THE

ARGENTEUIL CASE.

BEING A

Report of the Controverted Election for the County of Argenteuil : containing the arguments of Counsel ; the authorities cited ; the decisions and opinions of the Hon. Mr. Justice BADGLEY and of the Hon. Mr. Justice BRUNEAU, Commissioners in the Case, and of the Select Committee of the House of Assembly, appointed to try it ; an analysis of the evidence adduced on the scrutiny of the Votes of the Sitting Member ; and Notes explanatory and critical upon the decision of the Committee.

BY

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THE PETITIONER IN THE CASE.

Montreal.

1860.

PREFACE.

The idea of the following report of the proceedings in the Argenteuil case, originated after a large portion of its materials had been accumulated. In the proceedings before the Commissioners, numerous questions of practice and evidence arose, were argued, and decided ; and believing that the same questions would be brought before the Committee, I took copious notes of the pretensions on both sides and of the opinions of the Judges. Having reported for the Jurist the Election cases of 1858, that publication afforded the details of the arguments before Judge Badgley upon the various objections to my proceedings raised before him, and of his decisions upon them, none of which were affected by the subsequent adverse decision of the Committee upon another point. During the arguments before the Committee in 1858, which were conducted by Counsel on my behalf, I took copious notes of all that passed, but without, at that time, any idea of publication ; and it was not until the autumn of 1858 when I undertook the very arduous labour of analysing and printing the evidence taken before Judge Bruneau, under the conviction that the Committee would never read it in manuscript; that I seriously thought of preserving a record of the proceedings. Many questions of general interest having then been discussed and others being likely to arise, upon most of which the opinion of three tribunals would be obtainable, it became apparent to me that a report of these questions and of their solution, might and probably would be of material service to the profession and to the public, and I accordingly determined to do my endeavor to put them into an intelligible and accessible shape.

It is probable that the strong feeling which I and my friends, in common with many people totally unacquainted with the County, entertained on the subject of the numerous elections held in Argenteuil in and since 1854, and of the proceedings which, in our and their opinion, characterised those elections unfavorably, contributed to stimulate me to the completion of an undertaking for which the

increasing urgency of my professional duties, and the enormous sacrifice of time exacted by the contest, left me little leisure'; and as those election proceedings have been frequently referred to during the struggle, and still form a fruitful source of newspaper controversy, it may not be amiss to devote a few lines to them in this place.

In 1854, Mr. Bellingham offered himself as a candidate for the representation of the County of Argenteuil. His opponent was Mr. Simpson of St. Andrews. On this occasion, taking advantage of a feeling of jealousy which prevailed between the people of Lachute and those of St. Andrews on subjects of local interest, Mr. Bellingham succeeded in arraying the people of the former village and those in the rear of the County against those of St. Andrews, and of the older and wealthier portions of the County towards its front. Certain differences of race, also, of which he skilfully availed himself, enabled him to stimulate the animosity thus created to an almost incredible extent; so much so, in fact, that many of the honest and warm hearted Yeomanry of the back country were led to connive at, if not to assist in, the illegal measures adopted to secure his return. The result was that a very large majority of the inhabitants residing in front of the Laurentian range of hills which intersect the County, voted for Mr Simpson, while those of the hilly country and of Lachute cast their votes for Mr. Bellingham. The franchise at that time was entirely confined to proprietors under title, and unfortunately for Mr. Bellingham's prospects of success, but a small minority of the inhabitants of the back settlements had obtained any titles from the Crown. To overcome this difficulty, and to compensate for the large majority which the aggregate of the five thickly settled front parishes gave to Mr. Simpson, the poll of the small and recently settled Township of Gore was taken possession of. Out of a population, according to the census, of 996, inhabiting a Township containing 108 lots, of the aggregate assessed value of some £8,000 to £10,000, in which but a very small proportion of the lots had ever been patented or even located : 401 votes were recorded. In the Parish of St. Jerusalem or Lachute, as many votes within a fraction, were recorded, as are now to be found there under a franchise almost equivalent in the country to universal suffrage. It must not be forgotten, however, that in the adjoining Township of Wentworth, containing under the present franchise about 60 votes, there was no poll, so that a portion or all of the 15 or 20 pro-

prietory votes which were then in Wentworth may have swelled the list at Lachute or in Gore, or in both. The population in which Mr. Simpson's majority was to be found numbered about 8500. That which returned Mr. Bellingham about 5000. The value of the one under the assessment of 1855 was about £220,000, of the other not much more than half that sum. The proportion of votes to population in the one was one vote to 12 5-6 of population, in the other one vote to 6 5-8 of population, though among the latter the possession of a title was the exception, not the rule, as to the section of country which returned 401 votes. These comparisons of figures sufficiently show to what extent the illegal recording of votes must have been carried.

The election was contested; was annulled after a very short contest; and a second election took place within a few months of the first, Mr. Cushing opposing Mr. Bellingham. The same party which supported Mr. Simpson also supported Mr. Cushing; and stimulated by the feelings already alluded to, augmented in force by the contest, both parties increased their exertions. A larger proportion of the votes of the front were recorded for Mr. Cushing than had supported Mr. Simpson, but it was obvious that the struggle was useless. The Gore and Wentworth polling, out of a population of 1291, nearly 600 votes; on property valued at some £10,000 to £11,000; of themselves completely swamped the majority obtained by Mr. Cushing in a population of seven times that number, holding property of twenty times that value; and Mr. Bellingham was again returned by a large majority. His election was again contested, and a second time he was ejected from the House. But by this time it had become sufficiently plain that while any number of votes could be recorded in the back country, without expense or exertion, it was useless to throw away thousands of pounds in contests before election Committees, which resulted only in fresh opportunities being afforded for the perpetration of the same offences. The third election, therefore, which took place in 1855 was suffered to pass without a contest, and Mr. Bellingham held the seat for Argenteuil till the dissolution of 1857. At the general election which followed, I was induced to offer myself as a candidate in opposition to him, though probably, the position of the County was much more unfavorable to me than it had been to the two defeated candidates. The populous parishes of St. Hermas and St. Placide, which at the previous elections had given an almost unanimous vote against Mr. Bellingham, had been detached from Argen-

teuil and annexed to Two Mountains, and part of Mille Isles and part of Morin, the inhabitants of which were likely to vote for him with equal unanimity, had been added to Argenteuil, thus making an estimated difference against me of between three and four hundred votes. The franchise had been considerably extended, and it was calculated that the consequent increase in the number of votes would be greater in proportion in the back country than in the front. On the other hand I was of opinion that the violence of feeling which had prevailed had greatly subsided ; that the people would not again suffer any great impropriety to be committed at the polls, and that my complete independence of local feeling and of local disputes, would render futile any attempt to excite active animosity against me, or to procure the infringement of the laws to any extent. I was convinced that as the franchise then stood I could command a majority, and I felt that the only thing to be feared was the repetition of the voting of 1854 and 1855. As usual in such cases I was partly right and partly wrong. There was very little of the former wholesale manufacture of votes attempted. So far as that was concerned I escaped with the infliction of eight or ten deceased soldiers of the staff corps who were recuscitated in Harrington for that occasion only, and a few schoolboys and strangers in Mille Isles. But the settlers were persuaded that every man in possession of any land was entitled to vote, whether he occupied as a squatter or as proprietor : whether indebted to the Crown for arrears under a location ticket, or holder of a clear patent; consequently hundreds of persons without title or commencement of title ; or if holding under permits, in arrears to the Crown; were induced to record their votes against me, and on examining the poll I found, as I anticipated, that I had a large majority of legal votes, but that my return could only be procured through the intervention of an application to the House. This, also, had been considered before the canvas was commenced, and I had then resolved to push the matter to a contest, should the voting be conducted in a way to afford substantial grounds of complaint. That resolution I have carried out, under circumstances of difficulty, of which a perusal of the following pages will afford only a faint idea; but I have done so less from any great attraction which the duties and responsibilities of a Legislator possess for me, than from the determination I formed at the commencement of the struggle, to wrest, if possible, the representation of my native county from the hands of a man, whom I and my friends believed to have obtained it illegally and unjustly.

This little work is divided into three parts. The first contains a report of the proceedings before the two Judges and before the Committee. In this report it has been my endeavour to state fairly and impartially the arguments on both sides with all the authorities cited, and by taking elaborate notes on the spot, by comparing them with *memoranda* and notes of argument submitted by Counsel, and with the regular minutes of the Committee, I have done all in my power to enable me to exhibit clearly the pretensions of both parties.

The second part, referred to as Appendix A, contains an analysis of all the testimony taken before Judge Bruneau, in respect of the votes objected to, except those in Wentworth and the greater part of Gore, which latter I was unable to classify in time for the sitting of the Committee. That portion, however, which relates to Gore, contains the evidence taken as to three voters belonging to three different classes, into which nearly all the voters in Gore that were objected to might be divided. This analysis also refers to the documentary evidence, when it can be applied to any particular voter ; and to it is added the opinion of Judge Bruneau upon each vote.

The third part, referred to as Appendix B, contains notes in which I have freely stated my own opinions with regard to the proceedings of the Committee. I have formed very strong convictions as to certain of their judgments, in which I have found myself confirmed by authorities higher than either their opinion or mine ; and these convictions I have not hesitated to put of record as fully and forcibly as I could. On no occasion, however, have I attributed to them any improper motive for any decision, or accused them of any intentional injustice.

In concluding this long and egotistical preface I would merely say, that in my opinion justice is not to be expected from election committees, and will not generally be obtained from them. The moral atmosphere they act in is opposed to it in every way. The education of the majority of members of them is not suited to the duties they have to perform in that capacity. Few of them have strength of mind sufficient entirely to resist the effect of the disturbing influences to which they are incessantly subjected during the continuance of their functions. The suspicions, insinuations, the actual odium, to which a man is exposed who votes on an election Committee in opposition to the interests of his party, are almost incredible except to members of the House. A cool, unimpassioned, careful, and thorough examination of the important legal questions

which are met with at every step of an election contest is simply and utterly impossible. The man who will devise a reliable and competent tribunal for the speedy trial of election petitions, even under the existing law, will do more for the purity of election, and the amelioration of political morality generally, than has yet been or can be effected by all the legislation against violence, corruption, and political immorality, that encumbers the statute book in this Province and in the Mother Country. It is useless to devise new and elaborate prohibitory laws. Let us have a tribunal that will administer and enforce those we possess.

J. J. C. ABBOTT.

MONTREAL, August 1st, 1860.

ARGENTEUIL

ELECTION COMMITTEE.

ANGUS MORRISON, Esquire, CHAIRMAN.
MR. GALT.
MR. HEATH.
MR. LANGEVIN.
MR. D. A. MACDONALD.

SYDNEY BELLINGHAM, Esquire,
Sitting Member.

JOHN J. C. ABBOTT, Esquire,
Candidate Contesting.

Mr. BURROUGHS, Counsel for the Sitting Member.

Mr. READ, afterwards Mr. Carter, afterwards the Hon. J. H. CAMERON, Counsel for the Petitioner.

The proceedings in this case were commenced under the Act known as McKenzie's Act, 20 Vict., Cap. 23.

The Petition alleged: —

Want of qualification, and refusal of Sitting Member to file declaration of qualification.

Violence, fraud, premature opening of the Polls, and insertion of names on the Poll Books after 5 P.M. and before 9 A.M.

The presence on the Poll Books of 623 illegal votes for Sitting Member.

The notice of contestation contained a list of the votes objected to by the Petitioner, with the objections to each, indicated opposite each Voter's name by

a number or numbers referring to a Schedule of objections, of which the following is a copy :—

SCHEDULE.

Classified list of objections to Votes recorded in favor of Sydney Bellingham, Esquire, in the Poll Books at the Election in the County of Argenteuil, held in the month of December last past, of a member to represent the said County in the Legislative Assembly of Canada :—

CLASS 1.—That at the time of giving his vote the voter had not been for the six months last previous thereto, and was not then, possessed for his own use as Proprietor by virtue of any legal title ; or of any certificate derived under the authority of the Governor in Council of the late Province of Quebec ; or of any act or acts whatsoever ; of any lands and tenements, lying and being within the said County, and especially within the division thereof, or place for which the Poll was held at which he voted ; nor was he at such time possessed as Proprietor of any such lands or tenements, under any title acquired by him by descent or inheritance, or by devise, marriage or contract of marriage ; and that in fact he was not qualified to vote at the said Election under the provisions of the thirtieth section of the Election Act of One Thousand Eight Hundred and Forty Nine.

CLASS 2.—That the voter had not been for the six months immediately previous to, and was not at the time of giving such vote, the legal and *bona fide* owner and freeholder of real property within the said County, and specially within the limits of the division thereof, or place, for which the Poll at which he voted was held.

CLASS 3.—That the real property, in respect of which the voter voted was not of the actual value of fifty pounds currency, or of the annual value of five pounds, nor of the clear value of forty-four shillings, five pence and one farthing, currency, over and above all annual rents and other rents and charges payable out of or in respect of the same.

CLASS 4.—That the voter had not been for the six months immediately previous to, and was not at the time of giving such vote, the legal and *bona fide* occupant within the intent and meaning of the Elective Franchise Extension Act, of real property within the said County, and specially within the limits of the division thereof, or place for which the Poll at which he voted was held.

CLASS 5.—That the voter had not been for the six months immediately previous to, and was not at the time of giving such vote, the legal and *bona fide* tenant, within the intent and meaning of the Elective Franchise Extension Act, of any real property within the said County, and specially within the limits of the division thereof, or place for which the Poll at which he voted was held.

CLASS 6.—That the real property in respect of which the voter voted was not then of the actual value of fifty pounds currency, or of the annual value of five pounds currency.

CLASS 7.—That instalments of purchase money, rents, or other sums of money which the voter had undertaken to pay to the Crown, for and in respect of the property on which he voted, were overdue and unpaid at the time of such voting.

CLASS 8.—That instalments of purchase money, rents, or other sums of money due to the Crown upon the property in respect of which the voter voted, were then overdue and unpaid.

CLASS 9.—That the voter was not of the full age of twenty-one years when he voted.

CLASS 10.—That the voter had previously voted at the said Election.

CLASS 11.—That the vote was illegally inserted in the Poll Book before Nine o'clock in the forenoon on the 29th day of December last.

CLASS 12.—That the vote was illegally inserted in the Poll Book after Five o'clock in the afternoon on the 29th day of December last, and before Nine o'clock in the forenoon on the 30th day of December last.

CLASS 13.—That the voter refused to take the oath of qualification, appropriate to the objections made to him, and to the quality in which he claimed to vote when duly required so to do.

CLASS 14.—That the vote is utterly fictitious, as being entered in the name of a dead man, an absentee, or in a name entirely imaginary.

CLASS 15.—That the vote was tendered for me, but that it was erroneously inserted in the Poll Book as having been tendered for you.

CLASS 16.—That the voter voted more than once at the said Election.

The notice of contestation was served on Mr. Bellingham on the 16th January, 1858, and an affidavit of the service was made on the original notice.

On the 27th of January a document was served upon the Petitioner, by the Sitting Member, of which the following is a copy :—

PROVINCE OF CANADA, *Lower Canada, to wit:* } DISTRICT OF MONTREAL.

In the matter of the election of Sidney Bellingham, of the Parish of Montreal, in the said Province, Esquire, to represent the County of Argenteuil in the Legislative Assembly or Parliament in Canada.

To John J. C. Abbott, of the City of Montreal, in the District of Montreal, Esquire, who in a certain pretended notification of contestation of the Election of the said Sydney Bellingham, to represent the said County of Argenteuil in the Legislative Assembly of Canada, styles himself as and alleges himself to be an Elector and Candidate for the said County of Argenteuil.

Take notice that I, the said Sydney Bellingham, of the Parish of Montreal, in the said Province, Esquire, the duly elected and declared Member to represent the said County of Argenteuil in the Legislative Assembly of Canada,

not admitting, but, on the contrary, specially and specifically denying the truth of the allegations, matters and things in your said pretended notification of contestation set forth, and more especially denying, as I now hereby do, the sufficiency of the said pretended notification so by you made, and your right to contest my said Election; and furthermore, denying the allegation of your qualification as an Elector and a Candidate at the said Election, and hereby protesting against all the illegal, vexatious, injurious, immoral and improper acts, deeds and things by you and your agents, retainers and supporters, done and performed during the said Election, contrary to the laws now in force in this Province touching such Elections, and protesting as I now do to your right to enforce or require an answer to your said pretended notification, for the following among other reasons:—

1.—Because your said pretended notification is vague, informal, and wholly insufficient in Law, no specific charge or charges being therein detailed which would in any way affect my said election; and the allegations therein being of so ambiguous a nature as to render a reply absolutely impossible, unless in the nature of an exception to the sufficiency.

2.—Because you are not a duly qualified elector or candidate, and were not at the time of the said election a duly qualified elector or candidate to vote at said election, or be returned a member to represent the said County of Argenteuil.

3.—Because there was no opposition to my election to represent the said County of Argenteuil at the said election by any duly qualified candidate.

4.—Because you, the said John J. C. Abbott, who having been proposed as a Candidate at the nomination of fit and proper persons to represent the said County, although so nominated, you lost all right, if any you ever had, of contesting my election by neglecting and refusing to make and file with the Returning Officer, as by law required, when you were required so to do, a delaration of your qualification as such candidate within the time prescribed by Law, or at any time, although you were duly required to produce your said declaration of qualification by George Hamilton, an elector, and other electors duly qualified at such election.

5.—Because you, the said John J. C. Abbott, are not now, and were not at the time of the said election, seized or possessed to your entire use and benefit of real estate within the Province of Canada, in free and common soccage, or under any other tenure, of the value of Five Hundred Pounds, sterling, or current money of Canada, or of any value to qualify you as a candidate to represent the said County of Argenteuil.

6.—Because by your own acts and deeds, and by means of others, your agents, attorneys, employés and servants, and others, your supporters, wilfully and corruptly, knowingly and intentionally, to prevent my election did

corrupt and conspire to corrupt the said electors of the said County, by keeping open houses to supply the said electors with intoxicating liquors, and to inflame and corrupt their minds to my prejudice, as well before as during the said election, contrary to the statute in such case made and provided, by means of which said illegal, immoral and corrupt acts and deeds, you the said John J. C. Abbott lost all right to contest my said election, or be duly elected yourself. And more especially, I hereby refer to the open or public house you paid and maintained of one Good in the West Gore; the open or public house of Frederick Rogers, of East Gore; one Samuel Dawson, in Mille Isles; one Kirkpatrick or Fitzpatrick, in said Mille Isles or Morin; also, a certain store-house in the Parish of St. Jerusalem, opposite the residence of Colonel Barron, occupied ostensibly by one Thomas Palliser; also, that certain tavern known as Lanes, at Lachute or Jerusalem; also, that store-house or residence of George Kanes, of Grenville, a relative and agent of yours; all the said open houses within the said County, by you, your agents, attorneys, employés, and with your knowledge and consent, kept and maintained for the purpose of feeding, intoxicating and corrupting the voters and electors of the said County, contrary to the Laws in such cases made and provided, by means of all which you were and are disqualified as a Candidate as aforesaid.

7.—Because you, the said John J. C. Abbott, did corrupt the said electors of the said County, and did cause them to be corrupted, contrary to the statute in that behalf, by your agents and attorney, with money and promises of money and other appreciable advantages; among others of the said electors the following, James Good, Charles Moor and his two sons, William Elliott and James Elliott, Richard McCormick, William Ford, William Pollick and one Hughes, and lastly, one George Moncreiff; and because you, the said John J. C. Abbott have not set forth any sufficient grounds of contestation, and the said Sydney Bellingham denies the truth and sufficiency of all the matters alleged in your notification.

(*Signed,*) SYDNEY BELLINGHAM,
Member for the County of Argenteuil.

MONTREAL, 26th January, 1858.

On the 29th January, 1859, the petitioner applied to the Hon. Mr. Justice Badgley, a Judge of the Superior Court at Montreal, to act as Commissioner for the taking of evidence upon the petition, and upon the answer to it in so far as the answer was legally susceptible of having evidence taken upon it.

He produced with this application a copy of his notice of contestation, to which was appended the following affidavit:

PROVINCE OF CANADA, }
Lower Canada, to wit. }

I, the undersigned, Adolphe Germain, of the City and District of

Montreal, Gentleman, being duly sworn upon the Holy Evangelists, depose and say, that between four and five of the clock in the afternoon of Saturday, the sixteenth day of January, instant, I did serve the notice of contestation, by John J. C. Abbott, Esquire, of the Election and return of Sidney Bellingham, Esquire, as member of the Honorable Commons House of Legislative Assembly of Canada for the County of Argenteuil, (of which notice the foregoing document is a Copy) upon the said Sydney Bellingham, by leaving a copy thereof at his residence at St. Catherines, near Montreal, with a grown up person of his family. That I compared the said copy so left, and also the foregoing copy, with the said notice, and that each of the said copies was and is a true Copy of the said notice, and I have signed.

Sworn before me this twenty-seventh day of January, one thousand eight hundred and fifty-eight.

J. BELLE, *C. S. C. & J. P.*

He also produced the copy of answer served upon him, a copy of his intended petition to the House—and the required recognizance.

On the 1st of February, 1858, the sitting member served upon the petitioner another document purporting to be a second answer, and containing a list of voters to whose votes he objected, with the objections to which he alleged them to be obnoxious.

On the 3rd of February, the Petitioner having discovered the defects in the affidavit produced before the Judge other affidavits by Mr. Germain and Mr. Belle, shewing that it had been properly sworn to before a competent Official, and that the omissions had arisen from inadvertence on their part.

The Judge gave notice of the application to the sitting member, and ordered the parties to appear before him on the 8th of February then next, to be heard upon the validity of the application.

On that day the parties appeared before the Judge, and objections were made on behalf of the sitting member to the application of the Petitioner. In support of these objections, *Burroughs*, for sitting member, argued, that the Judge receiving the application had no jurisdiction in the premises; as he was not a Judge residing or having jurisdiction in the electoral division or district in which the election was held. That there was at present no Judge who possessed the requisite qualifications to act as Commissioner in this case.

That the applicant had not produced with his application the copy of the sitting member's answer, served upon him on the 1st of February; and that, therefore, his application could not be granted.

That the applicant had not produced with his application a copy of his intended election petition. (*Badgley, J.* There was a copy of petition produced—it must be among the papers.) The document purporting to be such copy has no au-

thenticity except the last sheet of it; as that alone is signed and certified to be a true copy by the Petitioner, and the others are not attached to it. (The counsel here opened the folded paper purporting to be a copy of petition, and shewed the Court that the leaves were not attached together.) (*Badgley, J.* My impression is that the leaves were attached when I received it; but in any case, I have read it through; it is a connected narrative with catchwords at the bottom of each page which are repeated in the next; and it is a copy of an election petition which the Petitioner produces, and asserts in his written application, to be a copy of that which he intends to present to Parliament. Whether it is really a true copy or not is for Parliament to decide, and can only be ascertained when the original is presented. You need not argue this objection any further.)

There is no affidavit to the copy of notice produced, that it is a true copy of the original notice. The writing at the foot of the copy produced, is not signed by the party making it, and therefore can have no force, validity or effect, as an affidavit. And even if that omission were to be considered only as an irregularity, and not fatal to the document as an affidavit, the assertion by the deponent with which it concludes, "and I have signed," is false, for he did not sign. If, therefore, a portion of the statement contained in the affidavit is palpably false, no dependence can be placed on the remainder. But, in reality, there is nothing to identify the person who swore to the affidavit in any way. The signature is the only means of identifying him, and that is wanting. (*Badgley, J.* The deponent is described as Adolphe Germain, of the city and district of Montreal, gentleman. Does not that identify him? If the affidavit had omitted the name and description of the party sworn, merely saying, "I the undersigned being duly sworn," and there were no signature, there would then be no means of identification.) Even if that distinction existed, which was denied, there was nothing to shew that the deponent was a "literate person." The signature was the only evidence that he was such a person, and in its absence the Court could not presume him to be so. (*Badgley, J.* He swears that he himself compared the copy served, and also this copy, with the original. Does not that afford evidence of his being a literate person?)

The sitting member had objections to urge to the notice of contestation and other documents produced by the Petitioner; but as those now urged were only preliminary, the others would be reserved till these were disposed of. He, however, did not consider that the Judge had any right to act in the matter in a judicial capacity, being merely a Commissioner, and in no respect invested with judicial functions. (*Badgley, J.* It will, perhaps, be better for you to urge all your objections, for there cannot be several hearings in the matter; but in that respect you will of course act as advised. You must consider, however, that I have some judicial functions, or I could not even adjudicate upon your objections; and would be obliged to grant the application without scrutiny.)

Carter, for the Petitioner, contended, that the objections urged were insufficient and frivolous. Upon the first he would not dwell, as if any doubt existed as to the Judge who had jurisdiction given him by the statute in its English version, the French one removed it, by saying, *un des Juges de la Cour Superieure*; and the Judges of the Superior Court resident in Montreal had jurisdiction over the district in which the County of Argenteuil was situate.

As to the second objection, which asserted the non-production of the sitting member's answer of the 1st February with the contestant's application, it was true enough in fact; but the pretension that the Petitioner was in any respect bound to produce that answer, or in any way to notice it, was utterly groundless. The Statute of 1857, both in positive and negative terms, rigorously restricts the service of answer by the sitting member, to a period within fourteen days from the service upon him of the Petitioner's notice of contestation; and it does not contemplate the service of two answers. Now the Notice of contestation was served on the 16th of January. On the 27th of the same month, the sitting member served upon the contestant an answer which he himself characterises as his "answer to J. J. C. Abbott's notification;" and the contestant on the 28th of January produced and fyled with his application, the copy of answer so served upon him. The fourteen days limited by the Statute expired on the 30th of January; on the second day after which, namely, on the first of February, *sixteen* days after the notice was served, the sitting member thought proper to serve on the Petitioner another answer; and it is this last that he complains the contestant did not produce. Not only was the contestant free from all obligation to produce it, but it cannot be permitted in any way to form a part of the record of this contest.

The third objection is simply not true in fact, and requires no notice.

The last objection urged, appears to be based upon the erroneous supposition, that the Statute requires a formal affidavit to be appended to the copy of notice fyled with the Judge, and that the omission of a signature to the affidavit is an irregularity entirely fatal to its validity. Both of these propositions are groundless. The Statute requires the Judge to be possessed of a copy of the notice of contestation, to guide him in his investigation of the matter before him; and this copy, it is provided, shall be sworn to by the person who served the original. The service of the notice must be proved, the Statute says, by *an affidavit sworn to* before certain particular officials, and containing certain averments, which it specifies. The reason of such special requirements with regard to proof of service is obvious. The affidavit of service within a particular time, at a particular place, or upon a particular person, is the basis of the whole contestation. It is therefore of the utmost importance that it should be invested with every character of solemnity. On the other hand, the Statute, when describing the mode of establishing the correctness of the copy, only prescribes that

it shall be "sworn to by the person who served the notice." No affidavit, or form, or description of swearing is prescribed; nor any official indicated before whom the oath is to be taken; and the reason of this also is plain. The oath is only required to satisfy the Judge, *primâ facie*, that the copy given him is correct; and if it be not, the fact is subject to instant and easy verification by the production by the sitting member of his copy of the same document. In reality, no written oath or affidavit whatever, is required to establish the correctness of the copy. If the party who served the notice had appeared in person before the Judge, and sworn *vivâ voce*, to its correctness, the requirements of the Statute would have been amply satisfied. But the affidavit, considered as a formal affidavit, though irregular for want of the signature, is not fatally so, and is valid. The true test of its validity is the liability of the swearer to be indicted upon it for perjury if false, which liability undoubtedly exists. The person who takes the oath, the facts he swears to, and the official who receives the oath, are all shewn on the face of this affidavit; and these are all the circumstances necessary to constitute a valid oath, the breaking of which would be perjury. If he had signed, his signature need not be proved on a trial for perjury, but only the signature of the official receiving the oath; and that official in this case is an officer of this Court, whose authority and jurisdiction its Judges will recognise. But even if the omission had been the absence of a signature to the jurat, which is of infinitely greater importance than the signature to the affidavit; a Court of justice would at any time permit the correction of such an inadvertent omission, by allowing the signature to be appended; if it were satisfied that the oath was actually taken. That was done by the Superior Court at Montreal in regard to a deposition (which is of a more solemn and formal character than an affidavit) the jurat to which the Prothonotary had omitted to sign. (No. 2617. Berthelot *vs.* Chisholm & Laberge, 25th May, 1855.) An Election Committee would do the same; or would receive evidence to prove that the oath was actually taken as it purported to be, and that in a much more important matter than this affidavit. (County of Halton election, Patrick, p. 60.) To avoid the possibility of difficulty on this point, the Petitioner has fyled the affidavits of Mr. Belle, the Commissioner of this Court, who received the oath in question, and of Mr. Germain, who took it; to shew that it was actually taken as it purports to have been.

It only remains to notice the character of the answer of the sitting member, which is such as to render totally unnecessary, and even absurd, the taking of any evidence upon its allegations; and in fact would not in any respect warrant the adduction of any testimony whatever.

The Statute allows the sitting member to set up his answer, "any facts or "circumstances not appearing upon the face of the return, or of the Poll Books, "upon which he rests the validity of his election," but leaves it wholly optional

with him to do so; giving him, in the absence of such answer the privilege of going into evidence in rebuttal of that of the contestant. In lieu of availing himself of the right of answering thus accorded to him, the sitting member, by his answer, has taken the unnecessary course of protesting that the Petitioner has no right to demand or require from him an answer (a right which the contestant does not claim nor pretend to); and then, as grounds for such protest, sets up a number of allegations which compose the remainder of the answer. By its purport he protests that it is impossible to answer the contestant's notice, except by an exception to its sufficiency, and continues, and lastly, " Protesting that you " have no right to demand or require an answer to your said pretended notice of " contestation for the following among other reasons :—

" 1. Because, &c.," and so on, stating several reasons.

The answer does not in any respect pretend to set up any fact or circumstance whatever, upon which the sitting member could rest, or upon which he therein professes to rest, the validity of his election. Every substantive assertion contained in it, is made, only as affording a reason why the contestant should not demand or require an answer to his notice.

If the answer could be strained to a construction in favor of the sitting member, and thereby held to be intended to assert certain substantive facts, as grounds for qualifying the Petitioner from contesting; they are insufficient for that purpose, upon the broad ground that the contestant petitions as well in his quality of elector as in that of candidate, and in the former capacity no misconduct would disqualify him from contesting. But if they should be held to be intended to be asserted as grounds for disqualifying him from taking his seat, in place of the sitting member, they are also insufficient for that purpose. It may be questioned indeed whether any such disqualification exists under the Statute, as it is too grave a penalty to be created by implication, and none is directly enacted; but apart from that question, no offence or breach of the election laws is stated in such a manner, as to bring it within the meaning of any of the prohibitory clauses. There is enough to shew that these clauses are aimed at, and that is all; for the acts alleged can scarcely be said to be identical in any single respect, with those forbidden by the Statute.

The remarks made by His Honor in rendering judgment, on the 19th February, were as follows :—

This is the first in order, of the election applications which have been presented to me, and it was made by John J. C. Abbott, Esq., of the City of Montreal, as an elector and as a Candidate at the late election for the County of Argenteuil. The application was accompanied by copies of the documents required by law, together with the recognizance, and affidavits of sufficiency of the sureties.

The contestant and returned member appeared before me on the 8th February instant, and were heard upon the validity of the application and proceedings, in

obedience to my order of the 29th of January for that purpose ; and the returned member then took exceptions in writing to the application, and thereby prayed for its nullity and total avoidence, upon the following formal and technical grounds, which, as most convenient, will be stated and disposed of separately in the order of their statement.

The first objection sets out that the contestant's application under the 20th Victoria, c. 23, sec. 4,—"is not addressed to the Superior or Circuit Judge in "Lower Canada residing or having jurisdiction in the electoral division, or in "the District in which such controverted election was held," &c., and is, therefore, informal and void.

The objection rests upon a verbal inaccuracy in the English text of the 4th section, which directs the application to be made "*to the Superior or Circuit "Judge in Lower Canada residing*," &c. The French text has "*un Juge de la "Cour Superieure ou de Circuit dans le Bas Canada, resident*," &c. Both these texts have received the approval and sanction of the three branches of the Legislature, and have been declared to be law ; they are of equal legal authority, and where no absolute contradiction between them exists, the verbal inaccuracy or omission of the one, may be supplied by the correctness of the other. In this matter the English version is supplemental to the French text, "*uu des Juges de la Cour Superieure*," &c., and the address of the application to "*any one of the Honorable the Justices of Her Majesty's Superior Court for Lower Canada, resident in the district of Montreal*," is therefore in conformity with the Statute.

At the time of this application the office of Circuit Judge had been abolished by recent legislation ; no such judicial functionary existed in the district of Montreal ; and the Judges of the Superior Court had therefore jurisdiction over the district in which this controverted election was held. It would be idle to waste time upon this objection, which is obviously futile and needs no other remark.

The second exception objects—"that the contestant had not produced and "filed the answer of the sitting member served upon him, the contestant, on the "first of February instant."

The Statute requires the contestant to serve upon the returned member, within fourteen days from the declaration of the election by the Returning Officer, a copy of his notice of contestation, which shall "specify particularly therein the "facts and circumstances upon which the election is intended to be contested. "Within 14 days after such service of the notice, the sitting member shall serve "his answer thereto, admitting or denying the facts and circumstances alleged "therein respectively, &c. ;" six days from the service of the answer—or from the time in which it should be served, the contestant's application must be made, to become effectual : the statute prohibiting in the 4th section the reception of the application at all, unless made within that specially limited period of time,

and unless also it be accompanied with the answer; for in a proviso to that enactment it is declared, "that the application shall be held void, if the contes- "tant shall *wilfully* omit to file the notice in answer, if any, of the returned "member."

The dates of the proceedings, as noted, are as follows; the result of the election was declared on the 4th of January; the service of notice of contestation was made on the 16th of the same month; the answer of the returned member, indorsed "*Answer to J. J. C. Abbott's notification, copy for J. J. C. Abbott in the matter of the Argenteuil Election,*" is dated on the 26th, and the service thereof was made on the contestant on the 27th of the same month. On the following day, the contestant's application was formally made to the judge, accompanied by a copy of the notice and by the answer aforesaid, together with the recognizance and affidavits prescribed by the statute. On the 29th January a judicial order was made for the hearing on the 8th of February, and was served on the returned member on the 30th of the same month.

This reference to dates is all essential to fix the proper proceedings within the statutory periods of limitation, inasmuch as on the one hand any lapse or oversight by the contestant would be fatal to his application, whilst on the other, such lapse would, by the terms of the statute, deprive the returned member of certain privileges in the adduction of evidence.

Now, the Contestant did, in fact, on the 28th of January and within the limited period provided therefor by the 4th section, make his application; and did produce and file therewith the required copy of his notice, and the answer thereto of the returned member, thereby exhausting absolutely the statutory requirements enjoined upon him. His application in this respect, therefore, was in strict conformity with the statute, and cannot be invalidated, because the returned member thought proper to frame and serve a second answer on the 1st February, after the time limited by law for that purpose. The law declares the service of the 1st of February made out of time, and relieves the contestant's application from being held void, for any *wilful omission* on his part to produce and file with his application on the 28th of January, a document which had no existence, and of which he could have no knowledge, until the 1st of February. Under these circumstances of law and fact, this second ground of objection is equally futile and untenable as the first.

The third ground objects "that the Contestant did not, at the time of his ap- "plication to the Judges of the Superior Court, who, he declares, had no power "or authority in the matter, produce, and file with any Judge, a copy of his in- "tended Election Petition, and a copy of his notice, sworn to by the person who "served the same."

The omission to file the copy of the Election Petition would, if true, invalidate the Contestant's application; but as matter of fact, that copy accompanied the

application made on the 28th of January, and was noted as produced and filed on that day. The allegation in that respect is therefore not true in fact.

The remaining portion of this exception, viz., the non-production and filing with the application *of the copy of the notice sworn to by the person who served the same*, would also, if founded, be fatal to the application, and entail its refusal.

It must be observed that the statute merely requires the copy of the notice, fyled with the Judge, to be sworn to; but indicates no form or manner of observing that formality, except that it requires to be *sworn to by the person who served the same.* The statute has, however, ordered in express terms in what manner the service of either notice or answer shall be made; "that the service "of the notice or answer shall be made by delivering a copy of the said notice "or answer to the party to be served in person," &c.; "that the service must be "made by a literate person;" and as to the proof of such service, it enacts, "that "it shall be proved by affidavit, sworn to before some Justice of the Peace, &c., "in which shall be stated the time, place and manner of such service."

These statutory requirements apply solely to the service, for the information and guidance, and in the interest of the parties themselves and also for the public interest: and they are thus particular because without the service there could be no contestation on matters not appearing on the return or on the Poll Books. The service of notice is the foundation of the whole of the proceedings. On the other hand, the requirement that the copy of the notice should be "sworn to," and by the person who should serve the same, is manifestly within the attributes and cognizance *of the Judge* for his guidance and action in the reception of the application; for his adjudication of its validity; and for his information in the taking of evidence afterwards. Here the service is not objected to, and must therefore be held to be considered unobjectionable by the returned member, no irregularity or omission in that respect having been alleged.

It appears not to be denied that a copy of the notice was produced and fyled with the application on the 28th January last, and was then judicially noted with the other documents produced. At the foot of that copy is written an affidavit sworn to before a Justice of the Peace and Commissioner of this Court for taking affidavits, which purports, and is averred to have been made by the deponent; stating therein his name, residence, and quality, and the time, place, and manner of the service, and at the same time averring, *that the deponent compared the copy so left*, (that is, the copy served upon the said Sidney Bellingham,) *and also the foregoing copy*, (that is, the copy produced to the Judge,) with the said notice, (that is, with the original notice) *and that each of the said copies was, and is, a true copy of the said notice.* All these averments are declared in the Jurat subscribed on the affidavit by the Officer, to have been sworn to before him on the 28th January last.

The terms of the exception and the argument before me appear to indicate an

informality in this affidavit, as the sole point in difficulty as to this copy being a sufficient sworn copy within the Statute, the signature of the deponent to that affidavit being wanting; and this is taken as the ground upon which the exception denies that the copy was sworn to. As a merely formal or technical point of law, the true test of this objection lies in this: can perjury be assigned upon the averment above referred to, contained in the affidavit in question? The law declares *that the gist of the crime is the taking of the false oath in the particular complained of.* And it was held in Morris' case by Lord Mansfield, and Justices Dennison and Wilmot, "That, as to the actual swearing, it is in the nature and "course of business quite necessary to take the *jurat* attested by the proper "person before whom the oath ought to be taken, as sufficient proof of its being "actually sworn by the person, so far at least as to put him to show, or to raise "a presumption, that he was personated." So "in ordinary cases, whether the perjury is assigned upon an answer in Chancery, or an affidavit, the proof of the handwriting of the person who administered the oath is sufficient proof that the affidavit or answer was sworn; and if the place at which it was sworn is mentioned in the *jurat*, that also is sufficient evidence that it was sworn at that place." Rex. v. Spencer, 1 c., p. 260. *So, when an affidavit is made of any material matter, the party making it is indictable for perjury, although the affidavit was not used, and even was not receivable in the Court, because of some formal regulation not being complied with, for the perjury is complete at the time of swearing.* White's case; Hailey's case. These authorities are conclusive upon the point, and sustain the opinion I have formed on the subject. The perjury is not in the subscription of the signature by the deponent to the affidavit, but in the false averment; it is true, the signature is required by a practice rule of the Court of Chancery and of other English Courts, only for the convenience of the more perfect identification of the person chargeable with the perjury, for which purpose the averments of the affidavit are sufficient. This copy of notice is for the information of the Judge, and the *jurat* is signed by Mr. Belle, who, besides being a Justice of the Peace, is a Commissioner of this Court for taking affidavits, is and as such must be judicially known and recognised by me. In this respect the question of the sufficiency of this swearing differs essentially from that in the Montreal cases, upon the sufficiency of the affidavits to recognizances, in which latter the greatest strictness is required; the form of the jurat and of the signature to them being regulated by the Statute, and the authority thereby given being exceptional both by Statute and Common Law. Full credence in this case therefore, must be given to the jurat of the officer; the copy produced must be held to be the copy "sworn to," which the Statute requires, and this third ground of objection must be also declared insufficient. My opinion in this respect is concurred in, as matter of law, by my colleagues of the Superior Court for this District.

The returned member having declined to take any further objection, it only remains to adjudicate upon the application, which is declared to be valid; and to fix the time and place for proceeding with the evidence.—Previous to this declaration however the Contestant's objections to the answer produced and filed with the application, must be briefly noticed. In itself, the answer is in form and substance, a protest against answering at all, and sets out specific grounds and reasons why the returned member should not answer. It has been prepared in utter ignorance of the requirements of the statute, and at best can only be treated as a mere general denegation of the facts and circumstances contained in the notice. If the grounds or reasons given for declining to answer could possibly justify their reception as indicating in themselves facts and circumstances which the returned member should have particularly specified in support of his election, they are valueless for that purpose, and do not meet the requirement of the statute in that respect. This first answer, therefore, will be considered only as a general denegation; the second, or supplementary answer produced on the 9th of Feb., was served two days beyond the time limited by the Statute; it is, therefore, not admissable upon the well-known principle of law stated by Dwarris,—*wherever a statute imposes terms, and prescribes a thing to be done within a certain time, the lapse of even a day is fatal, even in a penal case; because no terms can be admitted but such as directly and precisely satisfy the Law.* This latter document cannot give the member returned any of the privileges which belong to an answer properly constructed and timely served, setting out in the language of the 2nd section,—"Any other facts and circumstances upon which he rests the validity of his election." In such a state of the proceedings the statute itself expressly decides "that the returned member shall not be permitted to prove any facts and circumstances in his behalf, other than by way of rebutting the case made against his election." The final order for evidence will be formally entered and recorded, however, on Monday next. I have now only stated opinions which offer themselves at the present time.

Before concluding these remarks, I may be permitted to observe, that the inconveniences and obstructions caused to suitors and the public in general, by the operation of this Law in Lower Canada, cannot be compensated by the electoral advantages expected to be obtained from the principle embodied in the Act, whose provisions have been carelessly and imprudently formed in respect to this section of the Province. Intelligent legislation and political wisdom have hitherto united in elevating the Judicial Office above the angry turmoil of political strife; and by rendering it independent of public and private influences, have secured its integrity and retained it in public respect. This new Act reduces the Judge to the position of an Election Commissioner; brings him into direct and personal collision with election and hustings partisans and parties, still warm from the excitement and heat of a recent election contest; on the one hand with the bit-

terness of the returned member fearful of the loss of his seat notwithstanding all his toil and expense, and on the other with the eagerness of the contestant desirous to occupy his place; and finally compels the Judge himself to examine the witnesses produced without any assistance from Counsel.—All these necessarily expose the Judge to turbulence, it may be ruffianism, in his scrutiny of the acts and votes of parties, partisans and voters, not unwilling, if excited or required to oppose authority.

Not only judical independence is jeopardised by such a statute, but the most conscientious discharge of his duty will not relieve the Judge from silent suspicion or avowed charge of partisanship. The judiciary should not be exposed to such molestations. By this act, moreover, the judge has no voice in his selection as Commissioner, cannot relieve himself from the application to himself, but must act under the annoyances above detailed, and under the direction of the Select Committee, who may compel him in his own person to submit to their irresponsible opinions and determination, upon his actions in his office of Judicial Commissioner.

His best efforts to carry the law through, and to return to the performance of his paramount duties may be thwarted by obstructions and evasions of the sitting member or by intemperate threats and denunciations of the action of a Select Committee, as attempted in this case, for the purpose of intimidating him from the performance of his duty and from obedience to the law, in proceeding with the matter of contestation and with the evidence to be taken.

Under all these circumstances, this Act cannot but be pernicious in its effects upon the Judiciary, injurious to the Administration of Justice, and productive of delays and interruptions to the business of the Superior Courts. In practice little advance in time can be gained so far as the first Session is concerned, at least under the circumstances of time at which the last election took place. The Statute allows 34 full days to elapse after the election, before the application of the contestants need be made; nay, many similar applications may be made to the same Judge, who must receive them, nor can he thereafter transfer them to any of his colleagues. The applications therefore can only progress in the order in which the applications themselves are produced, and the Statute compels the Judge to continue the case in hand without interruption until its close. What that period may be, it is manifestly impossible to foresee; and as manifestly impossible will it be, to appoint an early time for proceeding with a second contestation until the termination of the first.

The application of the Statute works differently in the two sections of the province; in Upper Canada, the Counties have each a Judge who could have but one petition; in Lower Canada the Judicial Districts embrace several Counties, and one Judge may have several applications with all the inconveniences consequent thereon.

Viewing the marks of haste and inconsiderateness, not to say ignorance, with which the Statute abounds as regards Lower Canada, it does not appear to me to possess the means for practically working out advantageously the principle which it professes to enforce and encourage; but at the same time whatever doubts I may have in my own breast, with respect either to the expediency or policy of the law, yet as long as it continues in force I am bound to see it executed according to its meaning; and I have therefore within as short a period as the interests of the parties appeared to justify, proceeded in this contestation.

Wednesday, the 3rd of March, was then named as the day for taking evidence at St. Andrews, and on that day accordingly, the Commissioner opened his Court, and proceeded with the reception of evidence upon the votes in favor of the Sitting Member, which were objected to by the Petitioner.

During the proceedings thus commenced, a considerable number of witnesses were examined by the Commissioner, part of whom were brought forward by the Petitioner; and the remainder by the Sitting Member, in support of his votes; and a number of questions upon the mode of procedure adopted by the parties, and upon the law of evidence, as applicable to the scrutiny of votes, arose and were decided by the Commissioner. The following summary shews the points thus raised, the pretensions of the parties, and the rulings of the Commissioner upon them.

1.—A copy of the Poll Books, certified by the Clerk of the Crown in Chancery, under his hand and the seal of his office, having been produced by the Petitioner, the Counsel for the sitting member objected to its reception as evidence, on the ground that the originals alone constituted legal evidence. The Petitioner referred to the 13th and 14th Vict., cap. 19, which provides, that properly certified copies of public documents are to be of the same validity, as evidence, as the originals themselves.

His Honor received the copy as evidence, holding the case to be one covered by the Statute cited.

2.—His Honor then ordered that no person, who had been present during the examination of any witness, should himself be permitted to give testimony.

3.—The Counsel for the sitting member then applied to his Honor to order the Petitioner so to proceed with his evidence, as to complete the evidence upon one objected vote, before proceeding to that upon any other.

The Petitioner pointed out that such a course would involve the detention of a number of witnesses, at the same time; and would cause enormous expense and serious inconvenience.

The Commissioner then ordered the Petitioner to proceed with his evidence generally.

4.—The Secretary-Treasurer of the Municipality of the Township of Grenville, appeared with his original Valuation Roll, under a *subpœna duces tecum;* was sworn, and about to be examined upon it; when the sitting member's Counsel applied to the Commissioner to order the witness to file a copy of his Roll, and objected to his examination being proceeded with, unless a copy was produced.

The Petitioner replied that the course adopted by him in bringing the Officer, with the original, before the Court, was correct, the original being the best evidence; and that if the sitting member required a copy of the original, the law provided a means of obtaining it.

The Commissioner refused to order the Secretary-Treasurer to file a copy of the Roll, and allowed the examination of the witness to be proceeded with.

5.—Pending the examination of Duncan McNaughton, a witness for the Petitioner, Mr. DeHertel, the Registrar of the County, appeared under a *subpœna duces tecum*, with certain of the books and records of his office.

The Petitioner applied to be permitted to suspend the examination of McNaughton, and that he should be directed to wait in Court till Mr. DeHertel's examination should be taken: on the ground that the detention of the Registrar, with his records, might cause public inconvenience; and no objection being made by the Counsel for the sitting member, it was ordered accordingly.

The Registrar was then sworn and produced his register, whereupon the sitting member's Counsel objected to his examination, touching its contents, or touching any document enregistered therein, of which copies were not filed; and especially objected to any parol testimony being taken as to the contents of such documents.

The objection was overruled, the Commissioner remarking that the original register being before him, and the examination of the witness being confined to such register, there was no parol testimony offered, and the original register itself was clearly the best evidence as to its contents.

6.—The examination of Mr. DeHertel having been completed, Mr. McNaughton's examination was about being continued, when the Counsel for the sitting member objected to it: in consequence of his having been present during the examination of DeHertel—citing the preliminary order made by the Judge, excluding persons from becoming witnesses, who had been present during the examination of any witness.

The Commissioner pointed out to the Counsel that Mr. McNaughton had been permitted to remain in Court, pending Mr. DeHertel's evidence, upon a special application to that effect, without objection, on his part; and that such a case could not be considered within the rule of exclusion.

7.—On the morning of the 9th March, 1858, a witness whose testimony had not been completed on the previous day, was called, and not being present in Court, the Petitioner proposed to proceed with Mr. Lavallée, another witness. To this the sitting member's Counsel objected, requiring the examination of the

previous witness to be terminated before the commencement of another. After some time occupied in discussing the matter, the Commissioner ordered the witness in default to be again called, and he not appearing, the witness Lavallée was sworn, and his examination proceeded with.

8.—On the 9th March, 1858, the sitting member's Counsel objected to any evidence being gone into against any voter, other than upon one of the heads of objection specified against him in the list of objections produced by the Petitioner.

This objection was held to be inapplicable, no evidence being offered or received upon any other objections than those so specified.

9.—The Counsel for the sitting member then applied to the Commissioner to call upon the Petitioner to make out a list, stating to what particular head of objection he intended to restrict his evidence as to each particular voter named in the list produced by him.

The application was refused on the ground that the list of objected votes served on the sitting member, contained the specific heads of objection applicable to each voter—which heads of objection are set opposite each voter's name in the said list.

10.—The sitting member's Counsel then applied to the Commissioner to order the Petitioner to produce a list of the names of the witnesses he intended to examine.

The Petitioner called upon the Counsel to point out any enactment or law requiring such a list, and also urged in objection, that whenever such an application was granted in England, by a Committee, it was required to be made at the commencement of the proceedings.

The Commissioner declared that the law did not require the production of any such list, and was also of opinion that the application for it came too late. The application was therefore refused.

11.—The Petitioner, having shewn by the Valuation Roll, and by the testimony of witnesses, that a voter who had not described his property upon the Poll Book, occupied a certain lot of land at the time of the election, and no other, so far as could be discovered from the Roll, and from the testimony of witnesses; was proceeding to shew that the voter had no title to that lot of land; when the Counsel for the sitting member objected to any evidence being adduced to attack a voter's title to any land, unless it was first shewn that it was upon that land he had voted. That in the present case the voter's property had not been described upon the Poll Book, and that in consequence of that omission, the Petitioner was deprived of the means of proving upon what land the voter voted; the description of it on the Poll Book, being the only means provided by the Statute for that purpose. That even were there any other mode, the proof by the Valuation Roll, which was made two years before, and by witnesses, was insufficient. The best evidence was that of the voter himself, who should have been brought up as a witness, and compelled to produce his deeds.

The Petitioner replied that the Statute, which provided one means of obtaining a description of the voter's property did not preclude any other. The Valuation Roll was the only public document shewing the occupiers of land, and if by that, and by the testimony of witnesses, it appeared that the voter occupied a particular piece of land, and was not rated for, or known to occupy, any other; a sufficient presumption was created that he had voted upon that. It was obvious that all the evidence, as to the land the voter voted on, was in the possession of the voter, and the sitting member, and was affirmative. It would therefore be easy for them to shew any other property of which the voter was possessed at the time of the election, if he had any other, while the negative being upon the Petitioner, it was next to impossible to prove it to a demonstrative extent, as the sitting member appeared to think should be done. It was a well established rule of evidence, that a voter could not be forced to produce his own deeds against his vote. He could be notified to produce them by his opponent, and failing to do so, secondary evidence of their contents might be offered; but he could not be compelled to bring them before the Commissioner.

The Commissioner overruled the objection, upon similar grounds to those stated by the Petitioner.

12.—John Cameron, a witness for the Contestant, having incidentally stated in the course of his examination, that he had voted upon Lot 16 in the 2nd Range of Harrington; he was asked on his cross-examination, by what title he held that lot.

The Contestant objected to the question, that it was irrelevant; the witness' vote not having been impeached; and the assertion in his examination in chief, that he voted on lot 16, having been volunteered by the witness, withont reference to any question at issue between the parties.

The Commissioner maintained the objection.

13.—The sitting member's Counsel then asked the witness, if he had received any money from Mr. Abbott, or his agents, for so voting.

The Contestant objected to this question, on account of the species of evidence for the introduction of which it would form a precedent: urging that the protest or demurrer of the sitting member was so constructed as not to create any issue between the parties on the subject of bribery, as the Commissionor had already decided; and that, consequently, evidence on that point was irrelevant to the matter in contestation, which was solely the validity of the objections made to the votes of the sitting member.

The Commissioner maintained the objection.

14.—On the examination of James McDonald, respecting objected votes in the Township of Gore, the sitting member objected to any evidence being gone into as to those votes, because there were appended to each vote several heads of objection, as for instance to that of Thomas McCulloch, five objections. He urged

that these objections were not only incompatible with each other, but in direct contradiction one to another. For instance, No. 1 is that the voter was not proprietor, and No. 7 that the Crown dues are unpaid; No. 4 is that the voter does not occupy the property on which he voted; No. 7 that he has not paid Crown dues upon the same property.

