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MINUTES

OF THE

EVIDENCE AND PROCEEDINGS

OF THE

SELECT COMMITTEES

ON THE

Saguenay, Argenteuil, Kamouraska, and Cabou CONTESTED ELECTIONS.

Printed by Order of the Legislative Assembly.



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1855.

MINUTES OF THE PROCEEDINGS
OF THE
COUNTY OF SAGUENAY ELECTION COMMITTEE.

1ST SESSION, 5TH PARLIAMENT, 1854.

COMMITTEE :

ANGUS MORRISON, Esquire, *Chairman*;

Joseph Laporte, Esquire,
Joseph Hartman, Esquire,
William L. Felton, Esquire,
Alexander T. Galt, Esquire.

COMMITTEE ROOM, LEGISLATIVE ASSEMBLY,
Saturday, 11th November, 1854.

THE SELECT COMMITTEE appointed to try the merits of the Petition of **JEAN LANGLOIS**, Esquire, a candidate at the last election for the County of Saguenay, complaining of the undue election and return of **PIERRE GABRIEL HUOT**, Esquire, as a Member to represent the said County in the present Parliament, met this day, pursuant to the order of the House, at the hour of Eleven, in the forenoon.

MEMBERS PRESENT :

ANGUS MORRISON, Esquire, *Chairman*.

Mr. Hartman,
Mr. Galt,
Mr. Laporte,
Mr. Felton.

Jean Langlois, Esquire, the Petitioner, appeared in his own behalf.
Mr. Plamondon, appeared on behalf of the sitting member.
The Petition was read.
On application of *Mr. Plamondon* it was
Ordered that he be furnished with a copy of the Petition.

Ordered—That the sitting member be allowed till Monday next, at 10 o'clock, A.M., to answer the allegations of the Petition.

Ordered—That the consideration of making an order for the fying of the Lists of objected Votes be deferred till Monday next.

The Committee having had their attention called to the large number of votes represented as having been polled in the Parishes of St. Urbain, St. Etienne, St. Agnes, St. Fidèle, and Les Eboulements.

Ordered—That the Petitioner and the sitting Member be required, on Monday, to adduce evidence, before the Committee, as to the population of the said several Parishes.

Ordered—That the Clerk of the Crown in Chancery be summoned to attend on Monday, and produce the Writ of Election, the Return, and the Poll Books for the last Election for the County of Saguenay.

The Committee then adjourned till Monday, at 10 o'clock. A.M.

Monday, 13th November, 1854.

THE Committee met at 10 o'clock, A.M.

MEMBERS PRESENT:

ANGUS MORRISON, Esquire, *Chairman* ;

Mr. Galt,
Mr. Hartman,
Mr. Felton,
Mr. Laporte.

THE Minutes of the last Meeting were read.

John Gleason, Esquire, fyled a power of Attorney from the sitting member to act as Counsel in his behalf.

Mr. *Plamondon*, for the sitting Member, fyled a Factum, answering to the allegations contained in the Petition; also, the Deed of Sale, upon which the sitting Member was qualified to be a candidate at the last Election, and a Certificate from the Returning Officer stating that he had received from Mr. Huot the sitting member, his qualification to be a candidate at the late Election.

Mr. *Plamondon* also fyled a statement shewing the number of Proprietors in each Parish in the County of Saguenay, according to the census of 1851-2 and the number of votes polled at the previous Election, in each of the said Parishes.

It was admitted, in behalf of the Petitioner, and the sitting member, that the printed census fyled by Mr. *Plamondon* was a correct census of the population of the County of Saguenay in 1851-2, and that there has been no material increase, upon the numbers therein stated, since that time.

Felix Fortier, Esquire, Clerk of the Crown in Chancery, called, and, being duly sworn, deposed as follows:—

IN accordance with the order of the Committee I produce the Writ of Election for the County of Saguenay and the Return thereto and the several Poll-books, ten in number, which were received by me from the Returning Officer, to the best of my recollection, on the twenty-ninth of August last.

In what state was the supposed Poll-book for the Parish of St. Fidèle, when it was returned to you?—In the state that it is now, the affidavits not being at-

tached to the Poll-book and being loose inside the book. The affidavit of *McLaren*, being a sworn certificate of the correct keeping of the Poll-book, was then attached to the other affidavits, but not to the Poll-books. It has since become detached from the other affidavits by accident.

The sitting member declined questioning the witness.

Mr. *Plamondon* fyled a motion to the effect, that the Petitioner be held to produce the titles of the property or properties upon which he was qualified to be a Candidate at the last Election, the consideration of which motion was deferred.

Adjourned till to-morrow at half-past ten o'clock A. M.

Tuesday, 14th November, 1854.

THE Committee met at half-past ten o'clock A. M.

MEMBERS PRESENT.

ANGUS MORRISON, Esquire, *Chairman*.

Mr. Laporte,
Mr. Felton,
Mr. Hartman,
Mr. Galt.

THE Minutes of yesterday were read.

Mr. *Langlois* fyled the titles of the properties upon which he was qualified to be a Candidate at the late election.

On application of Mr. *Gleason*, it was

Ordered That the sitting member be allowed till the day after to-morrow, to examine the qualification of the Petitioner and for the fying of his objections thereto.

The consideration of the order concerning the fying of the lists of objected voters, was deferred till to-morrow.

Charles Duberger, Esquire, Registrar of the first division of the County of Saguenay, and Returning Officer at the late Election for that County, was called and, being duly sworn, did depose and say :

I was Returning Officer at the last Election for the County of Saguenay, as Registrar of the first division of the said County.

Look at the Poll-books for the several Polls held in the County of Saguenay at the late Election, and say whether they are, or are not in the same state as when you received them from the respective Deputy Returning Officers of the said County?—I have examined the several Poll-books, and they are in the same state as when I received them from the several Deputy Returning Officers.

Were they in the state they now are when you returned them to the Clerk of the Crown in Chancery?—Yes.

In what capacity did Jean Gagné act during the late election for the county of Saguenay, and was he or was he not to your knowledge an agent or partisan of either of the candidates?—I do not know in what capacity he acted nor whether he was an agent of either party, but I know that he was a partisan of the sitting member.

Did *Jean Gagné* produce any authority from *John McLaren*, Deputy Returning Officer for the Parish of Ste. Fidèle, when he returned you the Poll Books for the said Parish as mentioned in your special return?—No.

Under what circumstances and in whose presence did *Jean Gagné* return the Poll Book to you?—*Mr. Gagné* returned the Poll Book to me in the presence of about one hundred and fifty, or two hundred, persons, in an apparently peaceable manner at the Parish of Les Eboulements.

These persons were all supporters of *Mr. Huot*, and accompanied *Mr. Gagné*. This was on the fourth of August last, one or two persons only in the interest of the other candidate were present.

Were any threats or attempts at intimidation used by that party on that occasion?—None were made on that day.

Were there any threats used on any other occasion, and when?—Yes. About four or five days previous some threats were made, but not by *Jean Gagné*. These threats did not refer to me, but had reference only to one of the candidates and I was not intimidated by them.

[By the *Counsel for the sitting member*.]

Have you been requested by the Petitioner to make a Special Return?—I was advised by *Mr. Langlois* so to do. It was I who drew up the said Special Return.

Did you examine the Poll Book of Ste. Fidèle in the presence of *Mr. Jean Gagné* and of *Alfred Hamel*, and when?—On the day of the return I examined it with *Gagné*, and two or three days after I examined it with *Mr. Hamel*.

When you examined the books on the day of the return and on the second occasion in the presence of *Hamel*, were the affidavits annexed to the book or not.

[This question was objected to on the part of the Petitioner. The objection held good by Committee.]

Did you examine the Poll Books on the day of the return in the presence of any other person and of whom?—On the same day, but after the proclamation, I examined it with *Mr. Ed. Stevin*, of the Parish of Les Eboulements.

This examination was adjourned till to-morrow.

At half-past eleven A. M. the Committee adjourned till to-morrow at half-past ten o'clock A. M.

Wednesday, November 15, 1854.

THE Committee met at half-past ten o'clock, A. M.

MEMBERS PRESENT:

ANGUS MORRISON, Esquire, *Chairman*.

Mr. Laporte,
Mr. Felton,
Mr. Hartman,
Mr. Galt.

THE Minutes of yesterday were read.

The consideration of the order for the fying of the lists of objected voters was deferred until to-morrow.

The examination of *Charles Duberger*, Esquire, was resumed:—

WHERE do you reside?—In the Parish of Les Eboulements.

How long have you resided in the County?—For about ten or eleven years.

Are you acquainted with the Parishes of Ste. Agnes, Ste. Fidèle, St. Urbain, Malbaie and Les Eboulements?—I am.

Did you receive the Poll Book of St. Urbain from the Deputy Returning Officer?—That Book was remitted to me by Mr. *Edward Stevin*. The Deputy Returning Officer was not present when he returned me the Poll Book. He was a partisan of Mr. *Langlois*.

Did you examine the Poll Book when you received it, and if not, state when and whether there was anything in the said Book that particularly attracted your attention?—I did not examine it when it was returned to me, but did so on the next day. I then remarked that the number of votes recorded in that Book was greater than it ought to be, in the Parish of St. Urbain.

Was it your opinion that by far the greater number of votes in that Book were entered by fraud?—It was.

What number of persons do you think there are in that Parish who are entitled to vote?—About two hundred.

After receiving the Book, had you any communication with the Deputy Returning Officer at St. Urbain?—I had none.

Did you receive the Poll Book of Ste. Agnes from the Deputy Returning Officer?—I did.

Did you examine it at the time, and was there anything in the said Book that particularly attracted your notice?—I did examine it, and what attracted my attention was, that the number of votes by far exceeded the population.

Did you demand or receive any explanation from the Deputy Returning Officer, with regard to the circumstance of the excess of votes?—The Deputy Returning Officer handed me the Book, and said, “Here is the Book, I know that there are far more votes than there should be—what is done is done;” “ce qui est fait est fait.”

What number of legal votes do you suppose there are in the Parish?—Between two or three hundred.

Did you examine the Poll Book of Malbaie from the Deputy Returning Officer?—I did.

Did you examine it at the time, and was there anything in the said Book that particularly attracted your attention?—I did, and what attracted my attention was, that the number of votes by far exceeded the number of legal voters.

Did you demand or receive any explanation from the Deputy Returning Officer with regard to the circumstance of the excess of votes?—The Deputy Returning Officer said that there was far too great a number of votes. He said that children of all ages had been made to vote.

Were the affidavits attached to the Poll Books of St. Agnes, St. Urbain and St. Etienne, when they were returned to you?—They were attached.

What number of legal votes do you suppose there are in the Parish of St. Etienne?—About four or five hundred, or thereabouts.

Did you receive the Poll Book of Les Eboulments from the Deputy Returning Officer?—I did.

Did you examine it at the time, and was there anything in the said Book that particularly attracted your attention?—I did, and what attracted my attention was that the number of votes recorded in the Book by far exceeded the number of legal voters.

Did you demand or receive any explanation from the Deputy Returning Officer with regard to the circumstance of the excess of votes?—The Deputy Returning Officer, after acknowledging the fact, said, it was a dirty affair altogether.

Did the Deputy Returning Officer and the Poll Clerk, take the affidavits at the time of returning the Poll Books?—They took it the same day.

Was there any rioting during the time of the Polling or at its closing?—There was no actual rioting.

Did any of the Deputy Returning Officers complain of violence or threats being used towards them during the polling days?—They did not do so to me.

When was the Poll Book for Les Eboulements delivered to you?—Immediately at the close of the Poll. The Deputy brought it to me at my house.

Were you not aware, at the time of declaring the result of the election, that a vast majority of the names recorded in the Poll Books were fraudulent?—I was aware of it.

Why did you not make a Special Return with regard to the said five Parishes inclusive of St. Fidèle?—Because I was not advised so to do, and the reason why I did so in the case of the Parish of St. Fidèle was, because the said Book was not signed by the Deputy, and otherwise in an improper form.

By the Council for Sitting member.

Have you any and what reasons to believe that the names inscribed in the Poll Book of St Urbain were not taken within the polling hours?—I have reason to believe so, because the great number of votes inscribed thereon could not have been taken in so short a time by one person and because the book was kept many days after the closing of the Poll by the Deputy Returning Officer.

Look at the Poll Book for St. Urbain and state whether there is any thing in it in the hand writing of the Deputy Returning Officer?—I do not recognize any of the Deputy's hand writing in it.

Look at the third page of the *cahier* annexed to the Poll Book of St. Urbain and state whether you recognize any of the hand-writing therein and where is it? Two or three of the first names are to the best of my knowledge and belief in the hand writing of Dr. *Boudreau*, of St. Paul's Bay, with whose hand-writing I am conversant. The other hand-writing I do not recognize. I do not know the hand writing of the Poll Clerk of St. Urbain. There is a great variety of hand-writing in the said Poll Book.

Cross-examined by the Petitioner.

Which names do you recognize as those written by Dr. *Boudreau*?—The names "Adam Sinard and Etienne Dupras" the two first names on the third page of the said *cahier*.

Do you know the hand-writing of *Jean Gagné* of the Parish of St Etienne de la Malbaie, Esquire, Notary?—I do.

Do you know any persons whose hand-writing you recognize in the Poll Book of St. Fidèle, and state where?—Yes, I see in the Poll Book of St. Fidèle, some writing which to the best of my knowledge and belief, is the hand-writing of the said *Jean Gagné*, Esquire of the Parish of St. Etienne de la Malbaie, Notary, and amongst that hand-writing and the names that I recognize as being written by the said *Jean Gagné*, in the said book, are the names, and supposed votes, from number 1700 to 1760. I notice also that the numbers set opposite the names from the beginning of the books, to the end of the last *cahier*, are all in the hand-writing of the said *Jean Gagné*, as also the total addition 4433. There are also several other hand-writings in the said book which I do not recognize.

Re-examined by the Committee.

Did any, and what person, either on behalf, or in the interest of the Petitioner or sitting member, make any enquiries from you, on or before the 3rd August, in reference to the state of the different polls, and did you give them the information required?—Yes, to the best of my recollection, either *Alfred Hamel*, or *Louis Lavoie*, or both, made some enquiries respecting the state of the polls, and were permitted to see the books in my possession, those for Ste. Fidèle, Ste. Agnes, St.

Urbain, and possibly that of La Malbaie, not having been as yet returned to me. On the day first appointed for the Declaration, I gave the state of all the polls with the exception of that of Ste. Fidèle, which had not yet been returned to me. I gave the said statement to Mr. *Antoine Guay*, St. Etienne de la Malbaie, Deputy Returning Officer for St. Agnes. At the time of giving the information, the Poll Book for St. Urbain was in my possession, but not yet opened, I was aware of the number of votes polled in that parish by general rumour.

When you sent the several poll books to the respective Deputy Returning Officers, did you enclose a copy of the election law, to each of them?—I did.

What was the standing and educational capacities of the Deputy Returning Officers for the parishes of Ste. Fidèle, St. Urbain, Ste. Agnes, Les Eboulements and St. Etienne?—The Deputy Returning Officers for Ste. Fidèle, Ste. Agnes, Les Eboulements and St. Urbain, who are, *John McLaren* of Ste. Fidèle Farmer, Justice of the Peace and Postmaster; *Michael McCarty* of St. Paul's Bay, Schoolmaster; *Antoine Guay* of Malbaie, trader's clerk and student at law; *Louis Lavoie* of Les Eboulements, Notary Public; are all educated men, and speak and write both languages; *Edouard Tremblay* of Malbaie, Notary, Deputy Returning Officer for St. Etienne, is also an educated man, but only speaks the French language.

Was it or was it not generally understood in the County of Saguenay, at or before the time of the declaration of the election, that a very large number of illegal votes were being, or had been fraudulently inscribed in the poll books for both candidates?—It was so generally understood.

Have you had any conversation with any of the Deputy Returning Officers since the election, concerning the extraordinary amount of votes recorded, and if so, state with whom, and what the conversation was?—I had conversation with Mr. *Lavoie*, Deputy Returning Officer for Les Eboulements, and he stated, that to his knowledge, several individuals had voted at the poll of Les Eboulements at different times, under different names.

