

APPENDIX

	Lot.	Conces.	Township.
10 Robert Jamieson,.....	14	1	March.
N. W. half sold to Adam Jamieson, but no deed given; other half unsold.			
11 Andrew Argue,.....	14	3	Huntley.
W. half sold, but no deed given.			

TOWNSHIP OF MARCH.

14th Lot 3rd Concession,
3rd " 2nd "
8th " 4th "

No deed issued for these three Lots.

This witness states that he is in the Canada Company's service, and that all the Lots mentioned by him here now, belong to the Canada Company.

Mr. Samson, seconded by Mr. Chisholm, moves that the further consideration of the Controverted Election for the County of Carleton, be deferred until Monday next, at two o'clock, P. M.

Ordered.

MONDAY, 14TH JANUARY, 1833.

Mr. Radenhurst, Clerk in the Surveyor General's Department, was called by the Counsel for the Petitioners, who came to the Bar, and having looked at the lists put in by Mr. Macdonald, of the Canada Company, states that part of the Lands mentioned in those lists has been described to the Canada Company, and part has not—they all belong to the Canada Company—and no description has issued for the Lands mentioned in those lists to any other person or persons than to the said Company.

Captain Lewis, a Member of the House, called on in his place, —was present at the Election, but not often in the room: was a friend of Mr. Lyon on that occasion: never heard Mr. Lyon expressing any intention to withdraw from the contest: did not observe many voters present on the fourth day of the Election: from his knowledge of the County of Carleton, is of opinion that all the voters therein might have polled within the four days with convenience: he considers that considerably more votes were polled at the Election than there were freeholders in the County: heard Mr. Lyon say that he would protest against the Election, in consequence of Location Ticket votes and others which were illegal having been received: was present and heard Mr. Radenhurst protest against the return—this was immediately after the close of the Poll: is of opinion that there are five hundred freeholders in the County who have a right to vote, he merely includes residents.—Witness observes by the last population returns, that the County of Carleton is stated to contain upwards of seven thousand inhabitants, including the Township of Macnab, which does not belong to it; there are seven Townships in the County; he thinks Nepean is the most populous. He believes there are nearly two hundred voters in the Township of Goulbourn: thinks there are not so many freeholders in Nepean: knows Captain Monk: he is resident in the Township of March upwards of eleven years: the greater part of the military settlers have been there about the same time.

James Johnston called by the Counsel for the Petitioners: was present when Captain Monk voted at the last Election for the County of Carleton. When he (Captain Monk) came forward, he claimed to vote on a Location Ticket, to which Mr. Lyon objected, and said that if he persisted he would have him sworn—when he (Capt. Monk) appeared very unwilling to be sworn—he yet took the book, and did swear. The oath administered to Capt. Monk, to the best of Witnesses recollection, was, "that he was twenty-one years of age; that he had not, before, voted at the Election—and that he held his Lands from the Crown."

Being questioned by Mr. Draper, Counsel for the sitting Member, Witness states that when Captain Monk first spoke, he said he held his Land by Location; that it was Mr. Lyon who first used the word "Ticket," and said he would insist on his being sworn if he persisted in voting on a Location Ticket, and Capt. Monk then said that he would vote on it: never recollects the words "Location or Location Ticket" being used in any oath administered by the Returning Officer: does not recollect the words "by grant" having been used in any oath administered: has no recollection of any distinction having been made in the oath administered to persons holding by Location Ticket and those holding by grant from the Crown; there might have been a distinction, but he does not now recollect any: has no further recollection of the oaths administered than that the voters swore to being twenty-one years of age: that they had not, before, voted at the Election; and that they held their Lands from the Crown. Witness does not recollect certainly whether he signed the Petition against the return of Mr. Pinhey or not.

The Counsel for the Petitioners here closed his case.

Mr. Draper, Counsel for the sitting Member, being called on by the Speaker to proceed in the defence, stated that he was not ready to enter on the same.

Mr. Samson, seconded by Mr. Elliott, moves that the further consideration of the Controverted Election for the County of Carleton, be deferred until to-morrow, at two o'clock, P. M.

Ordered.

TUESDAY, 15TH JANUARY, 1833.

Agreeably to the Order of the Day, the trial of the Carleton Election was called.