The Commissioner overruled the objection, remarking that several objections to the same vote might legally be made; and if these objections were in themselves severally sufficient in law, if proved, to warrant the rejection of the vote, as was the case in the present instance, he could not refuse to receive evidence upon them.

15.—The Contestant applied for permission to bring up Mr. DeHertel, the County Registrar, for the second time, to give evidence respecting the registration of certain deeds between the late Mrs. Bowes and her co-heirs, and co-legatees, in the estate of the late Sir John Johnson; and also respecting the enregistration of certain promises of sale mentioned by Col. Barron in his deposition; on the ground that the existence of these documents had only come to the knowledge of Contestant since the former examination of Mr. DeHertel.

The sitting member's Counsel objected to this application on the ground that the witness had been already examined.

The Commissioner allowed the examination of the witness on the points mentioned in the application, remarking that the rule of procedure was well established, that if circumstances come to the knowledge of parties during a trial, which may be fairly presumed to be within the knowledge of a witness previously examined as to other facts, that witness may be put into the box again for the purpose of being interrogated as to those new circumstances. And this rule should be held to have peculiar force when the witness is to be examined in his official capacity, for in that case the want of his testimony cannot be supplied.

16.—One Brophy having been examined for the Petitioner, as his last witness, he produced a number of documents; and then while the Clerk was reading the notes of evidence to Brophy for verification of their correctness, as had been usual, drew and filed a declaration that he closed his evidence with certain reservations. Some discussion took place upon this, and when it was over the Clerk stated that Brophy, on hearing the notes of his evidence, was dissatisfied with one passage in it, and desired to correct it before signing it. The Commissioner ordered the Clerk to make the necessary correction in the margin, but before it was initialed the Counsel for the sitting member objected to the correction being made, because the Contestant had closed his case.

The Commissioner overruled the objection, remarking that the witness had been examined, and notes of his evidence taken before the case was closed; and if, before signing the notes, the witness wished a verbal alteration made, the correctness of which the parties did not deny, he certainly could not refuse it.

17.—Thomas Quinn, a voter whose vote was objected to, and a witness for the sitting member, being under examination, stated that he had voted at Lachute; and was then asked by the Counsel for the sitting member to produce his title deed to the property on which he had so voted.

The Contestant objected to the witness giving evidence in support of his own vote. If the sitting member would shew, by legal evidence, on what property the witness had voted, he might possibly then be allowed to produce any deed of that property which he had in his possession, but in such a case he would not be sworn as a witness—he would merely file the deed, or exhibit it, without being sworn. And its genuineness, if not of itself authentic, would then have to be proved *aliunde*.—Rogers 106.

Finding no description on the Poll Book, of the property on which the voter voted, and no other evidence identifying, or tending to identify it, being offered, the Commissioner maintained the objection.

18.—The sitting member's Counsel desired that Mr. Edward Jones, then present in Court, should be ordered to leave the room, alleging that he might wish to bring him up as a witness for examination, and that his presence in Court during the examination of other witnesses, would render him incompetent.

The Contestant stated that the application was only made to carry out a threat made just previously by the Counsel to Mr. Jones, to have him turned out of Court; that Mr. Jones had been present during several days, at the examination of witnesses, and had thereby become incompetent long before, as the Counsel knew, and the application to exclude him was only prompted by personal feeling on the part of the Counsel.

Mr. Jones was then sworn and interrogated by the Commissioner, and upon its appearing that no subpœna or order to attend as a witness for the sitting member had been served upon him, and that he had already been present without objection during the examination of several witnesses on both sides, the Commissioner rejected the application to exclude him.

19.—The Counsel for the sitting member offered Duncan Dewar, as a witness, to prove the objections to the voters of the Contestant contained in the answer served upon him on the 1st of February, 1858.

The Commissioner refused to receive any evidence upon that answer, the same not being legally before him, inasmuch as it had not been served upon the Contestant within 14 days from the service upon the sitting member of the Contestants notice of contestation asrequired by the Statute, and had consequently been rejected by the order or Judgment of the 23rd of said February.

20.—The Counsel for the sitting member brought forward for examination, as a witness, a person who was then in a state of intoxication.

The Commissioner refused to allow him to be sworn or examined, while in that condition.

The proposed witness was not again offered for examination.

21.—The sitting member's Counsel then offered a witness to prove the allegations of bribery, and of keeping open houses, made in his first answer.

The Commissioner refused to take evidence upon this answer, in accordance with his Judgment of the 23rd of February.

22.—On behalf of the sitting member, evidence was then offered to prove that Louis Gagnier had a valid qualification, and it was asserted by the Counsel that Louis Gagnier was the same person as the one styled "Louis Gonice" on the Poll Book and on Contestant's list.

The Contestant objected that the variance was too great to warrant the Commissioner in allowing an investigation into "Gagnier's" title to support "Gonice's" vote. The rule was that the names contended to be the same should be *idem sonans*.

The objection was maintained.

Both parties having closed their evidence, a copy of the evidence and of the minutes of the Judge Commissioner's proceedings were duly remitted to the Speaker; and were accompanied by a report by the Commissioner, containing his opinion upon each objected vote; and a short summary of the evidence offered for and against them. By this report it appeared that, in the opinion of the Commissioner, 422 of the votes objected to by the Petitioner were bad, and should be struck off the sitting member's Poll; thus giving the Petitioner a majority of 224 votes.

On the 15th May, 1858, the Committee met for the first time, for the transaction of business, pursuant to adjournment.

Mr. Burroughs stated his intention of submitting certain preliminary objections to the reception of the petition.

Mr. Read objected to his doing so, on the ground that the petition had been already received, and that the Committee had only to try the merits of it.—Election Act of 1851, §52, 73, 78.

The Committee then resolved,—That the Committee have power to entertain any objections to the Election petition, or to the proceedings taken in connection therewith, except in respect of the sufficiency of the recognizance, of which the speaker is, under the Election Act of 1851, chapter 1, made the sole Judge.

Mr. Burroughs then prayed the rejection and dismissal of the petition upon six grounds, which resolved themselves into these two, viz:—

1*st*.—That the affidavit to the copy of notice of contestation, produced before the Judge, was imperfect and null.

2*nd*.—That the affidavits appended to the original notice, and to the copy of it, which were annexed to the original petition presented to the House, were not copies of the affidavit so placed before the Judge.

Mr. Read admitted that these affidavits were not copies of the one submitted

to the Judge, and explained that it was impossible they could be, as under the Statute they were required to be original affidavits for a different purpose; the one being intended to prove the correctness of a copy, the others the service upon the sitting member.

The Committee then decided that the affidavit appended to the notice annexed to the petition, should not be a copy of the one appended to the copy presented to the Judge; and that the petition be proceeded with.

The question then arose as to the order in which the grounds of complaint in the petition should be proceeded with.

Mr. Burroughs contended that the Petitioner should first proceed to the proof of his allegations as to fraud and violence.

Mr. Read pointed out the fact to the Committee, that the evidence taken had reference only to the objected votes of the sitting member, upon which it had been completed on both sides; that the Petitioner was usually allowed to proceed as he pleased, although, doubtless, the Committee could prescribe what order of proceedings they chose; that Committees had usually consulted the convenience of parties and the interests of justice, in making such orders; and that it would obviously be equivalent to a denial of justice to refuse to try the question on the scrutiny, to which it must eventually come, when all the evidence was ready for it. He cited in support of his argument, Rogers on Election Committees, pp. 68 *et seq.*—Harwich 1, P. R. and D. p. 311.

The Committee resolved that the question of the qualification of the sitting member should be first entered upon, and that the scrutiny of votes should then be proceeded with. (Appendix B., Note A.)

May 17th, 1858.

The Petitioner having taken time to consider how he should proceed upon the order made on the 15th instant, declared, that as the evidence was ready upon the scrutiny, and the investigation of the question of qualification first, would involve the issue of a new warrant, or commission, which would cause delay; he would rather withdraw the objection to the qualification, and go on at once with the scrutiny. He thereupon formally declared that he abandoned his objections to the sitting member's qualification, and was prepared to proceed with the scrutiny of the sitting member's votes.

Mr. Read then applied to the Committee to have the minutes of evidence, taken by Judge Badgley, read.

Mr. Burroughs objected; and as it appeared that Mr. Read contended that the proceedings of the Judge, prior to his taking the oath as Commissioner, were not subject to revision by the Committee; he was requested to put his proposition substantially before the Committee, and to suspend his motion, for that purpose.

He thereupon moved that all the proceedings had before Judge Badgley, prior to his taking the oath as Commissioner, should be held as binding upon the Committee.

In support of this motion he urged that under the Act of 1857, the Judge only became a Commissioner after the application had been "validly made;" and as no other person or tribunal then had the power to adjudicate upon the "validity" of the application, and as in doing so the Judge did not merely act ministerially, but necessarily exercised his judgment theron; that his action in pronouncing upon the validity or invalidity of an application, was the exercise of a judicial function, and as such was not subject to any revision by the Committee; because the power of revision was not granted by the Act, and could not be assumed by the Committee unless expressly conferred upon it. That it was evident that the intention of the Act of 1857, in restricting the choice of Commissioners to the Judges, must have been, that these judicial functions should be exercised by competent persons. As soon as the application had been pronounced upon as having been "validly made" the Judge became a Commissioner, and as such his proceedings were undoubtedly subject to revision by the Committee.

Mr. Burroughs submitted, in writing, the following answers and objections to Mr. Read's application, viz :—

"That the Judge was only the class of Officers from whom the Commissioners "were chosen. That the Act of 1851 named Judges as Commissioners, without "their ever presuming to assume judicial powers. That the Act of 1857 gives "same powers, and confers no new powers upon Commissioners. That a Judge's "jurisdiction or judicial powers are restricted by his commission and by the "Acts of judicature. That formerly a commission issued from Special Com-"mittee. That now, by the Act of 1857, the application in writing to Judge, "accompanied by certain papers, constituted the Judge's commission. That "Judge applied to had no jurisdiction, as Judge of Superior Court, in the mat-"ter, but simply, *instanter*, forthwith upon application being validly made, be-"came a Commissioner. That Special Committee had full and supreme power "over the matter, from its very inception until their final decision."

The Committee resolved,—that the decisions given by Judge Badgley, prior to his taking the oath as Commissioner, are not to be taken as final, but may be dealt with by the select Committee, in like manner as any proceeding taken subsequently to his assumption of the duties of Commissioner.

Mr. Read then urged his application that the minutes of the commission be read.

Mr. Burroughs objected, and was ordered to deliver his objections in writing on the following day.

May 18th, 1858.

Mr. Burroughs produced written objections to the reading of the minutes of the Judge Commissioner, but it becoming apparent, from the objections themselves, that the minutes must be read to enable the Committee to take cognizance of the objections, they were withdrawn, and the minutes were read accordingly.

Mr. Burroughs then applied to the Committee to reject and set aside all the proceedings of the Judge Commissioner, and was commenting upon them generally, when he was requested by the Committee to restrict his argument, for the present, to the validity of the application to the Judge to take evidence, before he assumed the duties of Commissioner.

Mr. Burroughs then submitted that the application (1) was not valid, for the following reasons:—

1*st.*—That it bore no date, except the date of its reception by the Judge.

2*nd.*—That the copy of the Petitioner's notice of contestation, presented to the Judge, was not sworn to according to the Statute—the affidavit appended to it being informal in these respects, viz:—1stly, That it was not signed, and so afforded no proof whether the person swearing was a literate person or not.—2ndly, That the jurat did not bear upon its face the name of the place where it was sworn;—and 3rdly, That there was no description upon it of the residence of the magistrate subscribing it, nor of his authority to administer the oath.—(See *ante* page 5.)

Mr. Carter replied that the Statute did not require the application to be dated; it was only necessary that it should be in writing, and be made within a given time: (20 Vic., cap 23, § IV,) which the endorsement of the Judge Commissioner shewed had been done in this case.

That the Statute provided that the service of the notice should be proved by affidavit, which affidavit was required to be sworn to in a particular manner, before a particular officer, and to contain certain details as to the time, place and manner of the service, (§ 3). The notice which had been thus served, with this affidavit of service, was required to be annexed to the petition when presented to the House. (§ 1). But no such special affidavit was required to be appended to the copy of notice delivered to the Judge. That was only required to be "sworn to" as a true copy. (§ 4). If therefore the copy presented to the Judge was "sworn to"—namely, if it was sworn that it was a true copy of the original notice thereafter to be presented to the House, nothing more was necessary. No form of swearing was fixed by the Act. But the affidavit appended to the notice, though irregular, was not fatally so, as it contained sufficient in itself to sustain it. As to the signature, doubtless Mr. Germain should have signed the affidavit, but it contained his name and description, and the jurat contained the certificate of the officer that he had sworn to it. The best test of the sufficiency of the swearing was his liability to be indicted upon it for perjury, if it were not true. For this purpose the signature was not essential, and was only useful as establishing the identity of the party. Here the identity was clear from the description

(1). The application was in writing, addressed to any Superior Court Judge resident within the District of Montreal. It referred to the documents produced with it, and required the Judge to take evidence, &c., nearly in the words of the Statute. It was not dated, but was endorsed by the Judge as having been received the 29th January, 1858.

in the body of the affidavit. A proof of the correctness of this doctrine is the fact that if he had signed it, and had been indicted for perjury upon it, it would not be necessary to prove his signature to obtain a conviction. The signature to the jurat was all that required to be proved (R. *vs* Morris 2, Bur. 1189, 1, Leach 50, Rex. *vs.* Benson, 2, Camp. 508, R. *vs.* Haidley 1, C. & P. 258, 1, P. & Kn. 373). If, therefore, Mr. Germain could be indicted for perjury upon this affidavit, it could not for a moment be contended that it was not sworn, or that his signature was essential to its existence. The body of the affidavit contained the assertion that the maker of it, had compared the copy to which it was appended with the original, and that it was a correct copy. Could he have done this if he had not been a "literate person?" Then as to the two objections to the jurat, that it did not mention the place where it was sworn, or contain the place of residence of the magistrate, it was quite true that these also were irregularities, but they were not fatal ones. Even in Courts where the forms of jurats are prescribed by fixed rules, the Courts do not hold strictly to those rules, but give a wide latitude to amendments. And when the jurat is appended to an affidavit not affected by their rules of practice, the Judges have presumed the swearing to have been made correctly, on the well known principle that *omnia præsumuntur rite acta.* For instance, it was held by Lord Ellenborough, that the absence of mention of a place in the jurat, to an affidavit sworn in Ireland, was not fatal to it, because he must presume that the affidavit was sworn at some place within the jurisdiction of the official. (French *vs.* Bellew & Cullimore 1, M. & S. 302, 5 Saunders practice 1124). As to the place of residence of the official before whom it was sworn, there was surely ample to shew that he was acting correctly. In the first place he received the oath of a person resident in Montreal, as to a matter which had just passed in Montreal, which oath was the same day presented to a Judge in Montreal. Again he was an officer of the Court over which that very Judge presided ; and his action in receiving the oath was in the exercise of his functions as such officer. These facts, apart from the maxim relied on by Lord Ellenborough, are sufficient to create the presumption that he was acting within his jurisdiction, which either as magistrate or as Commissioner of the Superior Court for taking affidavits, extended over the District of Montreal. But supposing it to be necessary that these irregularities should be corrected, no Court would refuse to allow them to be amended; thus shewing that they do not render the affidavit null: for in that case, of course it would not be susceptible of amendment. (Ex parte Smith, 2 Dowling, 607. Cass *vs.* Cass, 1 D & L. 698. Davis *vs.* Sherlock, 7 Dowling, 592. 5 Saunders, 1130. 2 Archbold, 1524) And when an affidavit upon which a rule *nisi* has issued, turns out to be defective, a Court will allow supplementary affidavits to be filed. (3 Chitty's practice 450). This liberality in the treatment of irregularities in affidavits, it must be remembered, was shewn where rules of practice established the forms to be ob-

served. In election cases there were no such rules, and consequently no such strictness of procedure. (See Cork, K. & O. 274, 1 F. & F. 90, 93. Dublin in notis. M. & N. on elections, p. 143). The question here for the Committee was simply whether the affidavit was or was not sworn by Mr. Germain before a proper officer. There could not exist in their minds any doubt that it had been so sworn, even if they only looked at the affidavit itself; but there were supplementary affidavits filed before Judge Badgley, which proved that it was so sworn, (see *ante* pp. 6, 9.) There was also a rule of procedure recognised by all Courts which applied to this case, and was of itself conclusive against the sitting member, namely, that acquiescence, either express or tacit, covers all mere irregularities. Here there had been the most complete acquiescence, for the sitting member had proceeded before the Commissioner not only with the cross-examination of the Petitioner's witnesses; but had himself examined a greater number of witnesses than the Petitioner had done.

If, however, the Committee entertained any doubt as to the real fact in issue, viz: whether or no the affidavit in question had been properly sworn to, they would doubtless follow the example of other Committees under similar circumstances, and investigate the facts before deciding against the proceedings. This was the course adopted by the Halton Committee Patrick p. 60 where it did ot appear in any manner whatever that the Commissioner had been sworn. The Committee ordered that evidence should be gone into to ascertain the fact, and finding that he really had been sworn, they held his proceedings valid.—(See also M. & N. on elections, 143).

Mr. Carter then applied to the Committee to the effect, that in the event of the Committee determining that the affidavit appended to the copy of notice produced and filed with the Hon. Wm. Badgley on the 28th January last, is informal for any or all of the grounds of objection thereto urged by the sitting member, the Petitioner be permitted, at his costs and charges, to examine under oath, before the Committee, Joseph Belle, Esquire, Justice of the Peace, and Adolphe Germain, gentleman, both of Montreal, in the District of Montreal, as to the execution of the said affidavit, and the time, place and manner of the swearing thereof, by the said Adolphe Germain. (1)

The room having been cleared, and the Committee having deliberated, the parties were called in and informed, that the Committee wished to hear the Counsel of either party on the proceedings of the Judge, in appointing the 8th of February for hearing objections judicially to the application of the Petitioner, presented to him on the 28th of January; instead of deciding the same forthwith, and thereupon appointing a time and place for taking the evidence as required by the Statute.—(Appendix B, Note B).

(1) For further remarks upon the points raised and the arguments urged by Mr. Carter—see *ante* p.p, 6 to 14.

May 20th, 1858.

Mr. Carter submitted the following propositions on behalf of the Petitioner :—

That the word "forthwith" in the 4th Section of the Act of 1857 is directory only, and not imperative, and that therefore if there be a departure by the Judge from the strict meaning of the word, it is an irregularity only and not a nullity ; and that such irregularity does not render the proceedings void, unless the Statute expressly declares that such shall be the consequence of non compliance.— (Sedgwick on Statutory Law, pp. 368, *et seq:* Rex *vs.* Loxdale, 1 Burr. 447. Rex *vs.* Justices of Leicester 7 B. & C. 6. The People *vs.* Allen 6 Wendell 487, 488. People *vs.* Holley, 12 Wend. 481. The people *vs.* Sup. of Chenango, 4 Seld. 317.)

That when the omission or neglect of a public officer is in relation to some matter required of him by a Statute, such omission may render him liable to punishment, but cannot affect the rights of others ; and that upon the principles of law and of public policy his acts and proceedings should be sustained as regards them.

That the 158th Section of the election petitions Act of 1851, establishes a rule on the point now in question which settles it in favor of the Petitioner, viz : that the non-observance of any of the provisions of the Statute shall not render the proceeding in which it occurs, null, except only when the intention of the Legislature, that it shall be so, has been manifested, both by affirmative and negative terms ; which has not been done in this instance, the Act merely saying that the Judge "shall forthwith appoint a time," without enacting that any delay in so doing shall render his proceeding ineffectual. (See § 4 of Act of 1857.)

He also urged that the sitting member, by appearing before the Judge, and by submitting arguments as to the validity of the proceedings had, waived any objection to a delay, which was really in his interest ; as the Judge might have ordered evidence at once without giving him an opportunity of scrutinizing the Petitioner's papers, or of objecting to their validity.

Mr. Burroughs answered, that the sole question before the Committee was whether or no the Judge had complied with the requirements of the Statute. It was plain he had not, because the Act required him to do forthwith, what he had not done for weeks afterwards. It could not be pretended that fixing a day ten days subsequent to the application, for an argument upon it, and afterwards taking several additional days to deliberate, was a compliance with the Statute requiring him to act "forthwith." If therefore he had not proceeded as the law required him to do, which he obviously had not done, his proceeding must be declared null.

The Committee, having deliberated, resolved, that inasmuch as in the opinion of this Committee the action taken by the Hon. Judge Badgley was not in accordance with the Statute : the proceedings had before him in his capacity as

Judge Commissioner be, and the same are declared to be, null and void.—(Appendix B, Note C.)

The Petitioner then declared, that from the nature of the case and the number of the witnesses to be examined relative to his petition, the same could not be effectually enquired into before the Committee without great expense and inconvenience to the parties, or either of them, (Election Act of 1851, § 96,) and he therefore applied for a commission to take evidence upon his petition and notice; and that a warrant do issue according to law addressed to such Commissioner as should be named by the Committee, or selected by the parties.—(Ibid § 98.)

Mr. Burroughs protested against the issue of any commission, and was proceeding to argue, that having commenced his proceedings under the Act of 1857 the Petitioner could not now fall back upon the Act of 1851, and obtain a commission under its provisions, when he was stopped by the Committee and informed, that when they decided to set aside Judge Badgley's proceedings, they also concluded to grant the Petitioner a commission if he should ask for it.

Mr. Burroughs then moved to be permitted to produce and file before the Committee the answer and supplementary answer of the sitting member.

The Petitioner stated that they were among the papers returned by Judge Badgley to the Committee; but that if the Committee were of opinion that those papers were not properly before them, he would consent to their being produced, subject to all objection as to their validity or effect.

The Committee deliberated and decided that the papers in question were already officially in their possession.

The sitting member then declared that he waived the two days notice of application required by law, (Act of 1851, § 97,) and consented to the application for a commission being at once made without such notice.

Mr. Burroughs stated that he would join in the application for a commission, that evidence might also be taken on the sitting members answer.

The Petitioner stated that he declined joining with him in the application, but if he chose to make a separate one, waived the notice, reserving his objections to a commission being granted him.

A member of the Committee asked Mr. Burroughs, which answer the sitting member d sired to take evidence upon.

Another member asked him, at what date the answer he referred to was served upon the Petitioner.

Mr. Burroughs then stated, that he would not then make any application for a commission.

Both parties then consented that the Committee should proceed at once to name a Commissioner on the Petitioner's application, without the delay of one day provided for by law.—(Act of 1851, § 98).

A conversation then took place as to the selection of a Commissioner, the

Committee suggesting the propriety of the parties agreeing to name one, to obviate the necessity of impeding public business by appointing a Judge ; but the parties being unable to agree, the Committee decided to appoint one of the Judges to the office.

The office of Circuit Judge, upon the holders of which the duties of Commissioner were imposed by the Act of 1851, having been abolished by the judicature Act of 1857, a discussion took place as to the persons from amongst whom the appointment could be made ; and upon reference to the last mentioned Act, it was found, that all the duties of Circuit Judges had devolved upon the Judges of the Superior Court. The Committee considering, that they had therefore the right of appointing one of these latter Judges, a list of them was thereupon procured to enable the Committee to make their choice.

Mr. Burroughs suggested that either Judge Bruneau or Judge Guy should be appointed.

The Petitioner stated that he would be satisfied with the appointment of Mr. Bruneau.

The Committee then named the Hon. Jean Casimer Bruneau, one of the Judges of Her Majesty's Superior Court for Lower Canada, to be the Commissioner to take evidence in the matter, and ordered

That a Commission do issue to him, in accordance with the application of the Petitioner for that purpose ; for the purpose of taking evidence, upon and scrutinizing, the votes of the sitting member objected to by the Petitioner, reserving the right to order such evidence to be taken thereafter, before the said Commissioner, upon the other facts and circumstances contained in the petition and notice of the said Petitioner, as the Committee should think necessary.

Mr. Carter then applied to the Committee to order the Clerk of the Crown in Chancery, to produce before the Committee the Poll Books of the different Parishes and Townships of the County of Argenteuil, which was ordered accordingly.

The 7th of June 1859 having been fixed by the warrant addressed to the Hon. Judge Commissioner Bruneau, for opening the commission ; the Court was on that day opened accordingly, at St. Andrews, in the said County, pursuant to notice previously given ; and evidence was proceeded with by the Petitioner, on the votes of the sitting member which had been objected to ; and by the sitting member in support of those votes.

During the proceedings before the Commissioner a number of questions arising upon the law of evidence as applicable to the scrutiny of votes, were decided by the Commissioner, a summary of which now follows :—

1.—The Hon. Commissioner ordered that no person should be examined as a witness, who had previously been present at the examination of any other witness

2.—The agent for the sitting member, (*Mr. Burroughs*) applied that the

Petitioner should be required so to proceed with the testimony to be adduced as to complete the evidence upon one vote before proceeding to another.

The Petitioner objected on the ground that all the witnesses as to the voters at each polling place would have to be kept in attendance until the examination of the whole of them should be completed, which would entail upon him great expense; and also that such a mode of proceeding was cumbrous and inconvenient.

The Commissioner refused the application, but directed that as a matter of convenience, the evidence should be completed upon all the disputed votes in each place, before commencing with that having reference to votes in another.

3.—The Petitioner produced a copy of the Poll Books of the last election for the County of Argenteuil, certified under the hand and seal of Office of the Deputy Clerk of the Crown in Chancery.

Mr. Burroughs objected to any evidence being received until the original Poll Books were produced—and called upon the Petitioner to produce them.

The Petitioner replied that the copy filed was sufficient, having the same validity as the original under the 13th and 14th Vict., cap. 19.

The Commissioner overruled the objection, and ordered the copy produced to be received and fyled as legal evidence.

Judges minutes.

4.—The Secretary Treasurer of the Parish of St. Andrews being examined on the Valuation Roll of that parish, produced and filed a copy of said roll—and also produced the original, from which he spoke.

Mr. Burroughs objected to the examination of the witness being proceeded with unless the original roll was filed.

The Petitioner replied that the course adopted was the correct one, the Secretary Treasurer having no right to dispossess himself of the original roll, which was a public record in his possession and custody by virtue of his office.

The Commissioner overruled the objection, and ordered the copy to be received and filed, and the evidence of the witness to be proceeded with.

Judges minutes.—Similar rulings, Appendix A, p.p., 29, 114, 131, 161, 257.

5.—When the property of a voter objected to, was not described upon the Poll Book, the Petitioner proposed to prove by the Valuation Roll of the municipality in which the voter resided, the property for which he was rated at the time of the election.

The agent for the sitting member objected on several grounds, viz:

That the first point to be proved was the identity of the voter.

That the Valuation Roll was not in issue, nor was the question as to what property the voter was rated on.

That the only question was upon what property the voter voted.

That the only mode of ascertaining that, was by the description given in the Poll Book.

That if the scrutineer of the objecting party had neglected to cause the description of the voter's property to be inserted in the Poll Book, (under 12 Vict., cap. 27, § 40, 41,) the want of such description cannot now be supplied by other evidence.

That if other evidence were admissible, it could only be that of the voter himself, brought before the Commissioner under a *subp. duces tecum*, for no one but himself could know upon what property he voted.

That the Valuation Roll in question afforded no evidence even as to the property the voter was rated on at the time of the election, as it was made in 1855.

The Petitioner replied—That identity of name, residence, and occupation, was sufficient evidence of the identity of the person spoken of by the witness, with the voter whose vote was objected to.

That while the Statute cited, provided one means of obtaining the description of the property on which the voter voted, it did not in any respect prohibit any other mode of doing so.

That the voter could not be compelled to appear before the Commissioner, and give evidence against himself; nor had the Commissioner the right of issuing any warrant to compel the voter to produce his own deeds, as had been repeatedly decided in England. Weymouth 2, Peck 228—Middlesex 2 Peck—East Grimstead 1, Peck 307—Petersfield P and K, 35 to 39—Rogers on Election Com., p.p. 105, 106, ed. 1841.

That the Valuation Roll was not, of course, by itself, conclusive as to the property on which the voter voted, though it was the only authentic Land Roll the Country possessed; but if properly supported by other testimony, it would afford sufficient evidence of what property the voter *had* at the time of the election, which was the only property upon which he could have voted.

The Commissioner overruled the objection.—(Commissioner's minutes, also Appendix A, p. 114, also Ibid p. 184).

6.—In taking evidence upon the vote of a person whose property was not described upon the Poll Book, a witness was asked :—

Has the voter E. V. ever stated to you upon what property he voted at the time of the last election, and if so, state on what occasion, and what property he mentioned to you?

The agent for the sitting member objected to the question, on the ground that the Poll Book afforded the only legal evidence of the property upon which any voter voted.

The Petitioner insisted that he had a right to prove the property by any other legal evidence he could procure; and that the declarations and admissions of the voter himself were admissible, in evidence against his vote.—Montagu & Neale, pp. 187 to 189, 254-5.

The Commissioner overruled the objection on the grounds stated by the Petitioner.—(See Appendix A, page 20).

7.—In a similar case, and when the person who voted was not rated on the Valuation Roll for any property, a witness was asked :—

Do you know what land, if any, the said R. D. occupied at the time of the election ?

The agent for the sitting member objected to the question ;

That the voter was not identified.

That his name was not in the Valuation Roll.

That the evidence might contradict what the voter stated at the time he voted.

That the question tended to introduce evidence to contradict the Poll Books.

And also made the same objections as those reported in No. 6, *ante.*

The petitioner replies that the evidence is admissible on similar grounds to those taken in No. 5.

The Commissioner overruled the objection on the ground that the facts sought to be proved constituted a sufficient presumption that the lot in question was the one voted on, no description of the property upon which the voter voted, having been entered on the Poll Book, to entitle the Petitioner to go to evidence upon it ; and that if the sitting member contended that he had voted on any other property, he would have the right to prove that fact in rebuttal. (Appendix A pp. 258-9.)

8.—George McCulloch voted as a tenant, but his property was not described in the Poll Books.

A witness declared he knew the premises the voter occupied at the time of the election ; and he was asked their value.

The agent for the sitting member objected to the adduction of evidence respecting the value of the property he lived on, until it was proved that he had voted on it.

The Petitioner contended, that as he voted as a tenant, proof that he occupied certain premises at the time of the election, created a presumption that he voted in those premises sufficient to let in evidence of their value.

The objection was overruled. Appendix A, p. 14.

9.—DeLorme voted as proprietor ; and his property was identified by the Valuation Roll, and the evidence of witnesses.

A witness was asked the value of the property so indicated, when the question was objected to by the sitting member, but overruled by the Commissioner upon similar grounds to those stated by the Petitioner in No. 8. (Appendix A, p. 7.)

10.—The voter DeLorme having been proved to have held at the time of the election no other property than that previously and continuously occupied by his father for thirty years, and afterwards by himself ; a question was asked tending to shew the number of legal heirs of DeLorme *père*, and the existence of a

communauté de Biens, between *père* and *mère* DeLorme, to which the agent for the sitting member objected, on the ground that it had not been established by evidence that the voter inherited from his father.

The Petitioner replied that the circumstances were such as to constitute a legal presumption that the voter held the property by inheritance, and that he had a right to put the question to establish the proportion of his father's property to which the voter would be entitled, as one of his heirs.

The Commissioner concurred in the view taken by the Petitioner and overruled the objection. Appendix A, p. 8.

11.—George McCulloch having been proved to have occupied a certain house—the proprietor was asked how much rent he had agreed to pay for it.

The agent for the sitting member objected that rent was no criterion of value, and that the qualification of a tenant only referred to the annual value, and not to the annual rent.

The Petitioner admitted that rent was not an infallible criterion of value, but that proof of the amount of rent paid was legal evidence as tending to shew the value.

This objection was, for the time, reserved by the Commissioner, but he afterwards gave his opinion that the vote was bad. Appendix A, p. 14.

12.—A witness having been examined upon the qualification of a voter, was being cross-examined upon the Valuation Roll generally, when the Petitioner objected, that the cross-examination did not arise out of the examination in chief; and that if the sitting member desired to elicit the evidence he now sought, he could examine the witness upon it in rebuttal.

The Commissioner ordered as a matter of convenience that the cross-examination should be restricted to such matters as were touched upon in the examination in chief. (Appendix A, p. 24.)

13.—A question was put to the Crown Lands agent for the Township of Morin, as to the correctness of a list furnished by him; by which it appeared that none of the settlers in Morin had a patent, and that those who had location tickets were in arrears to the Crown.

The agent for the sitting member objected to any proof being made respecting the titles to property of persons other than the voters objected to: and to any evidence as to their property until they are identified.

The Petitioner replied that the tendency of the question was to shew that no person whomsoever had a right to vote in Morin, which proof could render the investigation in detail of each voters right, unnecessary.

The Commissioner reserved his opinion upon this objection for his own consideration, but afterwards pronounced the evidence legal. (Appendix A, p. 50, and Commissioner's Report).

14.—The name of a person, not a voter, having been accidentally ommitted

from the said list, it was inserted by the witness, upon which he was asked whether any person upon the list, as corrected, was free of indebtedness to the Crown.

The agent for the sitting member objected to the question, on the ground that it tended to introduce evidence respecting the person just added to the list, who was not a voter.

The Petitioner said the object was merely to shew that no qualified voter existed in Morin.

The Commissioner reserved the objection for his own consideration, but afterwards reported it legal. (Appendix A, p. 51 and Commissioner's Report).

15.—A witness for the Petitioner was asked on cross-examination, whether or no he himself had bribed any one to vote for the Petitioner, or to abstain from voting for the sitting member.

The agent for the Petitioner (*Mr. Baker,*) objected to the question on the ground that the enquiry before the Commissioner was restricted to the scrutiny of the sitting member's votes.

The agent for the sitting member replied that the question was put merely to shew the *animus* and moral character of the witness, and not to elicit evidence on the question of bribery.

The objection was overruled by the Commissioner, who at the same time informed the witness that he was not bound to answer the question. (Appendix A, p. 77, also *ibid* p. 165.

16.—The Petitioner having proved the occupancy by one of the voters objected to, of a lot of land in Harrington, put a question to the Crown Lands agent for that Township, tending to elicit evidence as to the voter's title to that lot.

The agent for the sitting member objected to the question, as irrelevant to the issue, no such lot being mentioned in the Poll Book.

The Petitioner replied that it had already been proved that the voter occupied the lot of land in question, at the time of the election, and no other; and that he is entitled to prove the non-existence of title deeds in the voter, or even the existence and contents of his deeds, inasmuch as he had been notified to produce them.

The Comissioner overruled the objection, remarking that the point had been previously repeatedly decided. Appendix A, p. 80.

17.—The agent at Mille Isles of the Petitioner was asked by him, if he knew whether his objections to voters were always entered by the Poll Clerk, and whether he was permitted to see the entries made in the Poll Book.

The agent for the sitting member objected to the question as tending to introduce evidence respecting the conduct of the Poll Clerk, which was not at issue before the Commissioner, and also because the question is not confined to any of the votes objected to by the Petitioner.

The Petitioner contended that the question tended to explain an imperfection and incompleteness in the Poll Book, and therefore was admissible.

The Commissioner maintained the objection for the reasons given by the sitting member; and, on being required so to do by the Petitioner, ordered the answer to be received as illegal evidence *de bene esse* on a separate *folio*, under the Act of 1851. (Appendix A, p. 167.)

18.—A witness for the Petitioner having stated, on his cross-examination, that Owen Quinn surveyed the Seigniory of Mille Isles for him, was asked by the agent for the sitting member under what agreement he had so surveyed it.

The Petitioner objected to the question as being entirely irrelevant to the matter submitted to the Judge Commissioner for investigation, and as not legally arising out of the examination-in-chief of this witness.

The agent for the sitting member contended that the question properly arose out of the examination in chief, as in it the witness had stated that the Seigniory had been surveyed by Quinn, and that parties applying for deeds of concession had produced *proces verbaux* of such survey, before obtaining deeds of concession.

The Commissioner reserved the question for his own consideration, and afterwards declared it to be legal. Appendix A, p. 171, and Commissioner's report.

19.—A witness for the sitting member in rebuttal having stated that he had surveyed for the Government certain unsettled townships in the rear of the County, was asked if it was not true that he had sent the sitting member information respecting the quality of the wild lands he so surveyed, or some of them.

The agent for the sitting member objected to the question as not arising out of the examination in chief, and as not tending to attack the credibility of the witness.

The Petitioner contended that he was entitled to put the question to shew the closeness of the relations of the witness with the sitting member, as a test of his probable bias in his favor.

The objection was maintained. Appendix A, p. 182.

20.—A witness for the sitting member in rebuttal, having stated that he had had some conversation with Mr. De B., another witness in the cause, respecting the survey made by Mr. Quinn, already alluded to, was asked to state what that conversation was.

The Petitioner objected to the question, in so far as it tended to introduce verbal testimony to prove title in the witness, or in any other person, to lands in Mille Isles.

The agent for the sitting member replied that the question tended to prove none of the points stated in the objection.

The Commissioner reserved the objection for his own consideration and afterwards declared the question legal. Appendix A, p. 183.

21.—The returning officer for the Parish of Mille Isles, was asked by the Petitioner, if he had had any communication with Mr. Bellingham after the close of the Poll on the first day and before it opened on the second, respecting the getting a number of names on the Poll Book bofore Mr. Abbott's agent arrived.

The agent for the sitting member objected to the question as irrelevant to the issue before the Commissioner, and because if answered in the affirmative it would not tend to prove any of the objections specified in the Contestant's list of objected votes.

The Commissioner maintained the objection, and, on being required so to do by the Contestant, ordered the evidence to be received as illegal, and to be taken *de bene esse* on a separate folio, under the Act of 1851. Appendix A, p. 209.

22.—McGregor, a witness for the Petitioner, having been examined as to the value of certain property in St. Andrews, was asked by the agent for the sitting member the value of the property of one of the voters for the Petitioner.

The Petitioner objected to the question as introducing a collateral issue, and the objection was maintained. (See Appendix A, page 3).

23.—Edward Jones, junior, being called as a witness for the Petitioner, was objected to by the agent for the sitting member, on the ground that he had been present during the examination of witnesses before Judge Badgley, and was therefore inadmissible under the rule made by the present Commissioner at the commencement of the proceedings.

The Commissioner overruled the objection. (Appendix A, p. 4).

24.—The sitting member brought as a witness for him in rebuttal a person who voted for the Petitioner in Morin, and in the course of his examination asked him:

Did Mr. Abbot ask you to vote for him, and, if so, what transpired upon that occasion; and did you in consequence vote for him?

The Petitioner objected to that portion of the question relating to conversations between the witness and himself, unless it be first shewn that such questions are relevant to the matter submitted to the Commissioner, or unless the question be directed specially to statements of the Petitioner affecting the right to vote of some of the voters objected to.

The sitting member replied, urging that the question was legal and did not necessarily refer to matters irrelevant to the issue before the Commissioner. That it could not be known whether the evidence the witness was about to give was relevant or not till he had given it, and that his answer should be received.

The Commissioner maintained the objection of the Petitioner. But on being required to do so by the sitting member, he ordered the answer to be taken *de bene esse*, on a separate *folio*, under the provisions of the Act of 1851.

Appendix A, p. 67. Similar ruling, Ibid p, 136; also Ibid p. 256.

25. A witness was asked in his cross-examination if he had received any money from Mr. Abbott for the expenses of the election at Mille Isles.

The same objection as in the last case was made by the Petitioner and the same ruling and order by the Commissioner.

26. The Petitioner having caused notices to be served upon several of the voters whose votes were objected to, signed by himself, notifying them to produce their title deeds before the Commissioner on a named day, in default of which secondary evidence of their contents would be adduced; and having filed the original notices with returns of service, made under oath, by a constable, or by one of the Bailiffs appointed by the Commissioner, suggested to the Commissioner the propriety of having the persons so notified, called in open Court. The Commissioner ordered the notices to be received, and an entry to be made of any person so notified who should appear and produce his title deeds; but was of opinion that calling the parties was unnecessary.

27. One Edgar, who had been so notified, appeared and declared that he had no title deeds,—that he had voted as tenant, and that his lease was not in his possession,—and claimed to be taxed and paid for his attendance.

The Petitioner objected to any such taxation, on the ground that Edgar was not summoned as a witness, but notified, as a *quasi* party to the cause, to produce his titles if he thought proper. If he did so, it was in his own interest —to protect his own vote; and he was precisely in the same position as a party in a cause, notified to produce a paper in his own possession.

The Commisssioner would tax the witness, that the amount to be paid him might be adjusted, if the Committee thought he should be paid; but he would not order the Petitioner to pay him.

28. One Sidon also, notified in the same manner, appeared; but demanded to be taxed and paid before making any declaration or producing any deed,—which application the Commissioner refused.

Monday, February 28th, 1859.

The Return of the Commissioner, the Honorable Jean Casimir Bruneau, with the copies of the evidence taken before him and of his minutes of proceedings: and also with a statement in detail of his opinion on each vote, and a summary of the evidence upon which his opinion was based, were laid before the Committee.

By this report, it appeared that in the opinion of the Commissioner, of the votes objected to by the Petitioner, 405 were bad, 190 not proved bad, and upon 27 he expressed no opinion; striking off therefore, only the votes thus declared bad, the Petitioner would be placed in a majority of 207 votes.

The Honorable J. H. Cameron appeared on behalf of the Petitioner, and declared himself prepared to proceed with the case.

Mr. Bellingham, the sitting member, complained that he was ignorant of the import of the evidence, and his Counsel not being present, he would request a delay.

The Committee, after deliberation, agreed that until Wednesday next be given to the sitting member to have Counsel, and requested that he would be ready at ten o'clock A. M. on that day.

Wednesday, March 2nd, 1859.

Mr. Bellingham read a letter from his Counsel, Mr. Burroughs, stating his inability to be in Toronto before Monday the 7th instant, and expressing a hope that the Committee would adjourn to that day.

Mr. Bellingham informed the Committee that as the Honorable Gentleman on the other side had come prepared to enter on his case, he (Mr Bellingham) was prepared to hear the Petitioner's Counsel and to take notes thereon, to which his Counsel would reply on Monday, if the Committee would adjourn to that day.

The Counsel for the Petitioner thereupon stated, that he was quite ready to go thoroughly into his case on behalf of his client, but should decline doing so if proceedings were to stand over for so long a period, before being replied to by the sitting member; and he objected to any further delay being granted, on the the grounds upon which it was applied for, the Petitioner having come from Montreal under the notice of the Committee for the purpose of proceeding, and no case being made out to warrant any further adjournment.

After considerable discussion, the Committee deliberated; and the parties having being called in were informed by the Chairman, that the Committee had most reluctantly assented to the request of the sitting member to defer proceeding with the case until Monday the 7th instant, but that on that day at 10 A. M. the Committee would meet, and would peremptorily require the case to be immediately proceeded with. (Note D, Appendix B.)

Monday, March 7th, 1859.

Mr. Burroughs, for the sitting member, moved that the Scrutiny Book and Judgment rendered by Judge Bruneau (meaning the Report of the Scrutiny by the Commissioner, of the votes objected to by the Petitioner) be set aside; and also that all his proceedings be set aside, as irregular and illegal.

He urged in support of his motion, that the Commissioner exceded his jurisdiction by reporting his opinion to the Committee. The Statute gave him no such power, but on the contrary limited him expressly to the reception of evidence (§ 118, Election Act of 1851.) It was improper and inconsistent in him to make such a report: improper, because no opportunity had been afforded to the parties to place their views before him, or to be heard either on one side or the other, in support of their pretensions. There never had been a report of the kind before, except by Judge Badgley, and it is difficult to imagine what could have induced the Commissioner to make a report. It must have been either that he was ignorant of the law on the subject, or that he had been guided by the opinion of some of his *confrères.* In any case, his rendering such a judgment was inconsistent with himself, because he had reserved many questions of evidence

for the opinion of the Committee—and then by his judgment decided them himself.

That the proceedings of the Commissioner were also irregular in this respect, that by law he was bound to make his return in ten days—whereas in this case he had not done so for several months. That they were also irregular in this, that he was occupied almost entirely in trying assessment rolls, which were not in issue in the matter in any way. It was the Poll Books and not the assessment rolls, he was sent to the County to try; and those Poll Books, afforded the only evidence of the facts which had been sought to be proved by assessment rolls.

That the absence of the original Poll Books was fatal to the proceedings, as they formed the basis of the scrutiny, and without them it could not advance one step. This had been frequently decided in England, and the same opinion had been pronounced by Mr Justice Meredith in the case of O'Farrell and Tilly (Election cases Jurist vol. 2.)

Mr. Cameron answered, that the functions of the Judge Commissioner extended far beyond the limits to which the sitting member would restrict them. There could be no question on an examination of the legislation on the subject, but that the Commissioner had done exactly what the law required him to do. By the former law on the subject (Revised statutes, p. 24 et seq. § 8, 10, 58 Geo. III cap. 5,) the Commissioner was simply required in terms, to receive evidence—and to return that evidence before the Committee. This was what the sitting member contended formed the limit of the Commissioner's duty in the present case. But the Elections Act of 1851, used very different language from the former statutes on the same subject. *Besides* enacting. as they did, that he should receive evidence, the act now in force adds—"and shall examine all "matters referred to him—and shall in all respects have *the same powers and* "*authorities* for examining the said matters so referred to him *as* select Com- "mittees have for examining the matters and things referred to such select "Committees—and shall proceed in examining all and every witness or wit- "nesses who shall come before him, *and in scrutinizing the rights of any voter* "*or voters*, and in all matters and things so referred to him, in the same course "and manner, and according to the same rules as select Committees ought and "are empowered to proceed in like cases." If the Commissioner was only to receive evidence, as a mere Ministerial Officer of the Committee, why should the law, which was sufficient before to confer that power upon him, have been altered? It must be considered that all the additional powers conferred upon the Commissioner by the act of 1851, gave him some authority beyond that delegated to him by the old statutes; and the terms of the statutes made plain what that authority was. He was "to scrutinize the rights of the voters objected to in "the same course and manner and according to the same rules as the Com-

" mittee were empowered to do." His duty of scrutinizing the rights of the voters necessarily implied a report of the result of the scrutiny, else why scrutinise? This was the clear legal meaning of the word scrutinise, as applied to voters, as was apparent from the use of the word in the books on the subject. In some cases it meant even more than to examine into and report. As for instance, under the Reform Act (§ 54 et seq.) the Returning Officer "scrutinized" i. e., struck off the votes he considered bad.

It was plain therefore that the only legal construction that could be placed upon the act of 1851, was that adopted by Judge Bruneau, namely, that he was to scrutinise, that is examine into and report upon, the rights of the voters objected to. This report was not a judgment; it was merely an expression of opinion by the Officer of the Committee, who was necessarily appointed from a class of men eminently qualified to form such an opinion; and there was no inconsistency in so expressing it, because, though the Judge in receiving the evidence, occasionally reserved an objection, it was not to be supposed that he had no opinion of his own on such objection, or that he had thereby precluded himself from stating that opinion to the Committee.

☞ As to the delay in making the return—it was evident that the mass of evidence and the minutes, could not have been copied and prepared for transmission within the time prescribed by the Statute; and Judge Bruneau's reasons for the delay were certainly ample to shew that every possible expedition, consistent with the duties of his Judgeship, had been given to the documents returned.

In producing a copy only of the Poll books, the Petitioner had followed the directions of the law, which, to prevent the difficulties, delays, and risk of loss, which attended the transmission of the original Poll Books to any place where the Commissioner might sit, had given authenticity to a copy properly certified. The mode of procedure in respect of documentary evidence generally, is indicated in § 110 and 126 of the act of 1851—and the 13th and 14th Vic., cap. 19, § 4 expressly declares that a copy such as that produced by the Petitioner shall have the same validity before any tribunal as the original. The 16 Vic., cap. 19, § 9, makes a similar provision.

Mr. Burroughs, and *Mr. Harrison* on the same side, replied.

The Committee, after deliberation,

Resolved,—That, in the opinion of the Committee, the preliminary objections made by Mr. Burroughs as to the written judgment or opinion expressed by the Commissioner are not sufficient to set aside the evidence and proceedings had before him, as irregular and illegal. At the same time the Committee believe that the Commissioner acted beyond the statute, in reporting his opinion as to the nature of the votes scrutinized before him; and therefore that the book marked " Scrutiny Book" and such portion of his Report as relates to his judgment and opinion expressed, shall not be taken as part of the evidence and proceedings

had before the Commissioner; and the Committee declare the same to be set aside.

2nd.—The Committee declare moreover, that the Commissioner should have ordered the original Poll Books to be produced before him on the application of the sitting member, and that it will be competent for the said sitting member to shew that the omission on the part of the said Commissioner so to do has been detrimental to him. (Note E, Appendix B.)

Mr. Cameron applied for the production of the Poll Books at the next meeting of the Committee; whereupon it was ordered that application be made to the Clerk of the Crown in Chancery to produce the Poll Books.

Tuesday, March 8th, 1859.

The Clerk laid before the Committee nine Poll Books of the last election for the County of Argenteuil, which had been produced by the Clerk of the Crown in Chancery, in obedience to the directions of the Committee.

The sitting member's Counsel announced that he had a preliminary objection to make, based upon the evidence received by the Commissioner, as illegal evidence under the Act of 1851. He contended that bribery had been proved against the Petitioner by that evidence, and that no object could be gained by proceeding with the scrutiny as the Petitioner could not be seated.

Mr. Cameron objected to any further preliminary objection being entertained by the Committee.

The Committee having deliberated, resolved, that the evidence taken by the Commissioner "de bene esse" shall not now be entertained or adjudicated upon and that the Petitioner's Counsel do forthwith proceed with his case.

Mr. Cameron then moved, that the names of all voters recorded in the Poll Book for the Township of Morin, be struck off, for the following reasons:—

1.—That by the certificate of the Assistant Commissioner of Crown Lands, and by other evidence, it appeared that no lands in the Township of Morin had been patented; and that all occupants of land therein were in arrear to the Crown, for instalments of purchase money and interest.

2.—That all the voters in Morin having voted as proprietors, and not being qualified to vote as such, must be struck off the Poll Book.

3.—That they cannot now change the qualification which they assumed at the Poll, and claim that their votes should remain, even if they were qualified to vote as occupants.

4.—That no one in Morin could have given a legal vote as occupant—every occupant being disqualified by being in arrear for Crown dues.

The learned Counsel referred in support of his application to the evidence of Mr. Lavallée (Appendix A, pp. 49 to 63) and cited in support of his second proposition, Rogers on Election Committees 232 and cases there referred to. F. and F. pp. 441, 2. 2 Peck 52.

Mr. Burroughs objected to the Morin votes being struck off, on the following grounds:—

1.—That no description of the property on which the voters there voted, was entered in the Poll Book, and that unless such description had been required to be entered there, by the Petitioner's agent, and had been so entered, the votes could not now be scrutinised.

2.—That no vote could now be scrutinised to which no objection had been made at the time of polling, and that only three of the votes now sought to be rejected had been so objected to.

3.—That no scrutiny of such votes could take place, until after the original Poll Books had been produced.

4.—That proof that no lands had been patented in Morin, was no proof that the voters were not proprietors, as they might have had titles from individuals, and that as occupants, they could only be held to be in arrear to the Crown upon its being shewn that they held tickets from the Crown.

5.—That supposing no title existed to lands in Morin qualifying a person to vote there, still there were adjoining Townships, where no polls were held, in which the voters at the Morin poll might have had property, qualifying them to vote in Morin.

He urged in support of these objections the following arguments:—

That the Petitioner must shew that the property upon which the voter voted did not qualify him to vote.

To establish this he must shew:

1.—What property the voter voted upon.

2.—That the voter's title to that property is obnoxious to the objection set up.

If it is pretended the Crown has issued no patents, the Petitioner must show that the voter held under a title directly from the Crown, and that the voter did not hold under a title from any other person.

Because a tenant had a good right to vote, although on Crown Lands.

When the Poll Book does not state what property the voter voted upon, no secondary evidence can be given on that point.

If secondary evidence can be given, it can only be in the presence of the voter whose vote is attacked, and such voter must be brought up by the party attacking his vote upon a "Subpæna duces tecum" under the hand and seal of the Commissioner, and his necessary expences tendered him.

The most the Petitioner pretends to have established is, that the persons voting in Morin had no good titles to land in Morin.

The Poll Books do not state that 52 of these voters voted upon land in Morin, and no secondary evidence has been gone into, to shew that they did vote upon lands in Morin, consequently, neither Petitioner's objections nor proof apply to those 52 cases.

The Poll Books state that 54 of those who voted in Morin voted upon lands in Morin, but the Poll Books do not state that any of these voters held or pretended to hold from the Crown, and no secondary evidence has been made that they did hold from the Crown.

The only proof attempted to be made is, that their *auteurs*, or the persons who originally took from the Crown and subsequently sold to them, had defective titles.

Verbal testimony to attack the title of the original owner, occupant, proprietor or locatee cannot be allowed to be gone into to attack a title which is not set up, and of which the voter had no notice.

Mr. Cameron replied that no rule of law existed which required as a condition precedent to scrutiny, either that the votes should be objected to, or that the description of the voter's property should be entered on the Poll Book.

That the objection as to the production of the original Poll Books had been already disposed of.