Have you any information which you could put before the Committee, tending to shew who were the parties guilty of fraudulently inscribing the pretended votes on the poll books, in the five polling places above mentioned?—No.

Will you state to the Committee the reasons why, under all the circumstances, you did not consider it your duty to make a special return of the facts?—Because all the other Poll Books, except that of Ste. Fidèle had been regularly remitted to me, signed and certified according to law, and I did not therefore consider it my duty to treat them as illegal or to go into any scrutiny regarding them.

The Committee then adjourned till to-morrow at ten o'clock, A. M.

Thursday, November 16, 1854.

THE Committee met this day at ten o'clock A. M.

MEMBERS PRESENT :

ANGUS MORRISON, Esquire, Chairman.

Mr. Laporte,
Mr. Felton,
Mr. Hartman,
Mr. Galt.

THE Petitioner filed a Statement shewing the number of legal voters in each Parish of the County of Saguenay.

The consideration of the order, for the fying of the lists of objected voters, was again deferred till to-morrow.

Mr. *Felton*, seconded by Mr. *Galt*, moved to Resolve,

Firstly.—That the first part of the Petition of *Jean Langlois*, Esquire, which complains of the undue Return of *Pierre Gabriel Huot*, Esquire, as Member for the County of Saguenay, and the answer of the said *Pierre Gabriel Huot*, Esquire, thereto, and the evidence adduced by the said parties in support of the said part of the said Petition and of the said answer, contain sufficient grounds to enable this Committee to dispose of the said Petition and of the Election complained of, and this Committee does not deem it expedient to proceed to the further consideration of the other matters contained in the said Petition and answer.

Secondly.—That, in the opinion of this Committee, the Poll Book for the Parish of St. Fidèle, in the said County of Saguenay, was, after the hours of polling of the second day of the said Election, and before the same was returned to the Returning Officer of the said County, collusively dealt with, and four thousand pretended names were fraudulently and illegally inscribed thereon as votes for the said *Pierre Gabriel Huot*, Esquire, and that the said Poll Book was not at any time returned to the said Returning Officer by *John McLaren*, Deputy Returning Officer for the said Parish of Ste Fidèle, but was on the fourth day of August last delivered to the said Returning Officer, by *Jean Gagné*, of the Parish of St. Etienne de la Malbaie, Notary Public, without any authority from the said *John McLaren*, and after the said Poll Book had been, as aforesaid, collusively dealt with, and that it is the opinion of this Committee that the said *John McLaren* and the said *Jean Gagné*, were privy to the said collusive dealing with the said Poll Book.

Thirdly.—That it is the opinion of this Committee that the Poll Book for the Parish of St. Urbain, in the said County of Saguenay, contains three thousand two hundred, and upwards, of pretended names, which have been fraudulently and illegally inscribed thereon, out of polling hours, as votes for the said *Jean Langlois*, Esquire, the Petitioner, and that *Michael McCarty*, Deputy Returning Officer for the said Parish of St. Urbain, was privy to the said fraudulent and illegal inscribing of names on the said Poll Book for the said Parish of St. Urbain.

Fourthly.—That, in the opinion of this Committee, a large proportion of the names inscribed on the Poll Books for the Parishes of Les Eboulements, St. Etienne and Ste Agnes, were fictitious names, illegally and fraudulently inscribed thereon, as legal votes, for the said Candidates at the said Election; and that *Louis Lavoie*, Deputy Returning Officer for the said Parish of Les Eboulements, *Edouard Tremblay*, Deputy Returning Officer for the said Parish of St. Etienne, and *Antoine Guay*, Deputy Returning Officer for the said Parish of St. Agnes, were privy to the said fraud and illegal proceedings within their respective Parishes.

Fifthly.—That, in the opinion of this Committee, a gross breach of the privilege of the Honorable the Legislative Assembly of this Province, has been committed by the said *John McLaren*, *Michael McCarty*, *Jean Gagné*, *Louis Lavoie*, *Edouard Tremblay* and *Antoine Guay*, and this Committee recommend that the said parties be taken into the custody of the Sergeant at Arms, and be further punished in such manner as the said Legislative Assembly may deem proper.

Sixthly.—That, in the opinion of this Committee, it is expedient that directions, by the proper authorities be given to the Law Officer of the Crown, to prosecute to judgment and punishment, the parties who have been guilty of the said offences of fraudulent and illegal dealing with the said Poll Books of the said several Parishes of Ste. Fidèle, St. Urbain, St. Agnes, St. Etienne and Les Eboulements.

Seventhly.—That, in the opinion of this Committee, the said frauds and illegal proceedings were systematically practised by both parties and were generally known and apparently not discountenanced by the inhabitants of the said County generally.

Eighthly.—That the aforesaid gross frauds so openly practised on both sides at the said Election, which resulted in the inscribing on the several Poll Books of the Parishes of the County of Saguenay, fourteen thousand three hundred and nineteen votes, and while the written statements laid before this Committee by the said *Pierre Gabriel Huot* and *Jean Langlois*, Esquires, concur in limiting the whole amount of legal voters at sixteen hundred and sixty-four, it is imperative on this Committee to declare the said Election void.

Ninthly.—That *Pierre Gabriel Huot*, Esquire, is not duly elected to serve in this present Parliament for the County of Saguenay.

Tenthly.—That the last Election for the said County is illegal and void.

Eleventhly.—That while this Committee is willing to acquit the Returning Officer of acting illegally or partially from corrupt motives, yet they feel themselves called upon to express their regret that he should not in his Special Return, have noticed the other facts of fraud and illegal proceedings of which he appears to have been aware, characterised the whole Election.

Twelfthly.—That no evidence has been laid before this Committee proving the complicity of either Candidate in the aforesaid frauds and illegal proceedings, and it is therefore declared that neither the Petition of the said *Jean Langlois* nor the defence of the said *Pierre Gabriel Huot*, is, in the opinion of this Committee, frivolous or vexatious.

The above Resolutions having been put to the vote were unanimously carried. The Committee then adjourned till to-morrow at half past ten A. M.

Friday, November 17, 1854.

THE Committee met at half-past ten o'clock, A. M.

PRESENT :

ANGUS MORRISON, Esquire, *Chairman.*

Mr. Laporte,
Mr. Felton,
Mr. Hartman,
Mr. Galt.

Ordered, that the Resolutions of yesterday be reported to the House as the final determination of the Committee.

Attest,

W. P. POWER,
Clerk to the Committee.

MINUTE OF THE PROCEEDINGS.
OF THE
COUNTY OF ARGENTEUIL ELECTION COMMITTEE.

1st. SESSION, 5th PARLIAMENT, 1854.

COMMITTEE:

MICHAEL HAMILTON FOLEY, Esquire, *Chairman.*

Joseph Papin, Esquire.
 Donald Matheson, Esquire.
 Gédéon Prévost, Esquire.
 Edwin Larwill, Esquire.

COMMITTEE ROOM, LEGISLATIVE ASSEMBLY,
Thursday, 23rd November, 1854.

THE Select Committee appointed to try and determine the merits of the Petition of *Robert Simpson*, Esquire, a candidate at the last Election for the County of Argenteuil, complaining of the undue Election and Return of *Sydney Bellingham*, Esquire, as a member to represent the said County in the present Parliament, met this day, pursuant to the order of the House, at eleven o'clock in the forenoon.

MEMBERS PRESENT:

MICHAEL HAMILTON FOLEY, Esquire, *Chairman.*

Mr. Papin,
 Mr. Larwill,
 Mr. Matheson,
 Mr. Prévost,

Read the Petition.

Malcolm McLeod, Esquire, appeared as Counsel for the Petitioner.

Andrew Stuart, Esquire appeared as Counsel for the sitting member.

Mr. *Stuart* applied for a delay of three weeks in order that the sitting member should have sufficient time to prepare his list of objected voters.

Upon deliberation, and with the consent of the Counsel for the Petitioner, the Committee granted the said delay.

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.

3rd. That not having been so made, and the Speaker having reported the recognizance to be unobjectionable, the report of the Speaker thereon as provided by the statute, must, in the opinion of this Committee, be considered as final and conclusive to all intents and purposes.

The Counsel for the Petitioner applied for a summons to be forwarded to the Returning Officer in this case.

The Counsel for the sitting Member objected to this course of proceeding, urging that should a commission issue the Returning Officer might be examined before the commission, thereby saving time and expense.

The Counsel for the Petitioner withdrew his application for the present.

Adjourned till half past-nine o'clock, A. M., to-morrow.

Saturday, 25th November, 1854.

The Committee met at half-past 9 o'clock, A. M.

MEMBERS PRESENT.

MICHAEL H. FOLEY, Esquire, *Chairman.*

Mr Papin,
Mr. Matheson,
Mr. Prévost,
Mr. Larwill.

The Counsel for the Petitioner presented his authority for appearing on behalf of the Petitioner, and proceeded to open the case on the following grounds.

1st. That no Poll was held in either of the Townships of Harrington, Howard, Arundel, Montcalm, Wolfe, Salaberry and Grandison.

2nd, That no Poll was held at St. Hermas according to law, inasmuch as the same was closed at ten minutes past one o'clock, P. M., on the second day of Polling.

3rd. That the Poll held at St. Placide was closed at 4 o'clock on the second day of Polling.

4th. That the proclamation for the said pretended Election was not "Posted up" in each Parish and Township, nor in fact in any place in the said County of Argenteuil within eight clear days before the nomination day for the said Election.

The Counsel for the Petitioner admitted the 1st and 2nd grounds to be established, the 3rd he abandoned, and with respect to the 4th, he desired delay to produce witnesses to substantiate the same.

The Council for both parties then withdrew.

The Committee deliberated and decided that the defence he heard on the 1st and 2nd grounds of objections, the 3rd being abandoned by the Counsel for the Petitioner, and that the 4th lay over for further consideration.

The Counsel for the sitting Member was heard on the defence.

The Committee adjourned till half-past ten o'clock, A.M., on Monday.

Monday, 27th November, 1854.

The Committee met at half-past ten o'clock, A.M.

MEMBERS PRESENT.

MICHAEL H. FOLEY, Esquire, *Chairman.*

Mr. Larwill,
Mr. Matheson,
Mr. Provost.

After waiting for one hour, the Committee were unable to proceed with the matter of the Petition referred to them, in consequence of the absence of *Joseph Papin*, a Member of the Committee.

Ordered, That the absence of *Joseph Papin*, Esq., be reported to the House.

Committee adjourned till half-past ten o'clock, A.M., to-morrow.

Tuesday, 28th November, 1854.

Committee met at half-past 10 o'clock, A. M.

MEMBERS PRESENT.

MICHAEL H. FOLEY, Esquire, *Chairman.*

Mr. Papin,
Mr. Matheson,
Mr. Prévost,
Mr. Larwill,

The Committee deliberated for some time and adjourned till to-morrow at 10 o'clock, A. M.

Wednesday, 29th November, 1854.

The Committee met at 10 o'clock, A. M.

MEMBERS PRESENT.

MICHAEL H. FOLEY, Esquire, *Chairman.*

Mr. Papin,
Mr. Matheson.
Mr. Prévost,
Mr. Larwill.

The Committee took into their consideration the objections offered by the Council for the Petitioner as recorded on the minutes of the 23rd November, and, *Resolved*, 1st,—That in consequence of a poll not being held in the Townships of Harrington, Howard, Arundel, Montcalm, Wolfe, Salaberry and Crandison at the last Election for the said County of Argenteuil the said Election is void.

Resolved, 2ndly,—That the poll for the Parish of St. Hermas in the said County was, as appears by the Poll Book, illegally closed at 10 minutes past one of the clock, on the second day of the said Election, without any adequate reason therefor, and that the conduct of the Deputy Returning officer, Jean George Lebel, Esquire, of the said Parish in so illegally closing the said poll, was highly reprehensive.

Resolved, 3rdly,—That neither the Petition nor the defence is frivolous or vexatious.

Ordered,—That the foregoing resolutions be reported to the House, as the final determination of the Committee.

The Committee then adjourned.

Attest,

B. COLE, Jr.,
Clerk to the Committee.

MINUTES OF THE PROCEEDINGS
OF THE
COUNTY OF KAMOURASKA ELECTION COMMITTEE.

1ST SESSION, 5TH PARLIAMENT, 1854.

COMMITTEE :

TIMOTHY LEE TERRILL, Esquire,
(Chairman ;)

Louis Léon Lesieur Desaulniers, Esquire,
Joseph Dufresne, Esquire,
Thomas Fortier, Esquire,
David Barker Stevenson, Esquire.

[Translation.]

COMMITTEE ROOM, LEGISLATIVE ASSEMBLY,
Saturday, 4th November, 1854.

THE SELECT COMMITTEE appointed to try and determine the matter of the Petition of *Luc Letellier*, Esquire, complaining of an undue Election and return for the County of Kamouraska, met, pursuant to an order from the House, on Saturday, 4th November, 1854, at 11 A. M.

PRESENT :

T. LEE TERRILL, Esquire,
(Chairman ;)

Mr. Desaulniers,
Mr. Dufresne,
Mr. Fortier,
Mr. Stevenson.

Messrs. *Lelièvre* and *Angers*, appeared as Counsel on behalf of the Petitioner *Luc Letellier*, Esquire.

J. T. Taschereau, Esquire, appeared as Counsel for Mr. *Chapais*, the sitting member.

The Petition of *Luc Letellier*, Esquire, was read.

On application of the Petitioner, it was—

Ordered : That the delay for the filing of the lists of objected voters, both on the part of the Petitioner and that of the sitting member, be extended till Saturday next, the 11th instant.

Ordered : That a copy of the Petition be furnished to *J. C. Chapais*, Esquire, the sitting member.

Ordered : That the sitting member do, on Monday next, the 6th instant, produce his answer to the said Petition.

The Clerk was ordered to instruct *Felix Fortier*, Esquire, Clerk of the Crown in Chancery, to prepare all the documents relating to the late election for the County of Kamouraska, in order that he may lay the same before the Committee when called upon so to do.

Resolved, That the Committee do respectfully inform the House, that with the consent and at the request in writing of both the Petitioner and the sitting member, *J. C. Chapais*, Esquire, delay hath been granted until Saturday the 11th instant, to lay before the Committee the lists of objected voters.

The Committee then adjourned till Monday, at 11 o'clock A. M.

Monday, 6th November, 1854.

THE Committee met this day, at 11 o'clock A. M.

PRESENT :

T. LEE TERRILL, Esquire,

(Chairman ;)

Mr. Desaulniers,

Mr. Dufresne,

Mr. Fortier,

Mr. Stevenson.

The sitting member by his Counsel produced his answer to the Petition.

Mr. Taschereau, moved : That *Luc Letellier*, Esquire, be held to produce without delay, the description of the properties upon which he was qualified to be a candidate at the late election for the County of Kamouraska, inasmuch as the sitting member, intends to contest the said qualification *nisi causâ instantèr*.

Which motion was rejected for the present.

Ordered,—That *Felix Fortier*, Esquire, Clerk of the Crown in Chancery do appear before the Committee, and produce the Poll Books, the Return, and other papers relating to the said Election.

The said *Felix Fortier*, Esquire, thereupon appeared, and being duly sworn, did depose and say—I am the Clerk of the Crown in Chancery, and as such, keep in my possession the Election Writs, Returns, and Poll Books. I now produce the Writ and Return for the County of Kamouraska at the last General Election, and also the Poll Books of the said Election, twelve in number. I leave these papers in the hands of the Committee. I know Mr. *Luc Letellier*, the Petitioner. He is a Notary of the Parish of Rivière Ouelle in the said County of Kamouraska, and is the same individual mentioned in the Poll Books now produced by me.

On the application of the Petitioner, it was—

Ordered,—That the Hon. *Robert Spence*, M. P. P., Post-master General, and *William Henry Griffin*, Esquire, be summoned to appear before the Committee on Monday, and produce the Record of the appointment of *J. C. Chapais*, Esquire, as Postmaster for the Parish of St. Denis, as well as all other papers relating thereto.

