

MONDAY, 6th FEBRUARY, 1837.

At three of the clock, (being the time appointed for considering the Petition of James Flemming, against the Election and Return of Mr. McLellan, the sitting Member for the Township of Londonderry,) the Serjeant at Arms was directed to go to the places adjacent, and require the immediate attendance of the Members, on the business of the House; who, having returned, and reported that he had so done, the House was counted, and forty-five Members being present, (exclusive of Mr. Speaker and the sitting Member,) and all other previous measures prescribed by the Act of the General Assembly, made and passed in the first and second year of His late Majesty's Reign, entitled, "An Act to regulate the Trials of Controverted Elections, or Returns of Members to serve in the House of Assembly of this Province," having been taken, and the Petitioner, James Flemming, and his Counsel, as also Mr. McLellan, the sitting Member, and his Counsel, being in attendance at the Bar of the House, the doors of the House were locked, and the Order of the Day for considering said Petition was read; whereupon, the House proceeded to ballot for a Select Committee, to try the merits of the Election and Return of Glorid Wilson McLellan, Esquire, as a Member for the Township of Londonderry, in the manner prescribed by said Act, when the names of fifteen Members present, (against whose return no Petition was depending, and who did not appear to have voted at said Election,) were drawn, viz:—Mr. Doyle, Mr. McDougall, Mr. Morton, Mr. Archibald, Mr. J. Sargent, Mr. McDonald, Mr. Forrester, Mr. Fairbanks, Mr. Lewis, Mr. Wilkins, Mr. D'Entremont, Mr. Huntington, Mr. Kavanagh, Mr. Annand and Mr. G. Smith; and thereupon, Mr. Uniacke was named by the Petitioner, to be added to the number of those so chosen by lot; and Mr. DesBarres was named by the sitting Member, to be likewise added to the said number; and lists of the fifteen Members so drawn by lot, were given to the respective Counsel of the Petitioner and the sitting Member, who then withdrew, with the Assistant Clerk, in order to reduce the said number so drawn to seven, by alternately striking off the names of Members in said lists, as prescribed by the aforesaid Act of the General Assembly.

Consideration on
Londonderry Election

Order of Day read

Ballotting for Committee

Names drawn

Parties withdraw to
strike Committee

On motion of Mr. Doyle, *resolved*, that a Committee be appointed to search the Journals of the Council, and report to this House the proceedings in Council, in relation to the Resolutions of this House as to the deliberations of the Council with closed doors, communicated to the Council by Conference.

Committee to search
Journals of Council
upon proceedings
on resolutions as to
closed doors

Ordered, That Mr. Doyle, Mr. Chipman and Mr. J. Young, be a Committee for the above purpose.

The Assistant Clerk delivered in to the House the names of the seven Members remaining, after the number drawn by ballot this day, in regard to the Election for the Township of Londonderry, had been reduced according to Law, by the parties alternately striking off names therefrom. And the names of the said seven Members, so delivered in, being read, are as follow, viz:—Mr. Morton, Mr. J. Sargent, Mr. Forrester, Mr. Fairbanks, Mr. Lewis, Mr. Huntington and Mr. Annand; and thereupon, those seven Members last named, together with Mr. Uniacke and Mr. DesBarres, so nominated by the parties as aforesaid, were duly sworn by the Clerk at the Table of the House, "well and truly to try the merits of the Petition referred to them, and a true judgment to give according to the evidence," pursuant to the provisions of the Statute.

List of Londonderry
Election Committee returned

Names of Committee

Committee sworn

Ordered, That the said Select Committee, so formed, do meet on Saturday next at ten o'clock, in the Committee Room of this House, in which the Supreme Court usually sit, for the purpose of hearing and determining the merits of the election and return of Mr. McLellan, taken this day into consideration.

Order for meeting
of Committee

Ordered, That the Petition of James Flemming, and the proceedings upon the Scrutiny of the Londonderry Election returned to this House, be referred to the said Select Committee.

Petition and scrutiny
of Londonderry
Election referred to
Committee

On motion of Mr. Uniacke, *resolved*, that the Sheriff of the County of Cumberland be directed forthwith to return to this House the proceedings upon the Scrutiny of the late Election for the County of Cumberland.

Order on Sheriff of
County of Cumberland
to return scrutiny
of Election for
County of Cumberland*Ordered*,