That there could be no proprietor of land in a township, in which no title to any had been granted by the Crown, as no deed from one individual to another could create any title to Crown property. That as to the occupants, they must either be without a location ticket or permit of occupation, in which case they were mere squatters and had no right to vote at all, or they must hold under a ticket or permit, in which case the evidence proved they were in arrears. Taking either view they had no legal votes.

That all the persons who voted at the Morin Poll styled themselves of Morin, and the legal presumption was that their property, if they had any, was there. The Petitioner had clearly shewn that there was not one legal vote in Morin. It could not be pretended that it was necessary for the purpose of disqualifying persons who voted in Morin, and declared themselves to be of that place, to prove that those persons had no qualification in Howard, Arundel or Montcalm, or in any other of the unsettled Townships in the rear, where no polls were held. The Petitioner had gone far enough, and if the sitting member contended that any of the Morin voters had property elsewhere which gave them the right of voting in Morin, it was for him to shew it.

The Committee after deliberation,

Resolved, 1.—That 50 of the votes in the Township of Morin which were objected to by the Petitioner, be struck from the Poll, on the ground that by the evidence it is shewn, that Morin was a Crown Township for which no patents were ever issued, and that all occupants therein were in arrears to the Crown, and that by the Poll Book it appears that they voted upon lands in Morin.*

* The Committee stated that they were satisfied that no qualification to vote, other than the one assumed at the Poll, could be enquired into, and they repeatedly acted upon this, as a settled point throughout the scrutiny.

2.—That 52 of the voters in Morin, objected to by the Petitioner whose votes appear on the Poll Book without any description of the property on which they voted being mentioned in the column set apart in the said Poll Book for the purpose, cannot be struck off; insomuch as the Petitioner did not shew by evidence before the Commissioner, that such parties voting were not entitled to do so as proprietors of land in the adjoining township of Howard, whose inhabitants had a right to vote in the said township of Morin. (Note F, Appendix B.)

As it appeared that both the words "Proprietor" and "Tenant" were entered opposite the vote of Charles Maillé, it was resolved, on a division, that the voter Charles Maillé, numbered 97 in the Poll Book for the Township of Morin be declared to have voted as proprietor and not as tenant.

Yeas:	*Nays:*
Heath,	Langevin.
Macdonald,	
Morrison.	

And the vote was declared bad.

Mr. Cameron then stated, that he was prepared to shew that no property in Howard had been ever either patented or located; and moved on behalf of Petitioner; that the Committee do order a further warrant to be issued to the Commissioner already named, ordering him to resume his sittings, in order to enquire whether there were at the last election for Argenteuil any voters who voted in Morin who had property in any of the adjoining Townships, upon which they might have voted in Morin. (§ 125, 14 & 15 Vic., cap. 1.)

Mr. Burroughs objected:—

1.—That the Committee had already adjudicated upon the question, having refused to strike off 52 names.

2.—Because a warrant had already issued to scrutinize these very votes.

The Committee, after deliberation,

Resolved on a division, that they could not entertain the motion on behalf of the *Petitioner* asking for a further warrant to issue to the Commissioner for the purpose stated in his motion.

Yeas:	*Nays:*
Langevin,	Morrison.
Macdonald,	
Heath.	

Mr. Cameron, on behalf of Petitioner, then moved: inasmuch as by the evidence of record, it appeared, that all the votes in the Parish of Mille Isles, from Nos. 54 to 95, on the Poll Book of that Parish, inclusive, were illegally and surreptitiously placed on the Poll, before nine o'clock in the forenoon of the 30th day of December, 1857; that those votes be struck off the Poll. (Warren on Election Committees p. 400.)

Mr. Burroughs objected, and after considerable discussion on both sides, of the evidence respecting the time at which the Poll in Mille Isles was opened on the second day of the Polling; (Appendix A pp. 199 to 223 inclusive,) the Committee resolved that the application of Mr. Cameron should not be granted. (Appendix B Note G.)

Mr. Cameron being unable longer to attend the meetings of the Committee, the Petitioner in person subsequently conducted his own case.

The Petitioner applied to the Committee, to strike the vote of Edward McReth from the Poll, as bad. In support of the application he stated, that this vote was submitted to the Committee as a test, by which would be decided a number of votes in Mille Isles, in a similar position. This voter was proved to have occupied, at the time of the Election, a lot of land in Mille Isles; which was part of a Seigniory belonging to the De Bellefeuille family. No concession deed, title, or promise of title, had ever been granted or executed, for this lot; and neither the voter nor any one else, as occupant of it, had ever paid any *cens et rentes* to the Seignior in respect of it, or had ever been recognised by the Seignior as being lawfully in possession of it. No description of the property on which he voted, had been entered on the Poll Book; but the property had been ascertained by proof; by the assessment roll, and by witnesses; that at the time of the Election he occupied lot No. 40, in the 1st range of Cote Ste. Angelique, in the Seigniory of Mille Isles, and was not known to occupy any other. (Appendix A, p. 190.) Under these circumstances, he contended that the voter should be considered as a mere squatter, and should be struck from the Poll.

Mr. Burroughs urged, that there was no statement or allegation, either in the Poll Book, or in the Petition, of the property on which it was pretended McReth voted. The Petition raised the issues between the parties, and the evidence could only be directed to the points so in issue. If, therefore, the Petitioner desired to prove, otherwise than by the Poll Book, that McReth voted upon No. 40, in the 1st range of Ste. Angelique, he should have alleged that fact circumstantially. There would then have been an issue upon that point, and he might have been able to adduce evidence upon it. The invariable rule is, that evidence must be *secundum allegata*; (Best pp. 94, 181,) and in Election cases, the Committee were only to try the matter of the Petition. (Warren pp. 324, 325.) The assertion that the voter voted on No. 40, was not to be found in the Petition, and therefore, did not form any part of the matter of it. At the very least, the sitting member should have had some previous notice of the lot on which it was proposed to fix the voter, for he could not defend himself without previously knowing for what he was to be tried; or the voter himself, as the person most interested, should have had notice of it. Here nothing was done, either to create an issue upon the lot on which the voter voted, or to enable the opposite party to know on what lot it was pretended he voted.

2.—But even if there had been a substantive allegation on the Petition, that the voter had voted on lot No. 40, the Petitioner would not have been entitled to go into any evidence upon that point, other than the Poll Book. The Statute had provided a means for obtaining the description of the voter's property (Act of 1849, § 28, 40, 41,) and no other could be permitted, That Statute gave each candidate the right of having the property designated in the Poll Book, of having the voter sworn, and of having an objection to his vote entered on the Poll Book. The Returning Officer here, was in this respect, in an analogous position to that of the revising Barrister in England: and there it was necessary, as a preliminary to contesting a vote, that it should have been previously objected to before the revising Barrister. (Warren, 322. Wordsworth, 221, 222). The Returning Officer here really has more power than the revising Barrister, in one respect, namely, that he can put the voter himself upon his oath at the time of voting. In this instance no designation of the property on which McReth voted was entered on the Poll; he had not been called upon to take any oath, nor had any objection to his vote been entered on the Poll Book. The Petitioner had been represented at the Poll by two agents, Brophy & Snowdon, and might have had all this done, if he had chosen. It might, and probably would be contended on the other side, that they had been obstructed in their duties, but the evidence was insufficient to establish this. In fact, Brophy's evidence was unworthy of belief, as he had been guilty of bribery and corruption. (Appendix A, p. 165.)—What he says as to his age, and as to the time at which he began to trade in St. Colomban, (*Ibid.* p. 164), shews the most reckless disregard of truth. And the evidence of the Poll Clerk, (*Ibid.* p. 168,) and of the Deputy Returning Officer, (p. 166,) completely destroy the effect of the testimony adduced, as proving a demand that the designation of the property should be inserted in the Poll Book. Under these circumstances, the Petitioner, not having taken the preliminary proceedings prescribed by the law, could not now be permitted to take other means, not allowed by the law, to relieve him from the effects of his own negligence.—(1.)

3.—That, again, supposing for the sake of argument, that evidence, other than the Poll Book, was admissible to shew upon what property the voter voted: such evidence should be legal, and should be the best attainable. Rogers, 128.

The evidence adduced by the Petitioner, was neither the one nor the other. It consisted in a trial and proof of Valuation Rolls, rather than of the matter of the Petition, and of Valuation Rolls which had been made in 1855. These afforded no evidence of property ostensibly held by voters in the end of 1857, still less of property which voters really owned, and of which the title deeds might be in their pockets. The best evidence, and in fact the only reliable

(1.)—See *ante*, p.p. 19, 20, 33, for the decisions of both Judges upon the points here raised.

evidence, upon this point, consists in the testimony of the voter himself, who only can know upon what property he voted. The voter himself should have been summoned by a *subp: du: te :* and the Statute gave the Commissioner the right of issuing a warrant of that description, compelling the voter to appear and be examined touching his vote, and to produce his deeds, if he had any. It was argued before the Commissioner that the voter could not be forced to produce his deeds, or to give evidence against his vote; and authorities were cited to shew that he could not, but that was an error. The sitting member, it is true, could not bring up a voter to support his vote, but the Petitioner could obtain a warrant compelling him to give evidence against it. (Wordsworth, p. 222). There were most positive authorities to shew that the voter could be examined against his vote. (See Warren, p.p. 595, 6). This was analogous to the rule in Lower Canada, that a party could be examined on *faits et articles*, and the Petitioner could have so examined every voter against his own vote. That would have been the best evidence, and not having made use of that, no other was open to him. He, himself, evidently felt that it was his duty to do so, for he issued a notice to each of them, calling upon them to appear and produce their title deeds. This, however, was only a communication from himself to each voter, signed by himself or his agent, and therefore could have no validity; for the Statute provided that every summons to appear before the Commissioner, should be signed by him. (Election Act of 1851, § 118). In other respects, it was only common justice to the voters, that they themselves should be brought up, as otherwise they were tried and condemned behind their backs, and without their knowledge; and were thereby rendered liable to a penalty of ten pounds for having voted without a qualification, for which penalty they could be imprisoned. Surely the Petitioner could not be allowed to subject the voter to such consequences, by merely sending him a private notice. There was therefore no legal evidence of the property the voter voted on; and the property the voter lived on, which the Petitioner appeared to consider the real question in the case, was not clearly established.—(1.)

4.—But there is no evidence of the identity of Edward McReth, with the voter, whose vote is objected to. Without this, all the mass of evidence which has been collected together is useless; and the Petitioner has not attempted to adduce any. This necessity of identifying the voter, shewed better than any argument, the importance of having the voter himself before the Commissioner, as that is really the only method of doing so effectually.—(2.)

5.—That admitting for arguments' sake, that Edward McReth was identified, that he voted on 40 in the first range of Ste. Angelique, and that Mr. DeBellefeuille was the Seignior of the Seigniory, in which that property is situate; still

(1.)—See *ante*, p. p., 19, 20, 32, 33, 34 and 35, for decisions of the Judges upon the points now raised.

(2.)—See *ante*, p. p., 32, 33.

the vote is good, for McReth is shewn by the effect of the evidence to have been the proprietor of it, and entitled to vote upon it. The Valuation Roll upon which the Petitioner relied so much, of itself proved that; as a reference to it would shew that he was there entered as the proprietor of lot 40. This was evidence which the Petitioner himself produced, and he could not claim to have it received for one purpose and rejected for another, or received in part and rejected in part. Therefore, assuming that the Valuation Roll proved the occupancy of McReth, it also proved his proprietorship.

6.—But there was a well known rule of law that settled the question of proprietorship, when once the possession had been established. Possession of itself constitutes a title. *Possession vaut titre*, and although such title is not indefeasible, it cannot be done away with by parol evidence, for such evidence is not admissible against a title. Ord. of 1667, Tit. 21, § 4. The parol testimony of Mr. DeBellefeuille, therefore, was insufficient to do away with the presumption of title thus created.

7.—McReth, however, had really a written document, executed under the authority of the Seignior, establishing his right to the lot of land in question. The Seignior had authorised Owen Quinn to settle these lots for him, and Quinn had done so. Appendix A, pp. 168, 169, 171, 175, 176, 179, 180, 181. The *proces verbal* given by Quinn to Edward McReth was proved before the Commissioner, and a copy of it is at page 180, App. A. He was therefore in occupation of this lot, to all intents and purposes as proprietor, with the sanction of the Seignior, and his vote should be considered good.

8.—The rights of the Seignior in the unconceded lands of his Seigniory, are peculiar. He is not their proprietor; they are only granted to him for the purposes of settlement, and he cannot refuse title to any settler. When such lands are once taken possession of they become, *ipso facto*, the property of the person so taking possession; and the Seignior has no further right in the property, than that of claiming *cens et rentes* and *lods et ventes*. This was the view Mr. DeBellefeuille himself had taken, for he had sued all these settlers in Mille Isles for *cens et rentes*. App. A, p. 177. This right to sue for the ground rent, is of itself sufficient to shew that the settler is proprietor, and one conclusive test of this proprietorship is, that the settler cannot be ejected by the Seignior. By the law of Lower Canada, the settler has the right of compelling the Seignior to give him a title to any unconceded land he chooses to take possession of; and no petitory action will lie in favor of the Seignior, to dispossess him. McReth, therefore, being a settler on lot 40, liable for the ground rent of his lot, and entitled to hold it subject to such ground rent, was the proprietor of it within the meaning of the law, and his vote was good.

9.—The Seigniorial Act of 1854, as amended by the 18th Vict., cap. 103, confirmed this view. § 11 of the latter Act provided, that every person occu-

pying or possessing land in a Seigniory should be deemed to be the proprietor of it.

10 —But the whole of the evidence against the vote was objectionable and insufficient in this, that it was purely circumstantial, and was not conclusive. The proof that the vote was bad, lay entirely upon the Petitioner, and until he made such proof in a positive, direct and conclusive manner; the vote could not be disturbed. Warren, 591, 1 Peck, 325. The rule, as to circumstantial evidence were well understood; and it was essential to its validity that the circumstances proved should be susceptible of no other hypothesis than the one sought to be established. If, consistently with the facts proved, it was possible that any other state of things existed, than that which it was contended did exist, the evidence could not be relied on, and should not be accepted as proof: the party on his defence being entitled to the benefit of the doubt. Burrill, on circumstantial evidence, p.p. 181, 2. Warren, 608. Here, assuming all the facts to be proved that the Petitioner contended for, they did not conclusively establish that the voter had no qualification in Mille Isles. For instance, though he may have had no title to lot 40 in first range, on which he lived; it was quite possible that he might have had a deed of sale of some other lot, from one of the persons to whom concession deeds had been granted of lands in Mille Isles; and so long as that possibility was not negatived, the Committee were bound to give the voter the benefit of the doubt. This was the principle upon which the Committee had acted in their rulings as to the Morin votes, and should not now be departed from.

The Petitioner replied to Mr. Burroughs' objections in the order in which they were made:

1.—That no allegation in the Petition, or notice either to the voter or to the sitting member, of the property on which it was contended the voter voted, was requisite. The allegation was that the voter had no qualification, and proof as to the lot he voted on was a necessary portion of the evidence required to support that allegation. He himself knew the property he voted upon, and the sitting member, as a party on the same side with him, must be supposed to have known it, and no surprise or inconvenience of any kind could possibly occur, from the absence of special allegation on the subject.

2.—This objection has been already discussed in the argument on the Morin votes. (*ante* p. 45.) There is not the slightest analogy between the functions of the Returning Officer here and the Revising Barrister in England. That functionary has the power of deciding what names shall remain upon the voters' lists made for Election purposes, and holds a species of Court, where he hears objections and arguments on both sides, upon the contested vote, and adjudicates as to whether it shall be retained upon, or expunged from, the Register. His decision is subject to be appealed from to the Court of Common Pleas, whose judg-

ment is binding upon the Committee; but when no appeal is instituted, any vote may be contested before a Committee, which has been specially retained or inserted on the Register, by an express decision of the Revising Barrister. The Returning Officer, on the other hand, has mere ministerial functions to perform. If the pretentions of the sitting member in this respect were sustained, it would open the door to all kinds of frauds, for a partizan Returning Officer had only to refuse to enter objections, or to designate property, and he might insert as many votes as he pleased on the Poll,without the possibility of their being struck off. But no such rule as that contended for is expressed in the Statute, and every consideration of justice is opposed to its adoption. Brophy and Snowdon both swear, most positively, that Snowdon demanded that the description of the voter's property should be taken down on the Poll Book. (Appendix A, pp. 163, 167.) The Returning Officer (p. 166) says, he "does not remember" Mr. Snowdon's asking him to do so, and the Poll Clerk (p. 168) "does not now recollect" that he was so asked. This is insufficient to destroy Snowden and Brophy's evidence, and in weighing the testimony it must not be forgotten that the officials are endeavoring to relieve themselves by their own evidence, from a charge which might have serious consequences for them, if guilty. The statement as to Brophy's conduct and credibility, are not borne out by the evidence, as an examination of the portions cited against him will shew, and Mr. Snowdon's evidence is unimpeached and unimpeachable. It would be monstrous therefore, to make the illegal mode of receiving votes adopted by this partizan Returning Officer and Clerk, in the interest of the sitting member, a ground for refusing to examine into the validity of the very votes so illegally received.

3.—This objection has also been discussed to some extent with reference to the Morin votes, (*ante* p. 44.) The real question raised by it, is whether or no, it is compulsory upon a Petitioner in a scrutiny, to bring before the Commissioner every voter whose vote is objected to, as a witness against his own vote. An examination of the authorities will show that the answer to this question must be in the negative. There is not one authority in the Books of a contrary purport, and it is only by the perversion or misconstruction of a well known elementary rule of evidence, that the Counsel for the sitting member, has been able to frame an argument in support of it. It is perfectly true that the best evidence attainable must always be adduced; but is there any text writer, or case, to be found, by whom or in which, this is construed to mean, that a party to a cause is *bound* to bring up his adversary *as his* witness, and that the testimony of his opponent, is the only evidence admissible in the case? The precise position taken by the Counsel for the sitting member is this:—The plaintiff and defendant differ as to whether the defendant has a title to a property, or to a franchise. The defendant must know best, whether he has such a title or not, therefore, his evidence or his answers *sur faits et articles*, constitute the best evidence, and

therefore also, the plaintiff can adduce no other. The mere statement of such a proposition sufficiently exposes its incorrectness. That the voter himself occupies the position of a defendant here, in respect of his own vote is obvious enough: it has been so repeatedly decided, and can be established by numerous authorities. It is upon this principle that his declarations and admissions against his own vote are receivable in evidence. Rogers, pp. 92, 137, 138 and 139, Montagu and Neale, pp. 187, 188, 189, 254 and 255, Patrick, pp. 14, 76, 77. P. & K, pp. 222, 223, 2 Peck, pp. 227, 395, 2 Luders, p. 411 *et in notis*. F. and F., pp. 72, 74. R. and O., p. 387. C. and R., pp. 112, 113, 114, 301. I. P. R. and D., 16, The correct rule, as to a voter being a witness in respect of his own vote, appears to be: that he cannot give evidence in support of it; that he may be *summoned* as a witness against it; (though upon this there are contradictory decisions,) P. and K., 225, B. and Aust., 139; but that he is not compellable to give evidence against it. K. *vs.* Inh. of Hardwich 11 East, 589. Rogers, 92, 106, 137 et seq. The rule is stated by Rogers (p. 138,) in these words. "When his own vote is in issue, he (the voter) is considered substan- "tially interested: thus he is incompetent to give evidence in support of his vote, "nor can he be compelled to give evidence against it." That no warrant in the nature of a *subp. duces tecum*, can be legally issued to compel a voter to produce his own title deeds against his own vote. Rogers, pp. 105 & 106 and cases there cited: and that if evidence of the contents of the voter's title deeds be necessary, the proper course is to give him a notice to produce them. Rogers, 106 and 107, and cases cited. Warren at pp. 616 and 617, not only states these rules to have been formerly in force in England, but shews why a different one now prevails, thereby also shewing, that the new rule which the Counsel on the other side cites, cannot apply here. He says "the law of England has hitherto not enabled "one party to a cause to compel his opponent to produce any writings in his "possession. * * * If such evidence be required, the rule is to give the oppo- "site party or his Attorney, within due time, a valid *notice to produce* the "original in his possession * * * This is required to be given to the opposite "party, merely to afford *him a sufficient opportunity to produce it*, and thereby "to secure, if he please, the best evidence of its contents." He then states his opinion, that under the 14 and 15 Vict., cap. 99, which makes *parties* liable to be *summoned* as witnesses, they may also be forced under a *subp. duces tecum*, to produce deeds in their possession, as *third persons only* could have been, previously. This Statute having no force in this Country, renders any authority based upon it, wholly inapplicable here. It is upon the rules above enunciated, that the Petitioner has based his proceedings with regard to the voters' own evidence. Wherever he supposed it possible that a voter might have a title deed, he has served upon such voter a *notice to produce*; but he has never attempted either to force them to produce their deeds, or to give evidence in respect of their

votes; nor, as has been shewn, was he bound to do so.* Having been unable to procure the insertion of any description of the voter's property, on the Poll Book, it became necessary to adopt some other mode of establishing the property upon which the voter voted, which property necessarily consisted of that which he *had* at the time of the election. The Valuation Roll, being the only authentic list of occupants of land, made by sworn assessors, and kept by a Secretary Treasurer, whose duty it was in the collection of assessments, to note any change of occupant, was evidently the very best evidence as to the occupation of land which the Country afforded. The Seigniors *terrier* or land roll, kept by one deeply interested in its correctness, also appeared to form a highly reliable source of information both as to occupancy and proprietorship; and it is impossible to deny that the Secretary Treasurer with his Valuation Roll, and the Seignior with his Land Roll, together constituted the best evidence as to occupation and proprietorship, which it was within the bounds of possibility to obtain; and that was all the law exacted. Having by these means established that at the time of the Election, McReth held lot 40 in the 1st range of Cote Ste. Angelique, and no other in Mille Isles, that lot must be taken to be the lot on which he voted; unless the Committee were prepared to decide, that in the absence of a description of the property on the Poll Book, *no* evidence was admissible to indicate such property; which the state of the law certainly did not warrant them in doing. As to the arguments that the voter was being tried behind his back, was being subjected to a penalty in his absence, and the like, it was probably hardly necessary to observe that no such effects were produced by the proceedings before the Committee.

4.—The objection as to the absence of evidence of identity appeared to go to the extent of asserting that, the vote could not be scrutinised unless in the actual presence of the voter; so that each witness could be interrogated, as in a criminal trial, as to the person of the voter. It had never hitherto been contended, that in a question concerning civil rights, there was any necessity for the same exact proof of identity, that was required when the liberty or life of a person, was endangered

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* Some idea may be formed of the difficulty and expense that would be entailed upon Petitioners if a different rule were adopted, from the fact, that the mere expense of summoning and afterwards arresting for contumacy, two unwilling witnesses in the County, under Judge Badgley's commission, amounted to above seventy dollars, and their attendance was not secured till after the lapse of about a fortnight from the service of the first warrants upon them respectively—the expense of procuring the attendance of one, also resident in the County, under Judge Bruneau's commission, amounted to above sixty dollars, and required about the same period to obtain it. In one of these instances, the witness lay concealed in the neighbourhood, after the service of the warrant upon him, and was only finally got hold of, by sending constables a distance of twenty-two miles in the night, to his house, at a time when he believed the state of the weather and of the roads, rendered their advent impossible. Being a Secretary Treasurer in possession of the Valuation Roll of one of the polling places, it is supposed that his evasion of any examination was considered important.

by the result of a legal process. The rule in civil cases is, that a correspondence between the names, residence, and profession, of parties, is sufficient evidence of identity. (Russell vs. Smith, 9. M. and W. 314. Smith vs Henderson, id. 798). Even mere identity of names, says Lord Denman, is something from which an inference may be drawn. (Roden vs. Ryde, 4 Q. B. 633), and he says in the same case, that the transactions of life could not go on, if such an objection (viz. that founded on the want of strict evidence of identity), were to prevail. Mr. Warren, (p.p. 625, 626), cites this ruling with approbation; and says, that it is one of those instances of good sense in the administration of justice, which characterised that distinguished Judge. The mode of proving identity which has been adopted by the Petitioner is sufficient, according to these rules, and is in accordance with the practice in election cases. (Chowne's case, P. & K, 141. Mont. and N. 190, 1, 2, 3. F. and F. 53, 4, 7.)

5 and 6.—The arguments contained in these objections, are merely clumsy perversions of elementary rules of law, and it is not thought necessary to enter into any argument in answer to them.

7.—To arrive at the real merits of the pretension, that the *proces verbal* granted by Quinn, conferred a title on the recipient; it is necessary to see first, what the agreement was, under which those *proces verbaux* were issued; and second, what they contained. Mr. DeBellefeuille, (Appendix A, p. 171), says, that Quinn was to measure the lands of the four Côtes, at the rate of three or four dollars a lot for his work, which was to be paid by the *censitaire* who *wanted the lot conceded to him.* He also says (App. A, p. 169,) that he considers that he can concede any unconceded lot to any party, other than the one holding the *proces verbal*: but that he has generally speaking respected the claims of those who held *proces verbaux.* The written proposition of Quinn, accepted by the Seignior, was, that he would survey Mille Isles, on condition "that on or before "the issue of each deed of concession, the person about to receive such deed will "first come to me, or my representative, and take my *proces verbal* of survey "and pay for the same." (Ibid p. 179). It is obvious therefore that the agreement between Quinn and the Seignior, was a mere speculation on the part of Quinn, his pay depending upon the number of persons who should get deeds of concession from the Seignior: and an economical arrangement on the part of the Seignior, who was getting the Seigniory surveyed without expense to himself: but there is nothing to authorise Quinn to create title, or even to grant *proces verbaux* indiscriminately, as he appears to have done. It was only when a person was "about to receive" a deed of concession, that Quinn was to issue a *proces verbal.* The evidence shews. that so far from the Seignior being about to grant a deed of concession to McReth, he did not know him—and had barely heard of his existence. But the terms of the *proces verbal* shew, that no power to locate settlers was assumed by Quinn. It only states that on a particular day, the

Surveyor "did proceed, at the desire and request of Edward McReth, to survey " and measure and bound a certain lot, &c., *the property of the Lefebvre de* " *Bellefeuille family*, which I describe as follows," &c., &c. There is no attempt by the terms of this *proces verbal* to convey any title to McReth.

8.—The statement of the law of Lower Canada as to Seigniorial property, is erroneous from beginning to end. There is no law which makes *taking possession, ipso facto*, confer the right of property upon the settler; nor is the Seignior deprived of the right to bring an action to eject such settler from his property; nor can the Seignior be compelled to give title to any settler upon unconceded land. Such extraordinary propositions would seem to require some authorities to support them, but none have been cited, because none exist. The law under the old *regime*, previous to the *arrêt* of Marly, of 1711, regarded Seigniors as having the *dominium plenum*, the absolute right of property, in their Seigniories—(Seigniorial Questions, Vol. A., pp. 51, 54 and 56e.; Vol. B., pp. 3 a, 7e, 8e, 14e, 40h., 15i.) By that *arrêt*, the obligation of conceding wild lands was imposed upon Seigniors, and, by that and subsequent ones, the machinery was perfected, by which actual settlers might obtain concession deeds, on the refusal of Seigniors to grant them. In such cases, an application could be made to the Governor and Intendant; who had the right to declare the land for which a concession was demanded and refused, forfeited by the Seignior, and reunited to the domain of the Crown. It was then conceded by the Crown to the applicant, who thereupon held it independent of the Seignior.—(Seigniorial Questions, Vol A., pp. 57, 62, 63, 376, 383, 384, 395.) A case of this kind is to be found in the *edits et ordonnances*, vol. 3., p. 184, in which the Dames Religieuses de l'Hotel Dieu, having refused to concede a lot of land in the Seigniory, to the widow Petit; the Governor and Intendant themselves, *as acting for the King*, conceded the lot to Madam Petit, subject to the payment to the King of similar rents, &c., as the other lands in the same concession paid to the Seignioresses. Even under this system, the settler was not in any way proprietor of the land, and had no rights in it, until he had got his concession deed, either from the Seignior or from the Crown. No writer on Seigniorial law had ever been so violent in his views, (though some had gone very far in restricting the rights of the Seigniors) as to assert that the settler acquired any right of property in the land, until he had got a title to it from some one, or even that he had any right to take possession of it, until he had so obtained his title. Under British Government, whatever the theory of the law might have been as to the right of a settler to obtain a concession deed, of land of which he wished to take possession, the Seignioral Court were divided in opinion as to whether the machinery was not wanting to carry it out. As to the right of a Seignior to eject a person who has taken possession of Seigniorial property, it is impossible to deny it upon any authority. The learned Chief Justice of the Court of Queen's Bench, in the opinion de-

livered by him as presiding in the Seigniorial Court, gives all the details of a very remarkable suit, instituted by one Lavoie, junior, against the Baroness de Longueuil: in which it appears that Lavoie, having demanded from her, by Notarial *acte*, the concession to him of a lot of land in her Seigniory, upon the usual terms; and believing himself to be thereupon entitled to take possession of it, did actually enter upon the occupation of it, clear a part of it, and make the front road; but he was ejected from it by a Judgment of the 17th April, 1857.—(Seigniorial quest. vol. A, p. 435 a.) Numerous cases of a similar kind might undoubtedly be cited, extending down to the present time.

The case of Lavoie just referred to, was the strongest case for the settler that could be imagined, for he had offered to take a title from the Seignior upon similar terms to those upon which the other lands in the Seigniory were conceded, and yet he was ejected.

The right of the Seignior to sue the possessor for *cens et rentes*, is very far from being a proof, that the settler without title, is proprietor. In fact, it it is merely the privilege, which the real proprietor, viz: the Seignior, has, of making a trespasser pay for the use of his property. Thus when the Seignior finds a person in possession of a portion of his land, the law allows him to compel that person, either to pay the usual annual and other dues upon it, or to deliver up the possession of it to its rightful owner. The position of a Seignior in such a case, is precisely similar to that which a proprietor of real estate in Upper Canada would occupy, if the law allowed him the option of ejecting a squatter, or of making him pay the value of the land he had taken possession of. In such a case, it would be impossible to say that the squatter was the proprietor, merely because the true proprietor could make him pay for the land, if he chose to adopt that course, instead of ejecting him.

9.—§ 11 of the Seigniorial Act of 1855, provides that "*For the purposes of the said Act* (the Seigniorial Act of 1854) every person occupying or possessing any land in any Seigniory, *with the permission of the Seignior*, or from whom the *Seignior shall have received rentes* or *other Seigniorial dues* in respect of such land, shall be held to be the proprietor thereof as *censitaires*." It is therefore sufficient to constitute an occupant, proprietor as *censitaire*, of the lot in his possession, *for the purposes of the Seigniorial Act merely*, that he should have the consent of the Seignior to his occupation; and this consent may be express, or implied from the reception of his dues. McReth has neither the express consent of the Seignior, (as it has been shewn that Quinn's *proces verbal* does not evidence any such consent,) nor has he the implied sanction of his occupancy, to be derived from the payment by him to the Seignor, of Seigniorial dues. If therefore the creation of a qualified right of proprietorship, for the purposes of Seigniorial commutation only, could be considered

sufficient to confer a right of voting as proprietor; which may well be doubted; McReth is not in a position to avail himself of such right.

10.—The question raised by this objection, lay at the root of the whole of the pretensions of the sitting member. It involved the inquiry, as to the extent to which the *onus probandi* lay upon the person contesting a vote. Upon general principles, the burden of proof would lie upon the sitting member, because he supported the affirmative of the issue, while the contestant had the negative. It was obviously easy for the sitting member to shew, that his votes were good—while innumerable difficulties beset the Petitioner, were the *onus* thrown upon him. But when the subject matter of a negative averment, lies *peculiarly within the knowledge* of the other party, the averment is taken to be true, unless disproved by that party—1 Greenleaf No. 79. For these reasons, in ordinary cases, the burden was thrown on the person holding the affirmative. Professor Greenleaf says, (§ 74, Vol. 1,) "A third rule, which "governs in the production of evidence, is, that *the obligation of proving any "fact, lies upon the party who substantially asserts the affirmative of the issue.* "This is a rule of convenience, adopted, not because it is impossible to prove a "negative, but because the *negative does not admit of the direct and simple "proof of which the affirmative is capable.—Ei incumbit probatio qui dicit, non "qui negat.* (Best 295.) And regard is had, in this matter, to the substance "and effect of the issue, rather than to the form of it." The sitting member therefore asserting the affirmative of the issue, namely, that a voter was qualified to vote, should, in accordance with the ordinary rules of evidence, be required to prove it. Our own Statute seems to have had these rules in view, in its enactments respecting the recovery of penalties for voting without a qualification. In prosecutions for this offence, the voter is bound to prove his qualification, the prosecutor not being required to prove the absence of it, and the burden of proof being thrown entirely upon the voter.—(12 Vict., cap. 27, § 44.) But the practice in matters of scrutiny has been to throw the burden of proof upon the person contesting a vote: in other words, upon the person supporting the negative of the issue: and taking that to be the law, it is necessary to examine to what extent a negative must be proved, when the burden of it, is, for special reasons, thrown upon the person asserting it. In such cases, the same learned writer says, "the case must be made out by some affirmative proof, "though the proposition be negative in its terms." After enumerating a number of instances where the burden of proving a negative is thrown upon the Plaintiff, he says; "In these, and the like cases, it is obvious, that plenary proof "on the part of the affirmant can hardly be expected; and therefore, it is "considered sufficient if he offer such evidence, as, in the absence of counter "testimony, would afford ground for presuming that the allegation is true."

(No. 78.) In discussing the same question, Mr. Best says the burden of proof is shifted "by evidence strong enough to establish a *primâ facie* case."—(p. 299.) The rule already referred to, that the burden of proof is upon the person in whose knowledge the fact in issue peculiarly lies, is held to apply, in a modified form, even to those cases where, from public policy or other causes, the burden of proof is thrown upon the person supporting the negative; though the knowledge of the fact is with the other party. Alderson B. (Elkin *vs.* Janson 13 M. & W. p. 662,) says the rule is right as to the *weight* of the evidence, but there should be some evidence to start it, in order to cast the *onus* on the other side. And Holroyd J. says, in a criminal case, (R. *vs.* Burdett 4, B & A. 140.) that the rule in question "is not allowed to supply the want of ne-"cessary proof, whether direct or presumptive, against a Defendant, of the "crime with which he is charged; but when such proof has been given, it is "a rule to be applied in considering the weight of the evidence against him, "whether direct or presumptive, when it is unopposed, unrebutted, or not "weakened by contrary evidence, *which it would be in the Defendant's power* "*to produce*, if the facts, directly or presumptively proved, were not true." The rule then may be stated in these terms. In ordinary cases the burden of proof is upon him who supports the affirmative of the issue—especially if the knowledge of the fact in issue, rests peculiarly with him. But if from public policy, or under special enactment, a presumption of law exists in favor of the party holding the affirmative, the burden of proof is upon the party supporting the negative: who in such case may shift it back upon his opponent, by making out a *primâ facie* case, shewing a reasonable ground of belief in his side of the question. And in such cases, if the person in whose favor such presumption of law exists, offers no evidence in rebuttal, or contradiction of his opponent; and if the knowledge of the fact in issue lies peculiarly with him; that circumstance will be of weight, in the consideration of the sufficiency of the negative evidence against him. Applying these rules to the case of McReth, it is obvious that the affirmative of the issue, as to his vote, is upon the sitting member. It is also plain, that the knowledge as to whether McReth has a qualification is peculiarly with him and the sitting member, who are *quasi* joint parties, in so far as McReth's vote is concerned. But the rule appears to be, that a presumption of law that the voter is qualified, arises from the fact of his being on the Poll—and therefore the Petitioner, though holding the negative, must make some proof of that negative; and a *primâ facie* case, affording reasonable grounds of belief that the negative is true, is sufficient to shift the burden of proof back upon the sitting member. So the case would stand upon the general principles which regulate evidence generally. These principles form the sole guides in Election cases also, and a few citations from books and

reports, on Election law and Election cases, will shew that they have been followed in the sense now contended for. For instance, the objection to a voter being that he had no freehold, a will was produced by the objecting party, by which the voter's father bequeathed him all his *leasehold* estates. This evidence was held sufficient to throw the proof, that the voter had other freehold property, upon the person supporting the vote. (Gloucestershire p. 39.) In the same case (p. 36,) where a voter voted as a freeholder—and was objected to as being only a copyholder; the Petitioner produced a receipt given to the voter for a chief rent; and this was considered as sufficient *primâ facie* evidence as to the nature of his title, to put the sitting member to proof of the voter's freehold. When property voted on, was assessed to the Duke of Portland, proof of that fact was held sufficient to compel the party supporting the vote, to shew title in the voter from the Duke. (2 Peck 109, see also 2 Peck 67 *et seq:* M. & N. 115.) In all these cases, the rule was applied, that the contesting party must offer some evidence, as a means of making out a *primâ facie* case—but having done so, the sitting member was called upon to support the vote. And in none of these cases, does the evidence against the vote appear to be in any respect conclusive—as in the first, there was no attempt made to shew that the voter had not freehold property, besides the leasehold property bequeathed to him by his father. In the second, no evidence was offered to prove that the voter had no other property than that for which the rent was paid; nor, in the last, was the objecting party obliged to negative, by any proof, what was quite possible, viz: that the voter had got a title from the Duke of Portland. In none of them was it pretended, that because it was possible, notwithstanding the evidence offered, that the voter had a qualification, therefore he should have the benefit of the doubt, and his vote be left on the Poll; nor, judging from the uniform tendency of the English authorities, would such a proposition be entertained for a moment. The Counsel for the sitting member, appeared unable to escape from the idea, that during this scrutiny, each voter was being tried for a criminal offence; and he was endeavoring to prevail upon the Committee, to require the same amount of evidence from the Petitioner, on the negative side of the issue, as would be necessary for a conviction, were he prosecuting the sitting member for felony. It was with reference to such a case, that Mr. Burrill was writing at the place cited, and not with reference to the mere contest as to civil rights, between two citizens. The rules of evidence, properly so called, were undoubtedly the same, both as to civil and criminal cases, that the *effect* of evidence was widely different. Mr. Greenleaf says with his usual clearness:—"In civil cases it is not necessary that the "minds of the Jury be freed from all doubt; it is their duty to decide in favor "of the party *on whose side the weight of evidence preponderates,* and accord-

" ing to the *reasonable probability* of truth. But in criminal cases the Jurors " are required to be satisfied, beyond any reasonable doubt, of the guilt of the " accused, or it is their duty to acquit him." " In civil cases it is sufficient if " the evidence, on the whole, agrees with, and supports, the hypothesis which it " is adduced to prove; but in criminal cases, it must exclude every other hy- " pothesis, but that of the guilt of the party." (1 Greenleaf, § 13). Mr. Taylor copies nearly *verbatim*, the words of Mr. Greenleaf, (1 Taylor, p. 2,) and Best (p. 101) puts it with equal force—" But there is a strong and marked " difference as to the *effect* of evidence in civil and criminal proceedings. In " the former, a *mere preponderance* of *probability*, due regard being had to the " burden of proof, is sufficient basis of decision; but in the latter * * * " a much higher degree of assurance is required." If the learned Counsel had looked further in Burrill, (pp. 11, 12 Note " A " and pp. 22 *et seq:*) he would have found the same doctrine enunciated. It only now remains to be seen, how far the position of the Petitioner, is sustained, on a comparison of the case of McReth, with those cited; and on a careful examination of the evidence in respect of his vote—by the light afforded by the rules now enunciated, and established by the most unimpeachable authority. The evidence of record, namely, the Seignior, with his *terrier*; the Secretary-Treasurer with his land roll; Mr. Albright, the sitting member's witness in rebuttal, and Mr. Quinn on the same side, with the *proces verbal*; all tends to shew that McReth had, at the time of the election, lot No. 40 in the 1st Range of St. Angelique, and no other. The sitting member brings up one witness, Albright, to prove that the value of that lot exceeds £50; and another, Quinn, to try to make out for him a title to that lot. Putting the question now in the various phraseology of the text writers. Does not " the weight of evidence," that McReth had no other land in Mille Isles, " preponderate " on the side of the Petitioner? Is it not " according to reasonable probability " that he had no other? Does not " the evidence on the whole agree with, and support the hypothesis," that he had no other? These questions might be asked, and answered in the affirmative, if there was no evidence of record but that of Mr. Stuart and Mr. DeBellefeuille; but when the sitting member, himself, adopts the hypothesis, and brings up evidence to prove that McReth *had a right* to vote on *that* lot—surely, no doubt can by any possibility exist, that he did vote on it. If he did vote on it, his vote must be rejected, for the evidence is direct and conclusive, that the lot belonged to DeBellefeuille family.—(1.)

(1.) The discussion of this vote lasted during five lengthened sittings of the Committee; and the reporter is unable to do justice to the patience and courtesy they exhibited, during an argument, which was doubtless unnecessarily protracted, in consequence of the extreme personal interest felt in the case, by both Advocates.

March 18*th*, 1859.

The Committee having deliberated, resolved on a division,—

That the vote of Edward McReth having been considered, the Committee are of opinion, that by the evidence it appears, that he was not possessed of any property in Mille Isles to qualify him to vote as a proprietor, and that the vote of Edward McReth be struck off the Poll.

Yeas:	*Nays:*
Morrision.	Langevin.
Heath.	Macdonald.

The Chairman giving his casting vote in favor of the resolution.—(Appendix B, Note H.)

The *Petitioner* then selected another vote in a similar position to that of McReth, and to which the same arguments would apply.

Mr. Burroughs objected to this being done, claiming that he should have a list of the names which the Petitioner intended to proceed with, under what he termed a class—and stated that he required time, to arrange the evidence and arguments applicable to such class.

The Committee having deliberated, the Chairman announced, that the Committee had determined, that the Petitioner might proceed with any of the objected votes in that part of the Seigniory of Mille Isles, lying within the County of Argenteuil, that he might select; and that the Counsel for the sitting member might shew cause in support of such votes, immediately, if prepared; but if not, at the sitting of the Committee on the following day.

The *Petitioner* then named twenty persons as belonging to the same class as Edward McReth, and applied to have them struck off the Poll.

The *Petitioner* then, at the suggestion of the Committee, taking this class singly, moved; inasmuch as by the evidence it appeared that Robert Crethers (No. 5, Appendix A, p. 187,) was not possessed of any property in Mille Isles to qualify him to vote as proprietor; that his vote be struck off the Poll.

March 21*st*, 1859.

The *Petitioner* and *Mr. Burroughs* were then both heard, against and in support of this vote, the arguments used being the same as those previously urged in respect of Edward McReth's vote. The members of the Committee being desirous that the views adopted by them, respectively, should be clearly set forth in the minutes, decided upon placing them of record in a motion, and in an amendment to such motion; whereupon the following motion was put from the chair, viz:—

That the vote of Robert Crethers having been considered, the Committee are of opinion that by the evidence it appears that he voted upon Lots Nos. 38 and 39 in the 1st Range of St. Angelique, in Mille Isles, which did not

qualify him to vote as a proprietor; and that the vote of Robert Crethers be struck off the Poll.

Upon which Mr. Langevin, seconded by Mr. Macdonald, moved in amendment.

That this Committee are of opinion, that the evidence before them does not shew, that Robert Crethers was not possessed of a lot of land in that part of the Seigniory of Mille Isles included in the County of Argenteuil, nor that he voted on lots 38 and 39, in South-West Range of St. Angelique, and therefore that his vote be declared good.

The Committee divided.

For the amendment—

Yeas:	*Nays:*
Langevin.	Morrison.
Macdonald.	Heath.

The Chairman gave his casting vote against the amendment.

The original motion was then put and carried on the same division (Appendix B, Note I.)

The Petitioner then applied to have the vote of James Elliott (No. 6 of Mille Isles Poll,) struck off as bad. He stated, that on an examination of the evidence respecting this vote (Appendix A, pp. 187-8,) it would appear that the only property he had at the time of the Election, consisted of Lots 29 and 30 of the second Range of St. Angelique. That he had paid the Seignior some arrears of *cens et rentes* on these two lots, but had no title or concession deed, nor in fact any other instrument conferring a title upon him. The receipt of rents by the Seignior would probably be considered as evidencing his consent to the occupancy of these lots by Elliott, which might entitle him to be considered as an occupant, within the meaning of the Election Law; but under the construction of the law which the Committee had adopted, the voter could only support his vote by a qualification of the same kind as that assumed by him at the Poll—(1) and Elliott having voted as proprietor, could not have his vote retained, because he might have voted as occupant.

Mr. Burroughs urged, in support of the vote, similar arguments to those used with reference to McReth's vote, and placed particular stress upon the section of the Seigniorial amendment Act of 1855, there cited, (ante pp. 50 and 51) representing that Elliott, having paid rent to the Seignior, fell within the express terms of that Act; which declared all occupants of land so situated, to be proprietors of such land.

The Petitioner replied as upon the former argument, and pointed out that per-

(1) See ante p. 45, *et in notis.*

sons who had paid rent to the Seignior were by the Seigniorial amendment Act of 1855, only made proprietors, as *censitaires*, "for the purposes of that Act," namely for the purpose of obtaining the commutation of their Seigniorial dues, into a fixed sum of money, bearing a certain relation to the value of the property they occupied; but it could not be said to make them absolute proprietors of such properties. For instance, it gave them no right of proprietorship over an adverse claimant of the same property. The intention of the Election Law was to give the franchise to proprietors, that is, to persons having an interest in the country, as owners of real estate. The intention of the 11th clause of the Seigniorial amendment of 1855, was to solve a difficulty in the construction of the Act of 1854, which, while it made many provisions for the benefit of *censitaires*, did not clearly define what a *censitaire* was. The Act of 1855 gave the required definition, but it was limited in its application in express terms to "the purposes of that Act." It was certainly not one of the purposes of that Act to extend the franchise, by creating votes where none previously existed. Doubtless the voter fell precisely within the legal definition of an occupant, viz: a person holding real estate with the consent of the owner, and with intent to acquire the same upon the performance of certain conditions. But this gave him no right to vote as proprietor.

March 23rd, 1859.

The Committee having deliberated unanimously resolved:—

That it is the opinion of the Committee, that by the evidence, James Elliott, having paid rent to the Seignior, is qualified to vote as proprietor, and that the vote be declared good.—(Appendix B, Note J.)

The Committee then proceeding with other votes in Mille Isles, resolved on the same division as before:—

That the votes of the following seventeen persons having been considered, the Committee are of opinion that by the evidence it appears that they were not possessed of any property in that part of the Seigniory of Mille Isles, which lies in the County of Argenteuil, to qualify them to vote as proprietors; and that their votes be struck off the Poll Book, viz:—

George Earles,	App. A, p.	180.	Jos. Thompson,	App. A, p.	242.
John Crethers,	do	191.	William Pollock,	do	233, No. 432.
Matthew Crethers,	do	191.	William Pollock,	do	233, No. 464.
John Chapman,	do	193.	Solomon Pollock,	do	241.
Edward Beatty,	do	195.	Hugh Riddle,	do	245.
John Riddle,	do	196.	Samuel Pollock,	do	102.
James Riddle,	do	196.	John McLure,	do	194.
James Crethers,	do	208.	Robert Pollock,	do	202, No. 427.
William Hughes,	do	208.	Robert Pollock,	do	202.
James Woods,	do	225, No. 407.	John Elliott,	do	105.
James Woods,	do	225, No. 430.	William Dawson,	do	230, No. 449.
John Day,	do	234.			

Alexander Ivil being objected to, by the name of Alexander Toil, the variance was considered fatal and the vote good.

It was then resolved unanimously, that the following votes are bad:—

Stewart Elder, App. A, p. 222.
Richard Ryan, do 214.
William Ryan, App. A, p. 214.
John Ryan, do 214.

It was then resolved unanimously that the following votes were good:—

James Hammond, App. A, p. 184, No. 353.
James Hammond, do p. 184, No. 431.
James Hammond, do p. 184, No. 440.

And that the following voters were not of age, and therefore not qualified to vote:—

Thomas Taylor, App. A, p. 210, No. 421.
Thomas Taylor, do do No. 468.

The vote of Robert Paterson (App. A, p. 236) was then declared good on the following division:—

Yeas:	*Nays:*
Heath.	Morrison.
Langevin.	
Macdonald.	

The following votes were then unanimously declared good:—

Joseph Elliott, App.	A, p.	184.	William Gain, App.	A, p.	243.
William Riddle,	do	189, No. 360.	Robert Pollock,	do	202, No. 385.
William Riddle,	do	189, No. 435.	Thomas Taylor,	do	210, No. 393.
John Morrow,	do	193.	James Pollock,	do	227.
James Noble,	do	194.	William Dawson,	do	230, No. 418.
Mathew Elder.	do	222.	Michael Ryan.	do	214,

March 24th, 1859.

Moved:—That those persons, whose votes are entered in Class A, are not, by the evidence, possessed of any property in that part of the Seigniory of Mille Isles, which lies within the County of Argenteuil, to qualify them to vote as proprietors; and that the said votes be struck off the Poll Book.

Moved in amendment—

That the Committee is of opinion that the evidence before them does not shew, that the persons entered in Class A, were not possessed of land in that part of the Seigniory of Mille Isles included in the County of Argenteuil, and therefore their votes are good.

For the amendment:	*Against it:*
Langevin.	Heath.
Macdonald.	Morrison.

The Chairman gave his casting vote in favor of the motion.

Class A referred to in the following motion :—

Richard Elliott,	App. A, p.	188.	Alex. Boyd,	App. A, p.	225.
James Chapman,	do	193.	J. McCormack,	do	228.
Joseph McMahon,	do	196.	John McLinchy,	do	229.
Robert Kerr,	do	198, No. 359.	James McLinchy,	do	"
Richard Hughes,	do	200.	Edward Craig,	do	230.
Robert Hill,	do	204, No. 59.	Thomas Woods,	do	231, No. 420.
Robert Hill,	do	" " 63.	William Day,	do	232.
John Sheals,	do	206.	Henry Riddle,	do	234.
Richard Morrow,	do	218, No. 398.	James Holly,	do	237.
Richard Morrow,	do	" " 459.	James McCarter,	do	243.
William Morrow,	do	" " 399.	George Campbell,	do	"
David Morrow,	do	"	Edward Mulle,	do	244.
Henry Morrow,	do	"	William Sunvie,	do	244.
Samuel Woods,	do	220.	Valentine Swail,	do	245.
David Taylor,	do	222.	John Watchorn,	do	245.
Jeremiah Pollock,	do	224.	Samuel Chambers	do	212.

It was then unanimously resolved, that the persons in Class B, were not of the full age of twenty-one, and not being qualified to vote, their votes were declared bad.

The following is Class B referred to in the foregoing resolution :—

T. Hammond,	App. A, p.	202.	Simon Taylor,	App. A, p.	222.
Wm. Stewart,	do	206, No. 388.	John Noble,	do	225.
James Stewart,	do	"	Wm. McMullin,	do	226.
Thomas Wilson,	do	216.	David Johnson,	do	227.
Gilbert Wilson,	do	"	Wm. Johnson,	do	"
Henry Hammond,	do	220. No. 401.			

It was then unanimously resolved that the following votes were good :—

Robert Kerr,	Ap. A, p.	198, No. 380.	John Moffatt,	Ap. A, p.	236.
John Maxwell,	do	200.	Robert Day,	do	237.
Thomas Taylor,	do	210, No. 393.	Robert McReth,	do	238.
Henry Hammond,	do	220, " 470.	Wm. McGahey,	do	239.
Patrick McLinchy	do	229.	David McGahey,	do	239.
Thomas Woods,	do	231, " 471.	Robert Ford,	do	241.
Wm. Hammond,	do	232.	Math. Hammond,	do	244.
Wm. Elliott,	do	235.			

And that William Morrow, who voted as occupant (App. A, p. 218,) had no qualification, and his vote was therefore declared bad.

The vote of Thomas Cook (Appendix A, p. 244) was then declared good on a division.

Yeas :	*Nays :*
Heath.	Morrison.
Langevin.	
Macdonald.	

(Appendix B, Note K).

The Petitioner then stated, that he closed his case for the Parish of Mille Isles, and gave notice to the Counsel for the sitting member, that he would next proceed with the objected votes in the Township of Gore.

March 26th, 1859.

Mr. Burroughs urged the Committee to re-consider their decisions in Mille Isles, on the ground that the law of Lower Canada was very different from that of Upper Canada, and was not generally understood by Upper Canadian members.

A conversation then took place on the subject, and the impression on the minds of the members of the Committee, appearing to be, that the questions which had arisen upon Lower Canadian Law, had received ample discussion and consideration; and moreover that it would be irregular, to commence retracing their steps, over ground, respecting which, definitive resolutions had been passed; the Committee declined to entertain the application.

Mr. Burroughs then moved, that the Petitioner be ordered to proceed with the votes in the parish of St. Andrews, which he had objected to.

The Petitioner pointed out to the Committee, that the evidence taken in St. Andrews upon 14 objected votes, exceeded in quantity that respecting 109 votes in the Gore; and that every vote in St. Andrews would give rise to a long argument, whereas those in the Gore, could be disposed of in there Classes. Were it otherwise, he would willingly proceed with St. Andrews; but his object in going on with the Gore, was to place himself in a majority with as little delay as possible, which he could do with the votes in Gore alone. It was plain enough, that the only object the sitting member could have, in wishing to take St. Andrews next, was to gain time; and therefore he hoped the Committee would permit him to go on with the Gore, in accordance with the notification given by him to that effect.

The Committee ordered that the Petitioner do proceed with the objected votes in the Township of Gore, according to his notice.