Ordered,—That *John Gleason*, *P. B. Casgrain* and *Eugène Panet*, Esquires, Advocates, and *Alexander Fraser*, Esquire, Notary, be also summoned to appear before the Committee

The Committee then adjourned till the following day, at 9 o'clock A. M.

7th December, 1854.

The Committee met this day at 10 o'clock, A. M.

PRESENT :

T. LEE TERRILL, Esquire,

(Chairman ;)

Mr. Desaulniers,

Mr. Dufresne,

Mr. Fortier,

Mr. Stevenson.

Alexander Fraser, of the Parish of St. André, Esquire, Notary, was called in, and being duly sworn, did depose as follows:—I know Mr. *Luc Letellier* the Petitioner. I am aware that he was a Candidate for the County of Kamouraska, at the late Election, together with *J. C. Chapais*, Esquire, the sitting Member. The polling days for the said Election were the 28th and 29th July last. I was present on the nomination day. Mr. *Letellier* was proposed as a Candidate. I was one of those who proposed him

John Gleason, of Quebec, Esquire, Advocate, was called in, and being duly sworn, did depose as follows:—I was present on the first day of the polling at St. Pâcôme at the last Election for the County of Kamouraska, and on the second polling day I was present at the Poll at St. Denis. I know the Petitioner, *Luc Letellier*, Esquire, Notary, of the Parish of Rivière Ouelle. I am aware that he was a Candidate at the last General Election, and that the other Candidate was *J. C. Chapais*, Esquire, the sitting Member. The days of polling were the 28th and 29th of July last. I acted at these polling places as the representative of the Petitioner.

The Committee thereupon—

Resolved, That, by virtue of an Election Writ duly issued and returnable on the day of in the present year, an Election was held for the County of Kamouraska on the 28th and 29th days of July last.

Resolved, That *J. C. Chapais*, Esquire, the sitting Member, and *Luc Letellier*, Esquire, the Petitioner, were proposed and seconded, and were Candidates at the said Election.

The Committee then adjourned till the following day, at 10 o'clock, A. M.

8th November, 1854.

The Committee met this day, at 10 o'clock, A. M.

PRESENT :

T. LEE TERRILL, Esquire,

(Chairman ;)

Mr. Desaulniers,

Mr. Dufresne,

Mr. Fortier,

Mr. Stevenson.

The Petitioner humbly requested the decision of the Committee on the preliminary point, as to whether he had a majority of the votes legally registered and certified on the face of the Poll Books, and as to whether, in the first instance, he ought not to be returned.

Resolved, That there does not appear on the face of the Poll Books produced before the Committee sufficient reason to justify, at this stage of the proceedings, an amendment of the return to the Writ of Election.

The petitioner moved that *J. C. Chapais*, Esquire, the sitting member, be summoned to appear before the Committee, to be examined as to whether he was Post-master at St. Denis at the time of the late election, and upon all other matters connected with the said office.

Motion rejected.

Ordered, That *Charles Hilaire Tétu*, *Octave Dupuis*, *John Gleason*, *Marc Guimond*, *Florence DeGuise*, *Eugène Panet*, *Philippe Gaureau*, *Adolphe Guay*, and *George Le Bel*, be summoned to appear before the Committee on behalf of the Petitioner.

William Henry Griffin, Esq., Secretary of the Post Office Department, was called in and being duly sworn, did depose as follows :—

My name is *William Henry Griffin* ; I am Secretary of the Post Office Department. *Mr. Chapais* was appointed Post-master of St. Denis, on the 16th October, 1848 and has continued to be Post-master since. I now produce the last return to 30th September 1854, bearing his usual signature. I know *Jean Charles Chapais*, Merchant of St. Denis, I went to his own house, and put him in office at St. Denis. His house is situate on the north side of the road, near the church. I presume he did give a bail bond, the regulations of the Department requiring it. I will produce the bail bond. I now produce a list of the officers of the Department in the year 1851, at the time the transfer took place to the Colonial Government, and on that list appears the name of *Jean Chapais* Esquire, as Post-master of St. Denis de la Bouteillerie. I have no doubt from my personal knowledge, that *Jean Charles Chapais* has continued to sign as Post-master from the date of his appointment in 1848 up to his return of September 1854. I am not able to produce his commission, as it is in his own hands.—The emoluments of his office consist in a commission on the amount of postages collected by him, at a rate varying from 20 to 25 per cent and *de facto* *Mr. Jean Charles Chapais* has retained his percentage upon postages collected by him as appears by his returns. I will produce such letters and Returns as may be filed with the department and also his bail bond.

The Committee then adjourned till the following day at 10 o'clock A. M.

9th November, 1854.

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

PRESENT :

T. LEE TERRILL, Esquire,

(Chairman ;)

Mr. Desaulniers,

Mr Dufresne,

Mr. Fortier,

Mr. Stevenson.

William Henry Griffin, Esq., was called in and his examination continued :—

I produce a complete series of accounts received from the Post Master of St. Denis, from April, 1851, to the present date, together with three letters. There are fourteen accounts.

Cross-examined.

I do not produce the bail bond mentioned in my examination in chief, the same not being on file. Mr. *Chapais'* Commission as Post Master is signed by the Post Master General of the United Kingdom of Great Britain and Ireland, whose name, for the time being, I do not recollect. The said Post Master General is the only authority by whom a Post Master could then legally be commissioned. I never saw Mr. *Chapais* write his name, and I could not swear that the several signatures, "*J. C. Chapais*," which are to be found at the foot of the several accounts hereinbefore mentioned and tyled, are the signature and in the handwriting of the said *Jean Charles Chapais*, but they are the signature which has always been received by the department as that of the Post Master of St. Denis. The Officers of the Post Office Department in this Country are the Post Master General, and all persons employed under him in the Post Office service. I consider a country Post Master to be an officer of the Department.

Re-examined.

We have been accustomed to receive the signature of "*D. Lavoie, Dept.*," of *Jean Charles Chapais*, but we have always insisted on having the signature of the principal to the accounts.

John Gleason, Esquire, Advocate, again appeared before the Committee, and being sworn *de novo*, did depose as follows:—

I was present at the poll at St. Denis on the second day of the voting; I was there at half-past 11 o'clock A. M. At half-past eleven, A. M., Mr. *Chapais'* party took possession of the poll; I represented Mr. *Letellier* there. I was threatened with violence in the event of my attempting to object to the votes in favor of Mr. *Chapais*; a great number of children were then brought in by Mr. *Chapais'* partizans, and their names or fictitious ones were enregistered. The voting continued in this manner until the closing of the poll. During the greater part of the voting, the votes were enregistered in loose sheets of paper; but I do not see that these sheets form part of the poll book of St. Denis. Commencing from No. 290 or thereabouts, the voting was carried on in the way I have above mentioned. Before the poll was taken possession of as I have already said, persons had come forward to vote who represented themselves as usufructuaries. Having objected to these voters, and called upon the Returning Officer to swear them, he refused, and his refusal is entered in the poll book. These persons voted in favor of Mr. *Chapais*, and their names are opposite numbers 268, 269, 270, 271, 272, 277, 278, 279, 280, 286, 287, 288, 289. Commencing from No. 290 in the book, the greater part of the votes are those of children. Other persons voted a great many times, and votes were even enregistered without the voters being present, merely on the word being given to the Poll Clerk. It was utterly impossible for Mr. *Letellier*, his representative or representatives, to oppose this system of voting. I have already said above, and I repeat it, that I was prevented, notwithstanding the efforts I made, by the threats of violence and actual violence, from objecting to the votes and from having the persons who voted for Mr. *Chapais* sworn; nevertheless, the Poll Clerk, upon the request I made to him in English, so that I could not be understood by Mr. *Chapais'* partizans, entered in the column of the poll book under the head of "objections," "oaths," "refusal of the voter to be sworn" the words "do. do. do.," and that on the preceding objections made on the part of Mr. *Letellier*. The Deputy Returning Officer was obliged to enregister the votes himself; he tried once or twice to put a stop to this system of voting, but whenever he did so he was threatened. I, as well as another partizan of Mr. *Letellier*, who was with me at the poll, was forced to remain inside the poll, and the persons who so detained me were partizans of Mr. *Chapais*, who guarded

the avenues, doors and windows. I attempted to go out many times, but was prevented from doing so. nevertheless, at about half-past three I was allowed to go out, after having promised to return. I am of opinion that if any of Mr. *Letellier's* partizans had risked to come and vote they would have been in danger. Whenever I attempted to object to the entering of any of the votes, I was threatened with personal violence, and people shook their fists at me. When the row commenced there were more than two hundred or two hundred and fifty persons present, the room was filled. They nearly all took part in the row except Mr. *Chapais'* representative, who was peaceable, and who was busy enregistering votes. There were three persons besides the Deputy, occupied entering the votes on loose sheets of paper, which are not in the poll book. I have said that children voted, and that the Deputy Returning Officer entered their votes. Even children who were too young to speak were carried to the poll and their names were entered in the poll book. I was the agent of Mr. *Letellier*, having been duly authorised by a power of attorney from him. I know *Jean Charles Chapais*, merchant at St. Denis; there is no other merchant of the same name in that parish.

Cross-examined.

Question.—Is it not true that when Mr. *Letellier* appointed you his agent to represent him at the poll of St. Denis, you told him that if the electors of St. Denis found out the trick or stratagem which he Mr. *Letellier* was playing or would play upon them, by causing four or five hundred persons from the parishes of St. Jean, St. Thomas and L'Islet, to vote at the poll in Rivière Ouelle, you would be exposed to violence, and is it not true that Mr. *Letellier* answered you that that would be no matter, or words to that effect; if not, state what remarks you made to Mr. *Letellier* and what answer he made you on that subject?

Answer.—Before starting from Rivière Ouelle to go to St. Denis, I asked Mr. *Letellier* whether he did not think there would be violence at St. Denis. To this he answered that he did not think so. This is all the conversation I had with him in regard to the object of the question. My reasons for anticipating that there would be violence used at St. Denis were, first, on account of the intense excitement which prevailed, and secondly, because I was told that many persons from foreign parishes, who pretended that they were qualified, intended to vote at Rivière Ouelle. I do not recollect whether Mr. *Letellier* told me so himself; but it was a notorious fact at Rivière Ouelle, the morning of the second day of the election, that these persons had come to vote. I even think that they had arrived the evening before. On the first day of the election I remained at St. Pacôme, where I represented Mr. *Letellier*. I have no knowledge whatever of what occurred at St. Denis on the first day of the election. After half-past 11 o'clock, A. M., that is, after the commencement of the disturbance, I did not see any electors offer their votes in favor of Mr. *Letellier*. Indeed it would have been difficult for them to have done so, for the avenues to the poll were guarded. After having resisted for some time, I thought it would be dangerous to offer resistance and that it was better to make the best of a bad job, that is to say, to keep quiet. After having taken this determination, no further violence was offered me. Having expressed a desire to eat, inasmuch as I had not yet breakfasted, and having asked Mr. *Chapais'* party to allow me to go out for that purpose, they refused, but brought me coffee and cakes.

At half-past 10 o'clock, P. M., the Committee adjourned till to-morrow, at 10 o'clock, A. M.

10th November, 1854.

THE Committee met this day, at 10 o'clock, A. M.

PRESENT :

T. LEE TERRILL, Esq.,

(*Chairman* ;)

Mr. Dessaulniers,

Mr. Dufresne,

Mr. Fortier,

Mr. Stevenson.

Ordered, That the evidence taken in French before this Committee be translated into English for the use of the Members of the Committee.

On the application of the Petitioner, it was—

Ordered, That the sitting Member, *Jean C. Chapais*, Esquire, be called upon to produce before this Committee, to-morrow, his commission as Post Master of the Parish of St. Denis, in the County of Kamouraska, if any he have.

John Gleason, Esquire, Advocate, was again called in, and further deposed as follows :—

I cannot point out in the poll-book the names of any of the persons whom I said I had seen voting a great many times. I did not know them by name. It is impossible for me to point out in the poll-book the names of any of the children whom I stated to have been carried to the poll to vote ; but I can state that during all the time I was present at the poll, there were not ten of the votes which were registered before me that were not either the votes of children or of persons who voted a great number of times. I said yesterday that the greater number of votes were those of children ; I have not examined the poll-books since then. It was easy to see that the persons who guarded the avenues were partisans of Mr. *Chapais* because the blocking up of the avenues in that manner was in his interest ; and I became farther convinced of this by conversing with some of them. I did not know them personally, and it was the first time I had ever seen them. I did not see Mr. *Chapais* at the poll of St. Denis. I shewed my power of Attorney as Agent for Mr. *Letellier*, to the Deputy Returning Officer, before acting as such. It was under private seal, and not countersigned by witnesses, but signed by Mr. *Letellier* in my presence. I cannot name or point out any of the persons who shewed me their fists. If I were to see them I could certainly recognise some of them. I am positive in the assertion of the facts to which I have just deposed.

Charles Eugene Panet Esquire, Advocate, was called in and being only sworn, did depose as follows :—

I was at St. Anne on both the polling days at the last general election, as Mr. *Letellier's* representative. Mr. *Chapais* was one of the candidates and Mr. *Letellier* the other. Nothing extraordinary happened on the first day ; on the morning of the second day the conduct and bearing of the voters led me to believe that there would be some disturbance, I accordingly asked the Returning Officer to swear in constables. Mr. *Chapais* came in at about ten o'clock, A.M. and made use of harsh language towards me. I then told him that there probably would be some disturbance which he (Mr. *Chapais*,) might be able to quell, or something to that effect. The second time Mr. *Chapais* came in he was accompanied by one of his electors ; he offered this person's vote, and his vote was objected to and refused on account of the voter refusing to take the oath required ; whereupon Mr. *Chapais* turned to his electors and made use of the following words, or words to that effect :—“ This voter is refused, although at

“Riviere Ouelle similar votes are taken without being sworn; what is to be done?” There were about two or three hundred persons then present. After using these words, Mr. *Chapais* disappeared. Some persons in the crowd were armed with sticks, and others with what the French call *roulins*, freshly cut. A disturbance then took place. Some men shouted that this man should vote, saying, “*Il votera; on veut qu’il vote*” They all shouted out “He shall vote; we will have him vote.” The whole of them called out, “*Il votera;*” then one of the mob laid hold of the railing, tore it down, armed himself with it, and struck right and left. They carried on in that way till the poll was cleared. They threw us out of the window. I endeavoured to get in again by the front door, but found it guarded, and they threatened to beat me if I did not retreat. I made a second attempt some time after without being able to get in. There were still at that time some of Mr. *Letellier’s* voters whose names I wished to have registered. I sent them to the poll, but they came back. I do not remember how many votes were entered when the disturbance took place, but I think there were 5. I took a note of the fact, but I have not it in my possession at present. I made an affidavit of the facts which occurred on that day, before Mr. Justice *Taschereau*. The affidavit now produced and shewn to me is that made by me. I had a power of Attorney from Mr. *Letellier*, authorising me to represent him. I saw fire-arms, but cannot say when and where. I detailed the circumstance in my affidavit. The window through which we were driven out was seven or eight feet from the ground. I received a blow in the breast which knocked me over, and also received several others when driven through the window. After this disturbance, Mr. *Letellier’s* electors could not vote freely. I was refused admittance, and went away from the poll. The row and disturbance were still continuing when I left the poll.

Cross-examined.

I was not informed at St. Anne, on the morning of the second day, that the people there had armed themselves for protection against an attack which was expected from the Riviere Ouelle people. On the contrary, whilst driving to St. Anne, I met a man who told me if I went to St. Anne I should be murdered, or words to that effect. I was protected from actual violence by one *Joseph Dionne*, after he, together with some others, had thrown me out of the window. I cannot swear positively that he alone threw me out of the window, but he was amongst those who did so. It was he who broke the railing. I cannot swear that *Joseph Dionne* laid his hand on me, but he kept brandishing the rail about the room. He was the only person whom I personally knew at that meeting, and whom I now recollect. I cannot give the names of the three or four persons whom I sent to vote for Mr. *Letellier*. I could not even recognise them now, and cannot say whether or not they were qualified voters, as I knew nothing about them. I forget the hour at which the disturbance began, but I think it is mentioned in my affidavit. I cannot say how long I remained outside the poll after having been driven through the window; it might have been five or ten minutes. At that time, I was struck, knocked over, and threatened by others, until a person who resides in the vicinity, but whose name I do not recollect, took me by the arm and led me away.