Minutes of Trial of Carleton Election:

APPENDIX

Mr. Draper, Counsel for the Sitting Member, opened the defence.

Mr. Bidwell, seconded by Mr. Perry, moves, that it be resolved that the Counsel at the Bar be directed not to argue the question of the admissibility of votes which depend merely on Location Tickets.

On which the yeas and nays were taken as follows:

YEAS.—Messieurs.

Bidwell,	Elliott,	McDonald, A.	Randal,
Buell,	Fraser, Alex'r.	McDonald, D.	Shade,
Campbell,	Hornor,	Macnab,	Shaver,
Clark,	Howard,	Merritt,	White,
Cook,	Jones,	Morris,	Willson, J.
Crooks,	Ketchum,	Mount,	Wilson, W.—27.
Duncombe,	Lewis,	Perry,	

NAYS.—Messieurs.

Attorney General,	Boulton,	Brown,
Samson,	Solicitor General,	Vankoughnet,—6.

The Question was carried in the affirmative, by a majority of twenty-one, and it was ordered accordingly.

The Counsel then proceeded in the case as far as he was prepared.

The Attorney General, seconded by Mr. J. Willson, moves, that the further consideration of the Contested Election for the county of Carleton, be postponed until to-morrow at 12 o'clock.

In amendment, Mr. Bidwell, seconded by Mr. Lewis, moves, that the following words be added; and that the sitting member not being now prepared with any evidence, the House will then proceed to give its judgment on the petition.

On which the yeas and nays were taken as follows:—

YEAS.—Messieurs.

Bercy,	Duncombe,	McDonald, A.	Roblin,
Bidwell,	Elliott,	McDonald, D.	Shade,
Boulton,	Fraser, Alex'r.	Macnab,	Shaver,
Brown,	Hornor,	Merritt,	Vankoughnet,
Buell,	Howard,	Morris,	Werden,
Burwell,	Jones,	Mount,	White,
Campbell,	Ketchum,	Perry,	Willson, J.
Clark,	Lewis,	Randal,	Wilson, W.—33.
Cook,			

NAYS.—Messieurs.

Attorney General,	Crooks,	Solicitor General.
-------------------	---------	--------------------

The question of amendment was carried in the affirmative by a majority of thirty.

The original question as amended was then put and carried as follows:—

"That the further consideration of the Contested Election for the county of Carleton, be postponed until to-morrow at 12 o'clock, and that the sitting member not being now prepared with any evidence, the House will then proceed to give its judgment on the Petition."

WEDNESDAY, 16TH JANUARY, 1833.

Agreeably to the Order of the Day, the Carleton Election was called.

Mr. Lewis, seconded by Mr. Roblin, moves, that it be resolved, that it appears to this House, by the evidence of Anthony Philip, and others, and also of Henry Edwards, the Returning Officer, at the late election for the county of Carleton, that Hamnett Pinhey, Esquire, was not duly elected, and that George Lyon, Esq. a Candidate at the election, had a majority of legal votes on the Poll Book, and ought therefore to have been returned as a member, to represent the said county of Carleton.

On which the yeas and nays were taken as follows:—

YEAS.—Messieurs.

Berczy,	A. Fraser,	McMartin,	Samson,
Bidwell,	Hornor,	Macnab,	Shade,
Buell,	Howard,	Merritt,	Shaver,
Campbell,	Jones,	Morris,	Thomson,
Chisholm,	Ketchum,	Norton,	Vankoughnet,
Clark,	Lewis,	Randal,	Werden,
Cook,	A. McDonald,	Robinson,	White,
Duncombe,	D. McDonald,	Roblin,	W. Wilson—33.
Elliott,			

NAYS.—Messieurs.

Atty. General,	Burwell,	Jarvis,	Mount,	Sol. General,—5.
----------------	----------	---------	--------	------------------

The question was carried in the affirmative, by a majority of twenty-eight.

Mr. Lewis, seconded by Mr. Crooks, moves, that it be resolved, that the Clerk of the Crown in Chancery, be directed to attend at the Bar of this House with the Writ of Election for the County of Carleton, together with the Return, and that the Speaker do direct him to amend the said Return, by striking out the name of Hamnett Pinhey, Esq. and inserting that of George Lyon, Esq.

Ordered.

Minutes of Trial of Carleton Election.