The *Petitioner* then read the evidence of Col. Barron, respecting the objected votes in the Township of Gore, and the list sent by him to the Crown Lands Department, in 1856, purporting to be a list of Squatters, in the said Township, entitled to pre-emption. He stated that the names of the persons in Gore, whose votes are objected to, were nearly all to be found in the said list, and he applied to have them struck off. The persons who had polled their votes on the first day, had nearly all voted as occupants, and he would first direct the attention of the Committee to them. The Statute (18, Vict., cap. 87, § 2,) defined occupancy by enacting, that no person should be deemed the occupant of real property within the meaning of the Act, unless he should occupy the same with the consent of the Crown, or of the owner of such property; and with the intent that he should, on the performance of certain con-

ditions, obtain the title to, and become the owner of such property. The position of these persons is, that they are holding Crown property without title or permission of the Crown; but having improved this property they have been allowed a preference in the purchase of it. This preference they have not chosen to avail themselves of, and are therefore mere squatters, as they are properly styled in Mr. Barron's list. But if it were contended that granting them the right of pre-emption, or the verbal consent of Mr. Barron, or both, amounted to a consent of the Crown to occupy, it could only be subject to the conditions with which the privilege was coupled, namely, the payment of the purchase money, as mentioned in Col. Barron's instructions, and this condition not having been fulfilled, the voters were disqualified as being in arrears to the Crown.

Mr. Burroughs contended that the documents and the evidence of Col. Barron, taken together, shewed that the voters had the consent of the Crown to occupy; and it could not be said that they were in arrears, for they had undertaken to pay no price or purchase money to the Crown, as they had neither signed nor received any location ticket or other title; nor had any demand been made upon them for any Crown dues. It would be the grossest injustice to disfranchise these men, wholesale, as the Petitioner was endeavoring to do, when every one of them had valuable improvements and clearances, and many of them had resided upon their farms for between twenty and thirty years. Again, the evidence respecting these voters was open to the same objections, as that respecting the Mille Isles voters, namely, that the property upon which they voted had not been established by legal evidence. In this respect the testimony was of the same vague and inconclusive character as that respecting Mille Isles, and should not be held sufficient to warrant the striking off of so many voters, on the ground of want of qualification.

The *Petitioner* replied that the arguments used respecting the insufficiency of the evidence as to the property the voter voted on, did not apply to those who voted as occupants, as proof of the property they occupied at the time of voting, conclusively indicated the property they must have voted upon as occupants. And that the objection, as applied to proprietors, had already been repeatedly decided.

The Committee, after deliberation, unanimously resolved, inasmuch as it appeared by the Poll Book, that the following persons voted at the Poll of the Township of Gore, as occupants, but, in the opinion of the Committee, without possessing the necessary qualifications to enable them so to do; that their votes be declared bad, namely :—

	No. on List.		No. on List.
John Boyd,	473	Thomas Williams,	481
James Scarlet,	474	James Moore,	482
Thomas Evans,	475	Edward Parker,	484
John Lester,	477	Thomas Boyd,	485
John Dodds,	479	John Williams,	486
Thomas Wilson,	480	Edward Graham,	559

(Appendix B, Note L.)

The *Petitioner* then applied to the Committee to strike off the votes of those persons voting in the Township of Gore, of whose property a description had been placed upon the Poll, whereupon it was unanimously resolved :

That by the Poll Book the following persons, whose property is therein described, voted as Proprietors ; but, that in the opinion of the Committee, they did not possess the necessary qualification to enable them to do so, and that their votes be declared bad.

	No. on List.		No. on List.
James Chambers,	489	John Thompson	516
James Scott, senior,	490	Thomas Strong,	517
Robert Kerr,	493	Wm. Armstrong,	518
James Kerr,	494	John Robinson,	521
Samuel Rothwell,	497	Samuel Rogers,	524
James Lester, sr.,	498	Mathew Scott,	537
George Nicholson,	499	John Hodge,	538
Joseph Boyde,	500	George Pollock,	539
William Morrow,	502	Richard Graham,	544
Hance McCulloch, jr.,	503	Samuel Kerr,	547
Joseph Murdoch,	506	Alvey Stephens,	549
Anthony Copeland,	507	Joseph Thomson,	550
Philip Good,	508	Hance McCulloch,	551
Thomas McCulloch,	509	James Hamilton,	552
John Silverson,	510	Wm. Hammond,	561
John Hamilton,	511	James Mahon,	570
Thomas McNail,	512	Wm. Wilson,	571
Jervis Westgate,	513	Wm. Hammond,	576
James Heany,	514		

Henry Peat, No. 140, of the Poll, objected to by the name of Henry Peal, No. 563, of the list, appeared to have voted on lot 17, in the 2nd Range, which was still Crown property, and did not entitle him to a vote. The question arose whether the vote of Henry Peat could be taken into consideration under an objection to the vote of Henry Peal.

Mr. Burroughs argued that it could not.

The *Petitioner* replied that it was impossible to ascertain from the Poll Book that the name was Peat, but that it would rather appear to be Peal, as

the final t was not crossed ; the only evidence that it was Peat, being that of McDonald, one of the witnesses. That their could be no mistake about th vote that was intended to be objected to, as the number on the Poll, and the property voted on were given in the list of objected votes. He cited 2, Peck p, 49, as a case directly in point.

The Committee having examined the Poll Book, and found the assertion of the Petitioner to be correct, declared the vote bad.

The *Petitioner* then applied to have a number of votes struck off, to which no description of property was appended in the Poll Books ; the evidence on this point being similar to that respecting the votes in Mille Isles :—and the votes in question being classified under the letter B, upon which—

It was moved that all those persons, whose names are entered in class B, are not, by the evidence, possessed of any property in the Township of Gore, to qualify them to vote as proprietors ; and that their votes be struck off the Poll Book.

Whereupon it was moved in amendment.

That this Committee are of opinion that the evidence before them does not shew that the persons entered in Class B, were not possessed of land in the Township of Gore : and therefore they resolve that their votes are good.

For the Amendment :	*Against it :*
Langevin.	Morrison.
McDonald.	Heath.

Upon which the Chairman gave his casting vote against the amendment.
The motion was then carried upon the same division.
The following are the votes referred to :—

Class B.

John Moore,	487	Edward Bennett,	533
Thomas Edwards,	488	Thomas Silverson,	540
James Scott, jr.,	492	Nathaniel Boyd,	541
John Clapham,	496	Thomas Dixon,	542
James Sutton,	501	John Williams,	543
Charles Willis,	515	Samuel Reynolds,	546
Thomas Westgate,	522	William Beatty,	558
James Pollock,	523	Yorker Silverson,	560
Robert Browne,	528	Matthew Rodgers,	567
Thomas Johnson,	529	John Hammond,	568
Wm. Miller,	530	John Scott,	573
John Mahon,	531	John Morrison,	574
John Rogers,	532		

(Appendix B, Notes H and I).

The following votes in the Township of Gore, were admitted by the Petitioner to be good:—

Samuel Rogers,	472	William Gordon,	526
Robert Dawson,	476	Isaac Kerr,	534
Isaiah Currey,	478	Sydney Bellingham,	535
John Smith,	491	James Curran,	536
Thomas Riley,	495	William Graham,	545
Samuel Rodgers, jr.,	504	James Aitkens,	548
Daniel Simmons,	505	John McMahon,	564
Archibald Bennett,	519	Thomas Guy,	565
Edward Dawson, jr.,	520	William Mahon,	578
Henry McDonald,	525		

The following votes were contested by the Petitioner, but were declared good by the Committee:—

James Smith,	483	William Hicks,	562
John McCormick, jr.,	527	Robert Davis,	572

The remaining eleven objected votes in the Township of Gore, and the votes objected to in the Townships of Grenville, Harrington, Chatham, and Wentworth, and in the Parishes of St. Andrews, and of St. Jerusalem d'Argentuil; in all 301 votes, were not adjudicated upon.

The *Petitioner* then informed the Committee that they had struck off 201 votes in all, which consequently placed him in a majority on the Poll; and prayed the Committee to record the fact, and also verbally made the application recorded at length, on the minutes of the next subsequent meeting of the Committee.

Mr. Burroughs gave notice that he would apply on Monday the 28th of March, then instant, for a Commission to scrutinise the votes of the Petitioner: and would then also move the Committee to revise their judgment on the Mille Isles votes.

The *Petitioner* declared that he waived the two days notice of application for a Commission which the Statute provided for, reserving all other objections to the application.

March 28th, 1859.

The *Petitioner* put of record in writing the following application, which he had verbally made on the 26th instant:

The Petitioner, having placed himself in a majority of three, applies to the Committee to be permitted to stay further scrutiny for the present, reserving his right to scrutinise the votes not yet adjudicated upon; and claims to be seated as member for the county of Argenteuil; and requests the Committee to resolve:—

That by the scrutiny of the votes polled for Sydney Bellingham, Esquire, in the County of Argenteuil, it appears that John J. C. Abbott, Esquire, had a majority of legal votes on the Poll.

That Sydney Bellingham, Esquire, was not duly elected member for the said county.

That John J. C. Abbott, Esquire, was duly elected member for said county and should have been returned.

Mr. Burroughs commenced his reply, by moving that a further warrant be sent to the Commissioner, ordering him to resume his sittings for the purpose of scrutinising the votes of the Petitioner. He urged in support of his application that all the proceedings before the Committee had been conducted under the Act of 1851, and not under that of 1857. This latter Act was passed for the purpose of more speedily obtaining evidence in cases of contested elections. All the clauses of it should be read with its object kept steadily in view, viz: that it was passed for the purpose of taking evidence before a Commissioner and not before the Committee. In it nothing abridges the powers of the Committee. It simply lays down what the Commissioner shall do, and what proof shall be gone into before him. The Committee heretofore limited the points upon which evidence was to be received before the Commissioner; but the Statute of 1857, by its operation, effected the same object, that action might be taken upon a Petition before a Committee could be appointed.

In this case all the proceedings had before the Commissioner were set aside, consequently all the papers returned by him were also set aside, amongst others the first and second answer made by the sitting member to the allegations of Petitioner.

Upon the setting aside of all the papers and proceedings had before him, the said Commissioner, the sitting member and the Petitioner were in this position. The Petitioner was the only party who had a petition before the Committee; this petition had been presented to the House and was by the Speaker referredto the Special Committee. The petition filed and presented, to the Commissioner and to which alone the sitting member's answer had been filed, was set aside together with the said answer; and the parties were consequently bound as the Committee decided, to proceed under the Act of 1851. And upon the application of the Petitioner, a Commissioner was named to take evidence upon the facts alleged by his petition, (see §98 of Act of 1851). Previous to his proceeding, however, to obtain this commission, the sitting member produced his lists and answers which were accepted, and declared to be considered as filed by the Committee.—(See §79, 80, 81 and 82 of Act of 1851).

That under the Act of 1851, under which a commission was granted to the

Petitioner to go into evidence of his allegations, the sitting member has a right to a commission to go into evidence respecting the allegations of his answer so filed under the Act of 1851 as aforesaid, and received by the Committee.—(See §96, 125 and 155 of Act of 1851.)

That otherwise the grossest injustice would be committed upon the sitting member, and a fraud practised against the Electors of the County of Argenteuil.

That the Committee are required by law and by their oaths to see that justice is done to all parties in this matter.—(See § 160 of Act of 1851, and oath taken by Committee.)

That they have afforded the Petitioner an opportunity of going to proof a second time under a new commission, and that the Chairman voted even to grant a third commission to the Petitioner. And that the sitting member has a right in law, equity, and justice, to the issuing of a commission to take evidence upon the scrutiny of the votes given for the Petitioner, and set forth in the lists and answer filed before the Committee.

That in the present position of the case the Act of 1857 does not affect the parties at all, all proceedings being now under the Act of 1851; that the Petitioner cannot be allowed to proceed under the Act of 1851 and the sitting member compelled to proceed under the Act of 1857.

That the Committee have the right to grant a commission at any stage of the proceedings, and of remedying any informality that may have taken place, if any such have taken place, whereby any party would be likely to suffer injustice.—(See § 96, 125, 155 and §160, 144, 145 of Act of 1851).—(1)

The *Petitioner* replied, that it was easy to see by a comparison of the proceedings of the sitting member with the law as it stood, whether or no, he had complied with its requirements. But as it was attempted to ignore one portion of the law, and to set up another portion as the sole authority, it was necessary first to examine carefully and decide what law was to guide. The sitting member pretended that the proceedings were being carried on under the Act of 1851, and that the Act of 1857 had no bearing whatever upon them.—Neither the one assertion nor the other was true. The 10th Section of the Act of 1857 enacts that it shall be construed as part of the Election Petitions Act of 1851, and that the latter Act shall be construed as if the provisions of the Act of 1857 were contained in it. Was it in the power of the Committee to repeal that section, or to ignore it? If not, then such portions of the two Acts taken together as had a bearing upon the application of the sitting member constituted the law.

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(1) The foregoing argument for the sitting member is taken nearly *verbatim* from a paper marked C, filed on his behalf at the argument as containing the heads of his pretensions.

By the Act of 1857 two objects were sought. The one that of affording a clear statement of the case on both sides, by the notice of the Petitioner and the answer of the sitting member; and the other, that of affording a means of obtaining evidence before the Committee met. Under the law, then, two modes existed of procuring the services of a Commissioner, the one under the Act of 1851, the other under the Act of 1857. The Petitioner adopted the latter mode in the first instance, but the Committee considered the proceedings of the first Commissioner illegal and set them aside. Then the parties necessarily fell back upon the mode pointed out by the Act of 1851, because the proceedings had reached the point where that mode was the proper one, a Committee having been appointed to whom the requisite power belonged. Undoubtedly, therefore, the particular clauses of the law as it stood, under which the Commissioner was appointed, were to be found in the Act of 1851. But the appointment of the person who was to take the evidence, and the elimination of the matters in issue between the parties were two entirely different things. The Act of 1857 requires the service by the Petitioner upon the sitting member of a notice stating the facts of the case, and requires the sitting member to reply, stating any facts he designs to prove, within 14 days afterwards, if at all; and it provides expressly by § 1, that the Committee shall not take into consideration any other facts than those stated in the notice; and by § 2, that the sitting member shall not be permitted to give evidence of any facts or circumstances not alleged in his answer. There is nothing in the Act, or in either Act, which limits this mode of establishing the points in issue to cases where the Commissioner is selected before the Committee meets; but on the contrary, the proceedings now under consideration are provided for by distinct sections of the Act, before any mention is made of the appointment of the Commissioner. As a further proof that the Act intended the joining of issue, and the selection of a Commissioner to be two distinct matters, the latter is by section 4 left entirely optional with the contesting parties; thus leading obviously to the conclusion, that the parties having settled the issues by the notice and answer, might await if they chose the action of a Committee, instead of taking that course which the 4th section declares "shall be lawful." This is the view taken by the compilers of the Revised Statutes, as now printed, page 135. Unless, therefore, something could be found controlling the positive and unqualified enactment contained in the 2nd section of the Act of 1857, and rendering the effect of that section wholly dependent upon the selection of a Commissioner under the 4th section, which the sitting member had not asserted could be, and which in reality could not be discovered in either Act, then, as enacted in the 2nd section, in both affirmative and negative terms, (§ 155, Act of 1851,) the sitting member should have served upon the Petitioner,

within fourteen days from his reception of the Petitioner's notice, an answer setting "forth any facts or circumstances not appearing upon the face of the "Return or of the Poll Books, * * * upon which he rests the validity of "his election;" in the event of his doing so, "he shall not be permitted to give "evidence of any facts or circumstances other than those he shall have alleged "in his said answer;" and "if he serve no answer within the time hereinbefore "mentioned, he shall not be permitted to prove any facts or circumstances on "his behalf, other than by way of rebutting the case made against his elec- "tion."—(§ 2 of Act of 1857.) It is thus clearly shewn that the Act of 1857, in so far as it provides for, and limits the facts to be proved on either side, applies to the present motion of the sitting member; while the mode and conditions of the appointment of a Commissioner to take evidence on those facts are regulated by the Act of 1851.

The actual state of the law being thus made plain, it remains to be seen how far the sitting member has complied with it. Within less than 14 days after his reception of the Petitioner's notice, he served upon the Petitioner a document somewhat in the nature of an answer; but whether it really was one or not, within the meaning of the Act, (which is denied) it contained no assertion, fact or circumstance, which had the remotest reference to a scrutiny of the votes for the Petitioner, being only a protest against answering; the reasons given for such protest comprising vague charges of want of qualification, bribery and treating. But *sixteen* days after the service of notice upon the sitting member, another document was served upon the Petitioner, which contained a list of votes objected to, and the objections made to them by the sitting member. The original of this latter document was afterwards produced before Judge Badgley, but was taken no notice of by him, it being obviously wholly inadmissible under the Act. Assuming, then, as was the fact, that this so called second answer, not having been served within 14 days, was of no validity whatever, there was no allegation in any answer legally made, of the important "fact and circumstance" upon which "rests the validity" of the sitting member's election, viz, that a number of illegal votes were polled for the Petitioner, sufficient to preserve for the sitting member a majority on the Poll. If this fact or circumstance be immaterial to the validity of his election, of course there is no use in issuing a commission to ascertain its correctness; if, on the contrary, the validity of his election rests upon it, then it should have been contained in an answer, served within a proper time upon the Petitioner. It is utterly impossible, consistently with the law, to escape from this dilemma. It may here be remarked that the House has entirely sanctioned the view of the Petitioner, that the mode of establishing the issues of fact, provided by the Act of 1857, is compulsory, in every case, entirely independent of the nomination of a Commissioner; by

refusing to receive a petition when no notice had been given, though no proceeding whatever had been taken towards appointing a Commissioner under the Act of 1857.

It is probably from a feeling that this position is impregnable, that the Counsel has taken the bold course of asserting a large and essential portion of the Statute, to be a dead letter. It is, however, a new idea to him, for after Judge Badgley's proceedings were set aside he applied to be permitted to file his client's answer and supplementary answer. Why should he have done that if the Act requiring an answer was no longer applicable? Now, however, he argues that, because one portion of the Act of 1857, viz, that relating to the appointment of a Commissioner, is inapplicable to the appointment of a Commissioner at a stage not contemplated or provided for by that Act; *therefore* another portion of the same Act, viz, a mode of establishing the facts in issue, though universal in its terms and application, must also be inapplicable; or, as he himself distinctly puts the proposition, *because* the Committee have appointed a Commissioner in the mode pointed out by the Act of 1851, *therefore* those portions of the Act of 1857 which do *not* refer to the appointment of a Commissioner are inapplicable to other matters, for the regulation of which they were expressly enacted. Surely the mere statement of such reasoning refutes it.

But supposing, for argument's sake, that the mode of ascertaining the facts to be proved depended entirely upon the Act of 1851, which had been shewn not to be the case, it remained to be seen whether, under that Act, the sitting member could now scrutinise the Petitioner's votes.

§ 79 provides, that parties contesting shall deliver to the Chairman lists of voters intended to be objected to, made out in the manner prescribed by that section.

§ 80 enacts, that such lists shall be so delivered on the first day on which the Committee shall meet; unless otherwise ordered by the Committee.

§ 81 provides, that such order for the delivery of lists at any other time, must be made either on the day on which the Committee first meets, or on such other day as the consideration of an application for such order shall be adjourned to.

§ 82 forbids the reception of any evidence against the validity of any vote not included in one of the list of voters delivered "as aforesaid."

§ 145 gives a discretionary power to the Committee to remedy any irregularity into which either party may have fallen, *unless* by the use of *negative as well as affirmative terms*, the law has indicated a certain course, *and no other*, as the one to be followed.

The Counsel for the sitting member states, that "previous to the Petitioner

"proceeding to obtain a commission, the sitting member produced his lists and "answers, which were accepted and declared to be considered as filed by the "Committee," and he afterwards asserts his right to a commission "to go into "evidence respecting the allegations of his answer so filed *under the Act of* "1851, as aforesaid, and *received by the Committee.*" All this is pure fiction and imagination. No list of any description whatever has been delivered to the Chairman, or even filed before the Committee, by or on behalf of the sitting member. Nor has any answer whatever been filed before the Committee by the sitting member; nor is any answer whatever required or even mentioned in the Act of 1851. It is astonishing that such assertions should be made with the records and minutes of the proceedings of the Committee open before them.(1) The only paper of any description among the records of the Committee, which contains the names of any votes objected to by the sitting member, is the answer of the sitting member to the Petitioner's notice, purporting to be made and served upon the Petitioner under the Act of 1857, making charges of corruption against the Petitioner, and also giving the names of persons whose votes are alleged to be bad; which answer was in reality irregular and inadmissible, from being served too late. This document was filed before Judge Badgley and returned by him to the Committee, and in common with other papers filed before, and returned by him, was by the Committee declared to be officially in their possession. This was in reply to a motion by the Counsel on the 20th May, 1858, to be permitted to produce and file before the Committee "the "answer and supplementary answer of the sitting member." (*Ante* p. 30.) But the fact that "a supplementary answer," purporting to be made under one Statute, but wholly irregular and null, had been filed before a Judge whose proceedings were set aside, could not, by any possible stretch of construction, satisfy the requirements of another Statute, that a list of objected votes should be made and delivered to the Chairman on the first day of the meeting of the Committee: though in common with the evidence taken before that Judge and with the numerous other documents filed with him, it was in the possession of the Committee. The fact of this supplementary answer being in the official possession of the Committee, constituted the sole basis of all the assertions respecting the filing of lists and answers in accordance with the Act of 1851, made by the Counsel for the sitting member; and obviously it was utterly insufficient to sustain them. Here then is the second proposition of the Counsel for the sitting member, and it is as utterly baseless as the first. *Because* an answer made under the Act of 1857, containing amongst many other things

(1) It must be concluded from the order afterwards made by the Committee, that the sitting member should be permitted to file a list of objected votes; that these sweeping contradictions by the Petitioner, of the statements for the sitting member, were strictly correct.

the names of the voters objected to by the sitting member, was filed before Judge Badgley and returned by him to the Committee with his other proceedings, all of which were afterwards delared null and void; *therefore* the sitting member did deliver to the Chairman of the Committee, on the first day on which the Committee met, or on some other day then specially fixed for that purpose, a list of the voters he intended to object to, the whole in conformity with the 79th, 80th and 81st sections of the Act of 1851.

The sitting member, therefore, not having delivered in his list as required by the sections just cited, can have no evidence taken upon the Petitioner's votes, that being prohibited by the § 82; and the Committee cannot enable him now to supply the defect under the 145th section, because the necessity for the observance of these formalities is clearly indicated both by negative and affirmative terms. Under neither Statute, therefore, is the sitting member entitled to a commission.

As to the justice of the case, there can be little question. If the sitting member really intended to scrutinise the votes of the Petitioner, he would have made use of the past vacation for that purpose; and if he did not choose to do so, he should not be permitted to drag the present contest over another Session on such a pretence. In fact, the Committee would find, if they issue the commission, that the real object of the application was delay and nothing more.

The Committee adjourned without a decision.

March 29th.

The Chairman informed the parties, that the Committee, in the interests of justice, and under the discretionary power allowed them by the Statute, had resolved, Mr. Heath voting in the minority, that upon the sitting member filing forthwith a list of objected votes polled for the petitioner, with the heads of objections, and distinguishing the same so as to apply to the names of the votes excepted to; a further Warrant do issue on the application of the sitting member, to the Hon. Jean Casimir Bruneau, the Commissioner already named, to scrutinize the votes mentioned in the said list, reserving the right to order such evidence to be taken thereafter before the said Commissioner upon the other facts and circumstances contained in the petition before them, as well as on the sitting member's objected list of voters, as the Committee shall think necessary. (Appendix B, note M.) And also that it had been resolved, that the Petitioner having placed himself in a majority of three votes, he be allowed to stay further scrutiny of the sitting member's objected votes, until a return is made by the said Commissioner upon the further warrant issued to him.

On the communication of these resolutions to the parties;

Mr. Burroughs stated that he would immediately cause a list of objected votes to be prepared, in accordance with the first resolution.

It was then suggested to him that he was at liberty to take the second answer of the sitting member, which contained such a list, and hand that to the Committee, as the list required by the Resolution, which he accordingly did.

The *Petitioner* then applied to the Committee, inasmuch as they had used a very wide discretionary power in allowing the sitting member to scrutinize the votes of the Petitioner, and had done so in the interest of justice; that in the same interest the Committee would direct the Commissioner to receive such evidence as should be legally offered before him, respecting the fifty-two votes for the sitting member which were allowed to remain on the Poll of the Township of Morin.

Mr. Burroughs objected to the application.

The room having been cleared, the Committee Resolved,

"That instructions be inserted in the further Warrant to the said Commissioner, ordering him to take such legal evidence as may be offered by the Petitioner, or by the sitting member, upon the qualification of the voters whose votes were polled in the Township of Morin, and in that part of the Seigniory of Mille Isles, within the limits of the County of Argenteuil, and were objected to by the Petitioner; to the end that a re-argument thereon may take place; but such re-argument shall only be upon such of the said votes as shall be affected by such evidence; and that the Petitioner shall stand in the same relation as to such Commissioner, and his Clerk and Bailiff or other Officers, with regard to the cost of taking the evidence mentioned in this resolution, as if such evidence had been taken during the past sittings of the Commissioner."

Mr. Burroughs then applied for an order to have the copy of the Poll Books, of Assessment Rolls and other documents, filed before the Commissioner by the Petitioner, sent down to such Commissioner.

The *Petitioner* stated that he had no objection to those documents being used by the sitting member for the purpose of the scrutiny, but as they had cost him a considerable sum of money he thought it only fair that if the sitting member used them he should contribute towards their cost. The Committee thereupon

Resolved, "That the Clerk be ordered to send the said copies of Poll Books and other documents to the Commissioner, to be used by the sitting member, upon payment by the sitting member to the Petitioner of one half of the cost thereof, such cost to be taxed by such Commissioner and paid, before being proceeded upon before such Commissioner."

The Committee being then about to adjourn, the Petitioner stated that he had not applied to have the opposition of the sitting member to his Petition declared frivolous and vexatious, as there had been numerous questions raised upon the qualifications of the voters, upon which it might be supposed the sitting member had relied in good faith, and upon one of which there had been a difference of opinion in the Committee. But now that the sitting member had adopted the course of procuring a further Warrant under colour of pursuing a scrutiny which he must know to be useless, and which he (the Petitioner) felt assured would never be proceeded with, he felt himself quite justified in characterizing the defence as frivolous and vexatious. He therefore desired to be understood as giving the sitting member notice, that on the re-assembling of the Committee he would again claim the seat, and would apply to the Committee to resolve that the defence had been frivolous and vexatious.

The Committee then adjourned to the call of the Speaker.

A Warrant was subsequently prepared and sent to the Hon. Mr. Justice Bruneau, ordering him, under the powers vested in the Committee by the 125th section of the Act of 1851, and in the form prescribed by that section, to resume his sittings for the purposes mentioned in the several resolutions of the Committee, passed on the 28th day of March, 1859.

The Warrant bore date the 31st day of March 1859, and with the requisite documents was enclosed to the Judge Commissioner, addressed to him as of Montreal, while in reality he lived at Sorel. In consequence of this inadvertence, the Judge did not receive the documents in question until near the first of May, nor until he had accepted a Commission requiring him to take evidence on a day fixed therein, on the controverted election in the division of Saurel. Apparently, however, believing it to be his duty to obey both the Commission in the Saurel case, and the supplementary warrant in the Argenteuil case, the Judge proceeded with and perfected the reception of evidence under the Saurel Commission, and immediately thereafter, namely, on the 31st August 1859, caused to be served upon the sitting member and upon the Petitioner, a notice informing them that he would resume his sittings and proceed with the execution of the supplementary warrant in the Argenteuil case, at 10 o'clock, A.M., on the 13th of September then next, at St. Andrews, in the County of Argenteuil.

Sept. 13th. 1859.

The Commissioner resumed his sittings under the supplementary warrant of the Chairman of the Committee, at ten o'clock A.M., in Beattie's Inn in St. Andrews, in the County of Argenteuil.

The sitting member, with his counsel, Mr. Burroughs, and the Petitioner were present.

The supplementary warrant was read by the Commissioner.

The Commissioner then took the oath of office.

He then appointed Adolphe P. Ouimet his Clerk, and administered to him the oath appropriate to his office.

The *Petitioner* then tendered in evidence two documents, having reference to the qualification of those voters in Morin, who had been allowed by the Committee to remain on the Poll; (see *ante*, p. 46,) one of them being a certificate from the Crown Lands Department shewing all the lands in all the rear townships of the County wherein polls were not held, which had been granted by the Crown previous to the election, by which it appeared that the only land in those Townships on which a vote existed had been granted to the sitting member; and a deed executed after the election, from him to W. E. Holmes, Esquire, conveying that same land to Mr. Holmes.

The *Sitting Member* objected to the reception of this document.

The *Petitioner* referred the Commissioner to the resolution of the Committee of the 28th of March, allowing the adduction of evidence on the votes in question.

The *Sitting Member* objected to any proceeding by or before the Commissioner of any kind whatever. He argued that the Commissioner had been appointed and the warrant had been issued to him under the provisions of the Act of 1857, and not under those of 1851, and that consequently his appointment had lapsed with the Act under which he held it.

That the warrant did not contain any mention of the day on which the Judge was to resume his sittings, and that consequently it was a nullity. That the only liberty allowed the Judge in respect of the day on which his sittings were to be resumed, was the margin of from 14 to 21 days, fixed by the statute, within which limits he was bound to recommence his duties.

That the Judge was a Superior Court Judge; that the Election Petition Act only authorized the appointment of a Circuit Court Judge, and that consequently his appointment was null.

For these reasons he argued that the whole of the proceedings, commencing with the warrant itself, were entirely null. Being so, the Judge could legally exercise none of the functions of a Commissioner; he could not force a witness to appear before him, nor could he compel him to answer if brought before him. If he refused to answer, the Judge could not legally commit him to gaol for contempt, and if he did so he would thereby subject himself to an action of damages. He (the sitting member) had been informed that some one or more of his witnesses had determined to refuse to answer, and to prosecute the Judge if he committed them. He (the sitting member) had also suffered great injury by the delay which had occurred, as some of his witnesses had died during that delay and others had left the country.

Mr. Burroughs argued that under the Act of 1851 none but a Circuit Judge could be appointed a Commissioner, (section 98), unless by the consent of all parties some other person should be named; and in that case the consent in writing of such person to accept the appointment was required as a preliminary to its being made. In this case the Commissioner was not a Circuit Judge, and consequently his consent in writing was necessary to the validity of his appointment, and that not having been obtained it was null. The Judge deriving his powers as Commissioner only from the Committee, could only receive such powers and be under the control of the Committee, if properly appointed; as he was not, he had no power or right to act, and could not enforce any warrant he might issue. In fact, in consequence of the repeal of the law creating Circuit Judges, there were no longer any such officials, and there were now no officials who could be appointed by the Committee under section 98, unless by the written consent of the parties. By McKenzie's Act, power was conferred on the Committee to appoint Superior Court Judges to be Commissioners, and under that Act the Judge had been appointed, but that was repealed, and his appointment therefore ceased.

The *Petitioner* replied that it was a new feature in such proceedings to find the party at whose urgent solicitations the Commissioner had been sent into the County, objecting to do that for which he procured his presence, or to allow him to proceed with his duties; while he against whose pretensions the Commissioner had been sent to receive evidence, was ready and anxious that the proceedings should go on. The objections too were not only based upon arguments directly contrary to those used to procure the supplementary warrant, but were totally without foundation in law.

In reply to the first it was only necessary to look at the proceedings of the Committee in issuing the warrant, to see that they had issued it under the Act of 1851. They felt that they could not issue it upon the sitting member's second answer, because if they did so they would be contravening the Act of 1857, not by issuing the warrant, but by recognizing the answer; and they accordingly ordered a list to be filed, adopting the mode of procedure of the Act of 1851, and then ordered the issue of the warrant, expressly under the 125th section of that Act. (See resolution of 28th March, ante p. 78, 80.) The contrast between the arguments used in applying for the warrant and those now adduced was amusing. (Ante p. 73.)

As to the second point, the 98th section, providing for the issue of a warrant "in the nature of a Commission" in the first instance, orders that the day on which the Commissioner shall open his Court shall be fixed in such Commission, and that such day shall not be less than 14 or more than 21 days from the date of the appointment of the Commissioner; and it also enacts that such

Commission shall be in the form of schedule B. This is the first formal appointment of the officer of the Committee, and section 98 points out clearly the mode of making it. But section 125 requires no such formalities on the issue of a further order to the person who is already the officer of the Committee. It makes no provision for inserting the day in the warrant or for the form in which it is to be issued. It is true that it provides that the like proceedings shall be had under it as under the original Commission; that is that the proceedings before the Commissioner shall be conducted in a similar manner to those under the original Commission. The law therefore did not make the fixing of the day obligatory upon the Committee, and they had chosen to leave it to the discretion of the Judge, who had taken the earliest moment to obey his order that his other duties permitted.

The third objection, that the Committee could not appoint a Superior Court Judge had been disposed of when Judge Bruneau was first appointed. (See *ante* p. 31.) The Statute 20th Vic. chap. 44 sec. 13, declared the office of Circuit Judge abolished, and that each of the Judges of the Superior Court should have all the powers and duties vested in or assigned to any Circuit Judge. By this section the duty of Commissioner previously assigned to Circuit Judges was imposed upon the Superior Court Judges, and this view of the law had repeatedly been acted upon by both Houses. It was mere trifling to say that the Election Act of 1857 authorized the Committee to appoint a Superior Court Judge, and that Judge Bruneau had been appointed under that Act. No such provision existed in the Act, nor had such a pretension been broached at his nomination.—(*Ante* pp. 31, 72, 73.

The injuries stated to have been caused by the delay were of a piece with the objections made to proceed now. Where were these witnesses that intended to be contumacious? They might at least be brought up, or summoned to come up, and if they refused to come or to answer, and the Commissioner refused, or was unable to make them do so, it might be said that injury had been done. But nothing of the kind had been attempted, and no witness had even been summoned. Then as to those who were dead or had left the Province. Would they be alive again or in the Province next vacation, or would there not rather be more of them dead or absent? The fact was, the pretence of a scrutiny was a sham from beginning to end. There never had been from the first the slightest intention of scrutinizing the Petitioner's votes. If the fact were otherwise, he called upon the sitting member to proceed with it, and at least to make the attempt to bring up evidence, if he had any.

The Commissioner stated that he was prepared to proceed with the duties imposed upon him by the warrant of the Chairman of the Committee, but as there were objections to his doing so, he would take time to consider what course

he should adopt with regard to them, and for that purpose would adjourn the Court till the following morning at ten o'clock.

September 14*th*, 1859.

The parties being all present, the Commissioner stated that he was of opinion that it formed no part of his duty to adjudicate upon the proceedings of the Committee either as to the contents or form of the warrant, or as to their jurisdiction in issuing it, but that he considered it to be his sole duty to obey it, and carry out the instructions it conveyed to him, which he was then prepared to do. If therefore the sitting member decided to abide by his objections to proceed with the adduction of evidence, he would make his report to the Committee accordingly. If on the contrary he would withdraw the objections and go on with the case, he (the Commissioner) was ready to proceed with it.

The *Sitting Member* declined to do so.

The *Petitioner* then read the following declaration, and required that it should be inserted on the minutes of the Commissioner :—

The Petitioner declares that he is, and has always been, ready to proceed, in accordance with the warrant of the Chairman of the Committee.

That the objections made by the sitting member to proceeding with his scrutiny, are without foundation in law, the order to the present Commissioner to resume his sittings being in accordance with the Act of 1851, and having been demanded by the sitting member himself, and the proceedings of the Commissioner thereunder having been regular.

That nothing has occurred, or appears of record, to indicate that the sitting member has been injured by the unavoidable delay in the execution of the warrant—that he has thereby lost the opportunity of examining any witness, or of availing himself of any evidence that was previously accessible to him—that no witness has refused to appear, or questioned the authority of the Commissioner, none in fact having been summoned to appear—and that no act has been done, or decision pronounced, by the Commissioner, indicating that he would hesitate to use any of the powers conferred upon him by the Election Act of 1851, for enforcing the attendance of witnesses, or for otherwise carrying on the business of the Commission.

That an opportunity of scrutinizing the Petitioner's votes being now afforded the sitting member, his refusal upon such frivolous and insufficient grounds, to avail himself of it, must be regarded as indicating that he has no evidence to offer, and that his application for the warrant issued to the Commissioner was only made to enable him illegally to retain his seat during the remainder of the past session and the commencement of the next.

That therefore the Petitioner notifies the sitting member, that he takes the obstructions now offered to the proceedings of the Commissioner as an abandonment of the sitting member's objections to his votes, and will oppose the issue of any further order, warrant or commission, and will on the reassembling of the Committee claim the seat for the County of Argenteuil so long illegally withheld from him by the sitting member.

As neither party offered any evidence or took any further proceeding before the Commissioner, His Honour then adjourned his Court *sine die.*

COMMITTEE ROOM,

QUEBEC, *5th March*, 1860.

The Committee met in accordance with the Speaker's warrant.

The return of the Commissioner, the Hon. Mr Justice Bruneau, was laid upon the table; and being found to be addressed to the Clerk of the House, instead of to the Speaker, it was

Resolved that it should nevertheless be received.

The return was then opened, and was found to contain a certified copy of the minutes of the commission held under the supplementary warrant; a report by him of his proceedings, detailing his reasons for the course he had adopted; and certain documents produced before him by the parties. The documents in question, which were referred to in the subsequent arguments, consisted of paper F filed by the Petitioner on the refusal of the Sitting Member to proceed with his case; and of paper C which was handed to the Commissioner by the Sitting Member, after the adjournment of the Court on the 14th September last.

The minutes of the proceedings which took place in St. Andrews on the 13th and 14th of September are incorporated with this report. (*Ante* p.p. 80 to 85.) Those portions of the Judge's report which bear upon the matters in issue between the parties are as follows:—

After explaining the impossibility of proceeding at once with the duties im-

posed upon him by the supplementary warrant, he thus states the reasons which decided him to retain it and proceed upon it, when he could do so compatibly with his official labors, and with his duties as Commissioner for the taking of evidence in the Saurel controverted election.

He says, "There was ample time during the vacation between the two "sessions for the completion of the duty confided to me by your warraut; the "validity of my proceedings as Commissioner did not appear to me to be in any "respect affected by the delay: the evidence and minutes would be of equal "service at whatever time they might reach the Honorable the Speaker, pro- "vided they did so before next session; and your Honorable Committee would "thus be enabled to decide upon the scrutiny at a much earlier period than if "I should refuse to accept the commission."

As to the conduct of the parties during the interval, he says, "During the "month of June and July Mr. Abbott himself personally inquired from me "when I thought I should be able to go on with his case. I uniformly told him "that I could fix no day before the *Enquête* was closed."

"On the twelfth of July I received a letter from Mr. Bellingham, the Sitting "Member, in which he raised some objections as to my right of opening the "*Enquête* after twenty-one days had elapsed, from my receipt of the warrant; "and also as to my power under such circumstances to send to gaol any witness "that might refuse to appear before me and give evidence. On my reaching "Montreal, in the last week of August, or begining of September, I met Mr. "Holmes, Mr. Bellingham's brother-in-law, and his counsel in the matter, and "informed him that if Mr. Bellingham had any serious objections to raise he "should do so in a more formal manner, and that his course would determine "mine; that meanwhile I should have served upon the parties the notices I "I had prepared before leaving Sorel, that I would resume my sittings on the "thirteenth of September."

"These notices were served accordingly on the seventh day of September.

"A few days after I was served with a Notarial Protest on the part of Mr. "Bellingham, the Sitting Member, which contained all the objections that were "raised by him at St. Andrews, after the commission had been opened ac- "cording to the said notices, and which are mentioned in full in the minutes of "the proceedings of that day."

"In substance, the warrant of the Chairman of the Committee was objected "to as illegal, and it was asserted that the subsequent proceedings would be "in consequence null and void. Notwithstanding the protest, I informed Mr. "Holmes that I would open my Court on the day and at the place mentioned "in the notice, and that, unless the objections to my proceedings were then "persisted in, I would go on with my *Enquête*."

"In conformity with the notice given, I accordingly repaired to St. Andrews "to open my Court, and did so at ten of the clock on the thirteenth of Sep- "tember, the time fixed by the notice."

"A little before ten of the clock of that day I was again served with a pro- "test similar to the one already mentioned.

"The next day, before ten o'clock, I was again served with another protest, "on the part of the Sitting Member."

Then, after detailing the proceedings in Court on the second day, and its adjournment, he says, "The parties then left the Court, but the Sitting Mem- "ber shortly afterwards, in the absence of the Petitioner, handed to me the "paper marked with the letter 'C,' which I now return, in case the Committee "should be of opinion, I could receive such paper after the aforesaid adjourn- "ment."

"No other document or paper was produced with the papers in question, "though the Sitting Member said he had such a document in his hands."

The minutes of proceedings and the Commissioner's report having been read, some conversation took place as to the omission by the Commissioner to return the protests mentioned by him as having been made upon him by the Sitting Member.

The *Sitting Member* contended that he had been guilty of a dereliction of duty in not so returning the protest; that they had been drawn up by his legal adviser, contained the details of his objections to the proceedings of the Commissioner, and moreover, did not bear the construction put upon them, as they expressed his readiness to go on with his evidence, merely stating in addition, that he did so under protest that he might not be made to pay expenses if the Judge's proceedings should be set aside. He therefore prayed the Committee to stay all proceedings till these protests were brought before them.

The *Petitioner* replied, that he had not been served with copies of these protests, and therefore could not speak as to their contents; but that if the Judge's account of their purport was disregarded and the Sitting Member's adopted, it would make no difference in the case. The Commissioner was only bound to report what was done before him in the exercise of his functions, and this he had most amply done. These protests were served upon him out of Court, and whatever they contained could not relieve the Sitting Member from the consequences of his refusal *in* Court to proceed with his case. If they really differed as much as he pretended from the position he assumed in Court, it looked very much as if he had hoped by these written statements out of Court, to throw discredit upon the Judge's account of his conduct there.

It was then ordered that the Committee Room be cleared.

And the Committee, after having deliberated some time, recalled the Sitting Member and the Petitioner, and informed them that they had resolved to meet on the next day, at eleven o'clock a.m., for the purpose of hearing them, either personally or by counsel, concerning the validity of the Committee's warrant directed to the said Commissioner.

March 6th, 1860.

The *Sitting Member* applied for a delay to the following day for the discussion of the warrant of the Committee, as his Counsel was engaged and could not attend; and his application was granted.

March 7th, 1860.

Mr. Alleyn, for the Sitting Member, urged that the warrant was null, and that the Sitting Member was not bound to proceed under it.

A warrant of the nature which it was contended this was, could only issue while the Commissioner remained the officer of the Committee; and Judge Bruneau had ceased to be such officer on the completion of his duties under his original commission.

The Statute certainly allowed the continuance of a Commissioner in office beyond the completion of his duties under the first warrant addressed to him, but it pointed out the mode in which his powers might be retained. The 118th Section provided, that upon the transmission of copies of his proceedings to the Speaker, the Commissioner "shall adjourn in order "to re-"ceive such further orders from the select Committee, &c., &c." Now on reference to the proceedings of the Commissioner, it would be found that he did not adjourn on the completion of his duties under the first commission, but, on the contrary, made his final report to the Committee without adopting the proceeding thus pointed out as a means of prolonging his functions. He was therefore *functus officio*, before the supplementary warrant issued; he was no longer Commissioner, and when entrusted with the duty of taking further evidence, should have been re-appointed in the manner pointed out by the 98th Section of the Statute. It might well be doubted whether a further warrant, issued under the 125th Section of the Statute should not have been in the form, and should not have contained the provisions pointed out by the 98th Section. In fact, were the present warrant really a "further warrant," within the meaning of the 125th Section, he would be prepared to shew that it should: but, being as he contended, a warrant issued to a person not a Commissioner, by which, if at all, the functions of Commissioner were to be conferred upon him, it was undoubtedly insufficient. The 98th Section required that the warrant should contain a day certain, not less than 14 nor more than 21 from the date of the Commissioner's appointment: and also other details.

which were all specified in the Schedule B. The warrant in question omitted these essential matters, and was in every respect informal and null. (1.)

The Petitioner replied, that the warrant was sufficient and valid. Judge Bruneau was appointed a Commissioner to take evidence in this matter under the 98th Section of the Statute. By the warrant addressed to him on that occassion, he was ordered to receive evidence upon the Sitting Member's objected votes, with an express reserve of the right to order evidence to be taken before him thereafter upon other subjects. (*Ante*, p. 31.) This is in conformity with the 98th Section, which provides for the appointment of a Commissioner who is to take evidence upon such matters as shall be referred to him by any order "made or to be made" by the Committee. The 125th Section points out the mode in which this is to be done "at any time before reporting their final opinion" on the merits of the Petition. He is therefore the Officer of the Committee, bound to obey any order by them "made or to be made" "at any time" before their final report. The word "adjourn," bears no such construction as is attempted to be put upon it. At the time referred to in the 118th Section, the Commissioner is holding no Court. His Court must have terminated long before; as the statute is there speaking of a time subsequent to the completion of a copy of his minutes and of the evidence. There is therefore nothing to adjourn. And there is no record, or mode of such adjournment provided for. The minutes close with the closing of the Court. The Judge merely sends a copy of those minutes. If therefore a formal record of adjournment was to be made, where was it to be made, and how was it to be retained? But suppose the Statute were to be construed to mean that the Judge should enter upon some record the fact that he adjourned; would his not doing so place him beyond the jurisdiction of the Committee; deprive

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(1.) The following is a copy of the supplementary warrant:

To the HONORABLE JEAN CASIMIR BRUNEAU, the Commissioner appointed to examine witnesses in the matter of the County of Argenteuil Election.

I, Angus Morrison, of the City of Toronto, Esquire, Member of the Commons House of Legislative Assembly of the Province of Canada, and Chairman of the Select Committee appointed to try the merits of the election petition of John J. C. Abbott, Esquire, against tne Election of Sydney Bellingham, Esquire, the sitting Member for the County of Argenteuil, in Lower Canada, in the said Legislative Assembly, send greeting.

Whereas, upon the application of the said sitting Member and of the said Petitioner to the said Select Committee, it has been ordered by the said Committee, in pursuance of the powers vested in them by the 125th Section of the Election Petitions Act of 1851, that you the said Honorable Jean Casimir Bruneau be ordered and directed to resume your sittings as such Commissioner.

You are therefore directed to resume your sittings as such Commissioner, and to take evidence upon the qualification of the voters contained in the list of votes objected to by the sitting Member, which list is hereto annexed marked E.; and also to take evidence offered by the Petitioner or by the sitting member upon the qualification of the voters whose votes were polled in the Township of Morin and in that part of the Seigniory of Mille Isles, within the limits of the said County of Argenteuil and were objected to by the said Petitioner.

(Signed) ANGUS MORRISON, *Chairman.*

Toronto, 30th March, 1859.

him of an office which the Statute made continuous; and this without any provision in the Statute declaring such to be the consequence of the neglect? It might with equal reason be said that the sittings of the Superior Court must cease, if the formality of declaring the Court adjourned from day to day were to be omitted. The meaning of the term simply was that when the Judge had despatched the copies of minutes and evidence, he should await the further orders of the Committee. But the Sitting Member himself had settled the question, and could not now be heard to unsettle it. By his application of the 28th March, 1859, he requested that a *further* warrant be sent to the *Commissioner* ordering him to *resume* his sittings &c., &c. (*Ante*, p. 72.) It was upon that application that the warrant under consideration was issued. It would be difficult therefore to comprehend how he could now be heard in support of the propositions that it was not a "further" warrant; that the person to whom it was addressed was not a "Commissioner," and that he could not therefore be "resuming" his sittings. If this warrant then was such an one, as it undoubtedly is, from the circumstances under which it was issued; by its terms; and as characterised by the Sitting Member himself; it is in every respect sufficient. It follows almost the exact words of the 125th Section, under which it issued; and the reason why the same minuteness of detail in a "further" warrant is not exacted by the law is obvious. The first warrant containing the appointment must be precise. If it was lax in its terms the Committee would acquire no power or authority over the person named in it. It is otherwise when the Commissioner has been once validly appointed and has assumed the functions of the office. From that time the Committee have extraordinary power over him as their officer, and may even procure his imprisonment if they see fit. But to render it perfectly clear that the formalities prescribed by the 98th Section do not apply to a "further" warrant, it is only necessary to look at the schedule containing the form therein indicated. It recites the order of the Committee that "you the said G.H., shall be *appointed* such Commissioner." It goes on to declare that "these are therefore to *nominate, constitute* and *appoint* you to be such Commissioner, &c., &c.," to "examine into all matters, to you for that purpose referred or *to be referred*," &c., &c. These, it is perfectly obvious, apply only to the original appointment, and not to any subsequent special order of reference which the Committee may make.

The room having been cleared, the Committee deliberated and finally adjourned without a decision.

March 8th, 1860.

The Committee intimated their opinion that the supplementary warrant was valid.

The Sitting Member then stated that he felt that the report of the Commissioner had placed him in a false position before the Committee, by leading them to believe that he had been unwilling, and had refused, to adduce evidence upon the objected votes of the Petitioner. That the facts were the very reverse of what the Commissioner had stated. That he had been kept at home during four months, daily expecting a notice to proceed; that during this time he had gone to an immense expense in having the country traversed in every direction procuring evidence; that at length Mr. Holmes had pointed out to the Commissioner that his proceedings would be null in consequence of the defect in the warrant, and for other reasons, which the Commissioner admitted; and told Mr. Holmes that he would go to St. Andrews for form's sake but would not receive any evidence; that he (the Sitting Member) then dismissed the witnesses he had brought, some of them from a distance of forty miles; that at St. Andrews the Judge again repeatedly stated that the proceedings were all null, and refused to receive evidence, though he (the Sitting Member) brought witnesses before the Judge whom he refused to swear, and offered to file the cadastre of Mille Isles, which the Judge refused to receive. That he now produced an affidavit of Geo. N. Albright, and two other affidavits, and also one of his own protests, to prove that the Judge's report was false and that he had brought down Albright from a distance of forty miles in rear of the County of Argenteuil to give his evidence upon this point. If he could have supposed the Judge could have made a report so contrary to the truth he would have provided the means of contradicting him.

The Petitioner said that the greater part of the assertions made by the Sitting Member were proved to be untrue by the documents before the Committee; and the remainder might properly be estimated at a similar value. His detention at home was contradicted by his own letter to the Judge from Toronto. His refusal to proceed was evidenced by his own protest which was now before the Committee, and exactly corroborated the Judge's report as to his objections; it was proved by the report made under oath by that official, whose character was well known and unimpeachable, as having occupied as high a position judicially and socially as any Judge in Lower Canada, and who was selected probably on that very account by the Sitting Member, (*ante* p. 31.); and by the minutes kept by the Clerk also under oath. His statement of the Judge's conversation with Mr. Holmes is contradicted by the Judge, and by the fact of his own protest, for why should he have protested against the Judge going on, if he had been already satisfied that he would not do so? He was no doubt in ignorance of what the Judge's report really *was*, until the 5th of March, instant, when it was unsealed; but he must have known well what it necessarily would be, else why did he obtain in September these false affidavits, taken be-

fore a Commissioner of the Superior Court, to escape prosecutions for perjury, (although that might not succeed in protecting the makers of them,) and so constructed as to contradict the report of the Commissioner, as exactly as if it had been before him at the time? That he had brought Albright down for this purpose was also impossible, as this was only the morning of the 8th and no expenditure of money, or other human exertion could have enabled him to send for him to the rear of the county, and get him to Quebec since the Committee sat on the 5th. In fact, nearly every item of the assertions just made must be untrue; or the Hon. Judge Bruneau, and Mr. Ouimet his Clerk, must have deliberately concocted a long and circumstantial statement, every material detail in which was a deliberate perjury, and this without any imaginable interest in the result. The affidavit of Albright was certainly not calculated to add any weight to such a charge, for he was the same person that the Committee had spoken of reporting to the House last year, for his evidence on behalf of the Sitting Member in rebuttal.

Mr. Alleyn then made application to be permitted to adduce evidence to prove that the Sitting Member had been ready to proceed with his case at St. Andrews on the 13th and 14th days of September last: and that the Committee do summon Mr. W. E. Holmes of Montreal, as a witness on that point, and also that Mr. Justice Bruneau be requested to send to the Committee the Notarial protests mentioned in his minutes.

The *Chairman* asked if Mr. Holmes had been present at St. Andrews on those days.

The *Sitting Member* replied that he had not.

The *Chairman* asked the names of the witnesses by whom it was intended to prove the incorrectness of the Judge's report.

The *Sitting Member* stated that the witnesses were George N. Albright then in Quebec, and William E. Holmes.

The *Chairman* asked the Petitioner if he had any witnesses who could prove the correctness of the Judge's report.

The *Petitioner* stated that to enter upon evidence on such a subject was to create an impression that the Committee saw ground for entertaining the Sitting Member's charge, which was a matter of too grave a character to be lightly dealt with; and that the Judge and the Clerk whose conduct would thus be in issue would have to be consulted as to witnesses. But that of a number of persons who were present at the time, he remembered M. McLeod, Advocate; and Alex. G. Fenwick, M.D., who would doubtless confirm the Judge's report.

The room was then cleared, and after deliberating, the Chairman informed

the parties that the application on behalf of the Sitting Member was unanimously rejected.