The said *Charles Eugène Panet* produced and filed the affidavit spoken of in his deposition.

At 1 o’clock, P. M., the Committee adjourned till to-morrow, at 10 o’clock, A. M.

11th November, 1854.

THE Committee met this day, at 10 o'clock, A. M.

PRESENT :

T. LEE TERRILL, Esquire.

(Chairman ;)

Mr. Desaulniers,
Mr. Dufresne,
Mr. Fortier.
Mr. Stevenson.

The Petitioner, with the consent of the sitting member, fyled a document marked A, and intituled, "Return from the Clerk of the Crown in Chancery, shewing the number of votes polled in each county, &c., for each candidate, also the population of each of the said divisions, and the names and designations of the several Returning Officers."

W. B. Lindsay, Esquire, Clerk of the Legislative Assembly was called in, and being duly sworn, did depose as follows :

The paper marked A, now exhibited to me and fyled this day, is the Report of the Clerk of the Crown in Chancery, shewing the number of votes in each County, &c, in favor of each candidate, and also the population of each division, and the names of the Returning Officers, furnished to the House by the said Clerk of the Crown in Chancery, and published by order of the House.

J. T. Taschereau, Esquire, Advocate, Counsel for the sitting member, admitted that he the said sitting member had received the letter of the Clerk of their Committee, requesting him to produce the commission appointing him Post-master for *St. Denis de la Boutellerie*.

The sitting member failed to produce the said commission.

Mr. George LeBel, Student at Law, was called in, and being duly sworn did depose as follows :

I am a Student at Law ; I was born in Kamouraska, but I have been a resident of Quebec for about two years. I am very well acquainted with the sitting member, *Jean Charles Chapais*, merchant, of the parish of St. Denis, County of Kamouraska ; I do not know any other person of that name in the said parish. I am personally acquainted with a number of parties in St. Denis. I do not know that *Mr. Jean Charles Chapais* is a Postmaster, but he is generally known in the parish of Kamouraska as the Postmaster of St. Denis. I know myself that there was a Post Office in St. Denis, and that this office was at *Mr. Chapais'*. To the best of my knowledge, I even think that there is still a sign there, with the words "Post Office." I ought to say that the place for the Post Office is now changed. I think that the sign of which I have just spoken was on the North-east side of *Mr. Chapais'* door.

Ordered,—That *Mr. Napoléon Lapointe*, of the City of Quebec, Merchant's Clerk, be summoned to appear forthwith before the Committee as a witness.

Ordered,—That *Mr. Augustin Michaud*, Student at Law, be summoned to appear forthwith before the Committee as a witness.

Mr. Augustin Michaud appeared before the Committee, and being duly sworn did depose as follows :—

I have been a resident of Quebec since the month of May last. I was born in the parish of St. André, in the County of Kamouraska, and I lived in St. Louis of Kamouraska before coming to Quebec. I know *Mr. Jean Charles*.

Chapais, the sitting member, merchant, of the parish of St. Denis, and I do not know any other person of the same name in the said parish. I think that there was a person called *Charles Chapais*, a farmer of Rivière Ouelle, or of St. Denis, but I believe he is dead. I always thought and still believe that *Mr. Chapais* is Postmaster for St. Denis. I stopped there several times with the mail, and saw the postman take the letter-bag into his house and open it. I noticed on the South side of the house a sign bearing the words "Post Office," and to the best of my knowledge *Mr. Chapais* was reputed in the County of Kamouraska to be the Postmaster for the parish of St Denis, and I am yet under the impression that he still is such. I know the signature of the said *Jean Charles Chapais*, having often seen him write and sign his name. On the paper marked "Account Current, B," now shewn to me, the signature "*J. Chas. Chapais*," is, to the best of my knowledge, the hand-writing and signature of the sitting member, *Jean Charles Chapais*.

Cross-examined.

It was at *Mr. Chapais'* house where I stopped as above stated, and the mail bag was opened by *Mr. Chapais'* clerk, one *Frederick Losier*.

The Petitioner produced and fyled his list of objections to the objected voters at the last general election for the County of Kamouraska.

The Sitting Member, also, produced and fyled his list of objections to the objected voters at the last general election for the County of Kamouraska.

At 1 o'clock, P.M., the Committee adjourned till Monday, at 9 o'clock, A.M.

Monday, 13th November, 1854.

THE Committee met this day, at 10 o'clock, A.M.

PRESENT :

T. LEE TERRILL, Esquire,

(*Chairman*;))

Mr. Desaulniers,

Mr. Dufresne,

Mr. Fortier,

Mr Stevenson.

François Marc Guimond, of the parish of St. Paschal, bailiff, was called in, and being duly sworn, did depose as follows:—

At the time of the last general election, I was Poll Clerk for the Parish of St. Denis, in the County of Kamouraska. The second day of the election, at precisely half-past eleven, the row commenced at that poll. A young man who was a minor, and who had been refused by *Mr. Letellier's* representative, was brought up to vote; the poll of St. Denis was at that time encumbered with people—the only communication we had with the outside was through a window, which was guarded by four men. When this young man came to vote, *Mr. Letellier's* representative asked him to swear to his age. A general cry was then heard from among the crowd, "we want no more swearing, we want names and votes, that is done at Rivière Ouelle and in the other Parishes." The Deputy Returning Officer then said that this man must be sworn, upon which the crowd answered to *Mr. Letellier's* representative: "remain here, but do not stir; we shall vote and make others vote; no one shall be sworn:" *Mr. Bouchard* still insisted

on the young man being sworn, and the mob said to him: "take down the names, we are giving you some; your business is to write." I then commenced to write through fear, I took the names down just as they came; they gave me the name, and said; "I vote for Mr. *Chapais*," and no more. When asked for their qualification, they would answer: "*it is too long to write out.*" I was prevented from entering the qualifications. The persons who voted in this manner were either children, or voters who had been refused the day before, and to my knowledge they were not electors, if it be true that a person must be twenty-one years old to vote. *Narcisse Lionne*, *Joseph Bouchard* and *Louis Beaulieu* all three partisans of Mr. *Chapais*, and several others whom I do not know, were the persons who gave in the names of those who were unable to speak, that is, of children that were carried to the poll. There were also many others whom I do not know. This lasted from half-past eleven to the closing of the poll. At half-past four I fainted from weakness; at five I was in the poll and they wanted me to enter loose sheets of paper in the book. On these sheets were the names of persons who, to my knowledge, had already voted, and who got their votes enregistered on separate sheets of paper, even after having voted in my presence. When the disturbance commenced, there were already two hundred and ninety votes enregistered. The poll book now produced is that of St. Denis. At No. 290 in the said book, I myself made a mark on the margin of the page, to indicate the hour at which the disturbance began. From number 290 to No. 330 inclusively, the entries are in my handwriting; to No. 380 they are in the handwriting of *Thomas Béchard*, Deputy Returning Officer; from No. 380 to No. 400 my handwriting; from No. 400 to *Joseph Dumais*, that of *Béchard*, the Deputy. After that there are no more numbers, and the four next pages are in my handwriting as far as the name of *Joseph Drapeau*; and from *Joseph Drapeau* to the end of the book the entries are in the handwriting of the said *Thomas Béchard*. There are some of the names in the last series, which were entered in the book, after the closing of the poll. They were entered in my presence by the Deputy Returning Officer, *Thomas Béchard* on the Tuesday following. These names had been taken on loose sheets of paper by him and by me at the time of the disturbance. The six last votes were entered in that manner.

The signature "*T. H. Béchard*" on the Poll Book and on the return thereunto annexed, is the handwriting and signature of the said *Thomas Béchard*. I know it because I saw him sign his name to it, and the signature underneath is the same. I entered the votes given after No. 290, because I was afraid that I should be ill treated if I did not. The threats that were made to us were, that if we did not write they would make us and that no one should go out." I saw there Mr. *Gleason*, Mr. *Letellier's* representative, and they told him that they would not harm him if he did not stir, and did not swear the voters. At about one o'clock I came out of the place in which we were and went to the door. There were five or six persons there; I asked them what they were doing there and they laughed and said "we are making prisoners." Three or four persons who were further on said with an oath, "no, the infernal scoundrel shall not pass here to-day without our breaking his jaw or killing his horse." I attempted to go out but was prevented by a man called *Ferdinand Bouchard*, who said to me, "you don't go out to-day." Almost all the inhabitants of St. Denis were there, in number about 180. In my opinion there might be from 250 to 260 voters in St. Denis.

Cross-examined.

I have had no conversation with Mr. *Letellier* since the election, and he did not get any one else to speak to me for him. I did not see Mr. *Chrétien* at the poll of St. Denis during the election. When the disturbance commenced at half past

eleven o'clock on the second day, a report was spread that at Rivière Ouelle Mr. *Letellier's* party were making people vote, and saing "we will have votes because Mr. *Letellier's* party did the same at Rivière Ouelle," and I believe it was *Xavier Martin*, who had just arrived from Rivière Ouelle, who brought a letter stating that fact. I have no knowledge that the threats which were used towards us in the morning at half-past eleven o'clock were repeated in the afternoon, because we submitted to them, except that when we did not go on quick enough, they would say: "be smart." I do not see annexed to the poll book the loose sheets of which I have spoken in my examination in chief, except that there are six names entered in the Poll Book by Mr. *Béchar*d himself, in my presence. I have no knowledge of any of Mr. *Letellier's* voters having been refused from half-past eleven to the closing of the poll, because none of them presented themselves. I cannot say whether at that time Mr. *Letellier's* votes had all been polled; the last voter for Mr. *Letellier* had been frightened. I think that Mr. *Letellier* then had twenty-one votes; I saw no one struck or beaten during this disturbance.

Florence Deguise, Esq., Notary, Deputy Returning Officer for the Parish of Ste. Anne, in the County of Kamouraska, was called in, and being duly sworn, did depose as follows:

I was Deputy Returning Officer for the Parish of Ste. Anne, in the County of Komouraska, at the last general election, when the petitioner and the sitting Member were Candidates. At about half past ten of the second day of the voting, everything had been going on peaceably, when Mr. *Chapais* came into the Poll and presented a voter. Objection being made to this voter by Mr. *Letellier's* representative, I wanted to administer to him the oath required by law. Mr. *Chapais* then said that in the Statute there was no precise form of oath to be given to an elector who stated himself qualified as a usufructuary, and asked me whether I would admit this voter without administering the oath to him. He told me that they did the same thing at Rivière Ouelle, and that he did not see why they could not do it as well at Ste. Anne's. At this moment, cries of "he shall vote, he shall vote," were heard throughout the room. I thereupon read out the law and refused to record this vote. I then saw Mr. *Chapais* go away and the people immediately rushed upon me and cleared the poll. When I gave my decision, Mr. *Chapais* said to me "Mr. *Déguise*, you did very right and that is what I should have done myself." In rushing at the poll they broke a railing which was inside; they shouted and called out, "let us clear the poll." Mr. *Letellier's* representatives who were near me, thereupon jumped out of a window and disappeared. I did not see them receive any blows. I tried to keep order and to oppose the system of voting they were endeavouring to adopt, as being contrary to law, but they said to me "we shall vote, we shall vote" and they forced my clerk to take down the names. From that time up to the closing of the poll, names were given and enregistered, but there were several interruptions made by me and by the Returning Officer. It was certain inhabitants of the parish who gave the first names that came into their heads and my clerk enregistered them in the poll book; names of persons who were not present were given as voters. Children came to vote and gave different names in the same manner. All the names which were given from that time, that is, from half past ten, until the closing of the poll, were so given by fifteen or twenty persons. To the best of my knowledge there were not more than six real persons who voted in person during that time. I do not think that it was possible for Mr. *Letellier's* partisans to vote during that time; they would have been prevented: nevertheless an old man named *St. Jean*, whom they helped up the stairs, came and voted for Mr. *Letellier*, but I do not know whether his vote was taken down. I saw a large number of sticks in a heap, piled up through precaution, not to prevent Mr. *Letel-*

lier's party from voting, but to the best of my belief to drive back the people from Rivière Ouelle whom they expected to come. An elector came in to the poll with one of these sticks and I took it away from him. I saw Mr. *Eugène Paquet* at the poll acting as Mr. *Letellier's* representative, but he disappeared, the minute the row commenced, in company with a person called *Bebe St. Jean*, whom I considered to be another representative of Mr. *Letellier*, by jumping through the window together, with equal celerity. The number of votes up to the time of the row is shewn in my return to the Returning Officer and also in the poll-book at No. 351 in the margin, of which there is "10½ o'clock" in my hand writing as well as the note in pencil. The addition up to that time was also made by me and the figures 257 are the number of votes then eunregistered for Mr. *Chapais* and the figures 92, the votes for Mr. *Letellier*. I have said that some names were taken by my Poll Clerk, but only part of them were entered by him into the Poll book, the remainder were written by him upon loose sheets of paper, which I got copied or copied myself into the Poll Book. I consider that the total number of voters in the Parish of Ste. Anne, must be very nearly four hundred. I was brought up in the Parish; I was educated, and I practise there as a Notary. The Returning Officer *Jean George Tiché* came into the Poll in the course of the afternoon. He insisted on having order kept, and protested against the mode of voting they had adopted. He came in company with *Prudent Michaud* whom he wished to introduce as Mr. *Letellier's* representative. *Prudent Michaud* represented Mr. *Letellier* for about five or ten minutes. When he attempted to object to the votes for Mr. *Chapais*, I heard a great number of persons call out "turn out *Michaud*," and he thought himself lucky to be able to get out of the same door as the others. Mr. *Tiché* the Returning Officer could not prevent his manner of voting and they continued in the same manner notwithstanding his protestations and my own. There were a great number of persons there and sometimes the number was reduced to only ten persons in the room. Mr. *Chapais* came into the poll and said what I have above stated; he remained there during all the time of the discussion, that is, for five or ten minutes. The signature "*F. Déguise*" at the foot of the poll book is my own, and that of my Deputy, *George Potvin*, was written by me also, having copied it from the loose sheets upon which he had really signed himself. The return bears my signature. When the poll was invaded, the row was of such a character as to frighten those persons who wished to vote for Mr. *Letellier*, but in the afternoon I saw some peaceable persons; I saw two or three of Mr. *Letellier's* partisans conversing quietly together outside the door of the poll. When *Michaud* came, there was nothing but a cry of "turn out *Michaud*." He was very much frightened, even when he came in.

Cross examined.

From the commencement till the end of the row, I did not see any person beaten or struck; I saw no one use a stick; I took away the stick from the person who came into the poll with it, with ease and without any one preventing me from so doing. It was Mr. *Chapais's* partisans who assisted the old man of whom I have spoken, in getting up to the poll to give his vote in favor of Mr. *Letellier*. Mr. *Prudent Michaud*, of whom I have spoken, was neither struck nor beaten to my knowledge; he ran away as soon as he heard the cry "turn out *Michaud*," and the people commenced to laugh. I think that at the time of the commencement of the row, there were about thirty voters for Mr. *Letellier* remaining. I do not think that those voters could have voted in the afternoon if they had presented themselves, because I think that the poll was taken possession of, in order to prevent Mr. *Letellier's* voters from voting and to fill up the books with names for Mr. *Chapais*. It is the manner in which they acted which led me to believe this. I do not recollect

at present, any fact in support of my opinion on this head, other than what I have said in my examination. I see the name of the old man, of whom I have spoken, entered in the poll book in favor of Mr. *Chapais*, but I think it is a mistake.

At 1 o'clock, P.M., the Committee adjourned till to-morrow at 9 o'clock, A.M.

