wedderburne Dunbar Moodie, Esquire,*
Returning Officer for the County of *Hastings,*
&c. &c. &c.

Sir,

Take notice that we the undersigned, Candidate and Electors for the County of *Hastings*, have jointly and severally protested, and do hereby jointly and severally protest against your returning *Edmund Murney, Esquire*, as having been elected at the present Election to represent the County of *Hastings* in Provincial Parliament, on the following, among other, grounds:

1. That the Honorable *Robert Baldwin, Esquire*, having on the first day of the said Election been duly proposed and seconded as a fit and proper person to represent the said County of *Hastings* in Provincial Parliament, the shew of hands of the Electors present was duly declared by you to be in favour of the said *Robert Baldwin*: whereupon a Poll was demanded on behalf of the said *Edmund Murney*, and the same being granted, while such Poll was proceeding on the third day of the said Election, and when not more than four hundred and ten out of upwards of fifteen hundred of the Electors of the said County had polled their votes, a riot took place at the Hustings, at which riot the Electors in the interest of the said *Robert Baldwin* were forcibly driven from the said Hustings by a mob consisting of Electors in the interest of the said *Edmund Murney* and others, his friends and supporters, armed not only with clubs, sticks, stones, and other offensive weapons of that kind, but also with swords, knives, fire-arms, and other deadly weapons, which said mob entirely put your authority and that of the Magistrates of the District at defiance, neither you nor they being able to protect the persons of the peaceable Electors in the interest of the said *Robert Baldwin* from insult and injury, or otherwise to keep the public peace; and it in consequence became impossible to proceed with the Poll of the said Election with safety until the arrival of a Military force sufficient to restore the authority of yourself and the Magistrates, and to secure the public peace.

2. That such Military force did not arrive until the evening of the fourth day of the said Election, when you did not think proper to proceed with the Poll of the said Election on that day, but adjourned the same until the following morning.

3. That by means of such riot, and the total inability of yourself or the other public authorities to suppress it or insure the public peace so as to justify you, in your estimation, in proceeding with the Poll, a large number of the Electors of the said County in the interest of the said *Robert Baldwin*, and who would otherwise have come to the Hustings to vote for him, were deterred from doing so; such last mentioned Electors being sufficient of themselves to have placed the said *Robert Baldwin* ahead of the said *Edmund Murney* on the said Poll, had their votes been polled at the said Election.

4. That in consequence of such interruption, an opportunity has not been afforded to the Electors of the said County to Poll their votes at the present

Election, so as to enable you to pronounce that the said *Edmund Murney* has been elected by a majority of the votes of the Electors present at such Election, according to the command of the Queen's Writ.

5. That the said mob having so driven the Electors in the interest of the said *Robert Baldwin* from the said Hustings on the said third day of the said Election, took forcible possession of the said Hustings, and kept such possession until the afternoon of the fifth day of the said Election, (although you were frequently called upon by the said *Robert Baldwin* and his friends to have them removed for the purpose of affording to the Electors in the interest of the said *Robert Baldwin* an equal opportunity of polling their votes,) thereby enabling the Electors in the interest of the said *Edmund Murney* to Poll their votes and place him greatly in advance of the said *Robert Baldwin* on the said Poll, and preventing the Electors in the interest of the said *Robert Baldwin* from having free access to the said Poll, and thus affording the said *Edmund Murney* the advantage of leading the Poll on the fifth and sixth days of the said Election.

6. That there are now present at the close of the Poll, at and about the Hustings, a large number of the Electors of the said County, amounting to upwards of four hundred of such Electors who have not yet polled their votes at this Election, and the greater part of whom being more than sufficient to place the said *Robert Baldwin* in a large majority upon the said Poll, have been long in attendance at the said Poll waiting for an opportunity to poll their votes in his favor, but have not had the opportunity of doing so.

7. That it is admitted as well by yourself as by the Election Committee of the said *Edmund Murney*, by the said *Edmund Murney* himself, by divers Electors in his interest, and divers others of his friends, agents and supporters, and not denied by any that there has not, during the period that the Poll has been open at this Election, been sufficient time for fully polling the votes of the Electors of the said County.

8. That it is your duty, as the Returning Officer, under such circumstances, not to return the said *Edmund Murney* as duly elected, that not being the fact, but on the contrary thereof to make a special Return, setting forth the circumstances which have prevented you from being able to execute the Queen's Writ to you in this behalf directed, according to the exigency thereof.

ROBERT BALDWIN,	W. G. REYNOLDS,
BILLA FLINT, JR.	LYMAN DEFOE,
D. B. SOLE,	DEFOE.

Saturday, 3 o'clock, P. M. }
Belleville, 8th October, 1842. }

On motion of *Sir Allan N. McNab*, seconded by *Mr. Cartwright*.

Ordered, That *Felix Fortier, Esquire*, Clerk of the Crown in Chancery, do appear before this House forthwith, with the Return to the Writ for the election of a Member for the County of *Hastings*, and that he do lay the same before this House.

Return for
Hastings de-
manded.

In conformity to the foregoing order, the Clerk of the Crown in Chancery, did appear and lay before the House the said Return to the Writ for the election of a Member for the County of *Hastings*.

Ordered, That the said Return be referred to a Committee of the whole House on Monday next.