The *Petitioner* then placed the following resolutions before the Committee and requested that they should be adopted.

1st.—That Sydney Bellingham, Esquire, was not duly elected Member for the County of Argenteuil at the last election.

2nd.—That John Joseph Caldwell Abbott, Esquire, was duly elected Member for the said County, and should have been returned.

He stated that he made no special application in writing as to the costs; leaving that to the discretion of the Committee, but requested them, under the powers vested in them by the 138th Section of the Elections Act of 1851, to order the Sitting Member to pay the costs of the further warrant granted on his application, and of the proceedings thereunder. These proceedings probably cost between $300 and $400, and he considered constituted one of those cases in which the Committee had the power of making a special order, and should exercise it in his favor.

An application in amendment was then made by Mr. Alleyn, as Counsel for the Sitting Member, asking the Committee to grant him sufficient time to obtain a copy of the Notarial Protest served upon Mr. Justice Bruneau; also, asking the Committee to adjourn until to-morrow, that the Sitting Member might be enabled to produce Mr. Holmes before them for examination,

The Committee having deliberated, unanimously refused the said application.

Mr. Alleyn then made another application in amendment for leave to produce the *cadastre* of Mille Isles, and to bring before the Committee, Henry Judah, Esquire, Seigniorial Tenure Commissioner, to prove that the 75 votes struck off under the evidence of Mr. DeBellefeuille, in Mille Isles Poll Book, were struck off erroneously.

The *Sitting Member* stated that he could prove that Mr. DeBellefeuille had entirely forgotten two Côtes in the Seigniory of Mille Isles, when he gave his evidence, and that by the *cadastre* it appeared that there were 193 voters in Mille Isles.

The *Petitioner* replied that by looking at Mr. DeBellefeuille's evidence (Appendix A, p. p. 168 to 179, and p. p. 187 to 246,) it will be seen that he speaks as to every voter separately, and refers to the whole of the four *Cotes* of Mille Isles, which alone are in the County of Argenteuil. As to the *cadastre* it does not contain more than from 120 to 130 names of censitaires, and not 193; it affords no evidence whatever as to which of these were proprietors or occupants; which were mere squatters: nor which of them had properties worth £50. There was a document however in his (the Petitioner's) hand, which he would produce, if necessary. This was the voters list, made under

the new law, which gave votes to squatters; and it would be found, by comparing this with the poll of Mille Isles, and of the Gore, where several Mille Isles' men voted, that there were still as many Mille Isles' votes left by the Committee on those polls, as now existed under an extended franchise. (See Appendix B, note N).

The room was cleared, and after deliberating the application was unanimously refused.

Mr. Alleyn then made another application in amendment, asking a short delay to enable him to produce witnesses before the Committee, to prove the allegations contained in his answer to the Petitioner's case.

The Chairman ordered the room to be cleared, and after deliberating, the application was unanimously rejected by the Committee. (1.)

March 9th, 1860

The Petitioner requested the Chairman to direct the Clerk to give him (the Petitioner) communication of the affidavit of George N. Albright filed on the previous day by the Sitting Member.

On receiving the order the Clerk stated that the Sitting Member had obtained it from him on the previous day, representing that as the application based upon it had been refused, it did not properly form part of the Records of the Committee.

The Chairman then requested the Sitting Member to return the affidavit in question.

The Sitting Member said that there was no longer any necessity for the affidavit, as Albright was in attendance and could be examined in person.

The Petitioner insisted upon the affidavit being replaced among the Records, declaring that it had been most improperly taken away for the purpose of shielding the person making it from a prosecution for perjury.

The Chairman stated that the affidavit formed part of the Records of the Committee and should not have been taken away: and again called upon the Sitting Member to return it.

The Sitting Member then stated that he had given it to Albright, the maker of it, on the previous day, but that he was in the lobby and it could be got in

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(1.) In the course of the arguments on both sides, reference was made to papers "F" and "C"—the former being the declaration read and filed by the Petitioner, before the Commissioner, at St. Andrews—(see *ante* pp. 84 and 85); the latter, the document referred to by Judge Bruneau in his report (see *ante* p. 87.) The purport of this document was that the sitting member was then ready to proceed with his evidence, and that he produced with it the *cadastre* of Mille Isles; but as it was not filed till after the final adjournment of the Court, nor until the power of the Commissioner to receive evidence had thereby ceased, it did not appear to have any weight with the Committee. It appears also that the *cadastre* of Mille Isles was not filed with it.

a few minutes. He then went out in search of Albright, but shortly returned saying that he could not find him.

The Petitioner then made application in writing to the Committee, that the Sitting Member be ordered to return to the Clerk of the Committe the affidavit of George N. Albright, which he had abstracted from the Record on the previous day.

The Chairman stated that he would hold the application over till the following morning, to give the Sitting Member an opportunity of avoiding the unpleasantness of having such an application or order on the minutes of the Committee, but that if the affidavit were not then produced, an order would be made.

The Chairman then stated that it was the desire of the Committee that any applications or motions in amendment to that of the Petitioner should be at once put of Record, in order that there might be some prospect of a termination to the contest: and intimated that the Sitting Member would be at liberty to make as many as he pleased on that day, which would be disposed of *seriatim:* but that none would be received on any subsequent day.

Mr. Alleyn, on behalf of the Sitting Member, then made the following three applications to the Committee, with the understanding that the second was only made conditional upon the rejection of the first, and the third conditional upon the rejection of the first and second.

1*st.*—That inasmuch as Mr. Bellingham was induced by advice of Counsel not to proceed with the adduction of evidence in support of the answer to the petition in this cause, without filing, previous to his so doing, with the Commissioner appointed under the warrant of March, 1859, a Notarial Protest or notification a copy of one of which he has filed with this Committee; and inasmuch as the said Sidney Bellingham has acted throughout in complete good faith, with no intent to delay unnecessarily the proceedings in this matter; and as the Commissioner appointed under the said Commission has closed his proceedings under said Commission without enabling the said Sydney Bellingham to prove the allegations contained in the answer to the petition as he might have done, that this Committee be pleased to direct a further or other warrant to a Commissioner under the hand and seal of the Chairman, ordering and directing the said Commissioner to hold his sitting as such Commissioner for the purpose of receiving the evidence to be adduced by Sydney Bellingham, Esquire, to scrutinize the list of votes recorded in favor of the Contestant.

2*nd.*—That inasmuch as this committee hath refused to allow the issuing of a new warrant appointing a Commissioner to examine witnesses to prove the allegations of Sitting Member's answer to Petitioner, the said Sydney

Bellingham be permitted to have before the Committee this day and to examine George N. Albright, Esquire, of the County of Argenteuil, now at Quebec, Provincial Land Surveyor, who will prove, in applicants belief, some very essential facts in support of the answer to the petition of Contestant.

3*rd*.—That the Sitting Member be allowed to produce Mayor Brown, of Brownsburg, County of Argenteuil, the agent for the Sitting Member at the Chatham Poll, at last Election, to prove that a large number of votes were recorded upon the Chatham Poll Book in favor of the Contestant, without the agent of the Sitting Member being allowed to examine the said voters prior to their names being recorded, whereby a very large number of votes were recorded illegally in favor of the said Contestant.

The Petitioner said, in answer to the first application, that he had asserted when the last supplementary warrant was granted, that the Sitting Member's only object in obtaining it was to usurp the seat for Argenteuil for another Session—and that he would not proceed under it. The result had been as he anticipated: and the Committee must be convinced that the modest proposal of the Sitting Member, that they should issue a third warrant, and enable him to sit illegally a third Session, had its origin in the same motive. In answer to the second and third he would only say that they were utterly absurd and useless, except as a means of obtaining delay. The Committee must be well satisfied by this time that the evidence of Albright was insufficient to prove anything; and the fact of Mr. Brown not being allowed to examine certain voters, if it were true, was not sufficient of itself to render their votes illegal, or the recording of them irregular.

After deliberation with closed doors the Chairman informed the parties that the applications were unanimously refused.

Mr. Alleyn, on behalf of the Sitting Member, then applied to the Committee to resolve as follows:—

That inasmuch as it has been declared on oath, before the Commissioner employed to take evidence, by one James Baldwin, of the Township Morin, that the Contestant bribed him by promising him (he the said Contestant in person to the said James Baldwin) the sum of thirty dollars for his vote and influence, and inasmuch as the said James Baldwin made oath as aforesaid, that in consequence of the said offer by the said Contestant, he the said James Baldwin did vote for the Contestant at the last Election in the County of Argenteuil, and was subsequently paid twelve shillings and six pence on account of the said sum of thirty dollars; and inasmuch as bribery has thus been distinctly and legally proved to have been committed by said Contestant at said Election; that this Committee cannot receive or entertain any motion by the

said Contestant that he be suffered to take his seat in the Assembly of this Province.

The Sitting Member read the testimony of Baldwin, which in substance supported the terms of the resolution. He stated that it might be urged that the evidence of Baldwin was illegally received: but that it was actually before the Committee and they could not ignore it. It was sworn to before their Commissioner, and returned by him as part of his minutes: and therefore they must necessarily notice it. In a former contest he himself (the Sitting Member) had been unseated on similarly received testimony. The Commission in that case had issued for a scrutiny, but evidence of violence had been received under it, and on that evidence the Election had been declared null. This was only an isolated instance of the gross corruption that had been practiced by the Petitioner at the Election in question. In fact it had been so glaring that the Rev. Mr. Griffin had preached a sermon against it.

The Petitioner referred the Committee to the terms of the commission issued to Judge Bruneau By those terms he was authorised "to take evidence upon and to scrutinize the votes of the Sitting Member objected to by the Petitioner (*ante* p. 31), and had no authority or warrant to go further. The Sitting Member did not apply that authority should be given him to take evidence upon any charge of bribery, and conseqnently none such was contained in his commission. Any evidence upon any point not referred to him was clearly inadmissible, because his sole authority being derived from his commission he could not exceed the limits prescribed in it. The Judge therefore was bound to refuse evidence of bribery, and he did refuse it: and declared it illegal. But for the purpose of affording to either party an opportunity of testing the correctness of his judgment as to the legality of evidence, the Statute (§120) provides that if evidence be rejected by the Commissioner, either party may require him to order the evidence to be taken down *de bene esse*, on a separate sheet, and returned to the Committee with his reasons for rejecting it. Advantage was taken of this provision to bring Baldwin's and other similar evidence before the Committee: and then to assume that it was legally there; and by this trick it was hoped that the Sitting Member would obtain the advantages of a commission to establish bribery, without the responsibility or the expense of it. It is very true that this evidence is in one sense legally before the Committee; namely, to enable them to decide whether or no the Judge Commissioner did right in rejecting it; but unless they decide that he was wrong, they cannot look at it for the purposes of this contest. As to that point it had been already shewn that the commission was issued for a totally different purpose, and that evidence of bribery could not be adduced

under it. The justness of this conclusion, as affecting the parties, was equally obvious. It had been the practice to allow each party to adduce evidence once before the Commissioner, the one in attack, the other in defence. This testimony of Baldwin was forced into the record as part of the Sitting Member's defence to the Petitioner's attack on his votes. The Petitioner had no opportunity therefore of adducing evidence to counteract it, by shewing for instance the man's character, which was none of the best; the fact that he had neither vote nor influence: and that he had taken the bribery oath at the Poll, which was alone sufficient to destroy his evidence.

The Committee adjourned without a decision.

March 10*th*, 1860.

The Committee having deliberated with closed doors, upon the application made to them on behalf of the Sitting Member on the previous day, the Chairman informed the parties that they had unanimously adopted the following resolution:—

Resolved, that the evidence taken *de bene esse* before Judge Bruneau, under the warrant directed to him on the 31st May, 1858, was irrelevant to the Committee's instructions contained in the said warrant; and that the resolution submitted by the Sitting Member requesting the Committee to refuse Mr. Abbott's application to take his seat on the ground of bribery, as specially alleged in the said resolutions, cannot be entertained.

The Chairman then asked the Sitting Member if he had any other motion or application to submit, before the Committee took into consideration the resolutions brought before them by the Petitioner at their meeting on Thursday last, and the Sitting Member having answered negatively, the Chairman ordered the room to be cleared. After some time spent in deliberating with closed doors the Committee adjourned without a decision.

Monday, March 12*th*, 1860.

The Chairman produced and read a letter from the Sitting Member reiterating many of the statements already made and disposed of before the Committee, and applying to be permitted to adduce evidence to prove that the Petitioner had been guilty of bribery.

The Petitioner remonstrated indignantly with the Committee upon the course they were adopting, in day after day continuing to receive frivolous applications made solely to gain time, after they had twice formally declared that they would receive no more.

The Sitting Member said the Petitioner could not deny that he had committed bribery.

The Petitoner stated that it was utterly false, but not more so than many similar assertions made during the contest on behalf of the Sitting Member.

The Chairman ordered the room to be cleared: and upon the return of the parties they were informed that the Committee declined to receive the application of the Sitting Member.

The Sitting Member then requested the Committee to record the fact that the Petitioner had abandoned the objection to his qualification, and that the charges of fraud and violence had been disproved; and submitted to the Committee certain resolutions prepared in that sense.

The Petitioner stated that such a record was unusual, and could only be asked to be afterwards made use of for electioneering purposes. That it was obvious enough that the Committee had compelled him to abandon the objection to the qualification, or to lose a whole year of the contest, (see *ante* p. 24 and App. B, note A,) and that the charges of violence and fraud had been carefully avoided, to prevent the election being annulled altogether. He had no objection however to the Committee recording the fact that no proof had been offered in support of these charges, though both they, and the absence of qualification, were easily susceptible of proof.

It was thereupon resolved:—

Firstly.—That Sydney Bellingham, Esq., the Sitting Member, was not duly elected to represent the County of Argenteuil at the last general election.

Secondly.—That John Joseph Caldwell Abbott, Esq., had the majority of legal votes at the said election, and ought to have been returned as a member to represent the said county at the said election.

Thirdly.—That the evidence *de bene esse* taken before Mr. Justice Bruneau, under the warrant directed to him on the 31st of May, 1848, was irrelevant to the Committee's instructions contained in the said warrant.

Fourthly.—That neither the Petition nor the defense are frivolous or vexatious.

Fifthly —That the allegation contained in the Petition of the said J. J. C. Abbott, charging the said Sydney Bellingham with having no property qualification, was abandoned by the said J. J. C. Abbott.

Sixthly.—That no evidence was offered or tendered by the said J. J. C. Abbott on the allegations contained in the Petition of the said J. J. C. Abbott, Esq., charging the said Sydney Bellingham with having instigated his partizens to violence, whereby many electors favorable to the said J. J. C. Abbott were prevented from voting.

Seventhly.—That the evidence upon the allegation contained in the Petition of the said J. J. C. Abbott, that the Poll was opened in the Seigniory of Mille

Isles before the legal hour, whereby 43 votes were recorded for the said Sydney Bellingham, was adjudicated upon and declared by the Committee to be disproved.

At 45 minutes past 2 P.M., the Committee having met pursuant to adjournment; the following resolutions were unanimously adopted by the Committee as their final decision, and the Chairman was requested to report the same to the House :—

Firstly.—That Sydney Bellingham, Esq., the Sitting Member, was not duly elected to represent the County of Argenteuil at the last general election.

Secondly —That John Joseph Caldwell Abbott, Esq., had the majority of legal votes at the said election, and ought to have been returned as a member to represent the said County at the said election.

Thirdly.—That the evidence *de bene esse* taken before Mr. Justice Bruneau, and the warrant directed to him on the 31st day of May, 1848, was irrelevant to the Committee's instructions contained in the said warrant.

Fourthly.—That neither the Petition or the defense are frivolous or vexatious.

The Committee also reported in accordance with the 90th Section of the consolidated Statutes of Canada, chapter 7, all the questions on which the Committee divided, with the names of the members voting in the affirmative and the negative.

On the same day, being two years two months and twelve days from the date of the contested Election, and the fourteenth day of the third Session of the Parliament to which he had been elected, the Petitioner took his seat as Member for the County of Argenteuil.

FINIS.

APPENDIX A.

Containing an analysis of the evidence adduced before the Honorable Mr. Justice Bruneau, as Commissioner for the taking of evidence in the Argenteuil case on the scrutiny of the votes of the Sitting Member.

PARISH OF ST. ANDREWS.

Names of Witnesses examined respecting the Voters in this Parish, whose votes are objected to by the Petitioner, together with that portion of their testimony which does not specially refer to any particular Voter.

WITNESSES FOR THE PETITIONER.

THOMAS WANLESS, of the Village of St. Andrews, Secretary-Treasurer of the Municipality of the Parish of St. Andrews —

I produce and file a true certified copy of the Assessment Roll of the said Parish. I have in my possession the original Assessment Roll which I now speak from. The latter was made in the Autumn of 1855, about the month of September. The Assessors were Gustavus A. Hooker, Theodore Davis, and Martin McMartin. * * *

There has been no valuation made, since that from which I have spoken to-day. The copy of the Valuation Roll I have filed to-day was made by myself. I can swear positively that the evidence given to-day with regard to the Valuation Roll is correct in every instance. I have the original now before me, and have verified every entry spoken of in my examination. The copy corresponds precisely with the original, but it is more convenient for reference, being bound together—the original is in sheets unbound.

CROSS-EXAMINATION.

I was Poll Clerk for the Poll held in St. Andrews at the last election. Mr. McLeod represented Mr. Abbott as his scrutineer there.

I am Secretary-Treasurer of the Municipality of the Parish of St. Andrews, under the Municipal and Road Act of 1855. I did not make or assist at the making of the original Valuation Roll. The original Roll from which I have spoken to-day bears no date, and is the only one now in use. It was made in August or September. I have no map shewing the boundaries or extent of the Parish. I am not aware of the existence of one. We have no papers in our Municipal Council Archives shewing the boundaries or extent of the Parish. On the Roll I have produced, the farms generally are designated by the number of the lot—some village lots are designated by the streets and some properties are not designated at all.

We have in the Valuation Roll a column where we enter the names of tenants; that column is headed in the Statute, "occupant": and the name of the occupant is entered in that column, whether proprietor or tenant. We have no column in our original Assessment Roll headed "tenant." I am not aware that the word "tenant" occurs after any name, or entered at all in my book.

I voted at the last election, and for Mr. Abbott.

I have reason to suppose that all the tenants in the parish of St. Andrews are on the Valuation Roll. The original Valuation Roll is written on sheets which are not attached to each other. Each sheet is not verified by the signatures of the Assessors; the last sheet only is signed.

The Valuation Roll has always been in my possession since it was deposited with me by the Assessors.

MARTIN MCMARTIN, of the Parish of St. Andrews, Farmer—

I was born and brought up in this Parish; I am about thirty-six years of age. I was one of the Assessors for this Parish in 1855, and assisted in making up the Valuation Roll for the Parish. I have never heard of a subsequent one being made, and I believe it is still in force and acted upon. * * * I was absent half a day when the other Assessors assessed the property. The value which we put on the properties in the Parish, at the time of the making of the Valuation Roll, in 1855, were, to the best of my judgment and belief, true and correct values. I, with the other Assessors, signed the original Assessment Roll, and gave it to the Secretary-Treasurer, Mr. Wanless. At the time of the making of the Roll, property was worth as much as it is now; any increase or decrease in value is owing to ameliorations or deteriorations.

CROSS-EXAMINED.

I do not know the boundaries of the Parish of St. Andrews sufficiently to describe them. * * * * There have been several houses built in the Parish of St. Andrews since the making out of the Assessment Roll.

I cannot remember now the value we put upon any individual property at that time, without reference to the Assessment Roll. I might mention several, but I would not like to undertake to do it.

I do not remember that I was present when Mr. Davis handed the Roll to Mr. Wanless. I think the Roll we made out was upon sheets which were attached together, though not made up into a book. We only signed in one place, I think.

I voted for Mr. Abbott, at the last election.

GUSTAVUS ADOLPHUS HOOKER, of the Parish of St. Andrews, Farmer—

I am about seventy-five years of age. I have resided in this Parish for upwards of fifty years. I was one of the Assessors who made up the Valuation Roll, in 1855; the same is in force still. The Valuation Roll was made up partly in the hand-writing of my son, and partly in the hand-writing of Mr. Davis.

Examination of the present witness suspended.

THOMAS WANLESS doth depose and say—

I now produce the original Valuation Roll of this Parish, which I produced yesterday, and gave my evidence.

CROSS-EXAMINED.

Since my examination yesterday, I gave this original Valuation Roll to one of the Assessors, namely, Gustavus Adolphus Hooker, and half-an-hour after I got it back from the same person, at Mr. Simpson's. The Roll I now produce has been tied up by myself since my examination yesterday, and before I gave it to Mr. Hooker.

Examination of said GUSTAVUS A. HOOKER resumed—

I have examined the document handed to me by the witness Wanless, and declare it to be the original Valuation Roll signed by me and the other Assessors.

I did not hand the original Valuation Roll to Thomas Wanless, nor see it given to him. I do not think that an entry purporting to be a receipt, and dated at St. Andrews, May, 1857, and signed "Thomas Wanless, Sec.-Treas. for the M. of St. Andrews," was on the Roll when it left my hands. The Valuation Roll that we sent to the Secretary-Treasurer was attached together, and I never saw it from that time until to-day. I cannot from my memory state the value of much property in 1855, except in my own neighbourhood.

RE-EXAMINED.

The Roll is written on only one side of the sheets. The receipt in question is endorsed on the back of one of the sheets, and is cancelled.

DANIEL MCGREGOR, of the Parish of St. Andrews, Blacksmith—

About twenty-four years of age. * * * *

CROSS-EXAMINED.

I will be proprietor of real estate in this Parish for two years in October next. I was born and brought up in this Parish. In October next I will have been two years in business for myself. I am proprietor of a Lot in the Village of St. Andrews. I have been proprietor since I went into business for myself. I was previously apprenticed with Mr. McAllister in the East settlement, which is in the Parish of St. Jerusalem d'Argenteuil. I am somewhat acquainted with the value of properties in this Parish.

Question—Can you tell me the value of Joseph Prue's property, a tenant in the Parish of St Andrews, at the time of the last election?

The petitioner objects to this question, as being totally irrelevant to the matter submitted to the Honorable Judge Commissioner, as introducing a collateral issue, and as being useless as a test of the witnesses knowledge, there being no standard of value for Joseph Prue's house, except the opinions of the witnesses that might be examined upon it.

The sitting Member alleges that he has a right to put the question as a test of the soundness of the witnesses judgment, the answer to which, if incorrect, he may have an opportunity of refuting.

The objection of the contestant is maintained by the Commissioner.

I cannot give the value of any of the tenements in St. Andrews.

DUNCAN MCNAUGHTON, of the Village of St. Andrews, Gentleman—

Over sixty years of age. I have been Agent and Sub-Agent for over twenty years for the Seigniory of Argenteuil, and have been during all that time in possession of the books and records of the said Seigniory. The Seigniors have been non-residents all that time. I produce the Rent Ledger made up from the terrier and the exhibitions of title of the Seigniory in which the said Parish of St. Andrews is situated. I speak from it. * * * *

I have voted for the last three elections against Mr. Bellingham. I voted for Mr. Abbott at the last election. I have not subscribed any funds to assist Mr. Abbott in carrying on this contest. I have not subscribed any funds whatever to carry on the present contest.

GEORGE W. DAVIS, of the Parish of St. Andrews, Currier—

Forty-two years of age * * * I was not present when any of the parties, of whom I have above spoken, voted, so that I cannot say that they did vote.

JAMES JOHNSTON, of the Parish of St. Andrews, Farmer—

About forty years of age.

EDWARD JONES, junior, of the Parish of St. Andrews, Farmer—

About forty-two years of age. I was present during the examination of several Witnesses under the commission before Judge Badgley, in this matter, and heard a portion of their testimony. The Agent for the sitting Member, under the said commission, made an application to have me removed from the room during the examination of witnesses, as he stated to the Judge he might want to examine me as a witness. I was then sworn and examined on the point, and acknowledged that I had been present during such examination. The said Judge ruled that I was not on that account admissible as a witness in the matter.

The sitting Member objects to the examination of this witness—the rule having been established in the beginning of the proceedings, before this Commissioner, that no witness should be examined who should have been present at the previous examination of any other witness touching this election contest.

The Petitioner contends that the exclusion of a witness, on acount of having been present during the examination of a previous witness, is not a rule imposed by law, but simply by the order of the Commissioner, and does not take place *de plein droit*, and that no rule has yet been made by his Honor the Judge Commissioner, providing for the exclusion from giving testimony before him, of persons who were present during the examination of witnesses before Judge Badgley.

The Commissioner, considering that the rule alluded to had reference only to witnesses to be examined in this present Enquête before him, over-rules the objection in consequence.

I was Deputy Returning Officer of this Parish at the last election. I am now and for many years have been one of the Municipal Councillors for this Parish, and was born and brought up in this Parish.

CROSS-EXAMINED.

I voted for Mr. Abbott at the last election. I always voted against Mr. Bellingham. I did not subscribe anything for Mr. Abbott to carry on the pre-

sent contest. I reside five or six miles out of the Village of St. Andrews, on an island in the Ottawa.

THEODORE DAVIS, of the Village of St. Andrews, Tanner—

Thirty-seven years of age. I have lived all my life in this Parish. I am acquainted with the people and the values of properties in this Parish. I was one of the Assessors for the making of the last Valuation Roll for this Parish.

ROBERT SIMPSON, of the Village of St. Andrews, Farmer and Trader—

Sixty-one years of age. I am Mayor of the Municipality of the Parish of St. Andrews. I have lived here over fifty years. * * * I do not know more than one man in the Parish answering to any of the names of the voters spoken to in my examination, except one other Joseph Robertson, who is a colored man and lives in Beech Ridge.

CROSS-EXAMINED.

I voted for Mr. Abbott at the last election, and I was the opposing Candidate to Mr. Bellingham at the first election for the County of Argenteuil. I think that was in 1854. Mr. Bellingham was returned and I contested his election, and that election was declared null. I voted also for Mr. Cushing who was the opposing candidate at the next election. Mr. Bellingham was returned and Mr. Cushing contested that election. I have not subscribed anything to support this contest; but I gave five dollars to pay the carters at the time.

I signed a petition which was sent to parliament praying for a law providing for a registration of voters. I myself did not send it. I received an answer of its being received. I cannot remember what was in the petition. I cannot consequently say whether or not the petition accused the sitting Member of Electoral frauds. The answer I received on the 27th April, and the petition had been forwarded to parliament about a fortnight or three weeks previous. I expect I read the petition over before signing it, but I have no recollection of reading it. Some people signed it at my place, but who did so I do not now recollect. I heard the contents of the petition talked of at the time. I cannot tell what were the reasons alleged in the body of the petition in which we prayed for the registration of votes.

WALTER CUMMING, of the said Parish, Farmer, Twenty-nine years of age.

JAMES MCCULLOCH, of the said Parish, Farmer, Sixty-eight years of age.

MARTIN WANLESS, of the said Parish, Farmer and Baker—

I was born and brought up in this Parish.

CHARLES WALES, of the said Parish, Merchant, 46 years of age.

JOHN MIDDLETON, of the said Parish, Joiner, 25 years of age.

AUGUSTIN VIVERAIS, of the said Parish, Laborer, 58 years old.

ALEXANDER GORDON, of the said Parish, Farmer, 35 years old.

MICHEL GAUTHIER, of the Parish of St. Placide, Annuitant, 66 years old.

NARCISSE GODARD, of the Parish of St. Andrews, Laborer, 36 years old.

Mrs. JANE MCGREGOR, widow of the late Andrew Smart.

Witnesses for the sitting Member, in rebuttal.

DUNCAN DEWAR, of the Parish of St. Andrews, Merchant—

I am and have been a resident in this Parish for a long time.

JOHN MIDDLETON, Joiner, of St. Andrews--

* * * * I know Duncan McNaughton, Agent of the Seignior of Argenteuil. I have heard it said by men who usually worked for Mr. McNaughton, that if they voted for Mr. Bellingham they would get no more work from him.

ALFRED LANE, of St. Andrews, Shoemaker—

* * * I voted for Mr. Abbott, at the last election. I signed Mr. Bellingham's requisition before I knew that Mr. Abbott was coming forward, and I voted of my own accord.

Testimony having special reference to the Voters whose votes are objected to.

No. on List.	No. on Poll.	Name of Voter objected to	Description on Poll.	Parish.	Quality in which voted.	Description of Prop'y on Poll.	No. of Objecn's
264	118	Augustin Lemay dit Delorme	Carpenter	St. Andrews	Proprietor	Village Lot	1 2 3

THOMAS WANLESS—I know Augustin Lemay dit Delorme, No. 118 of the poll book of Parish of St. Andrews and 264 of the objected list of the Petitioner. I saw him vote. There is no other man of that name in the Parish. I know the property on which the said Delorme resides. It belonged to his father who died several years ago. His widow is still living, and there are other children besides the said Augustin Lemay dit Delorme; and since then the said Augustin Lemay dit Delorme is the occupier of the said Lot. The said Lot is valued in the said Assessment Roll at £45. The said Lemay dit Delorme is not assessed for any other property in the Parish. I do not know that he occupies any other property as proprietor, and having lived in the Parish for twelve or fifteen years or more, I think I would know if he did so.

CROSS-EXAMINED.

I cannot say that Mr. McLeod requested Lemay dit Delorme to describe his property. I do not recollect that there were any objections raised by Mr. McLeod, at the time, to Mr. Delorme's vote; and I see none entered on the copy of the Poll Book, now shewn to me, which was filed yesterday. There is no description in the Poll Book, of the property on which said Delorme voted, by the mentioning of the names of the Street, or his neighbors.

Augustin Lemay dit Delorme's property is not designated on the Roll.

The following is the entry:

Owner of Real Property		Occupant of Real Property.		Liable to Statute Labor.			
Name.	Designation.	Name.	Designation.	Name.	Designation.		Value of Property.
Justin Lamay	Jobber	Justin Lamay	Jobber	x x	x x	x	£45 0 0

MARTIN MCMARTIN—I know him. He occupies a Village Lot in St. Andrews. I know of no other man of that name in the Village. I cannot say what the property was worth in December last. I do not remember what it was worth in 1855. I think the value of it in December last was under £50.

CROSS-EXAMINED.

When we made the Assessment Roll, we called upon Augustin Lemay dit Delorme, but I don't remember whether he was at home or not. I have not taken any particular notice of his property since that time, and I cannot now give a particular description of it. I think it to be between half an acre and an acre. I did not see said Delorme vote. I was not present at the Poll.

GUSTAVUS A. HOOKER—I know him. He resides on a Village Lot in the Village of St. Andrews. I don't know of his owning, or occupying any other property, than that he lives upon.

Question—What was the value of that property, at the time of the last election?

Question objected to by sitting Member.

The sitting Member objects to the adduction of any evidence being gone into respecting any other lot of land than the one upon which the Voter voted. He maintains that the first point of proof must be the identification of the Voter; then, that the property upon which the Voter voted be shewn by the description in the Poil Book, and that when the Scrutineer of the contesting party did not, at the time of voting, require the description of his property to be taken in said Poll Book, as per Sec. 40 and 41, 12 Vic., cap. 27, he cannot now go into evidence of what property he voted upon, and, *a fortiori*, he cannot go into proof of any particular property that a party may have been assessed for at all, and especially in 1855, three years previous to the election in contest.

Objection overruled.

Answer.—By referring to the original I see that we valued the said property at £45 in 1855, and I do not think it was worth more at the time of the election It had not been improved since the time of the election. This property formerly belonged to his father who died some years ago, leaving a widow and other children. I know that the widow is still living on the property; but I do not know whether the other children do so. He has always remained there since his father's death.

CROSS-EXAMINED.

The lot we assessed for Delorme contained about an acre. It formed a corner village lot. I have not visited this property particularly, except to pass occasionally.

DUNCAN MCNAUGHTON,—I know him and have done so since I came to the

settlement over thirty years ago. I know the village lot he occupied at the time of last election. It is at the lower end of the village near the River Rouge. His father lived on said lot the greater part of thirty years, and died there. The said voter resided with his father till his death, though occasionally absent: and has continued to reside there since his father's death. His mother continued to reside on said lot since her husband's death, and still resides there in a separate tenement from the voter in question. The late Mr. Delorme left three children besides the said Augustin, one of whom died without issue. The other two are still living, both of whom are married. To the best of my recollection the father became possessed of the said lot about thirty years ago. I have not in my said capacity or otherwise received any notice of mutation of said property nor am I aware of there having been any change in the proprietorship of that property further than that caused by the death of the father. I do not know the precise size of the lot, but the buildings are very old and not worth the cost of removal. The buildings being very old do not add to the value of the property. To the best of my knowledge the lot contains about a third of an acre in front, and one acre in depth. If the lot contained an acre in superfices I would consider it worth not more than £50 without buildings. There are excellent half acre lots for sale in a much more favorable place in the village for twenty-five pounds a piece.

JOHN MIDDLETON,—Augustin Lemay dit Delorme has not changed his property since the date of the Assessment Roll.

THEODORE DAVIS—I remember him. I know the property upon which the said Delorme was assessed on that occasion. I do not remember the valuation we put upon it at the time. The property upon which the said Delorme was assessed is therein valued at £45, as I see upon reference to the copy of the Valuation Roll, filed in this matter. That sum is hardly the value of the property, but £50 would be the full value of the property, if brought to the hammer. I mean that that would be the fair value of it between man and man. When valuing the properties, we made some deductions, and did not place them at their highest value. Some one else occupies the same property besides the said Delorme. The father of the said Delorme held the said Lot ever since I can remember, till about 12 years ago, when he died.

Question.—Was the said Delorme, the father, married when he died; did his wife survive him. Is she still alive; did he leave any children, issue of his marriage, besides the Voter, and are they, or any of them, still alive?

The sitting Member objects to any proof being gone into respecting any other person than the said Delorme, it not having been established, by any evidence, that he inherited from his father.

The Petitioner replies that the ownership and occupation of his father, for thirty years, of the property in question has been proved, as well as the fact that the Voter has always occupied the paternal domicile, and continues still to occupy it. That these circumstances, in the absence of proof to the contrary, constitute a presumption that the Voter is occupying as the heir of his father; and that the Petitioner is entitled to prove the circumstances inquired of in this question to establish what proportion of his father's property the Voter is entitled to as his heir.

The objection was overruled by the Commissioner, and the answer ordered to be given—the Commissioner concurring in the view taken by the contestant and petitioner.

Answer.—The said Delorme was married, at the time of his death. His wife survived him, and is still living. He left six children, four of whom are still living. I only know one Augustin Lemay dit Delorme in this Parish; and I only know of his occupying the property mentioned above.

CROSS-EXAMINED.

In the Valuation Roll there is no description of property on which Augustin Lemay dit Delorme is valued. I did not see Augustin Lemay dit Delorme vote at the last eleetion. I do not find Augustin Lemay dit Delorme on the Valuation Roll. I find one "Justin Lamay," and it is respecting this latter that I have spoken of in my examination in chief. This person is entered as proprietor in the said Valuation Roll.

RE-EXAMINED.

I have not known that the person whose name is entered on the Valuation Roll as "Justin Lamay" is called "Augustin." I remember now that he is called by the Canadians "Guste Delorme."

ROBERT SIMPSON.—I know him. He is a Carpenter of St. Andrews.

Question.—Do you know whether he is called by any other name than "Augustin?"

Answer.—He is sometimes called "Auguste" sometimes "Justin" sometimes "Guste." I believe his proper name is "Augustin." I know of no other man named "Justin Lemay dit Delorme." I do not believe there is any other. I know the property he occupied at the time of the last election. His father left a widow who is still living, and three or four boys and several girls. At the time of the last election the widow still lived on the property as she has always done since her husband's death. I think the property worth about £40, and was worth the same then as now, there is no difference.

CROSS-EXAMINED.

I don't think I did solicit Augustin Lemay dit Delorme to vote for Mr. Abbot, because I did not think he had a vote; and I told him so.

The Mother of said Augustin Lemay dit Delorme, lives in the same house, I think the house has two doors for two tenements. I have never been in the house as it is now divided. The said Delorme told me that his mother lived with him. This conversation took place a year or two ago. I have not been in the house for six or seven years.

Evidence for Sitting Member in Rebuttal:

DUNCAN DEWAR.—I know him, and I produce the Deed of the property upon which he lives, namely, a Deed of Donation, *entre vifs*, between his father and his mother to himself before De la Ronde and Colleague, Notaries Public, dated

23rd July, 1845. He has been living there ever since. If the property were mine I would not take £100 for it.

I have about three quarters of an acre and two fronts: with two little houses and a garden.

CROSS-EXAMINED.

Lemay dit Delorme's father is dead and his mother is still alive. One of the conditions of the said donation is that he should clothe, board and support his mother and father during their lives, and as security for this the property is mortgaged. I should say that, according to the manner of living of these people, it would be worth fifty dollars a year to fulfil this obligation to support, board and clothe his mother.

JOHN MIDDLETON.—I know the property occupied by Augustin Lemay dit Delorme. I think it is worth at least £100, without counting much on the buildings which are not worth much.

The Hon. Judge Commissioner expresses no opinion upon this vote.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence	Quality in wh. he voted	Description of Property on Poll	No. of Objn's
265	120	William McCulloch	Joiner	Isle-aux-Chats	Proprietor	House & Lot	1 2 3

THOMAS WANLESS.—I also know one William McCulloch. Number 120 of the Poll Book and 265 of objected list. I know that he voted as I was the Poll Clerk of this Parish. I have no knowledge of his ever having been a proprietor in the Parish of St Andrews. He is on the Assessment Roll only as a laborer, and not as a proprietor or occupier of a lot. I know of no other William McCulloch in this Parish. No other man of that name voted here. He lives upon property which forms part of his father's farm.

CROSS-EXAMINED.

I can state the same, namely, the same as to any request by Mr. Abbott's Agent that he should describe his property, and as to any objection made to his vote—and as to the description of the property on the Poll Books; as this witness had stated regarding Delorme, with reference to William McCulloch, mentioned in my examination in chief.

GUSTAVUS HOOKER.—I know William McCulloch, Joiner, of Isles Aux Chats Number 120 of Poll Book and 265 of said objected list. He occupies half a lot of 45 acres there. I live not far from the lot. His father I understand gave him a half lot upon which he has built. I never saw his Title. He has been in possession three or four years. That is all I know about it.

DANIEL MCGREGOR.—I know him. I know the property he occupied at the time of the election. It is at Isle aux Chats. It consists of a house on some land. I do not know the quantity. The land is part of his father's farm.

There is a fence on the outside of the farm, but none between the voter and his father.

Question.—Have you had any and what conversation with the voter respecting his Title ?

Answer.—No. I have never had any.

JAMES MCCULLOCH.—I know him. He is a Joiner, residing at Isle aux Chats. He is my son. He has held for five or six years the property he was on at the time of the last election. It is a part of my farm. A free gift from myself. He has no title to it, but he can have a title to it whenever he has a mind to. My son has built a house, stable and workshop upon it. He has also a large garden which is fenced arouud. The house and garden is not under my control, but under my sons.

The rest of the farm is under my control. I have a large sugar bush of about two thousand trees, and the Voter has the same right to it as he has to the house and garden ; he is allowed to work as much as he likes upon it. I also work the sugar bush ; the sugar bush is a gift from me the same as the other. I still retain the title to all my property until I see how my son manages. I have still the title deed to the property upon which my son has built. We Scotchmen consider our word as a deed ; and, therefore, I consider my son as proprietor. Had he not done so, he would never have put out so much money upon that property. I am not aware that at the time of the last election my son owned any property other than that I have spoken of above.

CROSS-EXAMINED.

I am certain that it has cost my son more than a hundred pounds to effect the improvements that he has put upon the property. The house is a good one, and well plastered inside and out. The sugar bush I have above spoken of is too large for both of us to work. We work not even the half of it.

Evidence for sitting Member, in rebuttal.

ALFRED LANE—I know William McCulloch's property at Isle-aux-Chats ; it is worth about £50, including the shed and buildings.

CROSS-EXAMINED

The property I refer to is part of the old man's farm.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence	Quality in wh. he voted	Description of Prop'y on Poll.	No. of Obj'ns
269	280	François Samson	Laborer	St. Andrews	Occupant	House & Lot	4 6

THOMAS WANLESS—I know Francois Samson, 280 of said Poll Book, and 269 of objected list. I don't know positively that he voted at last election, but I believe he did. In the Poll Book he has voted upon a " house and lot" without

any further description. He is not on the Assessment Roll, except as a Laborer, and not mentioned as an occupier. I know that he lives in a little house at the gate leading to a property that belongs to the Seignior. I do not know that he occupies any other lot or "house and lot" in the Parish. He lived where he now does at the time of the last election.

CROSS-EXAMINED.

With reference to said Francois Samson, it appears on the copy of the Poll Book filed, that the description of his property is not given by the Street or his neighbors. I cannot remember that I was called upon to write in the description; but if I had been, and the description had been given, the description will be on my original. I cannot say from this copy, as it does not appear on it. From the copy, I see that this vote was objected to, and that oath number four was administered.

DUNCAN MCNAUGHTON—I know him. He lives in a small house belonging to the Seignior. He occupies a small house on the East side of North River below the Village, as a tenant of the Seignior, upon a nominal rent of six dollars a year, which he is too poor to pay. He is not there with any permission of the Seignior to acquire the said property upon the performance of any condition, but simply as a tenant at will. There is about an acre of land which is enclosed for the said tenement, but one-half only is cultivated, the other half is overgrown with elder berry bushes. It is rather more than a mile below the Village. The property, cottage and land was perhaps worth £35, and not more. The rent I have mentioned, is the fair yearly value of the premises. He was placed there for the purpose of rendering some small services, in the way of ferriage, and preventing the people from stealing timber, for which services however he was paid separately.

CROSS-EXAMINED.

There has been no ferriage for Samson to do since 1843. He was at that time Colonel McDonnell's servant, former agent of the Seigniors. He was hired at six dollars a month and boarded in the Colonel's family. Samson's family then lived in the house in question. He has remained there ever since that time.—Colonel McDonnell left this Village about 1850, and Samson was his body servant up to that period. The ferriage I have spoken of, was a part of Samson's duty, as Colonel McDonnell's body servant. I consider the rent of the property a fair annual value of the property.

EDWARD JONES, JR.—I know him. He stated, when voting, that he voted upon a small piece of land on the North River, belonging to the Seignior. I know the land referred to. There is a small house on it. It is below the village, about a mile and a half or two miles from here. It might be worth from £4 to £4 10s. a year, I think, if all he has got is enclosed there, £4 10s. is the outside annual value. He has about three quarters of an acre, or an acre of land.

I have passed Samson's premises last fall, and also to-day.

MARTIN WANLESS—I know him. I am not aware of there being any other man of that name in this Parish. I know the house and lot he occupied at the time of the last election. It is a small house at the entrance to the Seignioral property at Presqu' Isle. I should say that the property was worth £4 10s. a year. It might at some seasons be worthless, as the water sometimes overflows the land attached to it, but £4 10s. would be the outside value annually, but when the water remains upon the land too long, as it does sometimes, the land is uncultivable and the property consequently worthless. I live on the adjoining lot.

CROSS-EXAMINED.

I did not see the said Samson vote, nor did he tell me that he had voted.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence	Quality in wh. he voted	Description of Property on Poll	No. of Obj'us
271	326	George McCulloch	Laborer	Isle-aux-Chats	Tenant	House & Lot	4 5 6

THOMAS WANLESS—I know George McCulloch, 326 of said Poll, and 271 of said objected list. His name is on the Assessment Roll as a laborer, but neither as proprietor, nor tenant. The Roll contains a column for both proprietors and tenants, and the property only is Assessed; the proprietor and tenant, however, are both entered for the property. I know that the said George McCulloch voted at the last election. He said he voted upon property at Isle-aux-Chats, belonging to Mrs. Widow Smart. The house and land are valued at £20, but he does not occupy the land. This is taken from the Assessment Roll. I cannot say that it is worth £50, nor can I say what it is worth.

CROSS-EXAMINED.

There was a discussion about his vote. I do not recollect that Mr. Abbott's agent requested a description of this voter's property to be entered on the Poll Book. I see no entry on the Copy.

MARTIN MCMARTIN—I know him. He lives at the Isle-aux-Chats. I never was aware that he occupied a house by himself. I always supposed that he lived with his father, and his other brother, on the father's homestead.

CROSS-EXAMINED.

I have not been at Isle-aux-Chats, where George McCulloch resides for over a year.

GUSTAVUS A. HOOKER—I know him. He occupies a house and lot, and has occupied the same for a year or more. I should say that seven shillings and six pence, per month was the full value of the premises. I do not know of his occupying any other property in the Parish. I do not believe that there is any other man of that name at Isle-aux-Chats, or indeed in the Parish.

DANIEL MCGREGOR.—I know him. I know the place he lived in at the time of the last election.

Question.—What was the description and value of those premises at that time?

The sitting Member objects to the adduction of evidence of the value of the property the said Voter lived upon, until it has been established that that was the property he voted upon.

The Contestant contends he is entitled to put the question, on the ground that the Voter being proved to have occupied certain premises at the time of the election, and having voted as a tenant, a presumption is created that the property in which he lived was the property in respect of which he voted, which presumption is sufficient to let in evidence of the value, unless the sitting Member shews that he held other property as tenant, in respect of which the Voter voted.

Objection overruled.

The premises he so occupied were a small house and stable. The annual value was five shillings a month, at a fair estimate. He took possession of the premises, a year last summer. They belong to Andrew Smart.

CROSS-EXAMINED.

I was informed of the value of George McCulloch's property by Mrs. Smart—the others I judged of for myself. There are no other houses near George McCulloch's occupied by tenants.

Mrs. JANE MCGREGOR, widow of the late Andrew Smart.—I know him: he lives at Isle-aux-Chats. I know the house he lived in at the time of the last election. It is my house; he has no land, but only the house and stable. He goes out to hire; he was hired with George Allbright, a Surveyor, last winter.

Question.—What rent did the said McCulloch agree to pay for the said premises during the past year?

The sitting Member objects to the adduction of this evidence—1st. Because it does not apply to any property designated on the Poll Book; and 2nd. That rent is no criterion of value.

The Contestant replies that His Honor has already disposed of the first objection.

That though he admits that rent is not an absolute criterion of value, he contends that the amount of rent paid is legal evidence, and of weight, in considering what is the real value.

The same ruling as before on the first objection. And the second objection is reserved for the consideration of the Committee.

He agreed to pay five shillings a month. I should not like to give any more for it myself. I think it is a fair value.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to	Description on Poll.	Residence	Quality in wh. he voted	Description of Prop'y on Poll.	No. of Objn's
273	342	Joseph Robertson.	Farmer	St. Andrews	Occupant	House in Main Street, other side by Mr. Dewar.	1 2 3 4 5 6

THOMAS WANLESS.—I know Joseph Robertson, 342 of said Poll and 273 of said objected List. He is a laboring man of this Village. He voted at the last election. He is on my Assessment Roll only as a laboring man. He occupies a house as described in the Poll Book. I have no knowledge of his owning any property in the Parish.

I know, as a fact, that Joseph Robertson, 342 of Poll Book voted as a tenant, but to cite from this copy, I could not tell whether he voted as tenant or pro-

prietor. I remember in this particular case, that Mr. Abbott's Agent requested the description of the property on which this Voter voted, to be entered which was done; an objection was also raised by the Agent to this vote at the time and was also entered.

GEORGE W. DAVIS.—I know him. He works at tan business, but this Summer is a Fireman on board of a steamboat. I know the house he occupied at the time of the election. I believe there is no land attached to the house he lives in. I do not know of any. It is in the centre of the village. He told me himself that he paid seven shillings and sixpence a month for the tenement.

CROSS-EXAMINED.

I cannot say what property Joseph Robertson voted upon.

EDWARD JONES, JUNR.—I know him. There are two Joseph Robertsons in this Parish, one of whom is a black man, the other not. I think the white man is a tanner, but I judge only from hearsay. I remember Joseph Robertson voted, it was the white man. He stated he voted upon a property belonging to Mr. Dewar, of which he was then a tenant. It is opposite Stewart the Tinsmiths, and is in the centre of the Village. It is properly described on the Poll Book. He only occupied two rooms in the house. The rest was occupied by other persons—the value I should judge to be seven shillings and six pence a month.

CROSS-EXAMINED.

Joseph Robertson never told me how much of the house he occupied. I have no personal knowledge about his occupation. All I know, is that Mr. Black occupies the larger part of it, with a Cabinet Shop.

THEODORE DAVIS—I know him. I know the house he occupied at the time of the election. It is on the Main Street here, or a little back; corresponding with the description given in the Poll Book. I should consider eighteen dollars a year, the outside value of this house. I do not know of his occupying any other property at the time of the election.

I only know one Joseph Robertson in the Parish, and I only know of his occupying the property mentioned above.

ROBERT SIMPSON—I know him. He works in a Tannery. He does other work. I do not know him as a Tanner by trade. I cannot say whether he is a laborer or a Tanner. At the time of the last election, he was living in a couple of rooms, of a house belonging to one Dewar. I think the value of the tenement from five shillings, to seven shillings and six pence a month, certainly not more than seven shillings and six pence. There is one other Joseph Robertson, who is a colored man and lives in Beech Ridge.

CROSS-EXAMINED.

I was never in the house that Joseph Robertson occupies, respecting which I have above spoken. I do not know what rent he paid, excepting what other people told me.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence.	Quality in wh. he voted	Description of Property on Poll	No. of Obj'ns.
270	299	John Dougall	Farmer	Beech Ridge	Occupant	Farm.	4 6

THOMAS WANLESS—I do not know John Dougall, 270 of objected list and 299 of said Poll. There is no such name representing land in the Assessment Roll.

CROSS-EXAMINED.

I cannot say that Mr. McLeod requested John Dougall to describe his property. I do not recollect that there were any objections raised by Mr. McLeod, at the time, to his vote; and I see none entered on the copy of the Poll Book now shewn to me, and which was filed yesterday. There is no description in the Poll Book of the property on which said Dougall voted, by the mentioning the names of the Street, or his neighbours.

MARTIN MCMARTIN—I know John Dougall, a farmer of Beech Ridge, who has resided there ten or twelve years.

DUNCAN MCNAUGHTON—I know him. He lives upon a farm at Beech Ridge, Lot number 20 on the South side, the property of George Dougall, a Merchant Tailor of Montreal.

Question.—What relationship exists between the said George Dougall, and the voter John Dougall?

The sitting Member objects to anything that relates to George Dougall being proved, John Dougall's vote being alone attacked.

The contestant contends that he has a right to put the question, as the fact to be elicited by it, has a bearing upon the nature of the occupancy of the said John Dougall.

Objection reserved.

Answer.—John is the father of George, as I understood.

Question.—Who pays the *cens et rentes* upon the said property?

The same objection, the same answer, and the same order by the Commissioner as the preceding.

Answer.—George pays the *cens et rentes.*

CROSS-EXAMINED.

The George Dougall, spoken of by me in my examination in chief, resides in Craig Street, in Montreal. John Dougall has lived upon the Farm ever since the son acquired it, about twenty years ago.

JAMES JOHNSTON.—I know him. He lives in Beech Ridge, on a farm belonging to his son George, as he the said John Dougall informed me himself. I do not know any thing about the nature of his occupancy. I know that he has lived upon it some years.

WALTER CUMMING.—I know him. He is a neighbor of mine, living on the other side of the line. He lives on his son George Dougall's farm. He gets what he raises on it for himself. He does not lease it—nor do I believe he has any intention of buying it. In fact he told me himself that he did not think

his son would sell it. He gets what he raises on the farm for himself, and if he does not get enough to support him, his son sends him some help. The said John Dougall sends to his son what butter and pork he has, and the son sells it, and remits the money to his father. I understand the old man is to remain on the farm during his life for his support, but he is now getting old, and George wished to rent it to me, as he thought his father was getting too old to manage it properly. The reason the voter stated for his sons not disposing of the property, was, that his son sent up his children for the Summer for their health.

CROSS-EXAMINED.

John Dougall was on the above farm since I came to the Country.

ROBERT SIMPSON.—I know him. He resides at Beech Ridge. At the time of the last election he lived upon a farm belonging to his son. He has himself told me, that he had no title to the farm, and that it did not belong to him. I know of only one John Dougall in this Parish. I do not know of his occupying any other property than the one on which he lives. I do not believe that he occupied any other at the time of the last election.

The Hon. Judge Commissioner is of opinion that this vote is bad.

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence.	Quality in wh. he voted	Description of Property on Poll	No. of Obj'ns.
272	328	Louis Gella	Laborer	Beech Ridge	Tenant	House	4 5 6 15

THOMAS WANLESS.—I do not know Louis Gella. No. 328 of the said Poll and 272 of objected List. He does not appear on my Assessment.

CROSS-EXAMINED.

MARTIN MCMARTIN.—I do not know him.

GUSTAVUS A. HOOKER.—I do not know him. My land adjoins the land of Beech Ridge where I have lived for upwards of 40 years. I do not know any householder there of that name. I know most of the farmers. Many Laborers come and go which are not known to me.