14th November 1854.

THE Committee met this day at ten o'clock, A.M.

PRESENT :

T. LEE, TERRILL, Esquire,
(Chairman.)

Mr. Desaulniers,
Mr. Dutresne,
Mr. Fortier,
Mr. Stevenson.

Adolphe Guy, of the Parish of Ste Anne de la Pocatière, Tradesman, was called in and being duly sworn, did depose as follows:—

At the last general election I represented Mr. *Letellier*, in the Township of Ixworth, under a power of attorney written and signed by him. I do not know, where it now is. The second day of the poll, until about eleven o'clock, A. M., the voting was carried on without any trouble; three vehicles then arrived; I think the persons in them came to create a disturbance at the poll at which I was representing Mr. *Letellier*. These persons and those who were there came in with violence to take possession of the poll. They asked me whether I represented Mr. *Letellier*. I told them I did. They then asked me whether I would allow all the votes to pass without swearing. I answered that I would not. They then entered into the poll with sticks and angry countenances and advanced upon me. I thought they came to lay hold of me; I was almost alone, because the person who was with me was afraid. When I saw the poll attacked, I thought it was better for me to go out in order not to appear to assume the responsibility of what they were doing. They then wanted to prevent me from going out; I made efforts to get out amongst the crowd who prevented me by holding out their hands, without seizing me, and told me to remain seated. At last I got out in spite of them. When I got out, I wanted to go home, but about eighty persons prevented my doing so and brought me back to the poll house, but not to the apartment where the poll was held. From thence I could go out round the house, but I was not allowed to go home. I was kept in that manner until the closing of the poll; the people then commenced to vote; they voted several times; there were some who voted until they were tired. I know that the Returning Officer told them that that was not according to law. From the apartment in which I spent the day, I could see into the poll; I could see the same person vote many times in succession and give whatever names came into his head. This system continued from eleven o'clock until the closing of the poll, without interruption. I am a proprietor and an elector in the Township of Ixworth, I do not know all the individuals in this Township; but I know the greater number of them. In this Township there may be, at most, seventy or eighty electors.

Objected to on the part of the sitting Member.

To the best of my knowledge, at eleven o'clock on the second day, there could not be more than a couple of electors who had not voted. I think that all the parties who came into the poll as I have above stated, had sticks. In the three vehi-

cles I have spoken of, were *Carolus Rouleau*, *Louis Ouellette* and *Theophile Lévesque*. When the row commenced, there were about eighty votes enregistered, at all events there were more than seventy. I could not prevent this manner of voting, and I could not have done so because I was alone, against about eighty to a hundred.

Cross examined.

The first day of the voting every thing went on peaceably, and it was only about eleven o'clock on the second day that the row I have mentioned commenced. When it began, these persons told me that at Rivière Ouelle, Mr. *Letellier's* partisans had cleared the poll, turned Mr. *Chapais's* party out, and made every one vote whom they pleased, and they thereupon told me that they wanted to do the same thing at Exworth. I was neither struck nor beaten during this row.

Henri Parent, Student at the College of Quebec, was called in and being duly sworn, did depose as follows:

During the last election I was at Ste. Anne's at Mr. *Martineau's*, the Sheriff of Kamouraska. On the morning of the second day of the voting at St. Anne's, I went into the poll; Mr. *Chapais* came in, and I went out for a minute. Hearing a noise I came in again; Mr. *Chapais* was saying, "you did right; at Rivière Ouelle they vote as they please, without being sworn;" "you know what you ought to do," all the people then rushed at the railing, and broke it; I then went away.

I saw Mr. *Panet* in his place; but when the row commenced, he got out by the window, and I heard a voice cry out, "Do not strike me."

Cross examined.

I thought that Mr. *Chapais*, in saying the words "you did right" was speaking to the Returning Officer.

Re-examined.

And when he said the other words "you know what you ought to do," he was addressing the crowd; and when he said that at Rivière Ouelle they did as they pleased, he was already returned.

Paul Octave Dupuis, formerly a merchant of the Parish of St. Paschal, was called in, and being duly sworn, did depose as follows:—

I was Deputy Returning Officer for the Parish of Mont-Carmel, at the last general election. On the second day of the polling, at about ten o'clock, A. M., I was informed that a disturbance was expected at the poll; that there were armed persons, at a certain distance from the poll; about two hundred persons then came, who were talking and shouting loudly together; I went to see what it was all about. I asked them why they made so much noise. They answered that they intended attacking the poll, if they were not allowed to vote, as done elsewhere, without being sworn. I said that I would not allow it, and they answered: "If you do not allow us, we will put some one else in your place, who will take down the names as we give them to him." Two persons spoke to me in this manner. I told them to keep back, and one of them shook his fist at me in a threatening manner. I issued a warrant against him, but could not get it executed. Six persons then surrounded me and wanted to take the poll book from me, and said that if I would not write, they would get another writer, adding that if I wished, they would take all the responsibility upon themselves. After many protestations and refusals, I was prevailed upon to allow my clerk to register the names. The rest of the crowd, generally, supported the six persons of whom I have spoken. *Charles Hilaire Tétu*, merchant of Rivière Ouelle, and another, represented Mr. *Letellier* at this poll. Mr. *Tétu* objected to this mode of voting. They told him to be silent and keep

quiet, and that if he did not, they would turn him out, and interfere with him. As to the other, they made him go out, took him to another room, and placed four persons at the door to prevent him from getting out. From that time, young persons from ten to twenty came and voted. Some persons voted more than once; others gave feigned names. This lasted until the closing of the poll. I marked in the poll book the number of votes registered before the row, viz, from No. 1 to 113 inclusively, and also three qualified electors, who voted with the others, viz, Nos. 141, 177 to 190. These were the only three legal votes given to my knowledge, after the row commenced. (*This last part is objected to by the sitting Member*).

The book for Mont-Carmel now shewn to me is my poll-book. My signature is at the foot of it, and the annexed return to the Returning Officer, is my return and bears my signature. The words "minor" and "of age," written opposite the names, were written by my clerk, by my order. I asked these young persons their age and their answers shewed me they were minors. (*Objected to by the sitting member.*) I know the Parish of Mont-Carmel but very little, and to the best of my belief there are about a hundred legal voters there. I could not prevent this system of voting. I know the signature of Mr. *Jean George Taché*, Returning Officer at the last election for Kamouraska, having seen him write and sign his name. The signatures to the return of the Writ, to the indenture annexed thereto, and to the other papers also annexed, are to the best of my knowledge in the hand writing and signature of the said *Jean George Taché*.

Cross-examined.

It is true that the persons who created the disturbance and who made us take down the votes, as I have already stated, said, that they only acted in this manner through retaliation and to make up for what Mr. *Letellier's* party were doing at Rivière Ouelle. It was currently reported that a similar system of voting was being carried on at Rivière Ouelle, and Mr. *Chapais'* partisans seemed vexed at it. I was neither struck nor beaten during the row, and have no knowledge of any person having been so. I do not know that any good votes remained to be given to me before the row, and I still am of opinion that all the good votes were given in before the row. I was only at Mont-Carmel twice in my life, but have often passed in the neighborhood of the Parish. The opinion I gave concerning the number of voters in Mont-Carmel, is derived from the poll-book and from the knowledge I have of the Parish. I did not see Mr. *Chapais* at the poll either on the first or on the second day.

Re-examined.

The report, that persons were voting in that manner at Rivière Ouelle, was spread at Mont-Carmel by Mr. *Chapais'* partisans, and I only heard it there. Besides the 113 of which I have spoken in my examination, I also returned Nos. 141, 177 and 190 as being legal votes.

Philippe Gauvreau, of the Parish of St. Anne, Merchant, was called in, and being duly sworn, did depose as follows:—

I was Deputy Returning Officer for the township of Ixworth at the last general election. About half past ten or eleven on the second day, the poll was attacked by forty or fifty persons who entered the the room, but without arms. About fifteen of them came from the poll at St. Anne; they entered quietly, and addressed themselves to Mr. *Letellier's* representatives, who were two in number, but one had gone away through fear. They asked the one who remained, whose name was *Guy*, whether he would have any objection to their voting without being sworn as they did at all the other polls. *Guy* answered that he would not allow it; then all the people in the poll cried out, that they would vote, and turn him out. *Guy* then went

out of the poll, and the people kept him back ; I did not see any people with sticks in their hands. The voting then began again, and the people voted as they came, without being sworn, and gave many feigned names. Some of these names were names of persons whom I knew, and others were false ones. There were nearly all the time, thirty or forty persons in the poll ; they were not always the same persons. It was these persons who gave the names : they were taken down according as they were given. Some gave several names, one after the other, and others, several names, at different times. This system of voting continued without interruption till 5 o'clock.

The votes were thus taken down by myself and by my brother, who was poll clerk ; we wrote by turns, except for about an hour or an hour and a half in all, at different periods, when we took down the votes together on loose sheets of paper, because the poll book was not large enough to contain them all. We returned them, and they form part of the poll book for Ixworth, now shewn to me. The people having told me, that in other places, they had several poll clerks, and finding that we did not get on quick enough, forced me to appoint another poll clerk, called *Charles Richard*, who had come with them from St. Anne. He also registered votes on loose sheets of paper, which I have not returned. I protested at first, against this manner of voting at the time the poll was attacked, but when I saw there was no resisting their numbers, we continued to enter the votes, as they were given us. I never prevented this because I could not. I have marked in the poll book, the number of votes registered up to the time of the attacking of the poll. There were then 86. All the subsequent votes were taken down according to the system I have just spoken of. The signatures at the end of the poll book are mine and that of my brother, who was poll clerk, and that at the foot of the return to the Returning Officer, is mine. I know the township of Ixworth. It might contain about seventy five voters. I do not think that from eleven o'clock to the closing of the poll, there was one single elector duly qualified to vote who had not already voted. There might however have been some, for I was so occupied, that some of those who were qualified, might have voted without my knowledge.

Charles Hilaire Tétu, of Rivière Ouelle, Esquire, merchant, was called in, and being duly sworn, did depose as follows :—

I represented Mr. *Letellier* during the two days of the election, at the poll at Mont Carmel, at the last election for Kamouraska.

The second day, about noon, great excitement prevailed ; I was menaced, and we were threatened with violence, if the children they brought to the poll were not permitted to vote. A great many persons were present. *Isaac Caron*, also a partizan of Mr. *Letellier*, was with me. Upon my expressing a wish to go away with him, we were permitted to retire to a short distance from the house ; we were then surrounded and forced to return ; *Caron* was put into one room, and I into another, and we were kept there until the closing of the poll. Children of all ages were then brought to the poll, and the Returning Officer was compelled to enregister their votes, by threats of sending for another clerk, if he did not choose to enregister these votes. I am well acquainted with Mont Carmel and its inhabitants ; it is a section of my parish ; I have property situated there ; I am well acquainted with the voters in that locality ; there may be about eighty or ninety qualified voters ; more than a hundred persons had voted before the tumult began. A few qualified voters may have voted after the disturbance, but on the first day, a few voted whom I do not consider qualified. I was unable to prevent that ; I endeavoured to do so, but in vain. The Returning Officer did his utmost to prevent it, but was forced by threats, to remain passive. I am acquainted with the signature of Mr. *Taché*, having seen him sign, and the signature to the writ of election and the papers thereto annexed, is mine.

On the application of the sitting member, it was

Ordered,—That Messrs. *J. M. Hudon, M. Boucher, Félix Tétu, Thomas Michaud, Damase Lavoie, and Joseph Garon*, be summoned to appear without delay before this Committee.

At one P. M. the Committee adjourned till the following day at 10 A. M.

15th November, 1854.

THE Committee met this day at 10 A. M.

PRESENT.

T. LEE TERRILL, Esquire,
(Chairman.)

Mr. Desaulniers,
Mr. Dufresne,
Mr. Fortier,
Mr. Stevenson,

Charles Hilaire Tétu, Esquire, was again called in, and did further depose as follows :

I do not know what caused the excitement at the Poll, about noon on the second day, but I remarked that letters or papers were being read among the crowd. One *Rémi Chamberland* arrived from Rivière Ouelle, stating that they were making children vote there, and bringing them to the poll by cart loads; something was said by somebody about people voting without being sworn. I was at the Mont Carmel Poll on the first day of voting, and there was no disturbance on that day. As far as I can recollect, it only began after I had seen the papers or letters in the hands of some of the crowd. I am well acquainted with the Parishes of St. Pacôme and Rivière Ouelle. In St. Pacôme there are perhaps two hundred electors, more or less. At the last Election but one, which took place between the same candidates *Chapais* and *Letellier*, there was no poll at St. Pacôme nor at Mont Carmel, and the electors of St. Pacôme voted during that election at Rivière Ouelle, and during the present one at St. Pacôme. I think that when the disturbance began at Mont Carmel, all Mr. *Letellier's* electors had voted. I returned to Rivière Ouelle late in the evening of the first day of voting; on that evening I saw several vehicles arriving at Rivière Ouelle containing men, and it was well known that they were coming to vote; I was told that they were from St. Jean or St. Roch, and it was stated that they were going to vote as usufructuaries. Mr. *Letellier* said nothing at all to me on the subject. Before the first day of voting, I had heard some one state that a great number of persons were coming from other parishes to vote as usufructuaries. I think I heard on the evening of the first day of voting, that these people would vote on the following day without taking the oath, but I am not very positive in this respect. Mr. *Letellier* never told me that he intended to bring persons from other parishes to vote. There are above three hundred and fifty qualified voters in Rivière Ouelle, more or less, and that is about their number. I have been residing in Rivière Ouelle for more than thirty years, and I have a great deal of intercourse with the inhabitants of the place.

Re-examined.

The usufructuaries I have spoken of in my transactions were parties who were stated to be qualified as usufructuaries in the County of Kamouraska by having certain articles placed in their possession. There are in the neighboring

Parishes of St. Jean, St. Roch and L'Islet, parties who have shares in the land attached to the Rivière Ouelle Fishery; there are a great many co-proprietors of this land. Eight hundred pounds have been offered for it with the right of fishing, but it is worth more than that sum. I value it at fifteen hundred pounds.

Cross-examined.

The land in question is represented by six persons whose shares are subdivided among others. I represent one-sixth. Mr. *Pierre Thomas Casgrain* represents one-sixth. One *Bérubé* another sixth, also one *Lebl* another sixth, or thereabouts. One-fourth of my sixth belongs to a person from St. Jean; Mr. *Casgrain's* sixth is subdivided between some persons of St. Roch. I voted for Mr. *Lodlicier* at the last election.

Resolved — That the Petitioner be directed to suspend further proceedings for the present, and that the sitting member be directed to proceed to the adduction of evidence in rebuttal, and also in support of his special allegations as to the illegal manner of taking the poll at Rivière Ouelle in the County of Kamouraska.

At half-past twelve (noon) the Committee adjourned till the following day at 10, A.M.

16th November, 1854.

The Committee met at 11, A.M., this day.

PRESENT :

T. LEE TERRILL, Esquire.

(*Chairman.*)

Mr. Desaulniers,

Mr. Dufresne,

Mr. Fortier,

Mr. Stevenson.

William Henry Griffin, Esquire, appeared *de novo*, as a witness on behalf of the sitting member, and being duly sworn did depose as follows:—

Communication being given to me of a document of a Postmaster's Commission dated, "London on the 18th day of May, 1849," signed "Clanricarde" and now filed before this Committee, I see that the said signature "Clanricarde," is the official signature of the Marquis of Clanricarde, then Her Majesty's Post Master General. The said Commission is countersigned by W. L. Maberly, Secretary to the General Post Office, London. I have said in my previous examination, that Mr. *Chapais* was appointed in 1848; he was appointed and placed in office in 1848, and his name was signified to the Postmaster General for Commission, but some time necessarily elapsed in making this communication to England and in the preparation of the Commission there. The said Commission was sent to Mr. *Chapais* after its arrival from England, through the General Post Office of Canada. "The nomination of Postmasters and other offices of the department in Canada were at that time and had been for some years previously transferred by the Postmaster General to the Provincial Government, and the names of the persons nominated accordingly by the Provincial Government to Postmastership and other employments, were notified to the Postmaster General for confirmation of appointment and Commission, where a Commission was required. The power of appointment remained legally in the Post-

“master General of England.” (*The latter portion of the evidence, within inverted commas, is in answer to the questions of the Committee.*)

At half past eleven the Committee adjourned until the following day at 10, A.M.

