

present the said County, and thereupon a Poll was duly demanded and granted; that the said Sheriff did not adjourn the said Court after granting the said Poll, as required and directed by the Act of Assembly in that behalf, but contrary to the provisions thereof, he departed from the said Court without adjourning the same, and the said Court was not adjourned; that after the said day had passed the Sheriff gave notice of holding another Court, which he attended, but the said John Creighton declined to attend, and sent a written Protest against the legality of such proceeding; notwithstanding which the said Sheriff declared the said George Ernst and Henry Mignowitz, duly elected Members, to represent the said County of Lunenburg, in the House of Assembly of this Province, and has made Return accordingly—Petitioner submitting that the proceedings of the said Sheriff, in conducting the said Election, were contrary to Law; and that by reason of the said illegal conduct of the said Sheriff in the premises, the Election and Return of the said George Ernst and Henry Mignowitz, as Members for the said County were, and are invalid, and have rendered the whole proceedings null and void, and of no effect; and praying that the Election and Return of the said George Ernst may be declared illegal and void, and that a new Election of Members, to represent the said County, may be ordered to be had, and other relief granted in the premises.

Ordered, That the Petition do lie on the Table.

On motion, *resolved*, That this House will on Monday, the 7th February next, at one of the clock, take into consideration the said Petition complaining of an undue Election for the County of Lunenburg.

Time for Consideration.

MEMORANDUM.—In Pursuance of the Act for regulating the Trials of Controverted Elections or Returns of Members to serve in General Assembly, the like Notices as in former cases were sent to the several Parties with orders for their attendance, by themselves, their Counsel or Agents, at the time on which the said Petition was ordered to be taken into consideration.

Notices sent.

A Petition of The Overseers of the Poor of the First Section of the Township of Picton, was presented by Mr Young, and read, praying reimbursement of certain sums expended in the support of Transient Paupers during the past year.

Per. of Overseers Picton.

Ordered, That the Petition be referred to the Committee on Expenses of Transient Poor.

Refd. to Trans. Poor Com.

At One of the Clock (being the time appointed for considering the Petition of Gloud Wilson McLelan, and another, against the Election and Return of Mr. Wier, the sitting Member for the Township of Londonderry,) the Sergeant-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 eight Members being present (exclusive of Mr. Speaker, and Mr. Wier, the sitting Member) and all other previous measures prescribed by the Act of the General Assembly, made and passed in the Second Year of the reign of Her present Majesty, entitled "An Act for regulating the trials of Controverted Elections or Returns of Members to serve in General Assembly," having been taken, and the respective Counsel for the Petitioners and the sitting Member being in attendance at the Bar of the House, the doors of the House were locked, and the Order of the day for taking into consideration the Petition complaining of an undue Election for the Township of Londonderry was read, whereupon the House proceeded to ballot for a select Committee to try the merits of the Election and Return of John Wier, Esquire, the sitting Member for the Township of Londonderry, in the manner prescribed by said Act, when the following names of fifteen Members present (and not appearing to be under the disqualifications mentioned in said Act) were drawn, viz: Mr. McDougall, Mr. Taylor, Mr. Homer, Mr. Freeman, Mr. McLeod, Mr. Uniacke, Mr. DesBarres, Mr. Whitman, Mr. McNab, Mr. Snow, Mr. Ryder, Mr. Mott, Mr. Budd, Mr. Campbell and Mr. Dimock; and thereupon lists of the fifteen

Consideration of Pet. agt. Londonderry Election.

Names drawn.

Members