NARCISSE GODARD—Je connais Louis Gella, Journalier, de Beech Ridge, numero 328 du livre de poll pour la Paroisse de St. André, et 272 des votes objectés. Je suis son beau frère. En Decembre dernier, il occupait une maison à Beech Ridge, qui appartient à Mr. Boa, etant la même maison qu'il occupe à présent. Je ne sais combien il paye pour l'occupation de cette maison. Moi même j'aurais donné trois chelins par mois pour cette maison. C'à peut valoir plus pour lui, parce que je comprends qu'il avait des petits morceaux de terre qu'il pouvait ensemencer. Je ne puis dire sous serment quel est le prix que Louis Gella paye pour la maison. Il m'a dit que Mr. Boa, l'avait mis là pour son besoin, et qu'il n'y avait point de temps. Je ne puis dire la valeur des réparations qu'il à faites. Il peut avoir travaillé à ces réparations pendant cinq ou six jours, Mr. Boa l'à

aidé. On à des ouvriers de quatre chelins à neuf francs par jour; suivant ce qu'ils peuvent faire. Quant à Gella je ne puis dire combien il pourrait gagner par jour. Il travaille à la terre pour Mr. Boa. Les gages de ceux qui travaillent à la terre sont d'un écu à quatre chelins par jour suivant les époques. Louis Gella m'a dit qu'il est entré dans le mois de Juin, mais on m'a dit qu'il etait entré dans le mois de Mai.

TRANSQUESTIONNE.

Je ne puis pas dire que l'ouvrage qu'il faisait à la maison était la seule consideration qu'il donnait pour les loyers de la maison. Je ne connais pas le marché entre eux au juste. Le témoin declare ne savoir signer.

JAMES JOHNSTON—I know him, and the house he occupied at the last election. It is a new house lately built. I think he lived in it last Summer.

WALTER CUMMING—I know him, and the house he occupied at the time of the election, which house was put up I am certain, after the Winter of 1856 and 1857. It was put up in the Spring of 1857, and he went into it, as soon as it was finished. It is a common Canadian Cottage. The house appears to stand upon about a quarter of an acre. I cannot say the value of it.

MICHEL GAUTHIER,—J'ai demeuré pendant cinquante ans dans les environs de la Paroisse de St. André, et J'ai eu une terre dans cette Paroisse, à moi même. Je connais Louis Gella, 272 des votes objectés, et 328 du livre de poll, de St. André. Je demeure à Beech Ridge. Je connais la maison qu'il occupe à présent et qu'il occupa au temps de l'election. La maison est sur la terre de Mr. Boa. C'est une petite maison, à peu près seize pieds carrés, de pieces sur pieces. Il sème devant la maison des denrées mais non du grain ; c'est un petit jardin. Je passe là tres souvent. Je connais bien la maison, et y suis entré quelquefois. J'estime que la valeur annuelle de la maison et du petit jardin, est à peu près, un piastre par mois. Je l'estime de cette maniere parceque c'est l'usage comme çà. Je connais presque tons ceux qui demeurent à Beech Ridge ; et je ne connais pas d'autres personnes que lui de ce nom là dans cette endroit. Je ne sais pas si Gella à voté à la dernière election, il ne me l'a pas dit lui même.

TRANSQUESTIONNE.

Je n'ai parlé a personne aujourdhui touchant la valeur de la maison et du jardin en question. J'ai été quelquefois employé pour estimer la valeur des propriétés. Quelquefois j'ai été nommé arbitré, quelquefois pour estimer dans les inventaires et d'autres choses de cette nature. Je ne me rappelle pas d'avoir fait des estimations de ce genre pendant les deux ou trois ans passés. Personne ne m'a demandé à estime la valeur de la propriété de Gella aujourdhui, c'est la première fois que m'a été posée la question de la valeur de cette propriété. Je ne connais pas si le dit Gella à le droit de couper du bois sur le terrein de Mr. Boa. Tout ce que j'en sais, c'est qu'il y a un petit emplacement, avec une maison dessus et un jardin devant. J'ai occasion de passer là très souvent. J'ai passer la hier et plusieurs fois l'été passé ; des fois jusqu'à trois fois par se-

maine. Je ne puis dire que c'est sur cette propriété qu'il a voté. Je n'ai jamais loué pour moi même une maison semblable. J'ai eu occasion d'en louer à d'autres. Le temoin déclare ne savoir signer son nom.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence	Quality in wh. he voted	Description of Property on Poll	No. of Objn's
274	346	Edward Vivera	Laborer	Chute Road	Occupant	House	4 5 6

THOMAS WANLESS—I know Edward Vivera, No 346 of said Poll and 274 of objected list. He is not on my Assessment Roll. He is a farm servant. He voted at the last election. He occupies a small house on Mr. Gordon's property. I know of no other man of that name in the Parish. He lived where he does now, at the time of the last election.

CROSS-EXAMINED.

I do not remember that Mr. Abbott's agent requested the description of Edward Vivera's property to be taken down, when said Vivera came to vote. The vote was objected to.

MARTIN MCMARTIN—I know him. He lives on Chute Road, in a small tenement, which he entered in the Spring, before the snow left the ground, in 1857. He lived there at the time of the election. The house occupied by him, may have been worth five shillings a month. I don't think more. I know no other man in the Parish, of that name. I do not know that he voted. I understand him to be a laborer.

CROSS-EXAMINED.

I was not present when Edward Vivera, of whom I have spoken, voted. I cannot say that the property of which I have spoken, was the property he voted upon.

GUSTAVUS A. HOOKER—I know him. He lives upon the Chute Road. He ocupied a small tenement, at the time of the last election. The monthly value of the property, I think, is five shillings, and not more; several houses in the neighborhood, as good, are let at the same rate. I know no other man of that name, on the Chute Road, or in the Parish.

CROSS-EXAMINED.

I have only known Edward Vivera since he went to the Chute Road.

DANIEL MCGREGOR—I know him. At the time of the election, he occupied a small house on the Chute Road, which house belonged to Gordon. I could not say the exact value of it. I consider it worth not more than five shillings a month.

CROSS-EXAMINED.

I judged of Vivera's house from what I was informed of George McCulloch's. I cannot say whether Vivera has any land attached to his house or not.

ALEXANDER GORDON.—I know Edward Vivera, 274 objected List and 346 of said Poll of St. Andrews. He is a farm laborer. I know the house he occupied at the time of the election. It was on the Chute Road, in this Parish. It is my house. He is in my employ, and has the use of the house in question, and a piece of ground, of from one quarter to half an acre, as a part of his wages. He had the privilege of what firewood he required, and horses to draw it, and a horse to go to Mill. The horse, ground, and the above mentioned privileges, I consider, are altogether worth from £6 to £7 per annum. I cannot say what the use of the horses, and the value of the firewood, would amount to per annum, apart from the rental of the house and lot. His wages are £27 a year exclusive of the rent and privileges.

CROSS-EXAMINED.

The said Vivera occupied, till within about six months previous to his coming into my service, a house and about two acres of land, in this Parish of St. Andrews. He still claims, and claimed last year to hold it. He did not reside there last year, but I think he received some remuneration from his father for the hay grown on it, as he had no cow himself. I know he went down to the place, but whether he helped to cut the hay or not, I cannot tell.

RE-EXAMINED.

I only know what I have stated in my cross-examination from what his father, his brother and the voter himself, told me. I have no personal knowledge of these facts. I have seen the house they mentioned to me. It is on the left hand side of the road, just beyond the second River Roûge bridge, as you go East.—No one was living in it during the Winter, but his father resides in it now. The way in which he told me they were occupying it, was that his father had been the proprietor, and the son bought the half of the property.

EDWARD JONES, Jr.—I know him. I know the house he occupied at the time of the election. It is on the Chute Road, on property belonging to a man named Gordon, whose first name, I think, is James.

Question.—Has the voter, Edward Vivera, ever stated to you, upon what property he voted, at the time of the last election, and if so, state on what occasion, and what property he mentioned to you ?

The Agent for the sitting Member objects to the above question, because he objects to any proof being made different from what appears upon the Poll Book, and that inasmuch as no property is particularly described in the Poll Book, he be not allowed to go into verbal evidence, to prove respecting any property not therein described, the said contestant having had an opportunity at the time of the voting to obtain any detailed designation of the property he might have required. That no issue was raised, respecting any other property than that mentioned in the Poll Book.

The petitioner replies that the objection does not apply to the question, as he is not attempting to prove anything different from what appears by the Poll Book, or any thing respecting any other property than that designated in the Poll Book, but merely in elucidation of an ambiguous entry in the Poll Book. That no law or jurisprudence exists which prevents the petitioner from proving by legal evidence, other than the Poll Book, the property upon which the voter voted, should such property not be sufficiently designated in the Poll Book, and that the declarations and admissions of the voter himself, are legal evidence respecting his vote.

Objection overruled by the Commissioner, on the grounds given by the contestant.

Answer.—He stated to me at the Poll that he voted upon a house that he occupied on Mr. Gordon's property. I know the house in question; there is a small piece of ground attached to it. It is worth about £3 a year. I think that a fair value of it. I formerly was in the habit of employing laboring men, and furnishing them with a house, and that was the highest charge for doing so. I speak of similar houses to the one in question.

CROSS-EXAMINED.

I will not be positive, but I think it probable that there were objections to Edward Vivera's vote at the time it was recorded. I do not remember that Mr. McLeod required me to take down the designation of said Vivera's property at the time he voted. Had he done so it would have been taken down. I do not know how large a piece of ground is attached to Vivera's house. I have seen it only when passing.

AUGUSTIN VIVERAIS.—Je connais Edward Vivera, 274 des votes objectés, et 346 du livre de Poll, de St. André. Je suis son père. Il y'a trois ans, j'ai vendu la moitié d'une place ou emplacement à mon fils, estimé entre nous à cinquante piastres. Il n'y a pas eu d'acte passé. La convention entre nous était qu'il me donnerait un cheval pour le lot. A la dernière election la propriété était à moi. Je ne sais pas que mon fils avait d'autres propriétés au temps de l'élection.

TRANSQUESTIONNE.

Mon fils m'a vendu le foin qu'était sur la moitié. Je l'ai fauché moi même. Je lui ai donné une bagatelle pour le foin, savoir neuf francs. C'est le foin de l'année dernière.

Le témoin déclare ne savoir signer.

ROBERT SIMPSON.—I know him. He is a Laborer on the Chute Road; the house he occupies is worth about a dollar a month. He is Mr. Gordon's farm servant.

CROSS-EXAMINED.

I know nothing about his arrangement with Mr. Gordon, nor do I know what land there is attached to the house.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence	Quality in wh. he voted	Description of Prop'y on Poll.	No. of Obj'ns
275	369	Henry Wales	Farmer	St. Andrews	Proprietor	Lot of Land	1 2 3

THOMAS WANLESS.—I know Henry Wales, 369 of said Poll Book, and 275 of said objected list. He voted at the last election. He appears on my Assess-

ment Roll valued at £15. He is not down for any other property. I know of no other person of that name in the Parish.

CROSS-EXAMINED.

I cannot say that Mr. McLeod requested Henry Wales to describe his property. I do not recollect that there were any objections raised by Mr. McLeod, at the time, to his vote, and I see none entered on the copy of the Poll Book now shewn to me, and which was filed yesterday. There is no description on the Poll Book of the property on which the said Wales voted, by mentioning the name of the Street or his neighbors. I have not sufficient knowledge of Henry Wales' property to describe it. There is no description of the property in the Valuation Roll. I have no knowledge that the property upon which Henry Wales voted is the same property upon which he is supposed to be assessed. I only know that he is assessed for no other property.

MARTIN MCMARTIN.—I know him. I do not know his property.

CROSS-EXAMINED.

I was not present when he voted.

GUSTAVUS A. HOOKER.—I know him. He owns a farm which was assessed in 1855, at £15. I do not know of any improvements having been made since, and I do not think the property is worth more now than then. I do not know of his owning any other property in the Parish, except the said farm or lot of ground. I do not think there is any other proprietor of that name in the Parish.

CROSS-EXAMINED.

I think the property of Henry Wales was on the River side. We did not see Wales when we valued the property. The farm was not fenced off so as to distinguish it from other properties. I do not remember who described to us the property at the time. There is no description in the Roll of the property. I cannot say that this Henry Wales voted or not. I saw him at the Polling Booth. We thought we were assessing about one acre at the time. I cannot now give a description of the property, it is so long since we valued it. It formed one of three or four lots which had been given to the children by their mother, which were all assessed at about the same. The lots were given to Lees, Charles Wales and Henry Wales.

JOHN MIDDLETON.—I had in my possession, at the time of the last commission in this matter, two Notarial copies of deeds, belonging to Mr. Henry B. Wales. I was examined as a witness for the sitting Member, under the said commission, before Judge Badgley, in support of the vote of the said Wales, and for that purpose produced the said copies of deeds. I got the said deeds from Mr. Burroughs, the sitting Member's Agent, by order of Mr. Wales himself, for the purpose of being so produced. I cannot state the exact nature of these deeds, but I believe one was a deed of donation, and the other a deed of sale. I have not those deeds now in my possession, having returned them to Mr. Burroughs.

The witness having stated that he could produce the said Deeds, if time were allowed him, the Commissioner ordered the witness to be present the next day, Saturday, at one of the clock in the afternoon, for the purpose of doing so, if possible.

On Saturday.—I now produce one of the Deeds referred to in my previous deposition, which purports to be a Notarial copy of a Deed of Sale, passed before De Laronde and Colleague, Notaries, on the twenty sixth day of March, 1851, by Mrs. Susannah Benedict, widow of the late Benjamin Wales, to Henry Benedict Wales, her son, of a certain property at the place called Carillon Hill, bounded in front by the rear of two Emplacements, the properties of the said Henry B. Wales and Charles, his brother, at about two acres in depth from the Queen's highway, containing about one acre in width, by all the depth that may be found between the rear of the said emplacement and the Grand or Ottawa River, where the said lot is bounded in rear, on one side by Mr. F. Cunyngham, and on the other side by the said seller, without any buildings. The said Deed of Sale contains the following provision. "It is well and truly understood between the said parties, and the said purchaser doth hereby voluntarily enter, covenant and agree to, and with the said seller, that as long as she, the said seller, remains the proprietor of the land, formerly known as the late Mr. Benjamin Wale's property, that he, the said purchaser, and his heirs and assigns shall allow her, the said seller, during her life time to enjoy and occupy the said premises hereinbefore sold; the stipulations of the present sale to the contrary notwithstanding." The consideration therein stated for the said sale is £7. The said Deed purports to be certified by the said De la Ronde, Notary Public.

The said copy of said Deed was then exhibited to the Judge Commissioner by the said witness and appeared to be authentic and thereupon it was ordered to be returned to the witness.

The copy I have just produced, I believe to be the same deed which was handed to me by the sitting Member's agent, Mr. Burroughs, by the voter's orders. I received it at Mr. Burroughs' house to-day by his order, upon my request.—The two deeds in question were first given to me under the following circumstances:—Mr. Wales told me that his vote was objected to, and desired me to tell Mr. Burroughs that he could get his deeds by sending to his house for them. Mr. Burroughs afterwards asked me if I knew Wales' property, and if I knew the value of it, which I said I did, and Mr. Wales told me that his deeds were at Mr. Burroughs, and Mr. Burroughs requested me to come forward with them and testify as to what I considered to be the value of the property, which I did as already stated. I have been unable to find the deed of donation referred to in my previous deposition. I think it was dated in 1847. The property conveyed to Wales by it was a one acre lot. My impression, is that it is either a half acre in front, by two acres deep, or one acre square. It would appear from the deed already produced that it is the former. The two acre lot in the rear I consider to be worth £50. The lot in front, of one acre, is worth at least thirty pounds. Mr. Wales' mother is still alive and resides on the part of the property known as the late Mr. Benjamin Wales' property. The highway intersects the said property. The portion on the North side of the said road I believe belongs to John Dewar, but she did not, I think, sell it to him. I think whatever right

he has to it, came to him from the late Mr. Benjamin Wales' Will, Mrs. Dewar being his daughter. The old house which the family of Benjamin Wales always occupied, is on the South side, and has continued to be occupied by his widow, but the barns and other outbuildings are on the other side, in the possession of John Dewar. I think the property upon which the old Lady lives, was left to Charles Wales, by his father's Will, or is to be his, but I am not aware of any change that has been made in the ownership of the property by Mrs. Widow Wales, beyond the two deeds of which I have spoken above. I know of no other Henry Wales in the Parish.

CROSS-EXAMINED.

I am proprietor of real estate in this Village; I live upon a lot, half an acre in front by an acre, in depth, which is my own. I acquired it on the 2nd November, 1855. I paid £50 for it. No half acre lot, in that part of the Village, can be acquired for less than £50. Mr. Wales' land is on the same *road* as mine, but not on the same *Street*. It is not upon a Street; it is upon the Queen's Highway, about half a mile from my place. The said Henry Wales has had for the last three or four years, lumber upon the lands mentioned in the deed I produced, and also a lime kiln. I have bought some from him, from that place. I am not entered on the Valuation Roll of the Parish of St. Andrews, produced and filed in this matter, and now shewn to me. Neither have I been asked for taxes; but I was told that there was a tax against me, but that the Council had resolved, that it should not be exacted, as I had acquired, subsequently to the making of the said Valuation Roll. The said Valuation Roll, does not shew, or establish, who actually owned or possessed lands, or what particular lots, any voter owned or occupied at the time of the election, because many lots have changed hands, and many new proprietors have acquired since.

The Petitioner objected that this line of cross-examination did not arise out of the Examination in Chief, and that the sitting Member, should be confined to the Examination in Chief.

The Judge Commissioner ordered, as a matter of convenience, that the cross-examination should be so restricted.

RE-EXAMINATION.

The property of Henry Wales has not changed hands since the date of the assessment.

I wish to add that one of the Assessors told me that when he assessed Henry Wales' property, he thought he possessed only one acre.

DUNCAN MCNAUGHTON.—I know him. I find it noted in my terrier, that in March, 1851, the said Wales became the purchaser, from his mother, of a small strip of ground about one arpent in width, extending down to the Ottawa, for £7. I know the lot in question, which is on Carillon Hill, which forms part of his mother's property, and there have been no improvements, except a lime-kiln. I understood it fronted on the road. I consider it worth £25. I do not consider the lime-kiln worth anything.

CROSS-EXAMINED.

I know only one Henry Wales in this Parish, and I only know of his occupying the property mentioned above. He has no other lot on my Terrier, except the one mentioned above. I think Wales' property is two acres in depth.

THEODORE DAVIS.—I know him. I know his property as far as I assessed it. The property we valued was, I think, about an acre in extent. It was the lot extending back to the river, not the one fronting on the high road. I consider that £15 is the full value of that lot, and is now. I know the lot in front of the one we valued; an acre of ground there would vary in value according to its width in front. If half an acre wide by two in depth, it would be worth £25; if an acre square, it would be worth £30.

CROSS-EXAMINED.

There is no description in the Valuation Roll of the property of the said Henry Wales. The property we valued we supposed contained an acre, and had a lime-kiln on it. I know that said Wales has been accustomed to burn lime there. Since the said valuation, Mr. Wales shewed me a document that he had other property there, but I did not read the document.

CHARLES WALES.—I know him. He is my brother. He was, at the time of the election, in possession of part of the property belonging to my mother, on Carillon Hill. The part he occupied fronted on the highway, and was bounded on the rear by the Ottawa. I am not certain of the quantity of ground, but my impression is that it is four acres in extent. He holds as proprietor. My information is derived from what my brother himself told me. I have not seen the Deeds. My mother is in possession of part of the property, I think, with my brother's consent. She does not, to my knowledge, hold or claim any right to that property, or any part of it as usufructuary. The actual value of the four acres, at the time of the last election, would be either £25 or £30, according to the best of my judgment. The said Henry Wales did not, to my knowledge, hold any other property at the time of the last election in this Parish.

CROSS-EXAMINED.

I voted for Mr. Abbott at the last election, and for the opponent of Mr. Bellingham at one of the previous elections. I have not paid nor subscribed for anything towards the support of the present contest. The said Henry Wales was a resident here, to the best of my recollection, at the time of the last election. I own an acre of land alongside the property above referred to, as belonging to my brother. I would not be willing to sell my acre for less than sixty dollars, because it fronts the road by half an acre, and runs in depth two acres. Part of my brother's is in rear of me, and runs to the river.

Testimony for sitting Member in rebuttal.

DUNCAN DEWAR,—I know the property which Henry Wales calls his own. It contains three or four acres, and runs down to the Ottawa, I cannot say what

it is worth—I only form a rough guess. If I owned it I would not value it at less than one hundred dollars an acre. Wales' family value it £50 an acre.

CROSS-EXAMINED.

I know nothing as to how much of the said property Wales holds under an absolute deed, or how much under reservation of usufruct. The property I speak of is upon Carillon Hill, which he got from his mother. He has a lime-kiln on the lower end of it.

JOHN MIDDLETON.—I know Henry Wales. I produce a Deed of Donation *inter vivos* between Dame Susannah Benedict, his mother, and Henry B. Wales, executed before Coursolles and Colleague, dated 11th August, 1847, of half an acre front by two acres deep. This deed contains a portion of the bond I referred to when I was examined on behalf of the Petitioner, and it is the Deed of Donation mentioned in my examination then.

The Hon. Judge Commissioner expresses no opinion upon this vote.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to	Description on Poll.	Residence	Quality in wh. he voted	Description of Prop'y on Poll.	No. of Objn's
276	377	Charles Stewart	shoemaker	St. Andrews	Tenant	House.	4 5 6

THOMAS WANLESS.—I know Charles Stewart, 377 of said Poll, and 276 of objected list. He voted at the last election. He is not on my Roll.

CROSS-EXAMINED.

I cannot say that Mr. McLeod requested Charles Stewart to describe his property. I do not recollect that there were any objections raised by Mr. McLeod, at the time, to his vote, and I see none entered on the copy of the Poll Book now shewn to me, and which was filed yesterday. There is no description on the Poll book of the property on which the said Stewart voted, by mentioning the name of the Street or his neighbours.

GEORGE W. DAVIS.—I know him. I know the house he occupied at the time of the last election. It belongs to my brother, Nelson Davis, who is in Montreal, and for whom I act as agent—the value of the rental of the house is one dollar per month—which is the rent he pays as my brother's tenant. I know only one Charles Stewart in this Parish, and I only know of his occupying the property above described.

EDWARD JONES, JR.—I know him. He is as I have understood a shoemaker. I don't know the house he occupies.

THEODORE DAVIS.—I know him. He occupied at the time of the election a small house in the Village belonging to my brother Nelson. The annual value of the house is twelve dollars—that is the rent he pays. I know only one Charles Stuart, and I am not aware that he occupied any other house.

ROBERT SIMPSON.—I know him. He is a shoe-maker of St. Andrews. I know the house he occupied at the time of the last election. I think the fair annual value of the house £3.

CROSS-EXAMINED.

I was never in the premises occupied by Charles Stewart above mentioned.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence	Quality in wh. he voted	Description of Property on Poll	No. of Obj'ns
277	391	Thomas Fitzgerald	Farmer	St. Andrews	Occupant	Farm	4

No evidence adduced.

TOWNSHIP OF CHATHAM.

Names of Witnesses examined respecting the contested votes in this Township, together with such portions of their testimony as do not specially refer to any particular voter.

WITNESSES FOR THE PETITIONER.

WILLIAM DOUGLAS, of the Township of Chatham, Teacher.

I am the Secretary-Treasurer of the Township of Chatham. I have in my possession the Valuation Roll of the said Township, which is now in use and acted upon.

The sitting member objects to the production of the Valuation Roll of Chatham, or of any proof being gone into upon it, the Poll Book being the only document on which proof can be gone into.

The Commissioner makes the same order as in the case of the production of the Valuation Roll for the Parish of St. Andrews, and overrules the objection.

I now produce and file a copy of the said Valuation Roll. It is a copy of the Original Roll, under the hand and seal of Gaspard de la Ronde, Secretary-Treasurer of the Municipality of the County of Argenteuil, in which County the said Township is situated.

The Roll I have spoken from has been given to me, as the Roll which is now acted upon in Chatham for Municipal purposes. I know of no other Roll except the one I have spoken from.

CROSS-EXAMINATION.

I was appointed Secretary-Treasurer of the Township of Chatham, at the beginning of this month. Robert Martin, the former Secretary-Treasurer, having suddenly left the Township. I first saw the Roll which I produced yesterday, a day or two after the meeting of the Council of the Township. Mr. Cushing handed it to me. Mr. Cushing is the Mayor of the Township. That Meeting took place on the seventh of this month. This is the only Roll that I have seen. This Roll purports only to be a copy. The greater part of the evidence I have given is taken from the Roll.

GASPARD DE LA RONDE, of the Village of St. Andrews, Notary Public, and Secretary Treasurer of the Municipal County of Argenteuil.—I have been Sec-

retary-Treasurer of the Municipal Council of the County of Argenteuil ever since the Municipal and Road Act came into force: that is in July, 1855. Under the said Act, the Valuation Rolls of the several Municipalities of this County should be deposited with me, as their proper custodier. The only Valuation Roll I have in my possession is a copy of the Roll of Chatham. I have made repeated applications for the Valuation Rolls of the other Municipalities, but they have never been handed to me. I have no official communication with the local Secretary-Treasurers of the Municipalities; and I do not know who are the Secretary-Treasurers of the Township of Morin, of the Township of Harrington, and of the Parish of Mille Isles.

Being shewn and having examined the document marked A, which I am informed was produced and filed by the witness, William Douglas, yesterday, purporting to be a copy of the Valuation Roll for the Township of Chatham; I declare it to be a true copy, under my hand and seal, of a document deposited with me purporting to be a copy of, or extract from, the Assessment Roll of Chatham. This Copy was given by me because the original was lost, as I was told: it having been burnt with Mr. Hendrie, the former Secretary-Treasurer of Chatham, as was commonly reported. I have never seen any other original Valuation Roll, and none other has been deposited with me.

LEMUEL CUSHING, of the Township of Chatham, Esquire, Mayor of the said Township.—I have resided in the said Township about thirty-three years, and have a knowledge of the value of property there. I am agent for Thomas A. Stayner, Esquire, formerly Postmaster-General, who holds a large extent of land in the said Township. I myself am also a large landed proprietor therein. The value of lands in the Township of Chatham has decreased during the last twenty years, except the land in a new French Parish, called St. Philipe, or Staynerville. There has been a Church built there, around which a small Village has sprung up. The increase of value of property extends to lands within a mile to a mile and a half round the said Church. Farms elsewhere in the Township can be bought now as cheap as at any time previous, and have not increased in value. I am pretty generally acquainted with the residents of Chatham, and particularly with the residents of the first six or seven ranges of the Township.

CROSS-EXAMINED.

I believe there have been four elections for this County within three years and six months. The first election was between Mr. Robert Simpson and Mr. Bellingham; the next was between myself and Mr. Bellingham; and the fourth election was between Mr. Abbott and Mr. Bellingham. Both Mr. Simpson and myself contested these elections. I voted for Mr. Simpson and for Mr. Abbott. I had no more considerable personal feeling against Mr. Bellingham than I have against any impostor or blackleg; because I consider the whole of these elections as an imposition on the county. My house has been open to Mr. Abbott's friends, as well as my own, since the contest of the election of Mr. Bellingham

has begun. I have neither paid nor subscribed any funds for the purpose of assisting the Contestant in his present contest. I signed a petition praying for the enregistration of Voters, and also setting forth the iniquity practised by Mr. Bellingham upon the Voters of this County. The increase in the population of Chatham has not been above a hundred for the last three or four years.

JOSEPH LEANING, of the Township of Chatham, Farmer, 62 years of age.—I have lived in the Township of Chatham for 8 years, and before that I lived on Carillon Hill, and at Beech Bridge, near St. Andrews, about 9 years. I have twice acted as Assessor for the Township of Chatham. I was one of the Assessors who made the Valuation Roll for that Township in 1855, and I was also an Assessor for the one in 1854. There has been no Valuation Roll made for the Township since 1855. When we made the Valuation Roll we examined the properties that were occupied, but in the back of Chatham there are some lots that were not occupied. We put the cash value on the lots as near as we could according to our judgment. Real estate in general has decreased in value since 1855 ; but there are some exceptions. There has been a new church built in the Township, at Staynerville, where real property has increased in value, about a quarter of a mile around the said church. Some individual farms have increased in value since 1854 ; but to take them on the whole, farms have decreased in value since that time. For my own satisfaction, after the Valuation Roll was made, I made and kept a copy of it. I have that copy, from which I now speak. * * * I know positively that these are the values we fixed upon the lots in 1854, at the time this Roll was made. In 1855, we were obliged to revise the old Assessment Roll, for the purpose of entering on it tenants who had paid above £5, and likewise all those who had a business tax to pay. In revising the Roll, in some cases, we had to take a little off. In cases where improvements had been made, we added a little to the former value, and where we considered there had been an over-estimation we reduced the valuation. Aside from the business tax, the augmentation in the whole Township did not amount to more than two or three hundred pounds—that is with regard to proprietary interest. I believe that with the business tax, the amount of the whole Assessment was increased to twelve or thirteen hundred pounds. There was an increase of £50 on my own property. The increase was only along a little of the front of the Township. I do not think there was any change in the back ranges, except to take a little off. I know, only by common report, that Hendrie, the former Secretary-Treasurer, was burned in his house with all his papers.

CROSS-EXAMINED.

The copy from which I have been speaking, to-day, is not a copy of the Valuation Roll of 1855. When we made the Assessments for 1855, we did not go round the Township. The Council considered it too expensive, so that we revised the old roll. I own a house and an *emplacement* in the township and I reside on it, I have not been in the rear of Chatham since 1854. I did not

vote for Mr. Simpson, nor for Cushing, but I voted for Mr. Abbott at the last election.

CHARLES CLAUDE GRECE, of the Township of Chatham, Farmer.—I have lived in Chatham since 1818, except one year which I spent in England. I am a land owner in Chatham and know the value of property in Chatham. In 1854 and 1855, I was one of the three Assessors appointed to make the Valuation Roll for the Townsh ip. In 1854, we visited and inspected by far the greater portion of the lots in Chatham. We went to all the lots in the Township, except in the north west corner, from twenty-four to twenty-eight in the eleventh and twelfth ranges inclusive. It is my belief from the information we got on the spot, that there were no roads leading to these lots. The Country consisted of an assemblage of large hills. It was a wild country and is still. I believe there were some people living on some of those eight lots; bnt they were wide apart. I was an assessor to make up the Roll for 1855. I do not think that since 1854, real property in the Township of Chatham has increased in value, except perhaps round St. Philip Village. I have heard of small Village Lots being sold at a high price there. We fixed the value of lots at their value, cash down, to the best of our judgment. When we made the Roll of 1855, having no money in the Treasury and knowing that the Roll had been made so cautiously and correctly in 1854, we revised the Roll of 1854, and made some few alterations; but did not revisit the properties. We changed the values in very few instances. I do not think we made an alteration in the value of any one lot in rear of Chatham, in what would be called Bellingham—that is from the seventh range backwards.

There has been no new Valuation Roll for this Township since 1855. The one then made is now acted upon; at all events there is no other Valuation Roll known. I have now, in my possession, the book in which I entered on the spot the namos of the proprietors, their lots and the number of acres and the value thereof, in the Township of Chatham, at the time of visiting and inspecting the lots for the purpose of making the Valuation Roll of 1854. I was then accompanied by Leaning and Patton, the two other Assessors. After having made a fair ink copy of the Roll from this Book in 1854, having no further use for it, I gave it to Mr. Cushing, who only returned it to me last night. The original entries in this book were all made in pencil writing in my own hand. In some instances I see an addition or correction made in ink writing by me, when I got information that I had not at the time I made the first entry. I could at once detect it if there had been any alteration in either ink or pencil. Hereafter in speaking from this book, I shall speak only from entries which I know to be my own. I see that I have separated all the concessions, and I see also that the book is complete as when I made it.

* * * * The particulars which I have given of the several objected voters spoken of by me, are all taken from the original minutes in my own hand, made on the spot when examining the properties in 1854.

CROSS-EXAMINED.

When I made the Roll in 1854, it was my duty as Assessor to enter both the owner and occupant of all real property in the Township of Chatham, and to enter their names respectively, distinguishing them as owner or occupant as the case might be. The Roll of 1854 was made and completed in October of that year. The one in 1855, was made and completed in September of that year. I know that several mutations of property have taken place since 1854, but I cannot say how many. I do not think that the proprietary interest on the Roll of 1855, exceeded that of 1854, by more than £400. In 1854 the Township of Chatham belonged to the County of Two Mountains, and the Valuation Roll, of that year was made out under a different Municipal law than that of 1855; but they were both made out upon the fundamental basis of cash value. I voted for Mr. Abbott, at the last election, and for Mr. Cushing at the previous one, and for Mr. Simpson at the one before that again.

THOMAS BARRON, of the Parish of Lachute, Warden of the County of Argenteuil.—I have been for a number of years Crown Lands Agent for the Township of Chatham, and am so still, and have my official records of the Township of Chatham.

Witnesses for the Sitting Member in Rebuttal:

JOHN LOGGIE, of the Township of Chatham, Farmer.—The Assessment Roll for the Township of Chatham, copy of which is produced and filed in this matter does not correctly shew what were the properties upon which the Voters in the Township lived at the time of the election; as there have been many changes since, and as there are many strong farmers there who are not mentioned on the Roll.

CROSS-EXAMINED.

The persons whom I have mentioned as strong farmers not being on the Roll, are David Williams and Walter McVicker, Arthur and John Graham, and David Morrison; I know several others whose names I do not remember. I know that these persons are not on the Valuation Roll, because, as School Commissioner, it came to my knowledge that these persons were not paying taxes when they ought to do so, in consequence of their names not being down. I voted for Mr. Bellingham at the last election.

WILLIAM HUTCHIN, of the Township of Chatham, Farmer, a witness for the sitting Member, being duly sworn doth depose and say:—

The Assessment Roll for the Township of Chatham, copy of which is produced and filed in this matter does not correctly show what were the properties upon which the Voters lived at the time of the election; as there have been many changes since, and as there are many strong farmers there who are not mentioned on the Roll.

CROSS-EXAMINED.

The persons whom I have mentioned as strong farmers, not being on the Roll are Walter McVicker and David Morrison. I know several others, whose names I do not now remember; I know that these persons' names are not on the Valuation Roll, because they have bought their places since the Assessment Roll was made. I have never examined the Assessment Roll. I voted for Mr. Bellingham at the last election.

PETER MCGIBBON, of Chatham, Farmer.

JOSEPH MOORE, of Chatham, Farmer.

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence	Quality in wh. he voted	Description of Property on Poll	No. of Objn's
1	83	Richard Sidon		Chatham	Proprietor		1 2 3 7 8

WILLIAM DOUGLAS.—*Question*—Do you find Richard Sidon, No. 1 of objected list and 83 of Poll of Chatham, on the Valuation Roll, and upon what property is he rated and what is the nature of that property?

Answer.—The said Richard Sidon is on the said Roll for east half of Lot No. 20, in the 10th Range at £20. He is rated on no other lot on Roll. There is only one man of that name on the said Roll.

CROSS-EXAMINED.

He is rated and entered on the said Roll as proprietor of east half of 20 in 10th Range.

LEMUEL CUSHING.—I know him. I know the value of his lot as it is on the Valuation Roll. It is marked £20. I have seen this entry on the original Valuation Roll. He lives in the rear of Chatham, it is either the 10th or 11th Range. He is entered as proprietor on the said Roll. I know no other man of that name in the Township.

JOSEPH LEANING.—He is rated on my book for the east half of 20 in the 10th Range, valued at £20. The half lot contains 100 acres. I would not pay the taxes for the 100 acres. His name is entered as proprietor. He might have land in other Ranges. I have examined my copy and he is not assessed for any other land, and there is no other man of that name in the Township.

CHARLES C. GRECE.—He is on this book, entered as owner of the east half of 20 in the 10th range containing one hundred acres, valued at £20. He is not rated on any other lot. I do not know any other man of the name.

THOMAS BARRON.—I know him. I also know the property on which he resides. He is on one half of lot 20 in the 10th Range. It is a Clergy lot.

Question.—Can you tell whether that lot has ever been patented or not?

The sitting member objects to this question, as tending to attack the Assessment Roll produced by the contestant himself, wherein it is stated, the said Richard Sidon is proprietor of the

lot in question, and also the verbal testimony adduced in support of said Assessment Roll by the said contestant; and also because it does not appear by the Poll Books nor by any other evidence adduced, that the said Richard Sidon voted upon the lot in question.

The agent for the contestant replies that the question only tends to prove the absence of any title whatever; and does not seek to prove, by secondary evidence, the contents of any deed or document; and that the production of the Valuation Roll cannot be construed as an admission, on the part of the contestant, of the quality assumed or entered on the said Valuation Roll.

This objection is reserved by the Commissioner for the consideration of the Committee; and the answer is ordered to be received.

Answer.—Not to my knowledge. It has not been patented. It is possible that it has been patented, but in my opinion it has not. It is my opinion that he is an occupant, with the view of becoming a purchaser at a future time, and with the consent of the proprietors. I think that he has paid nothing. He has told me himself not to dispose of the lot, as he intended to become the purchaser of it. He may have spoken to me about it within the last year; but I am not certain. I know his son has. Now I recollect that he has spoken to me about it within the last year, but I cannot say the precise time. I gave him permission, some twelve or fifteen years ago, to go upon the lot, with the view of eventually purchasing; but he has never paid anything. I cannot say that he occupied or owned any other lot in Chatham at the time of the election; although he may have done so, or may do so at present. Since I allowed him to go upon that Lot, I never gave him any title to it. I am not aware that any other person than myself has managed the Clergy Reserve Lands in the Township, since I allowed him to go upon it. I think his son's name is Richard Sidon, but I am not quite certain. I do not know that his son occupied any land in the Township, but I have heard so. I think the son applied to me some time ago, to be allowed to sell his land. If he had had a title to it my permission would not have been necessary. He could only have been an occupant. I believe Sidon occupied the property I have spoken of in giving my evidence, at the time of the last election. No changes have been made since that, to my knowledge.

CROSS-EXAMINED.

Sidon has made clearings and put up buildings on his lot. I would have given fifty pounds for it at the time of the last election. I would think that the said lot is of the clear yearly value of forty-four shillings five pence and one farthing currency over and above all annual rents, and other rents and charges payable out of or in respect of the same.

Evidence for Sitting Member in Rebuttal:

JOHN LOGGIE—I know him. He is on a lot in the 10th Range. It is worth £60. There is a house and farm buildings on it. He has occupied it for twenty years.

WM. HUTCHIN—I know him. He is on a lot in the 10th Range. It is worth £60. There is a house and farm buildings on it. He has occupied it for twenty years.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence	Quality in wh. he voted	Description of Prop'y on Poll.	No. of Obj'ns
6	110	Henry Dixon		Chatham.	Proprietor		1 2 3 7 8

WILLIAM DOUGLAS.—I know Henry Dixon, No. 6 on objected list, and 110 of said Poll; he is on the said Roll for the East half of lot 24, in the 9th range, valued at £30, and for lot 25, in the same range, at £45. He is not on the Roll for any other lot. There is no other man of that name on the Roll.

CROSS-EXAMINED.

Henry Dixon is also rated and entered as proprietor, on the said Roll, of the East half of lot 24 in the 9th range, and 25 in the same range.

LEMUEL CUSHING.—I do not know him.

JOSEPH LEANING.—He is on my copy, on lot 24 in the 9th Range. He has 100 acres. He is assessed as proprietor; it is valued at £30. He has also lot 25 in the same range, valued at £45; the lot contains 200 acres. He is assessed as proprietor. He has no other lot on my copy. There is no other man of that name in my book, nor do I know of any other in Chatham.

CHARLES C. GRECE.—He is assessed as proprietor of lot 25 in the 9th range, containing 200 acres, valued at £45, and the East half lot 24, in the same range, containing 100 acres, valued at £30, which was originally entered to Frank Brennan; but that name has been obliterated by pencil marks, and "Henry Dixon, owner," has been written on the line opposite the value, in pencil, the same as the other was originally entered in my own hand writing. He is not entered for any other lot. I know of no other of the name.

THOMAS BARRON.—I know him. I do not know that he voted at the last election. I have only heard that he did. I think he occupies half of lots 24 and 25, in the 9th range of the Township. One of the lots is a Clergy lot, and the other is a Crown lot. I do not think he has any title to the Clergy lot, nor do I know that he has a title to the other. The Crown lot was disposed of, a long time ago, to another person; it was originally given out to a pensioner as a free grant, to the best of my recollection. I have no record of the lot 25; I cannot say whether the 24th or 25th lot is the Clergy lot, having been deprived of my diagram at the contest between Mr. Cushing and Mr. Bellingham. I find by my record that lot 24 was located to one Blair; and from that circumstance I am led to believe that lot 25 is the Clergy lot; and, consequently, that lot 24 is the Crown lot. I cannot recollect whether the lot is patented or not. I have no record of it. I do not know of his being the owner or occupier of any other lot at the time of the last election. I believe that Dixon occupied the property I have spoken of in giving my evidence, at the time of the last election. No changes have been made since , to my knowledge.

CROSS-EXAMINED.

I know that Dixon, above-mentioned, has clearings and buildings on his lots. I do not know how long he has been in possession; I should suppose ten or a dozen years. I would give 40 or 50 pounds for the East half of lot 24, in the 9th Range. I should say that both lots together were worth 60 or 70 pounds. I do not know on which the buildings are.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence.	Quality in wh. he voted	Description of Property on Poll	No of Obj'ns.
7	111	Isidore Orgeau			Tenant		4 5 6

WILLIAM DOUGLAS.—Isidore Orgeau, No. 7 of objected list, and 111 of said Poll is not on the Roll.

LEMUEL CUSHING.—I know a Laborer of the name of Isidore Ogé; but I do know Isidore Orgeau. I am not aware of his being a proprietor. Ogé is the person I mean as being a laborer, and not a proprietor.

Evidence for sitting Member, in rebuttal.

JOHN LOGGIE.—I know one Isidore Ogé, a tenant of McClosky's, in Chatham. He pays £9 a year of rent. He was such tenant at the time of the election.

WILLIAM HERTCHIN.—I know one Isidore Ogé, a tenant of McClosky's, in Chatham. He pays £9 a year of rent. He was such tenant at the time of the election.

The Hon. Judge Commissioner expresses no opinion on this vote.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence.	Quality in wh. he voted	Description of Property on Poll	No. of Obj'ns
8	114	Stephen Baldwin					
9	120	John Kerr	No evidence adduced				
10	126	James Dewar					
11	128	John Murphy					
12	129	Samuel Dale					
13	130	James Herschell			Proprietor		1 2 3 6

WILLIAM DOUGLAS.—James Herschell, No. 13 of objected list, and 130 of said Poll is not on my Roll.

LEMUEL CUSHING.—I do not know any man by the name of James Herschell.

JOSEPH LEANING.—James Herschell is not on my copy. I do not know him. —I find James Hershaw on my copy, assessed as proprietor on east half of 13 in the 11th range, containing 100 acres valued at £30. James Hershaw is not on my copy for any thing else.

CHARLES C. GRECE.—James Herschell, is not on the said book, but one James Hershaw is entered as proprietor of east half of 13 in 11th range, containing 100 acres valued at £30.

Evidence for Sitting Member in Rebuttal:

PETER McGIBBON.—I know Hairshaw's Lot in Chatham. The value of it is something like £60. He has been on his lot upwards of 20 years.

JOHN LOGGIE.—I know James Hairshaw, who has a lot in Chatham worth more than £50.

WM. HUTCHIN.—I know James Hairshaw, who has a lot in Chatham worth more than £50.

The Hon. Judge Commissioner expresses no opinion on this vote.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to	Description on Poll.	Residence	Quality in wh. he voted	Description of Prop'y on Poll.	No. of Objn's
14 15	131 132	James Munro. Thomas Proudlock	no evid.		Proprietor		1 2 3 6

WILLIAM DOUGLAS.—Thomas Proudlock, 15 objected list and 132 of said Poll, is on my Roll for west half of Lot No. 4, in the 12th Range, valued at £25. He is not on my Roll for any other Lot. I do not know of any other person of that name. There is a Mr. Proudlock assessed as proprietor for west half of lot 3 in 12th Range, valued at £25.

CROSS-EXAMINED.

He is entered and rated as proprietor of west half of 4 in the 12th Range.

LEMUEL CUSHING.—I know Thomas Proudlock, 15 of objected list and 132 of said Poll. I believe there are two Thomas Proudlocks, father and son. The old man resides in the rear of Chatham, I think in the 12th Range. I do not know what his property is valued at. He has resided there for a number of years.

JOSEPH LEANING—He is assessed as proprietor of west half of 4 in 12th Range, containing 100 acres valued at £25. He is not assessed for any other lot in Chatham.

I find in my copy Oliver Proudlock, assessed as proprietor of west half of 3 in 12th Range, valued at £25.

Thomas Proudlock, the son of said Thomas Proudlock I know, but I do not know where he now lives. He is not on my copy.

CHARLES C. GRECE.—He is entered as owner of west half of 4 in 12th Range, containing 100 acres valued at £20. There is no other Thomas Proudlock on my book. One Oliver Proudlock, is entered as owner of west half of 3rd lot in 12th Range, containing 100 acres valued at £25.

THOMAS BARRON.—I know there is such a man in Chatham, as Thomas Proudlock, living some where in the 12th Range of Chatham—somewhere near the fourth lot. The west half of lot 4 in the 12th Range, a Crown Lot, was located to Samuel Smith, on the first of October, 1831. Having been located so long ago, I should think it was patented; but I cannot say from my records. I have no memorandum respecting its being patented. However, I do not think it has been patented, as there i due on the lot.

Question.—Was any and what sum of money due on the said West half of lot four, in the 12th Range, to the Crown, or to any other party, constituting a charge on the said real property, at the time of the last election?

The sitting Member objects to any evidence being adduced, other than upon the objections one, two, three and six in the list of objected votes filed by the Contestant.

The Contestant replies, that under objection three, he is entitled to prove any charge upon the property which might reduce the value thereof under £50.

Objection overruled by the Commissioner, and the answer ordered to be given.

Answer.—According to my belief, there is money due to the Crown on the West half of Lot 4, in the 12th Range, whether by the present occupant, or the original locatee, I cannot say, the sum of nine pounds being the interest on the capital sum of twelve pounds ten shillings for twelve years.

The present occupant may have purchased from the original locatee; but parties sometimes go to the Head Office of the Crown Lands Department and pay up the monies due; I never heard of the present occupant having done so. On two occasions parties have thought that I was too hard upon them, and they have gone up and settled at the Head Office. The capital sum of twelve pounds ten shillings has never been paid, to my knowledge. I have received no instructions from head quarters with respect to the principal sum, although in my opinion I consider it due. I believe that Proudlock occupied the property I have spoken of in giving my evidence, at the time of the last election. No changes have been made since that time, to my knowledge.

CROSS-EXAMINED.

His lot is of the clear yearly value of forty-four shillings five pence and one farthing currency, over and above all annual rents, and other rents and charges payable out of or in respect of the same, according to the best of my knowledge and belief. I cannot say positively, however, as I am not well acquainted with the Lot.

Evidence for sitting Member, in rebuttal.

JOHN LOGGIE.—Thomas Proudlock's farm, the 4th lot in the 12th range, is well worth £70. I did not go over the whole of the farm; but from what I saw of it, I estimated it at £70. There is a snug house, and barn and stables on it; and the man has a good stock. I do not include the stock in my estimate.

PETER MCGIBBON.—I also know Thomas Proudlock's lot; it is worth fully £70. He has been on it 10 or 12 years or upwards.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence	Quality in wh. he voted	Description of Property on Poll	No. of Obj'ns
16	135	George Hanan.			Proprietor		1 2 3

WILLIAM DOUGLAS.—George Hanan, 16 of objected list, and 135 of said Poll Book, is not on my Roll.

LEMUEL CUSHING.—I do not know him.

JOSEPH LEANING.—George Hanan is not on my copy. I know no such man.

CHARLES C. GRECE.—George Hanan is not on my Poll Book. I know of no such man as George Hanan; I never heard of such a man.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny*

No. on List.	No. on Poll.	Name of Voter Objected to.	Description on Poll.	Residence.	Quality in wh. he voted	Description of Property on Poll	No. of Obj'ns
17	168	Andrew Morrow	No evidence adduced;				
18	169	Archibald McCoy					
19	172	James Hutchins					
20	173	William Hutchins					
21	182	Archibald McFall			Proprietor		1 2 3
52	526	Archibald McFall			Proprietor		1 2 3 7 8 10 16

WILLIAM DOUGLAS.—With respect to Archibald McFall, No. 52 of objected list, and 526 of said Poll, I have two of that name on my Roll, the one senior, and the other junior. I see by the Poll Book that Voter No. 182 is Archibald McFall, and that 526 of said Poll is also Archibald McFall, and neither of them is entered on the said Poll Book as junior or senior. On the Valuation Roll, one is entered as junior, on the 21st lot of the 9th range, valued at £40, and the senior is entered on the East half of the 18th lot, in the 18th range, valued at £100. Archibald McFall, junior, is rated on no other property. There is no other Archibald McFall on the Roll. I know no other.

CROSS-EXAMINED.

Archibald McFall, senior and junior are entered and rated on the Roll as proprietors of their respective lots.

LEMUEL CUSHING.—I know Archibald McFall, No. 21 of objected list, and 182 of said Poll. I know two Archibald McFalls. I cannot say whether the son resided in Chatham at the time of the election or not.

JOSEPH LEANING.—With regard to Archibald McFall, No. 52 objected list, and 526 of said Poll, and 21 objected list, and 182 of said Poll, one Archibald McFall, senior, is on my copy assessed as proprietor of East half of lot 18, in the 10th range, containing 100 acres, valued at £100; and Archibald McFall, junior, is assessed as proprietor of West half of lot 21, in the 9th range, containing 100 acres, valued at £40.

Archibald McFall, senior, is assessed also as proprietor, on my copy, of East half of lot 21, in the 10th range, containing 100 acres, valued at £20. Archibald McFall, junior, is not assessed for any other property.

C. C. GRECE—With respect to Archibald McFall, 52 of objected list and 526 of said Poll, and 21 of objected list and 182 of said Poll, one Archibald McFall, senior, is entered on my book, as owner of East half of 18, in the 10th Range valued at £100, and East half of 21, in same Range containing 100 acres valued at £20. The said Mc or, has no other lot on my book. Archi-

bald McFall, junior, is entered as owner, on my book, of West half of 21 in the ninth Range, valued at £40. I have no other Archibald McFall, junior, on my book. I know of no other Archibald McFalls than the ones mentioned.

Evidence for Sitting Member in Rebuttal:

JOHN LOGGIE—I know two Archibald McFalls in Chatham, father and son, the one on the 9th and the other on the 10th Range. The father is on the 10th and the son on the 9th Range. They are each worth £100. There is a tenement with buildings on each farm.

WILLIAM HUTCHIN—I know three Archibald McFalls in Chatham, grandfather and his son and grandson. The grandfather is on the 10th Range, and his son on the 9th Range. The grandson did not vote. They are each worth £100. There is a tenement with buildings on each farm.

The Hon. Judge Commissioner is of opinion that No. 21 is a good vote, and offers no opinion upon No. 52.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence.	Quality in wh. he voted	Description of Property on Poll	No. of Obj'ns
22	186	John Colquhoun	No evidence adduced				
23	189	James Calder					
24	190	Arthur Graham					
25	194	Joseph Kennedy					
26	196	Thomas Reans			Proprietor		1 2 3 6

WM. DOUGLAS—Thomas Reans, 26 of objected list and 196 of said Poll is not on my Roll.

LEMUEL CUSHING.—I know no man in Chatham of the name of Thomas Reans.

JOSEPH LEANING.—Thomas Reans is not on my copy. I know no such a man. I never heard of such a man.

CHARLES C. GRECE.—Thomas Reans is not on my book. I know no such a man as Thomas Reans. I never heard of such a man.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter Objected to.	Description on Poll.	Residence.	Quality in wh. he voted	Description of Property on Poll	No. of Obj'ns
27	199	James McFall					
28	203	Andrew Duncan	No evidence adduced				
29	211	Robert Bain					
30	226	Richard Fulton					
31	241	Philander Brewer					
32	258	Samuel Gamble			Proprietor		1 2 3 7

WM. DOUGLAS.—Samuel Gamble, 32 of objected list and 258 of said Poll is not on my Roll.

LEMUEL CUSHING.—I do not know such a man in Chatham, as Samuel Gamble.

JOSEPH LEANING.—He is not on my copy. I know of no such a man. I never heard of such a man.

CHARLES C. GRECE.—He is not on my book. I know of no such man. I never heard of such a man.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence	Quality in wh. he voted	Description of Property on Poll	No. of Objn's
33	265	Peter Mitchell	No evidence adduced.				
34	270	David Morrison					
35	276	Archibald McDougall					
36	318	Daniel McPhail					
37	327	John O'Donnell					
38	374	John Dunbar			Proprietor		1 2 3

WM. DOUGLAS.—John Dunbar, 38 of objected list and 374 of said Poll is not on my Roll.

LEMUEL CUSHING.—I do not know him.

JOSEPH LEANING.—He is not on my copy. I know no such man nor have I heard of such a man.

CHARLES C. GRECE.—He is not on my book. I know of no such man. I never heard of such a man.

Evidence for Sitting Member in Rebuttal.

WM. HUTCHIN.—John Dunbar had lot 12 in 10th Range at the time of the election, valued at £50 and over. I know John Dunbar.

CROSS-EXAMINED.

He was on his lot long before the election. He lived there three or four years ago. I was on the lot yesterday.

