

Friday, 24th November, 1854.

The Committee met at 11 o'clock, A. M.

MEMBERS PRESENT,

MICHAEL H. FOLEY, Esquire, *Chairman.*

Mr. Papin,
Mr. Prevost,
Mr. Matheson,
Mr. Larwill.

Félix Fortier, Esquire, Clerk of the Crown in Chancery, appeared before the Committee, and being duly sworn, produced seven Poll Books, the Writ and Return for the last Election for the County of Argenteuil, and three protests, marked A. B. and C. which he declared to be the only documents in his possession connected with the said Election. He also declared that the said writ is signed by him and was tested on the 23rd June last. He has no other means of testifying the fact that *R. Simpson*, Esquire, is the Candidate referred to in the said petition, than by the Poll Books already produced.

The Counsel on both sides admitted, that the Poll Books produced by the Clerk of the Crown in Chancery, proved the Candidates at the said Election.

The Petition of *Sydney Bellingham*, Esquire, referred by the House to this Committee for its consideration, was read, praying that the petition of *Robert Simpson*, Esquire, complaining of the undue Election and Return of him the said *Sydney Bellingham*, Esquire, to represent the County of Argenteuil in this present Parliament, may not be tried, by reason of the insufficiency of the recognizance entered into in that behalf as required by law.

The Counsel for the sitting Member cited the 154th and 155th Sections of the Election Petitions Act of 1851, as also the Election case in England of Power, Rodwell, and Dews, page 180, in support of the Petition just read.

The Counsel for the Petitioner maintained, that all objections to the Petition should be in writing, in support of which, he referred to the 20th Section of the Election Petitions Act.

This was overruled by the Committee, inasmuch as the Petition presented to the House, and received by the same, is referred to the Committee for their consideration.

The Counsel for the Petitioner maintained, that the allegations in the Petition of the omission of the word *his* before *behalf*, was immaterial, and referred to the 10th Section of the above cited Act, "such Recognizance may be in the form or to the like effect as is set forth in the Schedule to this said Act annexed marked A. He also cited actions on Statutes, page 56, Blackstone vol. 1 page 53, 2nd and 3rd clause of 2nd edition, and argued that the duty of the Committee is clearly set forth by Section 73 and 78 of the Elections Petitions Act, and that the decision of the Speaker shut out the party from all subsequent proceedings and cited Clerk on Election Petitions, page 16.

The parties then withdrew.

The Committee deliberated for some time and unanimously decided,

1st. That the Petition of the sitting Member referred to, is regularly before the Committee.

2nd. That the objections contained in the Petition of the sitting Member were not made within the time nor in the manner required by the 20th and 21st Sect. of the Election Petitions Act.