17th November, 1854.

The Committee met at 10, A.M.

PRESENT.

T. LEE TERRILL, Esquire.

(*Chairman.*)

Mr. Desaulniers,
Mr. Dufresne,
Mr. Fortier,
Mr. Stevenson,

At half past 10 the Committee adjourned till the following day at half-past 8, A. M.

18th November, 1854.

The Committee met at half-past nine A.M.

PRESENT.

T. LEE TERRILL, Esquire.

(*Chairman.*)

Mr. Desaulniers,
Mr Dufresne,
Mr Fortier,
Mr. Stevenson,

At three quarters past 9 the Committee adjourned till Monday, at 10.

20th November, 1854.

The Committee met this day at 11, A.M.

PRESENT.

T. LEE TERRILL, Esquire.

(*Chairman.*)

Mr. Desaulniers,
Mr. Dufresne,
Mr. Fortier,
Mr. Stevenson,

Félix Tétu, Esquire, of the Parish of St. Jean, Port Joli, Farmer, a witness for the sitting member, was called in, and being duly sworn did depose as follows:

I was present at the last Election for the County of Kamouraska, at Rivière Ouelle on the second day. It is within my knowledge that persons from St. Jean

and from L'Islet took part in that Election. They proceeded to the poll with their vehicles, and I accompanied them. They were about sixty in number who voted on the second day at Rivière Ouelle. After all was over, I received money to defray the expenses of those persons to go and vote. I had received that money from Dr. *Luger Tétu*, and from Mr. *Charles Tétu*, my brothers, and it amounted to about thirty-five pounds. Mr. *Charles Letellier*, the brother of the Petitioner, came to me at *St. Jean*, to make an arrangement for the conveyance of those people to Rivière Ouelle, and that two or three days before the polling, and I made an arrangement with *Charles Letellier* respecting the manner in which those persons should go to Rivière Ouelle. I induced some of these sixty to come, and others came of themselves. they had been told that they would be paid for their time. When they reached Rivière Ouelle, they were lodged at different places; some at Mr. *Charles Tétu's* others at Mr. *C. Fréchette's*, partner to Mr. *Pierre Thomas Casgrain*, and several at Mr. *L'Anglois's*. Towards nine o'clock in the morning, when the poll was opened, those people came to vote; at the opening of the poll, I noticed Mr. *Taché*, the Returning Officer, the sitting member, Mr. *Médard Boucher*, Mr. *Hudon*, Deputy Returning Officer, and Mr. *Lebel*, acting as Poll-clerk. When those persons went up to vote they were admitted; there was a little discussion between the sitting member and the petitioner and afterwards they voted; Mr. *Chapais* made some objection to those people voting, I have however no knowledge of his having demanded that the oath should be administered to them, but I believe that question was mooted before the voting commenced. I did not hear Mr. *Médard Boucher*, who represented Mr. *Chapais* at that poll, require the oath to be administered to those persons. I did not hear Mr. *Hudon*, the Deputy Returning Officer declare that he would not administer the oath to them. I was not very near to him, and that might have been said without my hearing it. There were a great many people there, I did not see a single one of them drunk. They voted for Mr. *Letellier*, and I have a knowledge of several who voted several times, under different names. They voted as usufructuaries. I never heard either Mr. *Letellier*, or the Deputy Returning Officer declare that these people were not bound to be sworn. I myself voted for Mr. *Letellier*, and nobody required me to take the oath, neither do I consider myself bound to state under what qualification I voted; I did not hear either Mr. *Chapais* or his representative require the Deputy Returning Officer to administer the oath to me.

Cross-examined.

Mr. *Chapais* remained about a quarter of an hour, and we saw no more of him; but he was represented by *Médard Boucher*; I heard not a single word about violence on the part of any person at the poll. The electors were free to vote for either Candidate, and I saw them myself, and had there been anything objectionable, I should myself have objected to it during a certain time while I represented Mr. *Letellier*, and I did not so object to anything. Peace and quietness prevailed at the poll the whole time.

Re-examined.

I represented Mr. *Letellier* the whole time that the people from my Parish were voting; among them were some who came to vote for Mr. *Chapais*, who were I believe electors of the County.

Thaddée Michaud, of the Parish of St. Jean, Port Joli, Esquire, Notary, a witness on behalf of the sitting member, was called in, and being duly sworn, did depose as follows:

In the course of last summer I received by letter twelve pounds ten shillings, from Mr. *Charles Letellier*, brother of the petitioner; it was sent to pay

the travelling expenses of persons from St. Jean, going down to Rivière Ouelle, to vote, and I received this sum four or five days before the voting, which took place at Rivière Ouelle; in July last, I engaged several persons to go down and vote there, and I paid them at the rate of fifteen shillings a head; I went with them. In my capacity of notary, I executed four deeds during the evenings of the 28th and 29th of July, and also on the morning of the 29th, for about fifty persons, constituting them usufructuaries, to enable them to vote at the election. The parties ceding or selling were, *Charles Letellier*, *Remi L'Anglais*, *Auguste Casgrain* and *François Mirville*, all of Rivière Ouelle; the purchasers bound themselves to pay the money consideration within eight days, and the prices varied from £50 to £150, according to the value of the property. I am not aware that any ready-money was paid. About one hundred and fifty persons, from the parishes of St. Jean, St. Roch and L'Islet, came with me and Mr. *Tetu*, to Rivière Ouelle; I did not go to the poll until three o'clock in the afternoon of the second day, and I think I saw only a few persons voting as usufructuaries. I was not present at the opening of the poll; I know that some of these persons voted two or three times, and they told me that they had voted for Mr. *Letellier*. When I was at the poll at three o'clock, Mr. *Médard Boucher* was there, and I did not see him making any objection; I did not execute any quit-tances for the four deeds passed by me as aforesaid; I am not aware that these deeds have been annulled. I also received two other sums of money for like purposes, one of £12 10s., on the 29th July, and one of £13 6s., about a month after the election, and I paid the people.

Cross-examined.

To the best of my knowledge, everything passed off quietly at Rivière Ouelle and no violence was manifested during the two hours that I was present at the poll.

Re-examined.

I am aware that Mr. *Charles Letellier* was a zealous partizan of the petitioner, Mr. *Letellier*.

Médard Boucher, of the Parish of Rivière Ouelle, Farmer, was called in, and being duly sworn, did depose as follows:—

I was Agent for Mr. *Chapais* at Rivière Ouelle on the last day of the polling there at the last Election, and am myself an elector. At the opening of the Poll on the second day, Mr. *Taché*, the Returning Officer and the sitting Member, were present. A number of persons came to vote then, who represented that they lived at *St. Jean du Cap St. Ignace*, and were desirous of voting as usufructuaries. Mr. *Chapais* objected to them, and required that persons from the adjoining County should be sworn, and he demanded this of Mr. *Hudon*, the Deputy Returning Officer, who answered that he did not perceive that the law permitted him to administer the oath to usufructuaries; Mr. *Taché*, the Returning Officer, then told Mr. *Hudon* to administer the oath to those persons, as I have stated elsewhere, saying, "otherwise you will take the consequences." These people voted without being sworn, and Mr. *Letellier* told me that he thought there were 150. I objected as strongly as I could to these votes, and particularly to those who came to vote for the second or third time. He let them all vote, except one. I said to him "you are devoid both of honesty and justice." He replied "give me none of your jaw, or I'll kick you out of the door!" When I represented to the Petitioner that he ought not to allow such things, he replied that it was a day for fun, so "say nothing about it; they did just as bad at *St. Jean*. It began at Rivière Ouelle at the opening of the Poll." I called on the

Deputy Returning Officer to swear each of the usufructuaries and he refused to do it.

Cross-examin'd.

Mr. *Chapais* only remained about a quarter of an hour at the Poll on the morning of the second day, and did not come back.

At 1, P. M. the Committee adjourned till the following day at 11, A. M.

21st November, 1854.

The Committee met at half-past 11 A. M. this day.

PRESENT.

T. LEE TEBRILL, Esquire,

Chairman.

Mr. Desaulniers,

Mr. Dufresne,

Mr. Fortier and

Mr. Stevenson.

Joseph Magloire Hudon, of the Parish of St. Louis de Kamouraska, Esq., Advocate, was called in, and being duly sworn, did depose as follows:—

I acted as Deputy Returning Officer at the Poll of Riviere Ouelle, at the last general election; having been duly commissioned as such. On the morning of the second day I saw at the poll, at the beginning of the voting, Mr. *Taché* the Returning Officer, the Sitting Member, and a great number of persons. To the best of my knowledge I declare that the voting upon the first day terminated with the vote of a man named *Vincent Boucher*, father or son, whose name appears on the Poll Book of Riviere Ouelle, now shewn me, on the first page of the fifth leaf and whose name is entered as having voted for the Petitioner, and which is placed opposite a cross which appears on the back of the sixth leaf of the said Poll Book. On the second day the voting was begun either by *Hilaire Berubé* or by *Vincent Boucher*, junior. A short time after the opening of the Poll, persons desiring to vote as usufructuaries presented themselves. I decided that as by the law no form of oath was provided for usufructuaries, I had no right to manufacture one to suit the case. Not one of the persons whose names appeared upon the book as usufructuaries took the oath, and I permitted them to vote. The Sitting Member complained and protested strongly against this proceeding. Mr. *Taché*, the Returning Officer, told me that these persons must take the oath, but he was unable to point out to me any form. Mr. *Taché* may have stated that if I did not enforce the taking of the oath it might influence the result of the election. These usufructuaries presented themselves for the purpose of voting two or three times, but I sent them away whenever I recognised them. Mr. *Médard Boucher* observed to me that some of these usufructuaries presented themselves to vote a second time. I did not put the oath to these persons, there being no form of oath in the law for swearing a person presenting himself to vote a second time. I stated to Mr. *Boucher* that if it were possible that I could be informed and convinced that these persons had already voted I would send them away without taking their votes, as I had done with the others. Mr. *Boucher* objected in this manner to three or four voters which *Boucher* said had presented themselves a second time. I am of opinion that he was mistaken. I am positive that I admitted some persons to vote under oath, some of the persons so objected to by Mr. *Médard Boucher*.

Question Is it not true that the Sitting Member or his representative required you to swear persons who presented themselves to vote as usufructuaries, and that you decided when the first vote was offered that these persons were not obliged to take the oath of qualification, and that you admitted to vote all those who presented themselves as usufructuaries, and without obliging them to take the oath?

Answer. Neither the Sitting Member nor his representative required those persons who presented themselves to vote as usufructuaries at the beginning of the second day of voting; I cannot say when they ceased requiring the oath. All the votes given upon usufructs, and marked on the second day "*objecté Chapais,*" were taken under objection as to qualification. As to the oath I am positive when I state that it was at first required, and that I decided as I had done in 1851, that I was not aware that there was in the law any form of oath for these persons, and I never stated anything with regard to those who presented themselves afterwards, but they might have inferred from my decision. I did not tell *Médard Boucher* that if he asked me to swear those persons I would turn him out; but I told him that, as to his assertion in a loud voice that I had used partiality, if he repeated it, I would have him turned out to preserve order, upon which *Médard Bouchard* said to me: "you shall not have the trouble of putting me out; I am going out," and so saying he went out, and about the same time the words "*objecté Chapais,*" ceased to be entered. I did not admit a single person to vote whom I believed to be under twenty-one years of age. I have no recollection whatever of having any conversation with the Petitioner a few days before the election relative to the admission of usufructuaries to vote without being sworn.

Cross-examined.

I had come to this decision with respect to usufructuaries at the election of 1851, and at that time it was in favor of the Sitting Member. On the second day *Mr. Pierre Garon* also voted without being sworn. I do not know if the oath was demanded. He appears objected to by the book. I know that the Petitioner himself demanded that the oath for usufructuaries should be put, saying that he did so because his friends had been treated in the same manner. Everything was quiet and there was no disturbance.

Re-examined.

Mr. Pierre Garon is a Notary well known at Rivière Ouelle.

Jean George Taché, Esquire, Advocate, of the Parish of St. Louis of Kamouraska, was called in, and being duly sworn, did depose as follows:—

I was the Returning Officer at the last Election for the County of Kamouraska, and I acted as such. I was present at the opening of the Poll at Rivière Ouelle on the second day. I was not present during the whole day, but at intervals. A voter having offered himself as a usufructuary at the opening of the Poll, the sitting Member objected to him, requiring at the same time that the oath of qualification should be administered to him as such; the Deputy Returning Officer refused to administer the oath to the voters, alleging that whoever described himself as a usufructuary was exempt from the requirements of the law in that behalf, as there was no form of an oath annexed to the Elections Act specially applicable to such persons; whereupon the sitting Member appealed to me as Returning Officer. I replied that it was not within the range of my powers to permit or refuse the registration of a vote on the Poll-books by exercising a control over the Deputy Returning Officer, otherwise than by general instructions to the Deputy before the commencement of the voting; that I had at that time

especially instructed Mr. *Hudon* that no person, whatever his qualification, was, in my opinion, exempt from the obligation of establishing it by oath, if required to do so by one of the candidates; that the only satisfaction I could then give him was to repeat the expression of that opinion to Mr. *Hudon*, which I did, and if he acted in opposition to it, it was on his personal responsibility. To this Mr. *Hudon* made answer that he knew his duty, and would do it as he understood it, and that he would admit the voter without administering the oath, saying the law left him no alternative. Accordingly the vote was received, and the voting continued on the same principle. I cannot say that I saw any child vote, but I saw a person come to vote as a usufructuary who seemed to me to be about 15 or 16 years of age, and he was objected to and required to be sworn. Mr. *Hudon* refused to administer the oath. I cannot swear positively that I saw the same person vote several times, but I am under the impression that I saw young persons disguised in a costume unsuited to their age come and vote, and among others I saw one to whom I called the attention of Mr. *Hudon*, a person whom I thought I had already seen vote. He replied to me: "I am morally convinced that that man has already been up to vote, but that is not sufficient for me, because I am not well enough acquainted with that person to allege that he has already voted." A moment afterwards Mr. *Hudon* rejected one, telling him that he had already voted.

Ordered, That *Charles Letellier*, *Dr. Ludger Tétu*, and *Charles Hilaire Tétu* be summoned to appear as witnesses before this Committee without delay.

At half-past 1 the Committee adjourned till the following day at 10, A. M.

22nd November, 1854.

The Committee met at 11, A. M., this day.

PRESENT :

T. LEE TERRILL, Esquire, *Chairman*.

Mr. Desaulniers.

Mr. Dufresne,

Mr. Fortier, and

Mr. Stevenson.

Charles Hilaire Tétu, Esquire, was called in on the part of the sitting Member, and being duly sworn, did depose as follows :—

I did not myself pay to my brother *Félix Tétu*, a witness examined before this Committee, any sum of money to defray the expenses of certain persons who were to have come and voted from St. Jean and L'Islet for Mr. *Letellier* at the late election; but this money might have been paid by some persons at my house, but I am ignorant of the circumstance, and I will add that nothing was said to me about it, nor even since that period. *Charles* and *David Tétu*, my sons, might have paid that money, but I know nothing about it.

Cross-examined.

The Petitioner has always advised me not to get votes either by money or unjust means, and I know that the Petitioner has frequently given the same advice to several of his partisans, previous to and during the late election.

Ordered, That *Charles Tétu*, the younger, *David Tétu*, the younger, and *Charles Casgrain* be summoned to appear as witnesses before this Committee.