PETER MCGIBBON.—I know that John Dunbar has occupied a lot in the 10th Range, but I am not very well acquainted with it. He has been there I cannot say exactly how many years.

JOSEPH MOORE.—I know John Dunbar's place in Chatham. He has been there three or four years. The lot is the east half of 22 in the 10th Range.

The Hon. Judge Commissioner is of opinion that the objections to this vote are not proved.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence	Quality in wh. he voted	Description of Prop'y on Poll.	No. of Obj'ns
39	421	Alexander Calder			Proprietor	Lot 20, 10th Con.	1 2 3 6

WM. DOUGLAS.—Alexander Calder, 39 of objected list and 421 of said poll is on my Roll as occupant of lot 17, in the 9th range, and valued at £130. John Grant, is entered as proprietor of this lot.

CHARLES C. GRECE.—He is not on my book. I know no such man. I never heard of such a man.

THOMAS BARRON.—I know him. He occupies one lot in the 9th range, and lives in the 10th I think. He occupies property in both ranges. He is a tenant in the 9th. The north half of 20 in the 10th, being the property on which he voted, as I see by the poll book, is a Clergy lot. He has no title from me. He is nothing more than an occupant. I do not think it was patented. I presume he may have purchased the improvements from some other person. I believe that Calder occupied the properties I have spoken of, in giving my evidence at the time of the late election. No changes have been made since that time to my knowledge.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to	Description on Poll.	Residence	Quality in wh. he voted	Description of Prop'y on Poll.	No. of Objn's
40	431	Summers Hunter	no evid.		Proprietor		1 2 3
41	438	John Boyde					7 8

WM. DOUGLAS.—John Boyde, 41 of objected list and 438 of said Poll is not on my Roll.

LEMUEL CUSHING.—I have heard of a man of the name of John Boyde. I do not know of his owning any property.

JOSEPH LEANING.—He is not on my Roll.

CHARLES C. GRECE.—He is not on my book. I don't know such a man. I never heard of such a man owning land in Chatham.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence.	Quality in wh. he voted	Description of Property on Poll	No. of Obj'ns.
42	454	John Stewart	no evid-				
43	459	David Williams	ence.				
44	301	John Clarke					1 2 3
45	487	Thomas Lafleur			Proprietor		6

WM. DOUGLAS.—Thomas Lafleur, number 45 of objected list and 487 of said Poll of Chatham, is not on my Roll, either as tenant or proprietor. I don't know him.

LEMUEL CUSHING.—I do not know him.

JOSEPH LEANING.—I know a man of that name, who is a tenant at Centerville. He was a tenant at Centerville, at the time of the last election; and was so for two years previous on Francis Narbonne's farm. I would consider the annual value of the farm about £25.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence	Quality in wh. he voted	Description of Property on Poll	No. of Obj'ns
46	503	Alexander McNaughton					
47	509	Daniel Colquhoun	no evi-				
48	517	Samuel Broadfoot	dence				
49	521	John McCallum					
50	524	Barney King			Proprietor		1 2 3

WM. DOUGLAS.—Barney King, 50 objected list and 524 of said poll is on the Roll for lot 6 in the 9th range, valued at £50. He is rated on no other property on my Roll. There is no other man of that name on my Roll.

CROSS-EXAMINED.

He is entered and rated on said Roll as Proprietor of lot 6 in the 9th range.

LEMUEL CUSHING.—I know him. He occupies as a squatter on Mr. Stayner's land.

Question.—What land is it that he occupies belonging to Mr. Stayner?

Answer.—It is the sixth lot in the 9th range.

Question.—As the Agent of Mr. Stayner, are you able to say if he has any title to that property?

The Agent for the sitting Member objected to this question, as tending to prove, by verbal testimony, a man's title as proprietor, as tending also to produce secondary evidence upon the same subject, and because it appears by the Assessment Roll produced, by the Contestant himself, that the said individual is entered and rated as proprietor of the lot in question.

The Agent for the Contestant replies that the question only tends to prove the absence of any title whatever; and does not seek to prove, by secondary evidence, the contents of any deed or document, and that the production of the Valuation Roll cannot be construed as an admission on the part of the Contestant, of the quality assumed or entered on the said Valuation Roll.

This objection is reserved by the Commissioner for the consideration of the Committee, and the answer is ordered to be received.

Answer.—He has none whatever. He went upon it as a squatter without my permission; neither has he paid any rent for it. It was only on the Polling day that I came to know that he was upon it.

JOSEPH LEANING—He is assessed as proprietor on my copy for lot 6 in the 9th Range, containing 200 acres. He is a Baptist Minister. He is not entered as owning any other property. There is no other man of that name in the Township to my knowledge. I find I am wrong. It is John King who is the Baptist Minister. I find I was wrong as to Barney King's being a Minister.

CHARLES C. GRECE.—He is entered as owner of lot 6 in the 9th Range, containing 200 acres valued at £50. He is not entered on my book for any other lot. There is no other man of that name. I do not know the man.

THOMAS BARRON.—I know him.

CROSS-EXAMINED.

He has been ten or a dozen years in a lot in Chatham.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on list.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence.	Quality in wh. he voted	Description of Prop'y on Poll.	No. of Obj'ns
51	525	Joseph Moore	no evid-				
53	530	Jerome Cayeau	ence.				
54	532	Alexander McFarlane			Proprietor		1 2 3 6

WM. DOUGLAS.—Alexander McFarlane, number 54 objected list, and 532 of said Poll, is on the Roll for the east half of 21 in the 8th Range, valued at £40.

There is another Alexander McFarlane on the Roll on 15th lot in 10th Range, a laborer, rated for Statute Labor. There is only one Alexander McFarlane, rated as proprietor, who is, as I have above stated, entered for east half of 21 in the 8th Range.

CROSS-EXAMINED.

He is entered and rated on the Roll as proprietor of east half of 21 in the 8th Range.

LEMUEL CUSHING.—The only land I have known him to possess in Chatham, was part of Mr. Stayner's property, and sold by him previous to the election. It was I believe in the 8th Range of the Township.

CROSS-EXAMINED.

I did not see the Deed of Sale from him to vendee, whose name I do not remember. It was either McFarlane or the purchaser who notified me of the sale, and I made a memorandum of the sale in my book at the time.

JOSEPH LEANING—He is Assessed as proprietor, on my copy, for East half of lot 21, in the 8th Range, valued at £40. I do not find Alexander McFarlane any where else in my book.

CHARLES C. GRECE—He is Assessed as owner, on my book, of East half of lot 21, in the 8th Range, entered at £40, but the figure "£40" is struck through with pencil marks, and the word "vacant" within after it in pencil, I think not in my handwriting. There is no other entry on the said book for the said Alexander McFarlane. I do not know Alexander McFarlane.

Evidence for Sitting Member in Rebuttal:

JOHN LOGGIE—He is a neighbor of mine. He is on Lot No. 15, in the 9th Range. The lot was taken up about 30 years ago by his father, Peter, who is an old man. His two sons, Alexander and Daniel McFarlane, work the farm, but each claims a half of it. Alexander is my neighbor and he does the fencing and ditching on my side. The mother is dead. The part claimed by Alexander is worth £150. The time of possession and value above mentioned is with reference to the time of the election.

WM. HUTCHIN—He is on Lot No. 15, in 9th Range. The lot was taken up about 30 years ago by his father, Peter, who is an old man. His two sons, Alexander and Daniel McFarlane work the farms, but each claims the half of it. The mother is dead. The part claimed by Alexander is worth £150. The times of possession and values above mentioned are with reference to the time of the election.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on Dist.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence	Quality in wh. he voted	Description of Prop'y on Poll.	No. of Obj'ns
55	533	Peter Buchan	no evid-				
56	538	Andrew Young	ence				
57	547	Murdoch Graham					1 2 3
58	556	Miles Bigelow			Tenant		7 8

WM. DOUGLAS—Miles Bigelow, No. 58 objected list and 556 of said Poll, is rated for West half of lot 22 in 12th Range, valued at £15. He is rated for no other property on the Roll. I know of no other man of that name in Chatham.

CROSS-EXAMINED.

He is entered and rated as proprietor of West half of lot 22, in 12th Range.

LEMUEL CUSHING—I know him. I believe he occupies a Crown lot, or is a squatter.

JOSPEH LEANING—He is on my copy, Assessed as proprietor of West half of 22 in 12th Range, valued at £15. He is not on my copy for any other property. I do not know any other man of that name.

CHARLES GRECE—He is entered in my book as owner of West half of 22, in the 12th Range, valued at £15. He is not on my book again.

Evidence for sitting Member in rebuttal.

JOHN LOGGIE—I know his farm in the 12th Range. It is worth £60. He has a house, barn and stables on it. He has over fifteen acres cleared. I was over this farm yesterday.

CROSS-EXAMINED.

I cannot state what improvements Bigelow has made on his lot, since the election. I know he has made some. I know that he had good improvements before the election.

WM. HUTCHIN.—I know his farm, lot 22, in the 12th range. It is worth £60. He has a house, barns and stables on it. He has over fifteen acres cleared. I was over this farm yesterday.

CROSS-EXAMINED.

I cannot state what improvements Bigelow has made on his lot since the election. I know he has made some. I know that he had good improvements before the election. The most part of them were made before that time.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence	Quality in wh. he voted	Description of Prop'y on Poll.	No. of Obj'ns
59	557	Joseph Basinea	no evidence.				
60	560	William Fulton					
61	562	David Edgar					
62	564	Levi Leroy					

WM. DOUGLAS.—Levi Leroy, number 62 of objected list and 564 of said poll is not on the Roll.

LEMUEL CUSHING.—I know him, he purchased the quit claim to fifty acres of land which had been ticketed to another individual, ten years ago or upwards, upon which neither principal nor interest has been paid. There have been no improvements on it, and the land is valueless so far as he is concerned in it, as it would not bring the arrears with interest due Mr. Stayner. He paid some twenty five or thirty dollars for it, but it is not worth more now. He voted upon

this lot at the last election. He resides in Grenville, and I am not aware of his holding any other property. I know personally that he voted. I know of no other person in Chatham of that name.

C. C. GRECE.—There is no Levi Leroy on my book, I know a Levi Leroy. He lives in Grenville, and is a Pilot.

Evidence for sitting Member in rebuttal.

JOHN LOGGIE.—Property on 20th lot in 6th range in bush is worth two pounds an acre.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

TOWNSHIP OF MORIN.

Names of Witnesses examined respecting the contested votes in this Township, together with such portions of their testimony as do not specially refer to any particular voter.

ANDRE BOUCHARD LAVALLEE of the Village of St. Jerome, in the District of Terrebonne, Esquire, Notary Public.—I am Crown Lands Agent for that part of the Township of Morin, comprised in the County of Argenteuil. I was appointed the Agent for the Crown Lands in that neighborhood, in or about 1843, and have continued to act as such ever since. The boundary of the County of Argenteuil, runs between lots 24 and 25 of every concession. The portion of the Township included in the County lies to the south west of that line; and includes all lots numbered higher than twenty-four. Those numbered 24 and lower are outside of the county. The portion of the Township which has been surveyed, was so surveyed about 1847, to the best of my knowledge, and I received authority to sell the lands in Morin, about the year 1848. I received at the same time a map of the Township and a specification of the lands for sale, which specification contained all the lots that had been then surveyed. A small portion of the first range was unsurveyed; the survey having only extended from lot 25 to lot 54 inclusive. The remainder of the range above number 54 is unsurveyed. The portion of the fifth and sixth ranges which is in the said county is unsurveyed. The Township being of a triangular form; there would be no full lot of the sixth range in the county. In the fifth range there would be at the most seven full lots; but as yet, neither of these ranges has been surveyed. I have received as yet no authority to sell these unsurveyed lands.

Question.—Look at the document now produced by the petitioner No. 17, headed "liste des occupants du Township de Morin, dans le Comté d'Argenteuil, District de Montreal," purporting to be signed and certified by you, and state whether the said document is what it purports to be; and whether it was so made and signed by you from your records, and whether the statements it contains are correct?

The agent for the sitting member objected to any proof being made respecting the titles to property of persons other than those of the objected voters, and he objects to any proof being gone into until they are identified.

The petitioner replied, that the tendency of the question is to shew that all the voters objected to in Morin, were disqualified from voting at the said election, and that no person whosoever had at that time a vote in Morin: which proof would render the investigation in detail of each voters' right to vote unnecessary.

The Judge Commissioner reserves this objection for his own consideration and orders the answer to be given.

Answer.—Yes. I made the said document at the request of the Petitioner, and it is correct according to the records of my office. It contains a list of all the location-sales that have been made up to the time of the election for the said portion of the Township of Morin, with details of the No. of the Lot, the ranges, No. of Acres, price, date of taking possession by the occupant, date of his location ticket or permit of occupation, and the instalments due and unpaid to the Crown, up to the time of the election. By this list it appears that all the occupants under location tickets, except ten, were indebted to the Crown in two instalments of Crown dues and interest, and those ten in one instalment and interest. I don't know of any one in the portion of the Township in the County of Argenteuil, who has obtained a complete title or patent to any property there. There are some in that part which lies in the County of Terrebonne; but, on reflection, I state there is only one there, but none in Argenteuil. All the transactions respecting the sale of lands in the said Township pass through my hands, as local agent. In speaking of the said document No. 17, I speak from the records of my office which I have brought with me for the purpose, and have now before me, and produce before the Commissioner. There was no occupant of land in Morin, except those who were indebted, at the time of the election, to the Crown in instalments and interest upon the lands for which they held permits of occupation, which instalments were then due and unpaid, and there was, at the time of the said election, no proprietor of land in that part of the Township of Morin, under a legal title.

The extract from the records of the Crown Lands Office, produced by the Petitioner in this matter, on the 19th June last, dated 15th January, 1858, and certified under the hand of Andrew Russell, assistant Commissioner of Crown Lands, and under the seal of said office, is made from the returns originally sent by me to the said office. Since those returns were made, there have been numerous transfers of location tickets, which have been notified to me, and in the list certified by me, regard has been had to those transfers, many of which had not been notified to the department; which accounts for any discrepancies that may exist between the said list and the one already alluded to and furnished by the Crown Lands.

On my attention being called, by the Petitioner, to the fact that the lots 48 and 49 in the third range were not mentioned in my said list, I perceive that they have been accidently omitted, and for the purpose of making the same correct, I now insert them.

Question.—By the said list, as now corrected, can you state whether any occupant of land in Morin was free of indebtedness to the Crown, at the time of the last election, for instalments of purchase money then due and unpaid?

The Agent of the sitting Member objects to this question, as tending to prove facts respecting the individual just added to his list, which individual is not a Voter on the objected list.

The Petitioner contends that the question is the same as has already been answered by the witness, in reference to the same list, and for the purpose of enabling him to state the facts appearing by it now that it is corrected, the object being to shew that there is no exception to the rule that no qualified Voter exists in Morin.

The Commissioner reserves this objection as *ante*, and orders the answer to be given.

Answer.—All the persons, including the individual added, did owe instalments and interest of Crown dues at the time of the last election which were then due and exigible. I produce and file and attach to my deposition, to form part thereof, a copy of the form of location ticket, or permit of occupation used for the location sales; within the last two years or thereabouts, the terms of payment have been changed,—the Government requiring one-fifth of the purchase money down in cash, and the balance in four annual equal instalments. All the permits of occupation or location tickets, for the lots mentioned in the said list, and which have been located in the said part of the said Township of Morin, except one issued to George Woods (for lot 53 in the 1st range), are now in my possession, nothing having been paid on them, except James Henderson's. I retained them all, with the consent of the parties, until they should make their first payments, having no right to retain them without such consent, and being ready to deliver them to the parties whenever they asked for them.

CROSS-EXAMINED.

I have not with me all the instructions I have received from Government as Crown Lands Agent. I have with me here only my book of location tickets and the specification of the Township of Morin, and also a copy of a return of sales in the said Township of Morin to the Crown Lands Department, in 1852, and my instructions contained in a supplement of the *Canada Gazette*, under date 2nd March, 1849, containing the condition of sale of lots in the Township of Morin and elsewhere.

I have a great many instructions respecting the different Townships under my charge, but the principal ones with reference to the Township of Morin I have here with me in my location book, which is the one I have referred to as contained in the supplement of the *Canada Gazette*. I am Crown Lands Agent for other Townships besides Morin, and as such Agent have received general instructions which apply to them as well as to Morin. I do not remember whether I have received any special instructions from the Department with reference to the Township of Morin. I think I have not. The supplement of the *Canada Gazette*, I think, contains the first instructions I received from the Department with respect to the Township of Morin, at least to the best of my knowledge. I re-

ceived at the same time a circular from the Department, respecting the mode in which I was to fill up the blanks of the location tickets, and how to make the entries in the margin. The plan of the Township of Morin, of which I have spoken, was also furnished me by the Department, and the specification of the lots in the said Township, and also the book containing the location tickets.

Question.—Can you give the names affixed to the different lots entered upon the said specification as they were sent to you by the Department, from the South-West line of the Township, from lots Nos. 24 and 25, of all the ranges thereof inclusively, to the line boundary in the Parish of St. Jerome?

Answer.—Yes, I can. The names were also entered upon the map sent to me, and they are as follows :—

1st RANGE.	NAME.
Lot 25	John Bryan
" 26	Henry Woods
" 27	John Sinklar
" 28	Charles Sinklar, junior
" 29	Charles Sinklar, senior
" 30	Florence McNamara
" 31	George Woods
" 32	Donald Brown
" 33	Neil Brown
" 34	Thomas Westgate
	Samuel Woods
" 35	John Seal, junior
" 36	John Seal, senior
" 37	Mill Site
	José Seal
" 38	Joseph Seal
" 39	James Stephenson
" 40	James Westgate
" 41	Thomas Seale
" 42	George Hamilton
" 43	George Hamilton
" 44	James Flaherty
" 48	Peter Brown
" 50	John Moffatt
" 51	Thomas Pollock

2nd RANGE.	NAME.
Lot 26	John Kerr
" 27	John Kerr
" 28	William Kerr
" 29	John Boyd
" 30	Florence McNamara
" 31	William Thomas Woods
" 32	John Woods
" 33	Joseph Seal
" 34	Thomas Seal
" 35	John Seal
" 36	John Seal
" 37	Robert Davis
" 38	Mathew Millar
	John Millar
" 39	Mathew Millar
	John Millar
" 41	James Woods
" 42	Thomas Walker
" 43	Thomas Smith
" 44	Nathaniel Copeland
" 45	Nathaniel Copeland
" 47	Oliver Eager

3rd RANGE.	NAME.
Lot 29	Nathaniel Boyd
" 36	Frank Davis
" 37	Frank Davis
" 38	Mathew Millar
	John Millar
" 39	Mathew Millar
	John Millar

The remaining lots have no names attached to them on the said map or specification as received from the Government. I got no special instructions respecting these names, and accompanying the said map and specification. My general instructions were to give actual settlers the right of pre-emption. I have not these instructions with me. Some of these people whose names are above mentioned on the said map and specification were actual settlers, and some had merely made application; so I understood. I think that Mr. Quinn put the names on the map at the time he surveyed it; because the names on the map and specification agree. All my instructions respecting Morin, were for the whole of the Township and not for any particular part of it. My instructions respecting the sale of land in the said Township, have changed twice. At first I was ordered to sell at two shillings an acre, and afterwards at one shilling and six pence. I have not with me the circulars containing these instructions.

I believe I received from the department at the time I received the said location book, a printed circular of date 6th March, 1849, similar to an original circular addressed to Thomas Barron, Esquire, Agent, Argenteuil, Ottawa, produced by said Barron and now shewn to me. I am certain I also received a circular dated Quebec, 4th December, 1842, signed by Jean Langevin, similar to one produced by the said Barron and now shewn to me. I also received printed general instructions under date Montreal, November, 1855, signed by T. Bouthillier, similar to those produced by said Barron and now shewn to me I think I also received a printed circular under date, Kingston, 19th August, 1843, signed by T. Bouthillier, and similar to the one produced by said Barron, and now shewn to me.

I have at home a great deal of private correspondence with the department, but I have it not here with me. I do not think, however, that any of this correspondence altered or qualified any of the instructions I have already spoken of, as having seen and having been produced by said Barron, that is respecting the Township of Morin.

The list the petitioner produced and filed to day, and which is number 17, is made up partly from my return I sent to the Government, and partly from my Location-Ticket-Book—I mean my return to Government in August, 1852.

Question.—Did you compare the said list number 17 at any time with your book of Location-Tickets?

Answer.—No. I did not; but, I made it up from the list which I keep, which I am certain is correct with book of Location-Tickets.

I have had no subpœna served upon me to appear as a witness in this cause.

When I speak of the list, I mean the return or copy of the return which I made in August, 1852. I examined the Exhibit No. 17 with the said list in January, 1858. I was examined before the Honorable Judge Badgley, respecting the said Exhibit No. 17, on the 9th March, 1858, and I have not examined the said paper since. The petitioner pointed out to me an omission in the said Ex-

hibit, which I corrected from my Location-Book. I filled up the Location-Tickets in the said book after the return I made to Government. I speak of the return from which I made up the list, Exhibit No. 17. I think I sent this return to Government in September, 1852. We make returns every month. I have not compared list No. 17, with that part of the Exhibit relating to the Township of Morin, filed by the Contestant on the 19th day of June, 1858.

The return of which I have spoken as having been made by myself for the month of August, 1852, and sent to the Department in September following, was made for all the Township of Morin, and not only for the portion of the Township in the County of Argenteuil. This said return was made up from the Book of Location tickets. The exhibit No. 17 is an extract from that return, because I did not put down all the lots in the Township; but only the lots which are in that part of the Township lying in the County of Argenteuil.

In the list No. 17 there is a column headed "date du permis d'occupation," which means that that is the day they paid me for them, and the day on which they were dated, the parties being in possession some time before—which latter date is entered in a column in said exhibits No. 17, and headed "date de la prise de possession du lot ou partie du lot ".

The permit of occupation for lot 27, in first range of Morin, was dated 18th August, 1852. This *permis d'occupation* I have still in my possession. It was transferred to Jean Baptiste Paradis, 15th April, 1854. I now speak from the Book of Location tickets. This *permis d'occupation* was originally given to John Sinklar, Junior, who transferred it to said Paradis, this transfer was made by me on said Book at the request of the said parties, in their presence: which is the only way it can be done. It is only I who can make these Location transfers. I have not their signatures any where, and the entry as follows, in the margin of the Location ticket Book :—

"Bas Canada,
"Permis d'occupation
"à John Sinclair, Jr.
"No. 17, L. L.
"Lot No. 27, du 1er range de Morin, contenant 100 acres à 2s.—£10 payable
"en quatre versements egaux.
"Prise de possession, 17 Sept. 1849.
"Permis en date du 18 Avril, 1832.
"Transporte à J. Bte. Paradis, 15 Avril, 1854.
"(*Signé,*) A. B. L., *A.*"

I have the *permis d'occupation* of Mathew Hammond for lot 30, in 1st range.
I have also the *permis d'occupation* of George Woods, for lot 31, in 1st range.
So for Donald Brown, lot 32, in the first range.
So also for Neil Brown, 33 in 1st range.
So also of Thomas Westgate, for 34 in 1st range.

So also for John Seal, senior, for lot 35 in 1st range.
So also for John Seal, junior, for lot 36 in 1st range.
So also for Joseph Seal, senior, for lot 37 in 1st range.
So also for Joseph Seal, junior, for lot 38 in 1st range.
So also for John Newton, for lot 39 in 1st range.
So also for Thomas Seale, for lot 41 in 1st range.
So also for James Sutton, for lot 42 in the 1st range.
So also for George Hamilton, for lot 43 in 1st range.
So also of Thomas Murray, of lot 47 in said range.
So also of William McCulloch, for lot 49 in 1st range.
So also for Jean Baptiste Proulx, for lot 52 in the 1st range.
So also William Lesper, lot 54 in the 1st range.
So also as to Jean Baptiste Brière, for lot 25 in 2nd range.
So also of William Thomas Wood, for lot 31 in 2nd range.
So also of John Wood, for lot 32 in 2nd range.
So also as to John Burns, for lot 33 in 2nd range.
So also as to Thomas Seale, for lot 34 in 2nd range.
So also of Joseph Seale, junior, for lot 35 in 2nd range.
So also of Robert Newton, for lot 36 in 2nd range.
So also of William Watchorn, for lot 37 in 2nd range.
So also of John Davis, for lot 39 in 2nd range.
So also of John Murray, for lot 40 in 2nd range.
So also of George Jeacle, for lot 43 of 2nd range of Morin.
So also of Francis Murray, for lot 44 in 2nd range.
So also of John Riely, for lot 45 in 2nd range.
So also to William McCullock, to lot 47 in 2nd range.
So also of Antoine Poirier, Père, for lot 31 in the 3rd range.
So also of Laurent Miller, for lot 33 in the 3rd range.
So also of François Gravel, Père, for lot 34 in the 3rd range.
So also of Edward Legault, for lot 36 in the 3rd range.
So also of William Jeakill, for lot 38 in 3rd range.
So also of Isaac Jeakill, for lot 40 in the 3rd range.
So also of Robert Riely, for lot 41 in 3rd range.
So also of John Walls, for 43 in 3rd range.
So also of William Scobey, for lot 45 in the 3rd range.
So also of John Cook, for lot 46 in 3rd range.
So also of John McCarthy, for lot 47 in 3rd range.
So also of William Byrne, 34 in 4th range.

The permits of occupation from lot 27 to 46 inclusively, of the first range, are all dated 18th August, 1852.

All the permits from lot 48 to lot 54 inclusively, of same range, are dated 19th August, 1852. All these tickets up to this latter date are torn out of the

book of locations, but they are still in my possession. The next permits of occupation from number 46 to 85, of the enumeration of the tickets in the book, are dated 19th August, 1852, and the permits of occupation from 86 to 141 of said enumeration, are dated 21st August, 1852. All these latter are filled up and signed by myself, as agent, and still remain in the book..

On the opening of the Court in the morning, the witness made the following statement:—

After the adjournment of the Court, yesterday, I compared the list, exhibit No. 17, with the book of location tickets and my other documents, and found it all correct with the exception of the following matters:—

Lot 26 in the 2nd range is in possession of Elie Desjardins, instead of Félix Forget, the latter having transferred to Desjardins, on the 3rd July, 1857.

Instead of Michael Compeau being in possession of South-West half of lot 29 in 2nd range, he occupies half of lot No. 30 in same range, and Joseph Gagnon, who is entered on said list No. 17, as occupant of said lot No. 30 in same range, is the occupant of said South-West half of No. 29. François Chartrand is the occupant of the other half of lot 30; and Gregoire Forget is occupant of North-East half of said 29, in lieu of said Chartrand.

The name James Henderson, which was inserted by me yesterday in my list No. 17, was not included in my return of 1852, but was contained in my report of March, 1855, of which I have no copy with me.

CROSS-EXAMINATION RESUMED.

I am putting up at the same place where the Petitioner puts up, and where the Clerk of the Commission puts up: but I have not spoken to the Petitioner, respecting my evidence, since the ajournment yesterday. The Clerk, however, yesterday evening, after the ajournment, read over to me both my examination in chief and my cross-examination, which were not read over to me at the closing of the Court; but I heard it read over from time to time as it was taken. The Agent for the sitting Member, yesterday, at half-past three, asked me if I wished to have the evidence read over to me again before its being closed and signed. I stated I thought I understood it, and declined having it read over to me because I had heard it read over from time to time as it was being taken down. The taking of my evidence was, consequently, continued up to five o'clock. I took no notes during my examination of any discrepancies. It was only last night, and when the evidence was read over to me by the Clerk, that I took the notes from which I have desired to make the corrections this morning. The Agent of the sitting Member was not present during the said reading. There was no person present, except the Clerk and myself. No memoranda of these corrections were given me by the Petitioner, nor by any other person, nor were they suggested to me by him or any other person; nor was my attention drawn to them by any person. They occurred to me on hearing the deposition. The Petitioner did not tell me that I had better have my deposition read over to me nor did any one else. The having the deposition read over to me was my own idea *et de mon propre*

mouvement. I did not ask the Judge's permission to see the papers or have the same read over to me. I had the deposition read over to me, between half-past eight and nine o'clock in the evening. It was after I had supped with the Clerk alone, I asked the Clerk to read it to me.

The agent for the sitting member having complained of the clerk for having read the deposition to the witness after Court, the Judge Commissioner declared that he had given directions to the clerk in open court, that if the witness desired to have his deposition read over to him after the adjournment of the court, he might do so, inasmuch as it had not been read over to the witness at the closing of the court as usual.

The reading of the deposition and the comparing of my list and the taking of the notes in correction of my list occupied about three quarters of an hour. I began before my deposition was read to me, to compare the list No. 17 with my Location-Book. I then made a memorandum of the differences. I noted and then asked to have my deposition read over to me. The way the comparing took place, was, I read over each entry in my book of Location-Tickets, and the clerk of whom I have above spoken, checked off list No. 17. This was the only copy of the said list that was made. We compared each name and lot and other entries in the said list. This list is not a copy of my Location-Book nor of my return, but it is extracted from both. I can now state that this list Exhibit No. 17, is correct with my book of Locations.

It is the clerk who made at my request, a star of reference in pencil at page 205 at my deposition.

None of the parties in whose favor Tickets of Location were drawn out, were in my office at the time I drew out and dated the Location Tickets, but they were there at the dates I have given in list 17 under the head of *date de la prise de possession* at which time they paid me for permits of occupation. I have not written to any of them that their permits were drawn out; but they all know it. I have not been to their dwellings nor have I notified them personally.

Accompanying the said Book of Locations, sent to me by the department in 1849, are printed instructions respecting the sales of lands among which are the following:

"Pour les terres de la Couronne au nord du fleuve St. Laurent depuis la limite ouest du comté des deux montagnes, jusqu'à la limite est du comté de Saguenay 2s. l'acre.

Un quart du prix d'achat sera payable dans cinq ans de la date de l'acquisition. Les autres trois quarts seront payables en trois versements egaux, à des intervalles de deux ans chaque; le tout avec interêt.

Il ne sera émané de patente en faveur de l'acheteur que lorsqu'il aura été prouvé d'une manière satisfaisante qu'il a rempli les conditions de défrichement et autres ci-dessus mentionnées, et que la totalité du prix d'achat, et des interets aura été payée.

Les argents provenant du bois coupé en vertu de telle licence seront portés

à l'acquit du prix de la terre vendues que les améliorations voulues soient faites a la Couronne.

Le bois coupé sans permission sur les terres sous location avant l'accomplissement de toutes les conditions requises, sera considéré comme bois de la Couronne coupé sans licence.

Les demandes pour achat de vaient etre faites aux agents locaux respectifs.

In filling up the permits of occupation, a blank form, which was produced and filed yesterday by me, I have effaced the words "la date de ces présents" in the paragraph numbered 2, and the third line of said paragraph, and I have filled in, in the place thereof a date, and these words after it, "*jour de la prise de possess-*" *ion du dit lot,*" in the fourth line of the paragraph numbered four, and I have inserted in the margin in place thereof, the words, "*de la prise de possess-*" *ion du dit lot.*" I always begin by filling up the permit of occupation itself, and it is from that permit that I make a note in the margin of the page, from which the permit was torn containing the terms, dates, and other particulars contained in the said permit. I now fill up and file a blank leaf containing ticket and margin, to shew how my location book appears. The said location ticket is a true copy of the ticket and of the margin, both of which are in my book.

When the ticket is delivered to the occupant, it is torn off and the margin remains in the location book. The first return which I made to Government of sales made by me under the instructions received with the said location book, was, in September, 1852, of the sale previously made in August, as above dated.

This statement applies to the lots in the part of the Township that lies in Argenteuil.

Ticket No. 36 of lot No. 47, in the first range, appears on my margin to have been dated 19th September, 1852. The ticket is torn out of the Location Book and I have it at home, but I am satisfied from an examination of the copy of the return I made to the Government, in 1852, that it should have been 19th August, 1852.

There is an entry in the margin of ticket No. 18 of lot 28, in 1st range, by which it appears that Charles Sinclair, Junior, the original locatee, transferred to Michael Constantineau, 27th June, 1854.

Also, on the margin of No, 19 of lot 29, in 1st range, whereby Jane Seal, widow of late Charles Sinclair, transferred the north east half of said lot to John Sinclair, on 23rd February, 1855.

Also, on the margin of 24 of lot 34, in 1st range, whereby Thomas Westgate, original locatee, transferred south west half to John Burns, 21st February, 1856.

Also, on margin of No. 34 for lot 44, of the 1st range, whereby Walter McVicar, original locatee, transferred to Archibald Doherty, 13th April, 1853.

Also, on margin of No. 34 for lot 45, in 1st range, whereby James Baldwin, original locatee, transferred to Archibald Doherty, 13th April, 1833.

Also, on the margin of No. 35 for lot 46, in 1st range, whereby Archibald Doherty, original locatee, transferred to John Trennon, 13th April, 1853.

Also, on margin of No. 37 for lot 48, in 1st range, whereby Oliver Eagar, original locatee, transferred to Charles Doherty, 9th April, 1853.

Also, on margin of No. 39 for 50, in 1st range, whereby John Moffatt, original locatee, transferred to Samuel Wilson, 2nd May, 1853.

Also, on margin of No. 40 for lot 51, in 1st range, whereby James Moffatt, original locatee, transferred to David Wilson, 10th February, 1855.

Also, on margin of No. 42 for lot 53, in 1st range, whereby Robert Brown, original locatee, transferred to Abraham Wood, 28th May, 1856, who transferred to George Wood, 21st August, 1857.

The permit of occupation for all the above lots are all torn out of the book, and I have them in a *liasse* at home, with the exception of the one for George Woods.

Also, on margin of No. 78 for lot 26, in 2nd range, whereby Jérèmie Charron, original loactee, transferred to Félix Forget, 7th March, 1854, who transferred to Elie Desjardins, 3rd July, 1857.

Also, on margin of No. 79 for lot 27, in 2nd range, whereby François Amaraugher transferred to Toussaint Forget, 28th September, 1852.

Also, on margin of No. 80 for lot 28, in 2nd range, whereby Jean Baptiste Nantel, original locatee, transferred the North-West half of said lot to Olivier Strasbourg, 9th February, 1853, and the North-East half to Felix Corbeille, 11th January, 1856.

Also, on margin of No. 81, for lot 29 in 2nd range, whereby Pierre Imbault, original locatee, transferred to Cyphrien Lafleur, 21st October, 1852, who transerred to Joseph Gagnon, 12th December, 1852, who transferred the North-East half to Elie Desjardins, 22nd February, 1856, who transferred said half to Octave Bennet, 28th September, 1857, who transferred the said half to Gregoire Forget de Depatie, 28th September, 1857.

Also, on margin of No. 82, for lot 30 in 2nd range, whereby François Chartrand, the assignee of Michael Maye (the original locatee), under a Notarial Acte and confirmed by Maye's own statement to me, transferred the North-East half of said lot to Michael Campeau, 23rd February, 1857, who transferred the same to Scholastique Desjardins, widow of the late Louis Sarazin, 16th March, 1858.

So also, on margin of No. 90, for lot 38 in 2nd range, whereby Samuel Wilson, original locatee, transferred to John Moffatt 2nd May, 1853, who transferred to Wm. Watchorn, 17th May, 1857.

Also, on margin of No. 93, for lot 41 in 2nd range, whereby Alfred Baldwin, original locatee, transferred to Richard Stevenson, 25th March, 1856.

Also, on margin of No. 94, for lot 42 in 2nd range, whereby Robert McVicker, original locatee, transferred to John Riely, senior, 12th September, 1853.

Also, on margin No. 98, for lot 4 in 2nd range, whereby John McMahon

transferred to Archibald Doherty, 13th April, 1853, who transferred to William Robinson, 25th September, 1855.

Also, on margin No. 120, for lot 25 in the third range, whereby Andrie Gratan, original locatee, transferred to Seraphin Giroux, *fils*, 23rd April, 1854.

Also, on margin No. 121, for lot 26 in the 3rd range, whereby David Lillie, original locatee, transferred to Joseph Charbonneaux, 24th January, 1854, who transferred the North-West half of said lot to Armand Matte, 21st October, 1855.

Also, on margin of No. 122, for lot 27 in 3rd range, whereby William Kerr, original locatee, transferred to Etienne Charboneaux, 2nd March, 1854, who I think sold by Notarial *Acte* to William Scott, Esquire, which latter sold the North-East half of it to Antoine Godon, jr., 11th September, 1857.

Also, on margin No. 123, for lot 28 in 3rd range, whereby James Holmes, original locatee, transferred to Joseph Charbonneaux, on the 2nd March, 1854, who transferred the North West half to Levève Goyer, 6th October, 1854.

Also, on margin No. 124, for lot 29 in the 3rd range, whereby William Yule, original locatee, transferred to François Amaraugher, *fils*, 12th September, 1854.

Also, on margin 125, for lot 30 in the 3rd range, whereby Louis Beaulieu, original locatee, transferred to Hyacinthe Amarangher, 26th February, 1856.

Also, on margin of No. 127, for lot 32 in third range, whereby Joseph Poirier, original locatee, transferred to Robert Newton, 22nd February, 1858.

So also, on the margin of No. 130, for lot 35 in the third range, whereby Louis Raymond, original locatee, transferred to Elie Desjardins, 16th June, 1857.

Also, on margin of No. 135, for lot 42 in 3rd range, whereby John Trenear, original locatee, transferred to James Baldwin, 13th April, 1853.

All these last mentioned permits remain annexed to the margin of the Location Book and are not yet torn out.

All these permits of occupation are filled up in a similar manner to the one I have produced and filed to day, with the exception that the names and numbers of the lots differ.

All the permits of occupation contained in the said Book are filled up at the rate of two shillings an acre. It was under the instructions of which an extract has been made to day that I filled up the tickets in the said Location Book. These instructions bear date the 2nd March, 1849, and are pasted into my Location Book; they were so pasted when I received the book from the Government. The only other instructions I received, with respect to them, were as to the filling up of the margin which according to said instructions I did in the manner explained above.

The whole of the Township of Morin, at the time I received the said instructions of 1849, and the Book of Locations, was in the County of Terrebonne. I was Agent for the said Township, however, from the moment it was surveyed. I made no sales before I received the said Location Book and instructions in 1849. The specification and map of which I have spoken were sent me about a year previous.

I have never been in that part of the Township of Morin comprised in the County of Argenteuil.

I never wrote to any of the parties mentioned in the permits for Argenteuil telling them that they were in arrears and asking payment, but I have told them personally when they came to my office to pay for their tickets as already mentioned, at which time I explained to them the conditions of sale. I also stuck up, previous to that time, printed notices of the conditions of sale, sent me by the Government. These notices were in accordance with the instructions of 2nd March, 1849. I also mentioned to the parties whenever a transfer was made what arrears were due on the lots so transferred. Generally the said locatees are well able to pay.

The only knowledge I have of the survey of the said Township is from the map that was sent to me from the Department. My authority to sell land in the said Township is general, and not restricted to any part of it.

That part of the Township of Morin which lies in Argenteuil is erected into a municipality.

I have no power to issue patents, they issue from the head Department, and do not issue until after the conditions of the permit of occupation are fulfilled. Being asked whether I had ever seen the instructions in the Crown Land Department, by which they are guided in the issue of patents, I say that no patents issue until a certificate arrives from me that the conditions are fulfilled and that there is no adverse claim. I never saw the instructions in the Crown Land Department. I know nothing about how they issue patents. They never sent me any special instructions respecting patents; all I know about it, is they sent me some, which I distributed.

I cannot state, never having been in that part of Morin lying in this County, whether or no the persons mentioned in said list No. 17 occupied the lots at the time of the last election, set opposite their names in the said list: nor can I say whether they voted, none of them have been brought before me during the course of this examination to identify them as the parties of whom I have spoken and referred to in said list No. 17.

The lands in Morin are no longer sold on the same conditions as they were under the instructions of 1849. The latter instructions, which I have not with me, were to sell the lots at one shilling and six pence an acre, with a payment of one fifth down and the balance in four equal annual instalments. I cannot remember the date of these later instructions. I may have received them three or four years ago, perhaps five years ago. I cannot say exactly not having other papers than those I have spoken of, with me. I have however sold no lands, except James Henderson's, of which exception I am not very sure, under the later instructions. I have continued since 1852 to make monthly returns, as a general rule, to the Department, and I have made several returns since 1852. It hap-

pens sometimes when I make no sales I neglect making returns for a month or two. I have sometimes neglected it for a longer time.

I never had any application, from any settler in Morin, to sell him a lot until after I had received the specification, and Map and location book, spoken of above.

I mean by the entry in list No. 17, under the head of *date de la prise de possession du lot ou partie du lot*, to signify the date at which these parties paid me for their permit. All those which are marked of the year 1849, were in possession of their lots previously. Of those of subsequent dates, some were in possession previously and some took possession then. The first memorandums which I made, respecting these payments, were entered upon the specification this way, "P. 5s. P. 2s. 6d."—the first for the ticket, and the second for the transfer.—These entries bear no date, they are only for my own private use—for myself. The copy of the return I made to Government in September, 1852, a copy of which I kept, and from which I have spoken during my examination, was drawn up and made in the month of August, 1852; this copy contains a portion of the transfers which were made and notified to me since the month of August, 1852. There might be some transfers not entered on it, which were made in 1858. I never make an entry of the payment of the fee of five shillings costs of the permit, in my book of locations. I was not bound to keep any account of it, as it was my own personal affair, and I give no credit. I never kept any account book, either in which I made any entries.

I cannot remember the exact date at which I made up the return of August, 1852, nor how long I was employed on it.

When I enter a transfer in the margin of my location book, as I have stated above, and when the permit of occupation remains in my said book, I give the parties no memorandum of the transfer unless they ask for it. If they ask for the permit, I give it, and upon the back of the permit I enter the transfer, when I deliver the permit. I never give any thing else but the permit of occupation, with the endorsement of the transfer on the back of it.

The dates which I have stated, the said permits bear, are the dates at which I fill them up. After filling up a permit of occupation, I make the entries in the margin of which I have spoken, and when a party subsequently wishes a transfer made, I make an entry thereof, also in the margin; and if the party wishes the ticket, I tear it off and enter upon the back of it an entry of the copy of the entry of the transfer contained in the margin.

I made up the return, the copy of which I have here with me, and of which I have spoken before I filled in the tickets of location book, and then I filled in permits of occupation from said return. What I call the copy of return is the draft from which I made my return in 1852, and from which I filled up the permits of location. The permits of occupation which were sent me by the Government, and which are filled up in my location book, are all in the french language.

I received a circular from the Crown Lands department under date, Quebec, 4th December, 1852, and signed "Jean Langevin, per C. C. L," similar I think to the one produced by Thomas Barron, a witness in this matter and of similar date now shewn to me; and I think it is from that time, that the sales at the lower rates and change of terms began.

I could not, if the names on the location book were read over to me, tell which of them, with the exception of those who have made transfers, I have personally spoken to, and informed that arrears were due. I do not remember having notified any of them of what arrears were due. I never had any instructions from Government so to do.

The notices that were sent to me by the Department and which I caused to be posted were in the French and English languages. When the people paid me for the permits, the date of which payments I have entered on list Exhibit 17, under the head of "*date de la prise de possession,*" I then explained to them the date from which their payments would run. I told them that the delays for the payments would run from the said "*date de la prise de possession.*" To the people who came to have the transfers of permits made, I made the same explanation. I told them what arrears, if any, were due, and when the next payment would become due. All these parties both locatees and transferees agreed to these terms. All the permits in my book are entered and dated before December, 1852; and they are all made under the regulations of 2nd March, 1848. All subsequent sales are made under the instructions which I have called the new instructions, Henderson is the only sale made under the new system. The only entry I have respecting Henderson, on the papers I have with me, is a memorandum in pencil on my said specification of the date, at which the said Henderson made application for said lots, which appears to be the 24th October, 1853. I have none of my official memoranda respecting sales since August, 1852, except what I have, respecting Henderson, above mentioned.

At the time the locatees paid me for the permits, I gave them no written memorandum of the terms of sale, or dates of payment. In fact I gave them no written memorandum at all, nor have I sent or given them any since.

RE-EXAMINED.

Question.—Is it not true that the Honorable Judge Commissioner, also, puts up at the same Inn as yourself and that it is the only convenient Hotel in the place?

Answer.—Yes, there is none other.

Evidence for Sitting Member in Rebuttal:

FRANCOIS LALANDE, du Township de Morin, Cultivateur.—Je connais André Bouchard Lavallée. Il se dit Agent des terres de la Couronne pour le Township de Morin. Je suis entré dans ce Township il y aura six ans en Décembre prochain. Dirèctement en arrivant, j'ai fait application à Mr. Lavallée pour un permis d'occupation. Pour l'acquit de l'achat du Gouverne-

ment, Mr. Lavallée m'a demandé trente piastres. Je lui ai laissé les trente piastres, et il les gardé environ vingt mois. Il m'a donné un reçu, me disant, qu'il prendrait six mois pour avoir mon permis d'occupation, et qu'il me ferait avertir. Après les six mois, je suis allé le trouver, et il m'a dit que ça prendrait six à neuf mois et peut être plus pour avoir le permis d'occupation. Neuf mois après j'y suis retourné de nouveau. Mr. Lavallée m'a demandé si j'avais apporté le reçu qu'il m'avait donné. Lui ayant dit que " oui" et après le lui avoir présenté, i'l l'a pris, et l'a gardé me disant, qu'il avait besoin du reçu pour l'envoyer au Gouvernement avec l'argent. Je lui dis àlors que j'avais besoin de mon reçu, que c'etait ma sûreté pour le paiement que j'avais fait, et qu'il me le fallait ou bien l'argent, ou le permis d'occupation ; il y'àvait assez long temps qu'il attendait. Il me repliqua qu'il ne s'agissait plus de trente piastres maintenant, mais de quarante-deux, pour obtenir mon permis d'occupation. La dessus je lui ai dit que je n'avais plus d'argent à risquer, et que j'allais voir à me le fair remettre. Mais que j'aimerais mieux a le lui payer maintenant et avoir de suite mon permis d'occupation. Il m'a dit qu'il n'y avait pas moyen que cela se fit de suite. Je suis allé en effet à Montréal, et j'ai remis mon affaire entre les mains de Mr. Doutre, l'Avocat, qui lui à écrit à ce sujet, et quelque temps après Mr. Lavallée m'a fait demandé. J'y suis allé, et il m'a remis mon argent, refusant de me donner un permis d'occupation pour cette somme. C'etait le numero 26, du premièr rang que j'occupais alors, et pour le quel j'avais fait application comme dessus. J'ai acheté les travaux et amelioratións de Henry Wood, pour la somme de cent louis.

A ma connaissance, il n'y avait pas eu avis publiés des ventes qui devait se faire dans l'endroit.

TRANSQUESTIONNE.

Je pense qu'il y avait six à huit ans que Wood avait le lot en question en possession. La raison que Mr. Lavallée m'a donnée pour exiger les quarante-deux au lieu des trente piastres, était, que le prix avait été augmenté depuis que j'avais achété. J'avais déposé les trente piastres à l'acquit de mon achat, en Decembre, 1852. Et quand il m'a dit que si je ne payais pas de suite les quarante-deux piastres requis, c'à pourrait l'augmenter a cinquante-deux piastres ; que la différence serait pour les interêts qui s'accumuleraient. Les deux premières fois que je suis allé chez Mr. Lavallée je n'avais personne avec moi ; mais j'ai vu la, dans l'office plusieurs personnes de St. Jerome qui je ne connais point. La troisième fois j'etais accompagné par Mr. Frank Davis.

Lorsque j'ai payé les trente piastres en question c'etait pour le prix d'achat du Gouvernement ; et j'avais en consequence droit d'avoir ma patente que

jai appélé permis d'occupation, suivant que Mr. Lavallée m'a expliqué lui-même. Mr. Lavallée appéllait le permis d'occupation, patente ou contrat.

FRANCIS DAVIS, of the Township of Morin, Farmer.—The Township of Morin is a Municipality. George Hamilton is our Mayor. I have paid Municipal and School Taxes. I have been settled there ten years, going on eleven. I have had occasion to go with François Lalande to the office of Mr. Lavallée, Crown Lands Agent for that Township. This was, I think, in 1854. On that occasion Mr. Lavallée gave back to Mr. Lalande some money, and I signed, as witness, a receipt for it. This was money he had deposited with Mr. Lavallée, two years before, as I understood, for his deed. Lavallée refused him the deed.

I demanded of Mr. Lavallée for myself a Location ticket eight years ago for lot 37 in the 3rd range. He said he would not give it to me. The reason Mr. Lavallé gave was, that there were conflicting claims about the purchase of lots in Morin, and that he would not give any location tickets until he had satisfied himself as to who were the first settlers. Mr. Lavallée knew that I was the first settler, but he said the others were not in the same position. He therefore refused me my ticket. The reason he gave for refusing my ticket was that if he gave one man his ticket, he would have to give them to others. In 1854, being desirous of selling my place, I again applied to him for my ticket, which he refused; and also refused to give me any reason. Eight years ago I also offered Lavallée to pay for the lot of one Kennedy, my neighbour, being lot 39 in 3rd range, but he refused to take the money and give the ticket.

Before I went into Morin I saw in the public prints that all Crown Lands north of the Grand River were to be sold at the rate of £7 10s per 100 acres; but I have never known any notices to be put up in Morin stating the time or price, or the conditions at which the Crown Lands in the Township were to be sold.

The only public places in our municipality are the Mill and the School House, which latter is our place of worship. The mill has been established for six years back. Had any of these notices been published there I would either have seen or heard of them.

Mr. Abbott was represented at the poll, held in Morin, by Mr. Barnston, at the last election. Mr. Abbott's agents canvassed this municipality before the last election. They solicited my vote. I was asked for my vote by Mr. Abbott's brother. Mr. Abbott had an Election Committee, as I was told by some of the committee themselves. His Committee room was held in one Kilpatrick's house. The open house was in Kilpatrick's and the Committee room was in Burn's. Frequent sales and purchases of lands in Morin have been made there within the last five or six years.

CROSS-EXAMINED.

On my first visit to Lavallée, eight years ago, I offered five shillings to Mr. Lavallée for my ticket, that was all he demanded. On my second visit in 1854 I offered him the same sum. I still hold and live on the same lot. It is the only one I hold there.

I voted on it at the last election for Mr. Bellingham.

The reason given me by Mr. Lavallée in 1854 for not giving me a location ticket was that I had not put down my name in his office for the lot. I put down my name, however, on the surveyor's list when the Township was surveyed, which Mr. Lavallée said he knew; but his fee on taking my name down in his office was a dollar, and he wanted me to put my name down there in order to get his fee. This dollar was for entering my application, and there was another dollar for the location ticket. I was willing to enter the dollar for the location ticket, but not the dollar for entering my name again.

When he refused me the ticket for Kennedy's lot, he did so on the same ground that he refused me my own at the same time.

The thirty dollars that Lalande deposited with Lavallée, was for Lalande's deed from the Crown or patent. I did not hear or understand, as they spoke in French, what reasons were given by Lavallée to Lalande in refusing him his deed. All I had to do was to be a witness to the receipt of the money by Lalande.

I think the School House I have mentioned has been put up these six years. The sales I have spoken of as having taken place in Morin are sales of Improvements.

JAMES BALDWIN, of the Township of Morin, farmer. I have been nine years in Morin.

I have never known Mr. Lavellée to give notice of the sale of the Crown Lands in Morin, nor of the conditions of sale. If there had been any, I would have known or heard of them. The only public places in the Township, are the school house (wich also serves as a meeting house), and the mill. Both these buildings have been put up for six years. I never knew of any arrears of crown dues being called for. About eight years ago I called upon Lavallée, to get a location ticket for either 43 or 44 in the 1st Range of Morin. I paid him half a dollar for putting down my name, because no other man's name was down for that lot. I then also paid him a dollar for the location ticket. He then said that he could not give the tickets at that time; but when they were ready for all parties he would send word or give notice. He never has given that notice yet.

Also about twelve months after that, I called upon him to get my ticket. I asked for my ticket; and he said he had it not ready; when I insisted either upon having it or my money. He said he had not the money then,

but that if I would call for it in a few days, he would have it all ready for me. I never subsequently asked for the money, because I sold my improvements on the lot to Archibald Doherty, and he was to have the lot and the money too.

I subsequently applied to Lavallée for another lot—about seven years ago; which was lot 45 in the 1st Range. I paid Lavallée half a dollar for putting down my name instead of Doherty's, and gave him my note for five shillings for the location ticket. I sold my improvements—my title to that land. I subsequently bought the lot 47, in the second Range, from one John Trainer for eight pounds. The lot I previously had was sold last fall by Trainer, for £60. I have never been to Lavallée respecting the lot I have lastly purchased; but whenever he gives the notice he told me he would, and of which I first spoke, I am ready to meet him. Lavallée never gahe any notice that arrears were due. I have paid Municipal and school taxes whenever they were demanded; and the portion of the Township in this county is erected into a Muncipality. A poll was held in the school house at the last election. Mr. Abbott was represented at the said poll by a gentleman—Mr. Barnston—who acted as his agent. I know that Mr. Abbott, himself, canvassed this Township before the election.

Question.—Did Mr. Abbott ask you to vote for him, and if so, what transpired upon that occasion; and did you in consequence vote for him?

