

Petition of divers inhabitants of the county of Frontenac, complaining of the election of Henry Smith, Jr. Esquire

That at the election of such member, held at *Kingston*, on *Monday*, the 5th day of *March* last, *Henry Smith*, Jun., Esq., and *James Mathewson*, Esq., were, respectively, proposed as candidates to represent said county in such Legislative Assembly; and *Thomas Kirkpatrick*, Esq., of *Kingston*, aforesaid, elected as the Returning Officer and President at the said election.

That the said *Henry Smith*, by means of bribes, treats, rewards, or favours, or promises of bribes, treats, rewards, or favours, paid, given, or ordered, or promised to be paid or given by himself, or by others, as his friends, agents, committees, or supporters, to divers freeholders and electors of the said county; and by threats and intimidation, and other corrupt and illegal acts, induced certain of such Electors to tender their votes at the said Election for him the said *Henry Smith*; and the said *Thomas Kirkpatrick* admitted the votes of such Electors for the said *Henry Smith*.

That the said *Henry Smith*, by reason of such bribes, treats, or favours, or promises thereof; and by the said threats and intimidation, and other corrupt and illegal conduct became, and was, and is disqualified from sitting in this present Parliament, as a Member of the Legislative Assembly, and ought not to have been returned as the member for the said county at the late election.

That during the said election the said *Thomas Kirkpatrick* conducted himself, as such Returning Officer, in an arbitrary, illegal, partial, and overbearing manner, in order to intimidate the electors at the said election, and to favour the said *Henry Smith*, and that, by reason thereof, freeholders desirous of tendering and recording their votes in favour of the said *James Mathewson* were prevented from so doing, and the said *Thomas Kirkpatrick*, during the said election, and contrary to law and the usage and practice at elections in this Province, and without any sufficient cause, removed, or caused to be removed from the Hustings the Counsel, Scrutineer, and Inspector of the said *James Mathewson*, and deprived the said *James Mathewson* of the benefit and assistance of the said Counsel, Scrutineer, and Inspector, and the said *Thomas Kirkpatrick*, by the rejection of good votes tendered for the said *James Mathewson*, and also by his arbitrary, partial, illegal, and overbearing conduct, and by the said *Thomas Kirkpatrick* so depriving the said *James Mathewson* of the benefit and assistance of the said Counsel, Scrutineer and Inspector, induced the said *James Mathewson* to relinquish the contest when many votes remained unpolled; and the said *Thomas Kirkpatrick*, illegally and improperly returned the said *Henry Smith* as duly elected, although the said *Henry Smith* was and is disqualified as above set forth from sitting in the said Legislative Assembly, and the majority on the poll in favour of the said *Henry Smith* was only collusive and colourable, and the said *James Mathewson* was, and is, entitled to the majority of the good and legal votes, and would have been returned by a majority of the legal votes in said county but for the illegal and improper conduct aforementioned, and praying the House to enquire into the merits of the said election and the conduct of the said *Henry Smith* and of the said Returning Officer, and either to amend the return by inserting the name of the said *James Mathewson*, instead of the said *Henry Smith*, or to cause a new writ to be issued for the election of a fit and proper person to represent the said county in place of the said *Henry Smith*. And also praying that petitioners may be allowed to offer evidence in support of the allegations set forth, before the committee to be appointed for the trial of the matter of this petition.

*Ordered*—That the said Petition do lie upon the table.