Joseph Garon, Esquire, Notary, a witness produced on behalf of the sitting member, was called in, and being duly sworn, did depose as follows :

I was present at the poll held at Mont Carmel during the two polling days at the last election for the County of Kamouraska. On the first day, and, to the best of my knowledge, until about or three o'clock in the afternoon of the second day, order was thoroughly maintained. About this time the news arrived that at Rivière Ouelle universal suffrage prevailed; this intelligence excited the people, and they then declared "we will take all the votes without distinction," and this threat was carried out. I opposed this proceeding as far as I was able, until some information should be received on the subject to procure which persons had been sent, when some one came and told us that at Rivière Ouelle all votes were taken provided the voters declared themselves to be usufructuaries. I am well acquainted with Mont Carmel; to the best of my knowledge such partisans as the petitioner had voted freely, and they were not hindered in any way, and no violence was made use of to prevent the partisans of the petitioner from voting, and I am of opinion that they all did vote. I am also well acquainted with the Parish of St. Denis; I was not present at the poll; I am well acquainted with the partisans of the Petitioner in St. Denis. I know that their number does not exceed 22. (*Objected to by the Petitioner.*) It is to Mr. *Damase Lavoie* that I always pay the postage upon letters sent to me and the papers received by post at St. Denis. I believe the commission is in the name of Mr. *Chapais*, but Mr. *Lavoie* sends in the accounts in his own name.

Cross-examined.

I was one of the partisans of Mr. *Chapais* at the last election. A man named *Remi Chamberland* said at the Poll, "at Rivière Ouelle, universal suffrage is permitted, our election should not be taken from us in that manner, and the same system should be put in force here." This rumor was brought by one of the partisans of Mr. *Chapais*. Having examined the paper writing marked B. and signed *Jean Charles Chapais*, I declare that to the best of my knowledge the said signature is that of the sitting Member. This paper is headed by the words "Post office at St. Denis" and the last word after the signature of Mr. *Chapais* is "Postmaster." This paper writing is dated the second day of January, 1852.

Charles Tétu, the younger, of Rivière Ouelle, Trader, was called in, and boldly sworn, did depose as follows:

I have no knowledge that any sum of money was ever paid to Mr. *Félix Tétu*, a witness examined before this Committee to pay the persons who came in from St. John and L'Islet, to vote at the last election as usufructuaries. I know that Mr. *Félix Tétu* of St. Jean, a witness examined before this Committee, was one of the partisans of the Petitioner, and that he busied himself in sending for persons from L'Islet and St. Jean to vote at Rivière Ouelle, during the election for the County of Kamouraska.

At 1, P. M., the Committee adjourned till the following day at 10, A. M.

23rd November, 1854.

The Committee met at 11, A. M. this day.

PRESENT.

T. LEE TERRILL, Esquire,

(Chairman.)

Mr. Desaulniers,

Mr. Dufresne,

Mr. Fortier,

Mr. Stevenson.

Damase Lavoie, of St. Denis, Witness on behalf of the sitting member, was called in and being duly sworn, did depose as follows :

I was present at the poll at St. Denis during the whole of the second day of the voting. The disturbance commenced at eleven or half-past eleven, in consequence of news being brought to us that at Rivière Ouelle universal suffrage was admitted, and the people declared that they would do the same thing at St. Denis. I am of opinion that there were still about fifty votes to poll. I am perfectly acquainted with the number of partisans the Petitioner has in the Parish of St. Denis. I think he has from 20 to 22. In my opinion, they all voted with the exception of one. These persons are *Pierre Hudon* the younger, *Joseph Lavoie*, *Hilaire Lavoie*, his son, whose Christian name I do not know, *Jean Ble Lavoie*, *Elie Lavoie*, *Louis Caron* and his son, whose Christian name I do not know. I saw those I have just mentioned, vote. There were two other *Lavoies* whose Christian names I do not know, *Frs. X. Jean*, *Elisée Jean* his son, *Joseph Hulon*, *Octave Paradis*, a person called *Marcelle* and *Joseph Dionne*. I think that his son voted also. I do not recollect the names of the others.

Cross-examine.

I am a Merchant and Deputy Postmaster for the Parish of St. Denis. I said that there were about fifty voters left who had not yet voted, when the disturbance commenced on the second day. I say this because I saw some of them going by after the disturbance had commenced. I only arrived at the poll at St. Denis at one on the first polling day of the election, having been absent all that time from the poll, and also from one o'clock till the closing of the poll at St. Denis. I went out of the said poll several times. I learned, at about three o'clock, that some partisans and friends of Mr. Letellier had been stopped; it was a person at the poll who told me so.

Question.—Do you swear positively that it was not a notorious fact at St. Denis that some partisans or electors in favor of Mr. Letellier were stopped and detained at St. Denis on the second day of the voting, by the friends, electors and partisans of Mr. Letellier?

Answer.—I think that outside the poll there was a rumor to that effect, because they were kept behind, but I was only told so by one person inside the Poll.

At noon the Committee adjourned till the following day at 10, A. M.

24th November, 1854.

The Committee met at 11 A. M. this day.

PRESENT.

T. LEE TERRILL, Esquire,

(Chairman.)

Mr. Desaulniers,

Mr. Dufresne,

Mr. Fortier,

Mr. Stevenson,

Mr. Charles Letellier, of Rivière Ouelle, merchant, was called in and being duly sworn did depose as follows :

A few days before the last election for the County of Kamouraska, I went to St. Jean Port Joli, where I met Mr. *Félix Tétu* of that place. I went there for the purpose of meeting some electors of the County of Kamouraska ; both during and before the election I consented to transfers or sales of lands which I had in Rivière Ouelle and St. Pacôme in favor of these parties. Those to whom I gave a transfer during the election, merely obtained from me the usufruct of the property and the others got a mere promise of sale. I came to an understanding with Mr. *Félix Tétu*, about the manner in which these people were to come from Rivière Ouelle to vote, but I do not know whether they all came. Not one of the persons to whom I gave transfers has yet paid me. I intend to make them pay, especially those in the enjoyment of my property. I cannot name all those who took possession ; but I recollect *Joseph Meunier*, who took possession, also *Théodore Meunier*, and two persons called *Levesque*, whose christian names I do not remember. I did not give those persons a single copper to induce them to vote. I have no knowledge of any one of them having been paid. I think and have heard it said, that money was given to pay for their vehicles, but I did not see it given. During last summer I wrote a letter to *Thomas Michaud*, Esquire, Notary of the Parish of St. Jean Port Joli, and I think I enclosed him a sum of money in the letter. The amount was twelve pounds : I think those twelve pounds were out of my own money, but I do not well remember. I might have had some from other persons whose names I do not recollect. Sometimes I keep an account of the moneys I receive from strangers, but in this case I did not do so.

Question.—What was the destination of the twelve pounds which you thus sent to Mr. *Thomas Michaud* in the letter you have spoken of, and for what purpose were they used ?

Answer.—I refuse to answer the first part of the question which relates to the destination of the money, because I do not remember the contents of the letter, and as to the use to which the money was put I do not know what he did with it.

My memory is not very good I am now pretty well aware for what purpose the money was sent, but I refuse to state it. I am the brother of the Petitioner, and think I was one of his warm partisans during the late election. I went to Rivière du Loup (below) to promote his election and especially to ascertain whether Mr. *Chapais* had caused any parties out of the County qualify to themselves. The people of St. Jean Port Joli to whom I gave transfers voted as usufructuaries. I voted at the late election for my brother.

I imagine that my brother was very well aware that I was one of his warm partisans.

Cross-examined.

I have no knowledge of Mr. *Luc Letellier* the Petitioner having given any money to defray the expenses of the persons coming from the upper Parishes, nor of his having authorised any person to spend money for that purpose.

I do not know whether the Petitioner was aware that money was being spent for his election.

Re-examined.

I have not been repaid the twelve pounds I sent *Thomas Michaud* Esquire, nor is any one bound to pay them to me. I do not owe any thing to my brother. At noon the Committee adjourned till the following day at 10, A. M.

25th November, 1854.

The Committee met at 10, A. M., this day.

PRESENT :

T. LEE TERRILL, ESQUIRE, (*Chairman.*)

Mr. Desaulniers.

Mr. Dufresne.

Mr. Fortier.

Mr. Stevenson.

Ludger Tétu, of Rivière Ouelle, Esquire, Physician, was called in and being duly sworn, did depose as follows :

During the course of last summer, I think it was in the month of August, I caused twelve pounds ten shillings currency to be sent to my brother *Félix Tétu*, a witness examined before this Committee. The object of this money was to defray the expenses of certain voters. Mr. *Félix Tétu* had come to the poll at Rivière Ouelle, together with a certain number of voters from his Parish. I have no knowledge of any other sum of twelve pounds ten shillings having been paid to the said *Félix Tétu* by my brother *Charles Tétu*. My brother *Félix Tétu* did not tell me for what purpose he had used the money. The twelve pounds ten shillings which I so sent to my brother *Félix Tétu* were my own. I did not take an active part in the late election, in favor of the Petitioner, but I represented him at the poll at Rivière Ouelle on the first day. I voted for him, and was one of his partisans, and the Petitioner knew that I was one of his partisans. I have no knowledge of money being sent to Mr. *Thomas Michaud*, but I heard the fact mentioned by *Charles Letellier*. Mr. *Charles Letellier*, at the time of the last election, was known to be one of the Petitioner's warm partisans.

Cross-examined.

Question.—Were you asked or authorised by *Luc Letellier*, Esq., the Petitioner, to pay this money or any other sum of money to Mr. *Félix Tétu*, your brother.

Answer.—No; the Petitioner did not know that we had sent the money. do not know whether other parties sent any.

Mr. *Charles Casgrain* was called, but made default.

The Committee then

Resolved, That the sitting member be directed to suspend further evidence and that the parties be heard by their Counsel upon the preliminary questions of

eligibility of the sitting member resulting from his being Postmaster at St. Denis, and upon the question of the illegal manner of conducting the election at the five Polls, to wit : St. Anne, St. Denis, Ixworth, Mont Carmel and Rivière Ouelle.

At noon the Committee adjourned till Monday, the the 27th instant, at 9 A. M.

27th November, 1854.

The Committee met at 10, A. M., this day.

PRESENT.

T. LEE TERRILL, Esquire,
(Chairman.)

Mr. Desaulniers,
Mr. Dufresne,
Mr. Fortier, and
Mr. Stevenson.

Mr. Casgrain appeared before the Committee this day, having received his summons only on the 24th inst; but was not examined in consequence of the Resolutions adopted by the Committee at their last sitting.

At 1, P. M., the Committee adjourned till the following day at 10 A. M.

28th November, 1854.

PRESENT.

T. LEE TERRILL, Esquire,
(Chairman.)

Mr. Desaulniers,
Mr. Dufresne,
Mr. Fortier, and
Mr. Stevenson,

The Committee met, and deliberated with closed doors, upon the merits of the proof adduced, after having heard the parties by their Counsel on the preliminary points of the contestation of the said Election.

At 1, P. M., the Committee adjourned till the following day at 9, A. M.

29th November, 1854.

PRESENT.

T. LEE TERRILL, Esquire,

(Chairman.)

Mr. Desaulniers,
 Mr. Dufresne,
 Mr. Fortier,
 Mr. Stevenson.

The Committee met at 10, A. M., and after some time spent in debate it was

Resolved,—1st. That *Jean Charles Chapais*, Esquire, the Sitting Member for the County of Kamouraska was at the time of the last Election for the said County, the Postmaster for the Parish of St. Denis, in the said County of Kamouraska and as such Postmaster was, under the provisions of the Provincial statute 16 Vic cap. 154, holding an office of emolument at the nomination of the Crown, and therefore ineligible as a member of the Legislative Assembly of this Province.

Resolved,—2nd. That in the opinion of this Committee, the evidence adduced shows conclusively that at the last election for the said County of Kamouraska, the agents, representatives and partisans of *Luc Letellier*, Esquire the Petitioner, entered into an concocted a deep laid scheme of fraud and corruption and in furtherance thereof, and in violation of law and the freedom of election, caused a large number of persons from Parishes without the said County of Kamouraska to vote as *usufruitiers* without qualification, at the Poll held at Rivière Ouelle, and also caused a large number of names to be illegally and fraudulently inscribed on the Poll Book at said Rivière Ouelle.

Resolved,—3d. That in the opinion of this Committee, *Joseph Magloire Hudon* Esquire, the Deputy Returning officer for the said Parish of Rivière Ouelle, has been guilty of a gross breach of duty, has acted corruptly and fraudulently and has in violation of law and his oath of office, assented to the perpetration of frauds, by suffering a large number of persons from the Parishes of St. Jean, St. Roch and other places without the limits of the said County of Kamouraska to vote at the said Parish of Rivière Ouelle as *usufruitiers*, he the said Deputy refusing to administer the qualification oath, as required by law.

Resolved,—4th. That the said *Joseph Magloire Hudon*, Esquire, Deputy Returning Officer for the said Parish of Rivière Ouelle, has been guilty of a gross breach of the privileges of the Legislative Assembly of this Province, and this Committee recommend that the said *Joseph Magloire Hudon*, Esquire, be taken into the custody of the Serjeant-at-Arms, to be then further punished as the Honorable the Legislative Assembly shall think proper.

Resolved,—5th. That the evidence shows further, that at the last general Election for the County of Kamouraska, violence and illegal practices of a glaring kind were resorted to, at the several Polls held in the Parishes of Ste. Anne, St. Denis, Mont Carmel and Ixworth, and to such an extent as to interfere materially with the freedom of the said Election, and to render the same an undue, illegal and void Election.

Resolved,—6th. That this Committee are persuaded, from all the evidence adduced, that the violence and illegal proceedings at the above named polls of Ste. Anne, St. Denis, Mont Carmel and Ixworth, were resorted to by the friends, partisans and electors of *Jean Charles Chapais*, Esquire, and as a means of counteracting the fraudulent and illegal proceedings at the Poll of Rivière Ouelle,

nevertheless this Committee are constrained to declare the said proceedings illegal and in open violation of the freedom of elections.

Resolved,—7th. That a very considerable proportion of names inscribed on the Poll Books for the Parishes of St. Denis, Ste. Anne, Ixworth, Mont Carmel and Rivière Ouelle were fictitious names, illegally and fraudulently inscribed, and under such circumstances of fraud and violence as to render such proceedings null, illegal, undue and absolutely void.

Resolved,—8th. That *Jean Charles Chapais*, Esquire, is not duly elected to serve in this present Parliament as the representative for the County of Kamouraska.

Resolved,—9th. That the said election for the County of Kamouraska is illegal, null and void.

Resolved,—10th. That there has been no evidence adduced to show that either the Sitting Member, *Jean Charles Chapais*, Esquire, or the Petitioner, *Luc Letellier*, Esquire, participated in or promoted the said frauds, violence and illegal proceedings, and this Committee therefore, resolve that upon these points neither the petition nor defence thereof is frivolous or vexatious.

Ordered, That the Chairman do report the said Resolutions to the House.
The Committee then adjourned.

Attest,
(Signed,)

J. P. LEPROHON,
Clerk to Committee.

MINUTE OF THE PROCEEDINGS

OF THE
COUNTY OF LAVAL ELECTION COMMITTEE.

1ST SESSION, 5TH PARLIAMENT, 1854.

COMMITTEE.

FRANÇOIS LEMIEUX, Esquire, *Chairman.*

John Frazer, Esq.,
Barthélemi Pouliot, Esq.,
Francis Burton, Esq.,
Jacob Dewitt, Esq.

COMMITTEE ROOM, LEGISLATIVE ASSEMBLY.

Thursday, 23rd November, 1854.

THE Select Committee appointed to try the merits of the Petition of *A. B. Papineau*, Esquire, complaining of the undue Election and Return of *Pierre Labelle*, Esquire, as a Member to represent the County of Laval, in the present Parliament,—met this day, pursuant to the order of the House, at the hour of eleven in the forenoon.

MEMBERS PRESENT.

FRANÇOIS LEMIEUX, Esquire, *Chairman.*

Mr. Pouliot,
Mr. Frazer,
Mr. Burton,
Mr. Dewitt.

The Sitting Member appeared in his own behalf.

The Petition of *A. B. Papineau*, Esquire, was read.

