

1836 Thorburn

To the Honorable the House of Assembly of Upper Canada in Provincial Parliament Assembled.

The Petition of David Thorburn, of Quesnton.

Humbly Sheweth,

That your Petitioner was nominated by the electors of the third Riding in the County of Lincoln as a Candidate at the last Election for the said third Riding to represent the said Riding in the present Parliament, and that John Johnston Lefferty Esq. was the other Candidate nominated in opposition to your Petitioner, and that Alexander Hamilton Esq. Sheriff of the Niagara District, was the Returning Officer to hold the said Election to return one member to represent the same in said Parliament, that the said Returning Officer, pursuant to public notice, did, on the sixth day of October last, by request of the Electors, open a Poll for the Election of a Member to represent said third Riding, and did continue the Poll from day to day until Saturday the 11th of said Month, the last day which said Poll could be held open by law.

That your Petitioner had a majority of votes polled, and that at or about four o'clock, P. M. of the said 11th day of October, a certain freeholder of the said third Riding did present himself to vote for your Petitioner, and was objected to by the opposing Candidate on the ground of not having taken the oath of Allegiance; and upon application being made to the Returning Officer by the supporters of your Petitioner to know if the Poll would be held open long enough for the said Voter to go to Niagara a distance of eleven miles and qualify himself to vote at said election; and the Returning Officer said he would not as he the said Returning Officer intended to close the said Election by eight o'clock, at farthest; and in consequence of the statement made by the said returning officer your Petitioner was deprived of the said vote.

But notwithstanding the assertion so made by the said returning officer that he would close the Election at eight o'clock P. M. the said returning officer did at the instigation and by request of the said John Johnston Lefferty, the opposing Candidate to your Petitioner, and against the will of a majority of the Electors of said third riding, keep open and continue the said election until midnight of said eleventh day of October, although your Petitioner by the advice, and at the request of his supporters, entered his protest against continuing the election after nine o'clock; and your Petitioner begs further to state that he at midnight had a majority by one vote and that the said Returning Officer did after the hour of midnight, (it then being Sunday morning) receive and record the vote of the said John Johnston Lefferty in favor of himself thereby causing the Poll to stand equal.

Your petitioner therefore begs leave humbly to suggest to your honorable House that the conduct of said Returning Officer is without precedent and against all laws and usage for governing and determining elections, as your honorable House must be perfectly aware; and as your petitioner had a majority of votes up to the very hour of midnight, as will be seen by referring to the poll book kept at said election, and by the protest of Malcolm Laing, Esq. an elector of said third riding, against the receiving of the vote of the said John Johnston Lefferty.

Your petitioner therefore humbly prays your honorable House to take the matter into consideration and allow your petitioner to take his seat as the Member for said third riding and as in duty bound will ever pray.

(Signed)

DAVID THORBURN.

Quesnton, }
January 13th, 1836. }