The Petitioner not appearing by himself, Counsel or Agent, it was

Ordered.—That *J. B. E. Dorion*, Esquire, the member for the Incorporated Counties of Drummond and Arthabaska, having presented the Petition to the House, be notified to attend the Committee on to-morrow.

The Committee then adjourned till 11 o'clock, A. M., to-morrow.

Friday, 24th November, 1854.

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

MEMBERS PRESENT.

FRANCOIS LEMIEUX, Esquire. *Chairman.*

Mr. Burton,
Mr. DeWitt,
Mr. Pouliot,
Mr. Frazer.

Antoine A. Dorion Esquire, a member of the House, appeared as Counsel for the Petitioner.

Mr. *Plamondon* fyled an appearance as Attorney in behalf of the Petitioner.

George E. Curtier, Esquire, a member of the House, appeared as Counsel for the Sitting member.

The Counsel for the Sitting member requested a delay until To-morrow, which was granted.

The Committee then adjourned till $\frac{1}{4}$ before 10 o'clock, A. M., To-morrow.

Saturday, 25th November, 1854.

THE Committee met at $\frac{1}{4}$ before 10 o'clock, A. M.

MEMBERS PRESENT.

FRANÇOIS LEMIEUX, Esquire. *Chairman.*

Mr. DeWitt,
Mr. Frazer,
Mr. Pouliot,
Mr. Burton.

Mr. *Cartier*, on the behalf of the Sitting member, fyled a demurrer to the Petition.

T. J. J. Loranger Esquire, a member of the House, appeared as Counsel for the Sitting member.

The Sitting member presented two contracts entered into between him and the Chief Commissioner of Public Works, bearing the respective dates of the 28th November, 1850, and 7th March, 1851, and numbered 11,899 and 12,079, and which were fyled for the further reference and information of the Committee.

On the application of Mr. *Plamondon*, Counsel for Petitioner, it was

Ordered, That the Honorable *Jean Chabot*, the Honorable *Hamilton H. Killaly* and *Félix Fortier*, Esquire, the Clerk of the Crown in Chancery, be summoned to appear and give evidence before the Committee at its next sitting.

The Committee then adjourned till half-past 10 o'clock, A. M., on Monday next.

Monday, 27th November, 1854.

THE Committee met at half-past 10 o'clock, A. M.

MEMBERS PRESENT.

FRANÇOIS LEMIEUX, Esquire. *Chairman.*

Mr. Burton,
Mr. Pouliot,
Mr. Frazer,
Mr. DeWitt,

The Honorable *Jean Chabot*, the Honorable *Hamilton H. Kilbaly*, and *Felix Fortier*, Esquire, attended, in accordance with the order of the Committee of Saturday.

Felix Fortier, Esq., sworn.

Are you the Clerk of the Crown in Chancery, and if you are, produce the writ, the return, and the poll books, appertaining to the election of the County of Laval?—I am the Clerk of the Crown in Chancery in this Province, and I here produce the writ and return for the County of Laval, at the last general election, together with the poll books, five in number. *Witness withdrew.*

It was admitted, on the behalf of the Petitioner, and of the sitting Member, that Mr. *Pierre Labelle* was the returned member for the County of Laval, according to the date of the writ and return, being July 31, 1854.

The Honorable *Jean Chabot* being sworn, was examined by the Petitioner's Counsel, as follows:

Are you not the Chief Commissioner of Public Works for the Province of Canada?—I am.

Do you know *Pierre Labelle* Esq., the sitting member for the County of Laval?—I do know him.

Is the said *Pierre Labelle* one of the contractors mentioned in the two documents filed in support of the petition, in this matter, and now exhibited to you?—Yes.

Has not the Court House, mentioned in the said documents, been constructed under the control of your department?—The Court House mentioned, has been contracted for in virtue of the Statute 12 Vic. Chap. 112.

To whom does the said Court House belong?—The Statute states the matter.

Besides the works mentioned in the two deeds which you have just now examined, have not Mr. *Labelle*, and his associates, been employed to perform other works for the said Court House, than those mentioned in the said deeds and in the original specifications, and if such is the case, state whether those works were considerable, and on or about of what value?—They have made other extra works, but I cannot tax my memory as to the nature and value of such other works, I should have to refer to the public accounts now in my possession. They were not considerable in proportion to the whole of the contracts.

Were the works so performed by the said Mr. *Labelle*, and his associates, for the said Court House, (as well as those that were performed in virtue of the said contracts, as those which they have been employed to perform besides the contracts,) received on the 23rd day of July last, if not, state whether they have been received since, and when?—No, they were not received. During the last winter, on account of the fires taking place in Quebec, it was suggested by some of the Judges and Prothonotaries, that it would be necessary to make some alterations in the construction of the building. The matter was referred to the architects, Messieurs *Ostell & Perrault*, and that had the effect of delaying the works, two

or three months. The contractors during that time had many times made application for the balance of their money, and they urged that it was not fair to keep back their money, because they could not proceed with their work. A sum of £1,000 was paid to them, with the conditions that they should not receive any more before the final completion of their work; this was early in the spring, but at the end of May or beginning of June, (being in Montreal,) on the application of the contractors, it was understood between them and myself, that they should stop their works, and that Mr. *Ostell* should make a measurement of all the work done, and that the work undone, according to the contract, should be deducted from the price contracted.

Mr. *Ostell*, although instructed to make the aforesaid measurement and estimates, did not make them, and the contractors have made, at various times, applications to my Department to have them made. Mr. *Ostell* was written to many times by the Secretary of Public Works, urging the measurement in question, but he delayed on account of other business, and the prevailing sickness, until the month of September or October.

Are the said works now finally completed?—The building is not completed, but their contract is finished according to the above mentioned understanding.

At what precise date did that understanding take place?—Either in the end of May or beginning of June last, between the twenty-third of May and seventh or eighth of June.

Have the contractors then been fully discharged from their works?—They have been discharged, as contractors, under the above understanding, but the account was not settled.

Have the Contractors, since the above mentioned understanding, performed any further works for the said Court House?—I believe not, but I cannot positively say.

Is Mr. *Labelle* still in the employ of the Board of Works?—No.

Is it in virtue of an Order in Council that the above mentioned understanding between yourself and the contractors has taken place?—No.

Was that understanding put down in writing?—No.

Does not Mr. *Labelle* hold a claim against Government for the said works performed for the said Court House, which said claim is not settled, and state what is the amount thereof?—There is an account unpaid exceeding a little, one hundred pounds, this is due for extra work, the balance of the contract work was paid since the election.

What was the amount of the said claim on the 31st July last?—I cannot exactly say without reference to my Books.

[Cross-examined by Mr. *Cartier* :]

Is it not true that the Montreal Court House is for the use of the different Courts sitting in the City of Montreal?—Yes, of course it is intended for the use of the several Courts in Montreal.

Is it not true that, at different times, the works were suspended at the instance of the Board of Works, by the means of which the sitting member and his partners were, at their loss and inconvenience, delayed for two or three months in the progress of their works?—The work has been stopped in 1852, before I was Commissioner, in Chief, of Public Works, during many months.

Is it not true that the suspension was caused on account of some alterations in the character and nature of the works, which alteration necessitated an increase or augmentation in said Works and a reduction in some others?—It was on account of certain changes ordered to be made.

Is it not true that the extra works, or augmentations, made by the sitting member and his partners were incidental to the contracts entered into by them, and the result of the alterations determined upon, and that under the authority of 18 Vic. chap. 112?—Yes, certainly.

Is it not true that these extra works, or augmentations, were not considerable?—The extra works done by Mr. *Labelle* and his partners were not considerable in proportion to the amount of the contracts, except the cornice.

Is it not true that the sitting member has not been at any time an officer or an employé of the Board of Works, receiving wages or salary as such employé?—No.

Is it not true that the sitting member and his partners have been connected with the Board of Works only through the contracts for the making of the works undertaken by them for the building of the Montreal Court House?—They have been connected with the Board of Works only as contractors for the building of the said Court House as far as I can remember.

Is it not true that the understanding which took place in May or June last, was fully carried out and acted upon, and has not the settlement of accounts with the sitting member and his partners taken place upon and in consequence of such an undertaking, and have not the payments which have been made to the sitting member and his partners been made upon and in consequence of the above understanding?—Yes.

If Mr. *Ostell* had made earlier measurements and estimates of the works, would not the account due to sitting member and his partners have been settled at an earlier day, and is not Mr. *Ostell* the principal cause of the delay?—If the measurement had been made by Mr. *Ostell* at an earlier date the account would have been settled before.

[By Mr. *DeWitt*.]

Were the payments made to the contractors in accordance with the contract? Yes, they were in accordance with the monthly measurement of Mr. *Ostelle*.

The Honorable *H. H. Killaly* being duly sworn, deposed in answer to a question put to him by the Committee. That he was connected with the Public Works and fully confirmed all that had been stated by the Honorable *Jean Chabot*, with regard to the nature, value, and duration of the works mentioned in the contracts above referred to.

On the application of the counsel for the Petitioner: "That the Committee do grant leave to issue a commission for the examination of certain witnesses in Montreal as a further corroboration of the evidence already adduced." It was ordered: That he should submit his reasons for asking said commission, in writing, and they would take the matter into consideration during to-morrow's sitting.

The Committee then adjourned until to-morrow at 10½ o'clock, A. M.

Tuesday, November 28, 1854.

THE Committee met at ¼ past 10 o'clock, A. M.

MEMBERS PRESENT:

FRANÇOIS LEMIEUX, Esquire, *Chairman*.

Mr. Frazer,
Mr. DeWitt,
Mr. Pouliot,
Mr. Burton.

The Chairman called upon the Counsel for Petitioner to state his reasons to the Committee for desiring the issuing of a commission to examine witnesses in Montreal in accordance with his application of yesterday, which being according-

ly done by him, the opposing counsel, Mr. *Cartier*, objected to the granting of said Commission.

The Committee, after mature deliberation, ordered that the application of the Petitioner's Counsel cannot be granted, inasmuch as the question at issue being a legal one further evidence than that already adduced is unnecessary. The Committee therefore resolved, that the matter of the Petition shall be argued by the Counsel for the Petitioner, and sitting Member, on Thursday next, at 10½, A. M.

The Committee then adjourned until to-morrow at 10 o'clock, A. M.

Wednesday, Nov. 29, 1854.

The Committee met at 10 o'clock, A. M.

MEMBERS PRESENT :

FRANÇOIS LEMIRUX, Esquire, *Chairman*.

Mr. Frazer,
Mr. Dewitt,
Mr. Pouliot,
Mr. Burton.

There being no business before the Committee, it adjourned until to-morrow at 10½, A. M.

Thursday, Nov. 30, 1854.

Committee met at 10½ o'clock, A. M.

MEMBERS PRESENT :

FRANÇOIS LEMIEUX, Esquire, *Chairman*.

Mr. Dewitt,
Mr. Burton,
Mr. Pouliot,
Mr. Frazer.

In accordance with the resolution of the Committee of Thursday last, the merits of the Petition of *A. B. Papineau*, Esquire, were fully argued, by the Counsel on both sides.

The Committee having heard the said Counsel, and after a careful deliberation

The following Resolutions were proposed :—

Resolved,—That the prayer of the petition of the said *A. B. Papineau*, Esq., cannot be granted, inasmuch as they consider that the nature of the contracts, subsisting between the sitting member, and the Chief Commissioner of Public Works, is such as does not make the contractors amenable to the authority of the Statute 7, Vic., cap. 65.

Resolved,—That the petition is therefore discharged, and the sitting member *Pierre Labelle*, Esquire, is declared to be legally elected,

Upon which Resolution the Committee were divided as follows

<p><i>Yeas :</i> Mr. Burton, Mr. Pouliot, The Chairman.</p>	<p> </p>	<p><i>Nays :</i> Mr. Dewitt, Mr. Frazer.</p>
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The Committee then adjourned till half-past ten o'clock, A. M. to-morrow.

Friday, December 1, 1854.

THE Committee met at half-past ten o'clock, A. M.

MEMBERS PRESENT.

FRANÇOIS LEMIEUX, Esquire, *Chairman.*

Mr. Frazer,
Mr. Pouliot,
Mr. DeWitt,
Mr. Burton,

It being necessary to adopt certain Resolutions, as the final determination of the Committee, in the matter referred to them, in order to report the same to the House. Two Resolutions were submitted to the Committee and were ordered to remain open until to-morrow for the further consideration of the Committee.

The Committee then adjourned until to-morrow at 11 o'clock, A. M.

Saturday, December 2, 1854.

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

MEMBERS PRESENT :

FRANÇOIS LEMIEUX, Esq. *Chairman.*

Mr. Frazer,
Mr. Pouliot,
Mr. DeWitt,
Mr. Burton,

It being thought expedient by the Committee to re-consider the Resolutions which engaged their attention at their last meeting, before making their final Report to the House. The question was put by the Chairman whether *Pierre Labelle*, Esquire, the sitting member for the County of Laval was or was not eligible to be elected to represent the said County in Parliament at the time of the last general election, and there voted.

In the affirmative.

Mr. Burton,
Mr. Pouliot, and
The Chairman.

For the following reasons :

Because, they do not consider that the contracts filed in this case are of the nature of those contemplated by the Statute 7 Viet. chap. 65, and therefore have

not an evidence of the disqualification of *Pierre Labelle*, Esquire, to be elected at the time of the last general election, as sitting member for the County of Laval

In the negative.
Mr. Frazer, and
Mr. Dewitt.

For the following reasons :

Because, that by virtue of the Act 12 Vict. chap. 112, the Chief Commissioner of Public Works was authorised to build a Court House in the City of Montreal, belonging to the Civil Government.

That the Chief Commissioner of Public Works stipulated with *Pierre Labelle*, Esquire, and others, by virtue of two contracts, of the respective dates of Nov. 20, 1850, and March 7, 1851, to build the said Court House, in the District of Montreal, on the Provincial land in the said City.

That, amongst other things, the Chief Commissioner of Public Works stipulated to pay, upon the Report of the architect, for work done and materials furnished in the progress of that work, in one of the said contracts 75 per cent., and 85 per cent. in the other, and that, afterwards, between the 23d May and the 7th June last, the said Chief Commissioner of Public Works verbally agreed with the Sitting member and his associates to fulfil their contracts with certain alterations in building the said Court House contingent upon the completion of the said two contracts.

That the said contracts were not completed until the month of September or October last, and that the works constructed by virtue of such contracts have not up to the time been received.

That several sums of money have been paid by the department of Public Works to the said Sitting member, during the present Session of Parliament.

That by 7 Vic., cap. 65, Sec. 1, it is enacted " That all contractors with the said Board or with any other Department of the Provincial Government for performing any work or supplying any thing required for the Public Provincial service or to be paid for out of the Public moneys of the Province during the subsistence of such contracts " are ineligible to sit or vote in the Legislative Assembly."

That by 12 Vict. cap 112, sect. 8, it is enacted " That the Court House and Gaols erected or repaired under the authority of this Act shall be deemed to be Public Provincial Works vested in Her Majesty and under the control of the Commissioner of Public Works."

Therefore, they consider, under these circumstances, and by virtue of the Acts, that the sitting member for the county of Laval, *Pierre Labelle*, Esquire, is disqualified and ineligible to sit in Parliament, and that the Petition of *André B. Papineau* Esquire, against the Election and return of said member, is well founded in fact.

The following Resolutions were then passed by a majority of the Committee as its final determination.

1. *Resolved*,—That *Pierre Labelle*, Esquire, the sitting member for the County of Laval, was eligible as a member of the Legislative Assembly of this Province, at the time of the late Election for the said County of Laval, and that he was and is duly elected and returned to represent the said County of Laval in the said Legislative Assembly.

2. *Resolved*,—That neither the Petition of the said *A. B. Papineau*, Esquire, nor the defence of the said *Pierre Labelle*, Esquire, is frivolous or vexatious.

The above Resolutions were then ordered to be reported to the House.

Attest, JOSEPH WHITEHEAD,
Clerk to the Committee.