The Petitioner objected to that portion of the question relating to conversations between the witness and himself, unless it be first shewn that such conversations are relevant to the matter submitted to the Judge Commissioner, or unless the question be directed specially to statements of the Petitioner affecting the right to vote, of some of the voters objected to.

The Agent for the sitting Member replied in the terms appearing in the minutes. And the objection was maintained by the Commissioner, and at the request of the sitting Member, the answer was ordered to be taken *de bene* on a separate *folio*. in compliance with the 120th section of the election petitions act of 1851.

The answer to the first and last branches of the question is as follows:

Answer.—Mr. Abbott asked me to vote for him. I did, in consequence of what I have stated in the *de bene* evidence vote for him.

CROSS-EXAMINED.

Lot 47 or 48 in the 2nd Range, mentioned in my examination in chief, as lot 47 was first settled upon by William McCulloch, who is a young man.

Doherty was present in the Crown Lands Office, when I got his name changed for mine. I voted as a tenant of a place for which I paid £8 a year, namely, lot 44 or 45 in the first range. They told me at the poll, that it did not matter whether I voted upon my leased property or upon the property I bought from Trainer, as I was entitled to vote upon either.

FRANCIS CHARTRAND—Cultivateur, du Township de Morin.—

J'ai été six ans dans cette partie du Township de Morin qui est dans le

comté d'Argenteuil. Je n'ai jamais été chez Mr. Lavallée pour avoir mon permis d'occupation, mais lorsque j'ai vendu mon terrein dans ce prinstemps, dans le mois de Mars, j'ai été chez Mr. Lavallée comme Notaire pour faire passer mon contrat. Madame Sarazin l'acquereur de moi, a demandé a Mr. Lavallée, si la terre devait quelque chose a la couronne. Il a dit que "oui." Il à dit à Madame Sarazin le montant du au juste. Mais je ne puis me rappeler de la somme au juste à présent, mais je crois que cetait de vingt huit à vingt neuf piastres pour le demi lot. Le prix du demi lot etait cinq louis et l'interét faisait la difference. Madame Sarazin lui a demandé quand il falloit payer ces argents là, et il lui a repondu qu'il ne scais pas quand, mais qu'il attendait des nouvelles du Government pour retirer ces argents. Il a dit ces argents là. Il n'y avait jamais d'avis donné a ma connaissance, que la couronne était prête à donner des billets de location et à recevoir des argents. Il y a une église dans la paroisse de S. Sauveur. Morin fait partie de cette paroisse. A cette eglise, il n'y a jamais eu d'avis donné a ma connaissance. Nous avons une Municipalité et nous payons les taxes.

TRANSQUESTIONNE.

Le demi lot dont j'ai parlé passe pour avoir deux arpents et demi de large vingt huit de haut. Je comprends un lot complet est de cinq arpents sur vingt huit. C'est sur ce demi lot que je demeurais au temps de l'election et c'est la terre sur la quelle j'ai voté. Je pense que c'est le numero 30 du second rang. J'avais fait application à l'agent pour ce demi lot et mon nom a été inscrit en consequence.

Le témoin déclare ne savoir signé son nom.

ISAAC JEKILL of the Township of Morin, farmer.

I have resided in the Township of Morin for the last nine years. About eight years or eight years and a half ago, I applied to Lavallée for a Location ticket for Lot No. 40 in the 3rd range, and paid him for it. At that time he said he could not give me a ticket as he had none at the time. A number of parties applied at the same time. I again applied for my ticket about a year after this, when he told me that he had the tickets, but that he had no orders from the Government to give them, and that he wanted all the settlers down at once that he might give them their tickets in one day. He did not name a day at which I should get my ticket. I never saw any notices stuck up stating the time and conditions of sale of the Crown Lands in Morin ; or stating that the Crown was ready to give Location tickets.

Mr. Abbott was represented at the Morin poll at the last election by Mr. Barnston. I cannot say whether Mr. Abbott made a personal canvass of the municipality or not. I saw him there before the election. I saw him addressing a portion of the Electors. I saw him only once addressing the

Electors. This was at Watchorn's. James Baldwin, a Witness examined in this matter, was present on that occasion.

Mr. Abbott never asked me to vote for him; but Mr. Henry Abbott told me he wonld be very glad if I would feel disposed to join their party.

CROSS-EXAMINED.

The Petitioner stopped all night at my place, and breakfasted with me on the occasion of his visit to Morin before the Election.

I am a Municipal Councillor of the municipality. The petitioner never made me any offers of money or any offers whatever about my vote. Mr. Baldwin's interest in the Township I cannot say anything about. I cannot say whether Baldwin was the worse of liquor or not that night. I cannot say that I noticed Baldwin that night, nor did I see him walking from room to room talking loud.

I voted for Mr. Bellingham. I understood the price of the land to be one shilling and six-pence an acre; Mr. Lavallée told me something about the price and terms and conditions of sale of the land at the time of my making application for the lands, but I do not now remember them. When I say I paid for the Location ticket, I mean I paid the dollar which is the price of it.

TOWNSHIP OF HARRINGTON.

Names of Witnesses examined respecting the contested votes in this Township, together with such portions of their testimony as do not specially refer to any particular voter.

WITNESSES FOR THE PETITIONER.

EWEN CAMPBELL, of the Township of Harrington, yeomam.—I am and have been for the last two years Secretary-Treasurer of the Township of Harrington. I have been on and off in the Township of Harrington for the last twenty years' but I have lived there permanently only during the last three years. My home has been in Harrington for the last twenty years: until within the last three years I have been employed on the river at times. I am the first and only Secretary-Treasurer for the Township that has ever been appointed under the Municipal Law. There has never been made a valuation roll for the Township. I know the people in the old settlement, and a good many in the new settlement. I was Poll Clerk at Harrington at the last election. For some years back I have been in the habit of going through the Township of Harrington, hunting; and also looking out lands there, and for this reason I have been acquainted with the Township in part, and most of the residents. Originally the lands in this Township were, I believe, Crown Lands. The residents of the Township are mostly men who are clearing up farms for themselves and their heirs, and generally live upon the land they own.

CROSS-EXAMINED.

Harrington has been partly settled twenty-two years, and in fact is only partly settled now.

Lands in Harrington are increasing in value, by reason of the improvements, clearing and logging land for the first crop is worth from ten to sixteen dollars' per acre.

HENRY MILWAY, of the Township of Harrington, yeoman, a Witness for the Contestant, being duly sworn, doth depose and say:—

I was Mayor of the Township of Harrington until January last: and I was Deputy Returning Officer of Harrington Poll at the last election. I am a resident

in the Township for the last twenty years ; I know a majority of the settlers ; I might know more, but I live on the other side of the River Rouge : we have never had a valuation roll for the Township.

As a general rule the inhabitants of Harrington live upon their property, and are engaged in clearing up their farms. When people come in to settle, we generally hear of their names, but some we hear of and some we do not. I never heard talk of there having been any but Crown Land in Harrington.

CROSS-EXAMINED.

I cannot say how many families there are in Harrington. There is a large number of families there with whom I am not acquainted, perhaps one half of them : Mr. Abbott was represented at the last election by two Agents at the Harrington Poll, namely—a Mr. Waddell and a Mr. Machin. There were some votes objected to by the said Agents, and I swore some of the voters to whom they so objected. Whenever they required a description of the property, upon which the voter voted, it was put down. I have heard of the Campbells and others, holding other lands than those they live upon ; I do not know the proprietor of every lot in Harrington. In Harrington there are several families who call the brothers and sisters by the same christian name. There are a great many families there of the same name.

I signed the last requisition to Mr. Bellingham to come forward as a candidate for the County, bnt I did not vote for him being the Deputy Returning Officer for Harrington, and considering that, in that capacity, I had no right to do so.

GEORGE KAINS, of the Township of Grenville, Crown Lands Agent for Townships of Grenville and Harrington. I have resided in Grenville and done business there ever since 1831 as a Trader. The principal part of the inhabitants of the old settlement of Harrington, even now come to Grenville to mill and to trade ; and until within a very few years back the whole of the residents of the Township did so. From this fact, I know personally nearly all the old settlers, and many of the new ones also trade with me ; since 1850 new settlers have come in the Township of Harrington. I am and have been for three years Crown Land Agent for the Township. As acting local Agent I have the book containing the names of parties to whom licenses of occupation for Crown Lands in Harrington have been given.

The permits or location tickets are not transferrable, except with the consent of the Crown Lands Agent. There is very little difference between the "licenses of occupation" and "the permits." The "licenses of occupation" which were formerly granted were in the form of a certificate, under the signature of the Crown Land Agent, that the party receiving it had been by him authorized to occupy the land therein mentioned upon the terms and conditions set forth in said permission. A part of the fourth condition was that the occupant should be entitled, in preference to every other person, to become the purchaser of the said parcel of land at the price or sum mentioned in the said license—said price

payable in four instalments: the first whereof to be paid in five years from date of license, and the three others at intervals of two years each, computing from the expiration of the said five years.

The next sentence in said license is as follows:—("It is to be well understood that nothing in these presents contained shall give, or be construed in a manner to have the effect of, a transferrable title to property. That neither the occupant nor his heirs or assigns or persons *ayants cause* shall have, or pretend to, any right of property in the said parcel of land, until all the conditions contained in these presents shall have been well and truly fulfilled, and the Crown shall have transferred its rights of property in the same, by Letters Patent").

It is also stated in the same fourth condition that the Crown Lands Agent should have a right to eject the party, receiving the said license, from the said property, in the event of his failing to comply with the conditions of the said license, and to dispose of the property if he should see fit. I now produce and attach to my deposition a blank license of occupation, being the form which was used in granting permission to parties to occupy Crown Lands up to 1855 or 1856. The change was made since I became local agent.

I also produce and attach to my deposition a blank permit, being the form which is now in use in the Department, instead of the former license of occupation. By this it is also stipulated that the receiver of the permit shall not transfer his right under it, before payment of the entire purchase money. It is also stipulated that in case of a violation of any of the conditions of the permit, the land shall be resumed by the Government without any formality, notification or indemnity towards the purchaser.

The granting of either a license or permission is usually spoken of as a sale, it being in fact a conditional sale; the principal difference between the license formerly used and the permit now used is, that upon receipt of the license, the locatee paid only a fee of a few shillings to the agent, the whole of the purchase money being to be paid either in five or ten years: the first instalment of the ten years to become due and payable in five years from the date of the sale, with interest. With respect to the permit, one-fifth of the purchase money has to be paid at the time of the purchase, and the balance in consecutive yearly instalments, with interest. There is also a slight difference in the settlement duties. The whole Township was at first Crown Land. I cannot say when it was first surveyed. * * * * I have no authority to sell any lots in Harrington, except those that are furnished to me in a list by the Department. I have such a list in my possession. Supposing my books to be kept correctly, they would not shew all the lots that have been patented or located in Harrington; because I have never been furnished with the list of the patented lots. I cannot say that the books shew all the lots located. The Department has never located lots without notifying me of it, that is as far as I know. They have notified me in some instances—whether in all I cannot say.

The generality of lots in Harrington have not been much improved in value. The buildings are generally shanties.

CROSS-EXAMINED.

I was not present at the Harrington Poll either of the polling days of the last election. I do not now remember where the poll was then held. From my place it is about twenty miles to the Post Office or Campbell's, or Millway's, in Harrington. I was back as far as my own land, lots 17 and 18 in 1st range, about 4 years ago. I do not think I was ever at Milway's or Campbell's house. I have passed by their land going up the River Rouge, upwards of twenty years ago, but I was in at one McTavish's when I went to see my own land, 4 or 5 years ago. McTavish's house was in the settlement, and one of the best houses there. I sold these two lots eighteen months ago to Donald Campbell. The price was three hundred pounds for four hundred acres, one hundred of which were cleared. I was appointed some time in 1855 acting Crown Lands Agent by the Department. The first of my operations was on the third of January, 1855. I was appointed by a written authority from the Crown. I have not that authority with me. I had separate instructions in a letter. I had general instructions. My instructions were to sell to the first applicant for any lot on my list who had one-fifth of the purchase money ready to pay down; and to sell them in lots of not more than 200 acres. All that the Crown Lands Department sent me was my letter of authority, a general letter of instructions, and, subsequently, at divers times, instructions both special and general. Through Mr. Quinn, I received the list from the Department. The Department referred to that list particularly in a communication. I cannot give the date of the communication; nor can I remember the words in which the Department referred to the list. I have this list at home. I could not refer to the list during my examination in chief, because I had not the list in my hands; but I referred to my Cash Book, which I had before me, of sales made referring to that list, in instances where I located lots myself, and to the former Agent's Book of licenses of occupation which he made. The said Cash Book contains only the number of the lots I have sold from that list. The said list was not furnished me under the hand and seal of the Department. I never sent that list to the Department, and much less do I know that Mr. Quinn sent that list to the Department.

The Crown Lands Department never sent me any list of lots that they authorized me to sell. The only authority I have from the Crown Lands Department is to sell certain lots furnished to me in a list, subject to conditions contained in my instructions. William Henry Quinn was the previous agent to myself. He was acting agent there three or four years. I think his father, Owen Quinn, was agent before him for upwards of fifteen years. I think he was the first that was appointed after the Staff Corps Agents. I was not in the employ of said Owen Quinn, in his capacity of agent; but I was with the young man. The last entry in the former agent's book of licenses of occupation was in 1851, and I now find

that in Mr. William Henry Quinn's, the former agent's, Cash Book the last entry made by him was the 14th February, 1854. The last entry in the book of licenses of occupation of the former agent is as follows :—

"Orie Coriare, South half of lot No. 7 in the 2nd concession of the Township of the augmentation of Grenville, containing one hundred acres, on the ten years system.

July the 21st, 1851.

(*Signed,*) WILLIAM H. QUINN,
Acting Agent."

I think this is in the hand-writing of the said William Henry Quinn. I have seen him write.

The first entry of the said William H. Quinn in the said book of licenses of occupation is as follows :

"June 3rd, 1851.

James Mulvany, N. ½ of lot No. 24 in the 4th range of the Township of Grenville, containing 100 acres, at 2s. per acre, on the ten year system.

(*Signed,*) WILLIAM H. QUINN,
Acting Agent."

There is no entry in the book of licenses of occupation in my hand-writing.

The first entry, I find, I made in the Cash Book of which I have spoken, is under date of the 3rd January, 1855 ; since which time I find the entries made consecutively in the Cash Book by myself. One of the conditions of William H. Quinn's holding the Office of Crown Lands Agent was that he should open an office in Grenville, and go there once a month. He opened such an office there, and finding it unremunerative, as he lived at Lachute at the time, I offered to do the business for him ; which offer he communicated to the Department, and I was approved of. There is no transaction in any book entered from the 14th February, 1854 to the 3rd January, 1855. After my offer was approved of, the said W. H. Quinn handed me the book of licenses of occupation, and monthly Ledger, and the Cash Book of which I have spoken, as well as the list of which I have spoken.

The first entry in the book of licenses of occupation is under date of 5th February, 1850. If transfers were made they were unknown to me ; I, consequently, could not enter such transfers. But when transfers had been made with my consent I made an entry of them, subject to the approval of the Crown Land Department. In the case of such transfer I first send to the Crown to learn if the transfers are approved of, and if they are approved of, I enter them on my books : otherwise not.

I have never made any transfers ; I cannot recollect what the Department's instructions about the transfers are.

Question.—When the Crown Lands Department named you Agent, did they send you a memorandum of all the transactions had respecting Harrington with them previous to the time of your appointment ?

Answer.—No.

Question.—Have you any direct authority from the Department to collect arrears that may be due upon lots sold previous to the time of your appointment?

Answer —No.

Question.—Did the Department send you any memorandum of what arrears were due to them on any sales made previous to the time of your appointment?

Answer.—No; because they were aware of what arrears were due themselves: and if they wanted collections made they would have sent me instructions about them undoubtedly.

I did not furnish the Contestant with the list of bad votes in Harrington; but I made out a list of bad votes myself. I conveyed no information to the Contestant; but if he liked to take it he was there himself. I mean by "there" he was at Grenville, in my house. He had no access to the Crown Land Books in my possession, he had a list of the Harrington votes in his possession copied from the Poll Book, in my presence. In reference to the said list, I answered Mr. Abbott such questions as I thought proper to answer; but whether he took them as information or not I do not pretend to say.

Question.—Did you canvass for Mr. Abbott at the last election in this County?

Answer.—Yes.

Question.—Did you accompany the said Contestant shortly previous to the polling, for the purpose of soliciting votes for him at the last election?

Answer.—I went to two houses with him in the augmentation; and four or five, I think, with him in Grenville.

Question.—Can you this morning produce and exhibit the letter of authority from the Crown Lands Department under which you act as Agent?

Answer.—Yes; I now produce and exhibit the original, a copy whereof, certified under my hand, I now produce and file to form part of my deposition as a continuation of my answer. I now produce and exhibit another letter from the Crown Lands Department, a copy whereof I now produce and file with my deposition. I now also produce the list referred to in this second letter, a copy of which list, certified under my hand, I file to form part of my deposition.

Question.—Is it under the authority of these two letters that you have acted as Crown Lands Agent?

Answer.—Yes.

Question.—Has William H. Quinn ever sent in a resignation?

Answer.—I do not know.

I have a map of the Township of Harrington, furnished me by the Department. That map shews which are clergy lots and which are crown lots.

Question.—Are not Crown lots sold upon different terms of payment from what Clergy lands are; and what is the difference?

Answer.—They are: according to the letter of instructions of Quebec, 19th September, 1855, just now exhibited. Clergy sales are by ten instalments, the

first of which down, and the remaining ones yearly; and upon condition of actual settlement: Crown sales by five instalments, one of which down at time of purchase, and the remaining four in annual payments. I am not related, allied or of kin to Mr. Abbott, the Contestant.

Question.—Have you given, or caused to be given or loaned any sum of money, or given any office, place, or employment, gratuity or reward, or any bond, bill, or note, or conveyance of land, or other property, or promised the same to any elector in consideration of, or for the purpose of corrupting him to give his vote for the Contestant, or to forbear giving his vote to the sitting Member, or as a compensation to any elector for his loss of time or expenses in going to or returning from voting at the last election, or on any other pretence whatsoever?

The Contestant objects to the above question, because the evidence taken before the Commissioner is expressly restricted to the scrutiny of votes polled for the sitting Member and that evidence of bribery and corruption, even on the part of the sitting Member, could not be adduced under the present Commission; and much less can such evidence be adduced with respect to bribery and corruption on the part of the Contestant.

The Commissioner overrules the objection and instructs the witness that he is not bound to answer the question, unless he sees fit.

Answer.—I have not.

Question.—Have you paid or promised to pay any sum of money towards defraying the expenses of the present contest?

Answer.—I decline to answer this question.

I have no personal knowledge that any arrears are due on lots sold or located in Harrington by the Agents previous to myself.

A majority of the Harrington people come down to Crook's Mill, in the third range of Grenville, but some go to Dewar's Mill, in the first range of Grenville.

RE-EXAMINED.

I have never issued a License of occupation; and I find from my cash book, on the 28th March, 1853, an entry made, by Wm. H. Quinn; a receipt for the first instalment of a lot of land which is not entered on the book of licenses of occupation. From this and subsequent entries in the cash book I infer that permits which are on detached sheets came into use some time before I had charge of the books of the Agency, and not after, as I first supposed.

Testimony of Witnesses having special reference to particular Votes:

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence	Quality in wh. he voted	Description of Prop'y on Poll.	No. of Obj'ns
165	1	William McLeod	Yeoman	Harrington	Proprietor	Farm	1 2 3

EWEN CAMPBELL.—With respect to William McLeod, 165 of objected list, and 10 of Poll of Harrington, I know one William McLeod.

Question.—What property did the said William McLeod occupy ostensibly as owner at the time of the last election?

The sitting Member objects to this line of evidence as irrelevant to the issue, stating that evidence should be confined to the lot upon which the Voter voted; and to the objections raised against the Voter on that lot.

The Contestant replies that the Voter not having mentioned the property on which he voted, and also having been *d'abondant* notified to produce the deeds of the property on which he voted, it is to be presumed that he voted upon the property which he occupied professedly as owner at the time of the election, and the Contestant has a right to prove what property he then so occupied.

The sitting Member alleges that no notices have been legally served upon any of the parties whose votes are contested, and that the proof attempted to be made does not lead to the presumption sought to be inferred.

Objection reserved by the Commissioner for the consideration of the Committee, and the answer ordered to be taken.

Answer.—He occupied ostensibly as owner, a lot in the 2nd range. I think the 13th lot. I do not know of his occupying, as owner, any other lot at the time of the last election. I do not know any other person named William McLeod in the Township. The said William McLeod voted at the last election.

HENRY MILWAY.—I know him. I remember he voted. I know him to be a resident in Harrington for 20 years; but I do not know where he lives. I do not know any other William McLeod in the Township.

GEORGE KAINS—I know him. He never occupied or owned any land in Harrington by the consent of the Crown. He occupied 14th lot in the second range. His father and the sons cleared a property in Harrington, which the said William McLeod applied to me to purchase after I had sold the south half to Colin Campbell. This application was made since the election. The McLeods wrote to the department since, claiming the right of pre-emption for this lot, as he and his family had made the first clearance on the said lot I received a communication from the department to suspend the sale, until Campbell should describe the nature and extent of the improvements, which he declined to do; and he relinquished the lot; and I returned to him thirty shillings, the first instalment which he had paid. I informed McLeod of the fact, and that the lot was open to him to purchase. I cannot say whether McLeod was then living on that lot or not.

CROSS-EXAMINED.

To the best of my knowledge, William McLeod was born in Harrington, and is perhaps 24 or 25 years of age. My impression is that he was born there. I think he has been in the Township for 20 years. His father is dead I have no personal knowledge on what lot the father of William McLeod lived and cleared; but I think that he occupied lot 14 in the 2nd range.

Question.—Have you any personal knowledge of what lot William

McLeod occupied at the time of the last election, for the six months preceding the last election?

Answer.—No.

Lot 14 in 2nd range, is not patented sold or located.—Crown Lands List.

No Evidence in Rebuttal.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to	Description on Poll.	Residence	Quality in wh. he voted	Description of Prop'y on Poll.	No. of Objn's
166	2	Donald Dewar.	Yeoman.	Harrington.	Proprietor	Land.	1 2 3 16
176	44	Donald Dewar.	"	"	"	Farm.	1 2 3

EWEN CAMPBELL—With respect to Donald Dewar, 166 of said objected list, and 2 of Poll of Harrington. I know two Donald Dewars. One is the son of Norman Dewar, and the other the son of Roderick Dewar. I think they both voted. Roderick's son occupied at the time of the last election a farm in the fourth concession—to the best of my knowledge the fourteenth lot—and no other to my knowledge.

Norman's son lived in the second range at the time of the election. He is a young man unmarried. He lives there with his father; but holds property in the new settlement. I believe he has bought some man's possessions there, I think in the seventh range and I think the 8th lot. I I don't know of any other men of the name of Donald Dewar, in the Township.

HENRY MILWAY—I know two of that name. One is the son of Roderick and the other the son of Norman. I think they both voted. Roderick's son lived at the time of the last election, I think, in the fourth range, I wont be sure. I cannot tell the lot. I do not know of his holding any other property than what he lived on.

Norman's son lived with his father at the time of the last election. I heard he held land in the Township. These are the only Donald Dewars that I know in Harrington.

GEORGE KAINS, I know two men of that name, both young men. The one is the son of deaf Dewar, whose name is Norman, the other is the son of lazy Dewar, whose name is Roderick Dewar. Roderick's son had no land in Harrington at the time of the last Election—that is he was not proprietor. Norman's son was not proprietor either at that time.

Question.—Can you as Crown Land's agent tell who occupied lot 14 in the fourth range at the time of the last election, and under what title or authority?

The sitting Member objects to the present question as being irrelevant to the issue, no such lot being mentioned in the poll-book.

The Contestant replies that it has already been proved that the Voter occupied the lot in question at the time of the Election, and no other, and that he is entitled to prove the non-existence of title deeds in the voter, or even the existence and contents of his deeds, inasmuch as the Voter has been notified to produce his deeds.

The Commissioner, considering that this point had been repeatedly decided before, overrules the objection, and the answer is ordered to be given.

Answer.—I do not know who occupied Lot 14 in the 4th range at the time of the last Election; I know that no Crown Land Agent has sold the Lot. There has been no Location ticket for that lot to any one.

I know that two Location tickets for Lot 7 in the 8th range have been issued;—that is, one for the one half, and another for the other half. The south half was bought by John McDonald, and the north half by Ewen McDonald, the 16th September, 1850; and on the sixteenth September, 1855, neither of them had paid any Instalments; nor has anything been paid on the lot since.

Neither of these half lots has ever been transferred with the consent of the Crown Lands Agent.

CROSS-EXAMINED.

I have no personal knowledge of what Lot Donald Dewar, the son of Roderick Dewar occupied at the time of the last Election, or six months previous to it.

Question.—Has the Crown Land Department ever informed you what arrears were due on Lot 7 in the 8th range, or whether any are due?

Answer.—The Crown Land Department has never informed me that any arrears were due, but I have a memorandum from the former Agent of the time the Lot was sold, which was the 16th September, 1850; and nothing paid thereon.

Part of the memorandum is in the former Agent's handwriting, and the balance is in the handwriting of the Agent before him. These memoranda are in the Book of Licenses of Occupatiou, and in the Cash Book, both furnished to me by the former agent.

Question.—Can you give the exact words of that portion of the memorandum relating to the Lot in question, that is in the handwriting of the Agent immediately before yourself; and of that portion which is in the handwriting of the Agent preceding him? and if you can do so—

Answer.—I find in the book of Licenses of Occupation, "No. 45, N. N., John McDonald, south half of No. 7 in the 8th range of Harrington, September 16th, 1850, given under the ten years system, Owen Quinn, agent." This has reference to the first agent, that is, the Agent preceding the Agent preceding me.

This is the only memorandum I have respecting the lot in question. The writing of the above memorandum is in one hand, and the signature in

another. The signature is Owen Quinn's. The body of the memorandum I presume to be the second Agent's, being similar to the handwriting of several letters received from said second Agent. I have no personal knowledge of arrears being due on the Lot 7 in the 8th range.

Lot 14 in 4th range is not patented, sold or located. South half of lot 7 in the 8th range, located to Ewen McDonnell, on the 16th September, 1850, and some payment made on it; not patented. West half of lot 7 in the 8th range, located to Ewen McDonnell, junior, on the same day; no payment made on it, and no patent issued.—*Crown Lands List.*

No evidence in rebuttal.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence	Quality in wh. he voted	Description of Prop'y on Poll.	No. of Obj'ns
167	10	William Dewar	Yeoman	Harrington	Proprietor	Farm	1 2 3

EWEN CAMPBELL.—I know William Dewar, 167 of objected list and 10 of Poll, of Harrington. I do not remember whether he voted, but I expect he did. I remember seeing him at the Poll. He lived, at the time of the last election, in the 4th range on the 13th or 14th lot. I do not know that he occupied any other lot at that time. I do not know of any other man of that name in the Township.

HENRY MILWAY.—I know him. I think he voted. I know he lived with his father, at the time of the last election, in the 4th range, I think. I do not know of his having land. I only heard of his owning land somewhere in Harrington. I know of no other William Dewar in Harrington.

CROSS-EXAMINED.

I have known him 17 or 18 years.

GEORGE KAINS.—I do not recollect him. He must be son of some of the older Dewars.

The South half of 13 in the 4th was patented to William Wilkes, soldier, of the Staff Corps, on the 6th January, 1847. The other half of 13, and the whole of the 14th lot in the 4th, I have no knowledge of ever having been patented or sold. I have no memoranda to shew that they have been.

South half lot 13 in 4th range, patented to William Wilkes, 6th January, 1847. Neither the other half nor lot 14 in that range have been patented, sold or located.—*Crown Lands List.*

William Willies voted. Poll.

No evidence in rebuttal.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence	Quality in wh. he voted	Description of Property on Poll	No. of Obj'ns
168	13	Roderick Campbell	Yeoman	Harrington	Proprietor	Farm	1 2 3

EWEN CAMPEELL.—I know Roderick Campbell, 168 objected list, and 13 of said Poll. I believe he voted. He lived in the third range with his wife, in a house by himself. I am not sure whether the 17th or 18th lot. I do not know of his occupying or owning any other lot than that at the time of the last election.

I know another Roderick Campbell, a young man ; I cannot say whether of age or not. He stops with his father. I cannot say whether he occupies property or not ; the young man's father's name is Kenneth. I understand that the family bought a block of land in the new settlement some time before the election.

HENRY MILWAY.—I know him. I think he did vote. To the best of my knowledge, he lived in the third range at the lime of the last election ; but I cannot give the number of the lot. I think it is pretty high up, perhaps the 13th or 14th lot, or higher. I know of no other land that he occupied at that time than that lot. I do not know any other man of that name.

CROSS-EXAMINED.

I have known him 17 or 18 years.

GEORGE KAINS.—I know him. He owned no property in Harrington at the time of the last election.

Lot 17 in the third range was patented to James Murray, of the Staff Corps, 3rd April, 1841. I have no memorandum of 18 ever having been patented or sold.

CROSS-EXAMINED.

I have no personal knowledge of what lot Roderick Campbell occupied at the time of the election, or six months previous thereto.

Lot 17 in 3rd range, patented to James Murray, 30th April, 1841. North East ¼18 in 3rd range, sold to Wm. Campbell, 29th April, 1837, and some payment made, no patent issued. Remainder of lot not patented sold or located.—*Crown Lands List.*

No Evidence in Rebuttal:

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence.	Quality in wh. he voted	Description of Prop'y on Poll.	No. of Obj'ns
169	15	John McRea.	Yeoman.	Harrington.	Proprietor	Farm.	1 2 3

EWEN CAMPBELL.—I kow John McRea, 169 of objected list and 15 of said poll. I believe he voted at the last election. At the time he occupied a lot in the first range—the tenth or eleventh lot, I am not sure. I have seen a clearance. I do not know when he went on the lot I do not know of his occupying any other lot at the time of the last election. I do not know of any other John McRea in the Township of Harrington.

HEWRY MILWAY.—I know him. I believe he voted. I cannot say where he lived at the time of the election. I heard he occupied land. I know no other John McRea in Harrington.

CROSS-EXAMINED.

I have known him 14 or 15 years.

GEOBGE KAINS.—I know him. He bought north half of 3 in the third on the sixth July, 1850, but he has paid nothing on the lot. He has no other property in Harrington.

I have no account of 10 or 11 in the first range ever having been patented or sold.

CROSS-EXAMINED.

I have no personal knowledge of what lot he occupied at the time of the election or for six months previous.

North ½ 3 in 3 range, located to John McCrea, 6th Jnly 1850. No payment made or patent issued. 10 and 11 in the 1st, not patented sold or located.—*Crown Lands List.*

No Evidence in Rebuttal:

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence	Quality in wh. he voted	Description of Prop'y on Poll.	No. of Obj'ns
170	21	John Dewar.	Yeoman.	Harrington.	Proprietor.	Land.	1 2 3

EWEN CAMPBELL.—I know John Dewar, 170 of objected list, and 21 of said poll. I do not remember that he voted. He is a brother of Donald the son of Norman, above spoken of. He held part of lot number 8 in the seventh range, according to my knowledge—only what I was told. He is a young unmarried man—and sometimes lives with his father. I do not

know of his holding any other property, and I do not know of any other man of the name.

HENRY MILWAY.—I know him. I am not sure that he voted. I do not remember. I do not know where he lived at the time of the election. I know no other of the name.

CROSS-EXAMINED.

I have known him 6 or 7 years.

GEORGE KAINS.—I know him. He has no property in Harrington.

Two location tickets have been granted for 8th lot in the 7th range on the same day, the 16th September, 1850—the south half was located to Gilbert Munro, and the north half to Andrew Munro. Nothing has been paid on either of these half lots.

CROSS-EXAMINED.

I have no personal knowledge of what lot he occupied at the time of the election or for six months previous.

Lot 8 in the 7th Range located to Gilbert Munro and Andrew Munro, on the 16th September, 1850. No payments made and no patent issued.—*Crown Lands List.*

No Evidence in Rebuttal:

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence.	Quality in wh. he voted	Description of Property on Poll	No. of Obj'ns
171	30	John McCulloch.	Yeoman.	Harrington.	Proprietor	Farm.	1 2 3 6

EWEN CAMPBELL.—I know John McCulloch, 171 of objected List, and 30 of said Poll. He voted at the last Election. He lives in the sixth range of the Township. The Lot is somewhere near seven or eight. I do not know of his occupying any other than that one. I do not know any other man of that name.

HENRY MILWAY.—I know him. I remember he voted. He lived somewhere near the big Lake, but I do not know the range or lot. I know no other of the name to occupy land. I know no other of the name.

CROSS-EXAMINED.

I have known him 6 or 7 years.

GEORGE KAINS.—I know him. He owned no land in Harrington at the time of the last election.

Lots 16 and 17 and the north half of 18 in the 6th range have been patented.

Lots numbers 9 and 2 in the same range have been located.

No. 9 in the 6th range was located to Roderick Fraser ou the 26th March, 1850. Nothing has been paid. This Lot has never been transferred to any body else with the consent of the agent

South half of 2 in the 6th Range was located to Donald McKinnon on 3rd September, 1850. Nothing has been paid on the half Lot; and it has never been transferred.

The north half of same lot was located to Alexander McLellan, 3rd September, 1850. Nothing has been paid on the Lot; and it has never been transferred.

CROSS-EXAMINED.

I have no personal knowledge of what land he occupied at the time of the election, or for six months previous.

Lot 7 in the 6th, located to Roderick McCrea, and some payment made on it, but not patented. Lot 8 in the 6th not patented, sold or located.—Crown Lands List.

No Evidence in Rebuttal.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence	Quality in wh. he voted	Description of Property on Poll	No. of Objn's
172	36	Roderick B. Dewar.	Yeoman.	Harrington.	Proprietor	Farm.	1 2 3

EWEN CAMPBELL.—I know Roderick B. Dewar, 172 of said objected List, and 36 of said Poll. I believe he voted. He held at the time of the last election a lot in the 4th range, the fourteenth lot. I do not know of his holding any other land in the Township. I do not know of any other man of the name in the Township.

CROSS-EXAMINED.

He has been there upwards of fifteen years, or about, to the best of my knowledge. He has a pretty good clearance on his Lot,—a house and barn. The land and improvements I would value at between £50 and £60.

HENRY MILWAY.—I know two of the name of Roderick Dewar. I do not remember that two voted, but I am sure that one voted, and I know the man who voted. I think the one who voted lived on the third range at the time of the Election. I am not sure it was the third, but I think it was.

I cannot say where the other Roderick Dewar lived at the time of the Election,—that is, I cannot say the range or lot—they were not far apart. I do not know whether either of them was called Roderick B. Dewar.

There is no man there, whom I know as Roderick B. Dewar. This may have been a means to distinguish them, but I did not know them by this distinction.

CROSS-EXAMINED.

I have known the two Roderick Dewars 17 or 18 years.

I think the value of the property of the Roderick Dewar in the third range to be over £100.

GEORGE KAINS.—I know him. He owned no property in Harrington at the time of the last election. I have no account of lot 14 in 4th range ever having been patented or located.

CROSS-EXAMINED.

I have no personal knowledge of what lot he occupied at the time of the election, or for six months previous.

Lot 14 in the 4th range not in list of lands patented, sold or located.—*Crown Lands List.*

No evidence in rebuttal.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence.	Quality in wh. he voted	Description of Property on Poll	No. of Obj'ns.
173	39	Samuel McCrimmon	Yeoman	Harrington	Proprietor	Land	1 2 3

EWEN CAMPBELL.—I know Samuel McCrimmon, 173 of objected list and 39 of said Poll. I think he voted. I mind of seeing him at the Poll. He held, at the time of the election, land in the fourth range. The lot is between the fifth and the tenth. I cannot give the number, though I think it is the sixth lot. I do not know of his occupying more than the one lot. I do not know of any other Samuel McCrimmon holding land in the Township.

HENRY MILWAY.—I know him. I think he voted. I do not know where he lived at the time of the last election, I do not know any other man of that name.

CROSS-EXAMINED.

I know him seven or eight years.

GEORGE KAINS.—I do not remember him.

The South half of lot 8 in the 4th, was patented to Joseph Tanner, of the Staff Corps, 23rd October, 1847, and South half of 10 to Alexander Cooper, 5th October, 1853.

The South half of 5 in the 4th range was located to Donald McRae, on the 3rd April, 1856, on which all the instalments, that is, the five, were paid, 29th May, 1856.

North half of 6 in the 4th range was located to John McCaskell, on the 11th July, 1856, and one instalment only was due on the 1st July, 1857.

The sale of this lot has been suspended, from the fact that it appears that the ticket was obtained on a misrepresentation or a misapprehension of the rights of the previous occupant.

The South-West half of six in the fourth was located to John McCrimmon, 11th May, 1850. Nothing has been paid, and no transfer taken place with consent of Crown.

The North half of 8 in the 4th range was located to Alexander Fraser, 31st October, 1856. One instalment was due the 1st November, 1857, and one instalment has not been paid.

There have been no other patents nor location tickets issued for lots between 5 and 10 inclusive, in the 4th range. The disposition of lots in the 4th range between 5 and 10 appear as follows on the Crown Lands List:

South half 6 in the 4th, located to John McCrimmon, 11th May, 1850; no payment has been made on it, nor patent issued. South part of 8 in the 4th, patented to Joseph Tanner, 23rd October, 1847. Residue of 8 sold to Alexander Fraser, upon which some payment has been made, but no patent issued.—*Crown Lands List.*

Joseph Tenor voted. Poll.

No evidence in rebuttal.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence	Quality in wh. he voted	Description of Prop'y on Poll.	No. of Obj'ns
174	40	Daniel Cameron	Yeoman	Harrington	Proprietor	Farm	1 2 3

EWEN CAMPBELL.—With respect to Daniel Cameron, 174 of objected list and 40 of Poll, I know one Donald Cameron, but I do not know any Daniel Cameron in Harrington. I think Donald voted.

HENRY MILWAY.—I do not know a man of that name; but I know one Donald Cameron.

GEORGE KAINS.—I do not know such a man as Daniel Cameron. I have no such man on my books, as owning land in Harrington.

No Evidence in Rebuttal.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to	Description on Poll.	Residence	Quality in wh. he voted	Description of Prop'y on Poll.	No. of Obj'n's
175	41	Alexander Beaton	Yeoman.	Harrington.	Proprietor	Farm No. 4 in the 5th Range.	1 2 3

GEORGE KAINS.—With respect to Alexander Beaton, 175 of objected list and 41 of Poll. The South half of four in the fifth was located to *Neal Beaton*, on 24th April, 1850. Nothing has been paid on the lot and no transfer has been made.

The North half of four in the fifth has never been patented or located, to my knowledge. With regard to the South half, I am aware that there has been no transfer of it.

South half of 4 in the 5th located to Neal Beaton, 24th April, 1850. No payment has been made on it, and no patent issued for it.—*Crown Lands List.*

No evidence in rebuttal.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter Objected to.	Description on Poll.	Residence.	Quality in wh. he voted	Description of Property on Poll	No. of Obj'ns
177	3	Norman Dewar	Yeoman	Harrington	Proprietor	Land	1 2 3

EWEN CAMPBELL.—I know Norman Dewar, 177 of objected list and 3 of Poll, of Harrington. I believe he voted. I have not a doubt he did. He held, at the time of the election the South half of lot No. 15 in the 2nd range. At that time he held no other property, to my knowledge, in the Township. I know no other man of that name in the Township.

CROSS-EXAMINED.

Question.—Have you any personal knowledge that a patent has issued for Lot 15 in the 2nd range of Harrington, a part of which is occupied by Norman Dewar, 177 of objected list and 3 of Poll of Harrington?

The Contestant objects to this question upon the ground that the sitting member has no right to prove the existence of a written document or Title Deed by parol testimony without having first used diligence to produce the document itself as the best evidence.

The Sitting Member replies, that he admits the principle that every voter, as far as his own vote is concerned, is a party in the matter, and should be brought forward by a *subpœna duces tecum*, or order under the hand of the Judge; but that, inasmuch as the Contestant has not done so, but has endeavored simply to prove presumptions, the said sitting member is entitled to go into evidence to rebut those presumpiions.

The Contestant protests that a Voter cannot be brought before the Commissioner as a Witness on a *subpœna duces tecum*, to be examined upon his own vote.

The question is reserved by the Commissioner for the consideration of the Committee; and the answer is ordered to be given.

Answer.—A patent has been taken out for that Lot. I have the Deed in my possession, but I have it not here with me. I think the patent issued in July last, but I think he has been in possession for six or seven years.

HENRY MILWAY.—I know him. I think he voted. I think he lived in the second range at the time of the Election. I know his land. I think it would not be far from lots numbers 15 or 14. I do not know of his having any other property than what he lived upon. I do not know any other Norman Dewar in Harrington.

CROSS-EXAMINED.

I have known him 7 or 8 years. His property is worth £50; the land being rough.

GEORGE KAINS —I know him. He owned no land in Harrington at the time of the Election.

With regard to Lot 15 in the 2nd Range, I find all the Instalments paid on the 31st January, 1856, by Roderick Dewar, to whom I suppose the lot was originally located, but of which I have no memorandum. The patent fees were paid to me on the 7th March, 1857. I think Roderick Dewar died since the Election. This is not the Roderick B. Dewar I have above spoken of.

CROSS-EXAMINED.

I have no personal knowledge of what Lot he occupied at the time of the Election, or for six months previous.

Lot 15 in the 2nd Range was patented to Roderick Dewar on the 31st July, 1857.—Crown Lands List.

No Evidence in Rebuttal.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence.	Quality in wh. he voted	Description of Property on Poll	No. of Obj'ns
178	5	Roderick McRae	Yeoman.	Harrington	Tenant	Farm.	4 5 6 7 8 16
204	46	Roderick McRae	"	"	Proprietor	"	1 2 3 7 8 10
205	47	Roderick McRae	"	"	"	"	1 2 3 7 8 10

EWEN CAMPBELL.—With respect to Roderick McRae, 178 of objected List, and 5 of Poll of Harrington, I know two or three of that name. I know the one that voted as a tenant, at the election in December last. He occupied, as he said, a farm in the first range. There is a large family of the McRaes, and the one that voted stated that he voted as a tenant for a block of land there.

I know two of that name who held land as proprietors at the time of the election. I remember seeing one of them about the Poll; and I do not believe him to be a man that would vote twice. He is an old honest man. The old man occupied land in the new settlement; and the young man, in the old settlement. The old man's Lot was in the sixth range, to the best of my knowledge; I think it was the seventh Lot. I do not know of the old man's having other property than that. He showed me the Location ticket he had of it.

The young man held property at the time of the election in the third Range; and had a clearance there, and also a shanty. The Lot is between number one and number five. I do not know of his holding any other property than that. I do not know what it was worth.

HENRY MILWAY.—I know one Roderick McRae who voted as tenant of a farm. It is a valuable property, said to belong to one Dougall McTavish.

I know only one as proprietor. I think he lived in the old settlement in the first range. He is an old man and father of the Roderick McRae who voted as Tenant.

GEORGE KAINS.—I know him. He was located on the north half of two in the third, 5th July, 1850. One instalment was due in 1855, and has not been paid. I do not find him on my books for any thing else. I do not know any other man of the name of Roderick McRae. There is no other land located to any other Roderick McRae in Harrington. On further examination I find a Roderick McRae located on 7th Lot in the 6th Range, on 14th February, 1854. The first three instalments are still due and unpaid,—and were so still at the time of the last election.

No. 2 in the 3rd was located to Roderick McRae the 6th July, 1850. No payments has been made on it, and no patent issued.

No. 7 in the 6th was located to Roderick McCrea on the 14th February, 1854, upon which some payment has been made, bnt no patent issued.—Crown Lands List.

No Evidence in Rebuttal.

The Hon. Judge Commissioner is of opinion that the vote No. 178 is good, and that the votes No. 204 and 205 are bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence.	Quality in wh. he voted	Description of Property on Poll	No. of Obj'ns.
179	6	Donald B. Campbell	Yeoman	Harrington	Proprietor	Land	1 2 3

EWEN CAMPBELL—I know Donald B. Campbell, 179 of said objected list and 6 of said poll. He is my brother. He voted at the last election. At that time he occupied and lived on lot 16 in the 3rd range. He bought, more than a year ago, some land in the new settlement. It is in the 5th range—I think the second lot. He held no other property in the Township to my knowledge.

CROSS-EXAMINED.

I would value the land that Donald B. Campbell occupies at no less than £200.

HENRY MILWAY—I know him. He voted. At the time of the last election he lived, I think, in the 3rd range. I do not know the number of the lot. I think he has other property than what he lived upon at that time—I heard so—in the 3rd range. I do not know any other person of that name.

GEORGE KAINS—I know him. He is a brother of Ewen Campbell, the Secretary-Treasurer of Harrington. A good many years ago I paid the instalments on a lot of land on which the father, Donald Campbell, lived; but the said Donald, the father, is since dead. The lot was the South-half 2 in the 5th. I do not know whether a patent has issued for the lot. No application has been made to me for it. All the instalments have been paid up for the lot; only the lot cannot be transferred without a patent—The lot would be well paid for with £100 or £150. I think there are six children surviving their father.

The North-half of 2 in the 5th range, was located to Ewen Campbell on 5th July, 1850. I do not recollect whether that has been paid. I have no memorandum of it.

I have no memorandum of lot 16 in the 3rd, having been patented or located for any one.

The North-half and quarter of 16 in the 3rd were located to Donald Campbell on the 14th July, 1835. Some payment has been made on it, but no patent has issued. The N. E. quarter of the same lot was located to him on the 8th Decr. 1836. Some payment has been made on it, but no patent issued. The N. part of 2 in the 5th was located to Ewen Campbell on the 6th July, 1850, and the S. part to Donald Campbell on the same day. No payment have been made on it and no patent issued.—*Crown Land List.*

No Evidence in Rebuttal.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence	Quality in wh. he voted	Description of Property on Poll	No. of Objn's
180	8	Alexander Campbell	Yeoman.	Harrington.	Proprietor	Land	1 2 3 6 16
181	12	Alexander Campbell	"	"	"	Farm.	1 2'3 6 10

EWEN CAMPBELL—With respect to Alexander Campbell, 180 and 181 of objected list and 8 and 12 of Poll of Harrington. I know four Alexander Campbells in the Township; I see, by reference to the copy of the Poll Book in this matter filed, that only two Alexander Campbells voted. I know the two of the name who voted, one of them is a brother of mine, and held part of lot 16 in the third range. He also held at the time of the election a Crown Land Ticket for the adjoining lot; it is the fifteenth lot. That is all the property he held at the time of the election.

The other Alexander Campbell who voted, is the son of Kenneth Campbell in the new settlement; he is a young man living with his father. I do not know any thing about his having held any property or not at the time of the election; very likely he had bought a Government ticket for the lot. I do not know whether he did or not. I know that they have a large clearance.

HENRY MILWAY.—I know three or four of that name; I know the two that voted, one, the brother of Ewen Campbell, the last witness, lives in the third range. I do not know where the land of the other is; but I heard of his being located in Harrington.

GEORGE KAINS.—I know Alexander Campbell, a brother of Ewen Campbell, a witness examined here. He always lived with his father on the South half of two in the fifth.

With regard to lot 16 in the third range, I spoke of it in speaking of Donald B. Campbell, 179 of objected list and 6 of Poll, of Harrington.

The South half of 15 in the third, was located to Alexander Campbell, 29th May, 1850.—There is no memorandum of instalments ever having been paid: and there is even a memorandum of six shillings and three pence not being paid at the time. His age appears to me about 25 or 26.

I have no memorandum of lot 15 in the third range ever having been located or patented.

I know Alexander Campbell, the son of Kenneth. The father, Kenneth, took a location ticket for South-half of 8 in the 9th range, the 16th October, 1855. One instalment was due on the 16th October, 1856, and one in 1857. This lot was taken for Alexander Campbell; I have no other memorandum, this ticket was taken in Alexander's name. The lot cost $30; this Alexander Campbell may be 17 or 18 years old, I cannot say exactly. He has no other property on my books.

Lot 16 in the third was located to Donald Campbell—three quarters of it in 1835, and the other quarter in 1836. Some payment has been made on it, but no patent issued. The South-half of 15 in the third was located to Alexander Campbell, on the 29th May, 1850. No payment has been made on it, and no patent issued. The South-half of 8 in the 9th was located to Alexr. Campbell, on the 16th Octr. 1855. Some payment has been made on it, but no patent issued.—*Crown Lands List.*

No Evidence in Rebuttal.

The Hon. Judge Commissioner is of opinion that both votes are bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll	Residence	Quality in wh. he voted	De-cription of Prop'y on Poll.	No. of Obj'ns
182	32	William Thopmson	Yeoman.	Arundel	Proprietor.	Land No. 11 12 Range 2,3.	1 2 3 6
209	51	John Thompson	"	Harrington.	Occupant	Land.	4 5 6

GEORGE KAINS—I am not Crown Lands Agent for the Township of Arundel. I was notified that one William Thompson was appointed the Agent for that Township, on Friday last. I do not know the man.

Question. – Are you able to state whether any, or what lands in Arundel, have been located or patented, and what are still held by the Crown.

The sitting Member objects to the above question, because it does not tend to prove anything respecting the poll book or any vote objected to by the said Contestant.

The Commissioner reserves the objection for the consideration of the Committee, and orders the answer to be taken.

Answer.—I now produce and exhibit before the Commissioner two original letters received from the Department relating to Crown Lands in that Township, copies of which, certified under my hand, I now produce and attach to my deposition to form part thereof; these letters are severally dated, Toronto, 17th August, 1857, and Toronto, 16th June, 1858.

Arundel was surveyed about two years ago; lands are not usually granted till they are advertised for sale: that is, agents do not grant, but the Department sometimes may do so. I do not know John Thompson, 209 of objected list and 51 of poll. He is not on my books for any land in Harrington.

Crown Land Department,
TORONTO, 7th August, 1857.

SIR,

In reply to your letter of 8th ulto. respecting Joseph Boyd's application to purchase lots 7, 8 and 9 in 2nd range Arundel, I beg to inform you that the lands in that Township have not yet been advertised for sale, and that until that is done, and either you or some other person named to dispose of them, no licenses of occupation can be issued nor money received on account of lands in that Township.

In the meantime, Mr. Boyd did right in sending his application through you. When the lands in Arundel are advertised for sale, actual and intending settlers will have an opportunity of purchasing to the extent of 200 acres each, but no right of preemption can now be given to any one for lots which they do not actually occupy with useful improvements. You will please return Mr. Boyd's money.

I am, Sir,
Your obedient servant,

George Kains, Esq.,
Agent,
Grenville.

(*Signed,*) ANDREW RUSSEL,
Asst. Com. Crown Lands.

I certify the foregoing to be a true copy.

GEORGE KAINS, *Agent.*

Crown Land Department,
TORONTO, 16th June, 1858.

SIR,

In order to meet the requirements of settlers in the rear Townships of the County of Argenteuil, His Excellency the Governor General has been pleased to appoint Mr. William Thomson, of Fitzalan, of Township of Arundel, agent of this Department, for the disposal of public lands in the Township of Montcalm, Arundel, De Salaberry, Wolfe and Grandison.

As a portion of the lands in Montcalm were temporarily placed at your disposal, you will now please to hand over to Mr. Thomson, on his application therefor, the specification and plan of said Township, and also communicate to him any useful information with respect to that Township you may be in possession of.

I have the honor to be,
Sir,
Your obedient servt.,

George Kains, Esq.,
Agent,
Grenville.

(*Signed,*) ANDREW RUSSEL,
Asst. Commissioner.

I certify the foregoing to be a true copy.

GEORGE KAINS, *Agent.*

EWEN CAMPBELL—I know him, and saw him at the poll, and once before. He came from Arundel and voted for land in that Township.

HENRY MILWAY—I do not know him. I think two Thompson's voted, but I cannot say.

No Evidence in Rebuttal.

The Hon. Judge Commissioner is of opinion that both votes are bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence	Quality in wh. he voted	Description of Prop'y on Poll.	No. of Obj'ns
184	9	Murdoch McRae	Yeoman	Harrington	Proprietor	Farm	7 8

EWEN CAMPBELL—I know Murdoch McRae, 144 of objected list, and 9 of said poll. He voted. He is a well to do farmer. He has a large clearance. He lived, at the time of the last election, on the 15th lot in the 1st range. He had no other property at the time of the last election. I know no other man of that name in the Township.

CROSS-EXAMINED.

He has been about eighteen years in Harrington. He has a good clearance, a house and barn, fences. I might value it at £150.

HENRY MILWAY—I know him. He voted. I think his land is in the first range. I cannot say what lot. I know no other Murdoch McRae in Harrington.

CROSS-EXAMINED.

I know him. He has a large clearance, good buildings, and a good stock. I would value his property at £150.

GEORGE KAINS—I know him. He is an occupant of North-half of 15 in the first range. He became an occupant of that lot as a squatter. That lot was located to McTavish, but of this I have no memorandum. Murdoch McRae worked for McTavish, to the amount of five pounds; and on the 3rd January, 1855, said McRae sent, through me, to the Department £7 10s. The Department replied that he must get an assignment from McTavish, and pay five pounds more. McTavish came in and made the assignment about two months ago, and I am waiting for McRae's money to transmit it to the Government. I am speaking of the North-half of 15 in the first range. McTavisb still holds the South-half, in my opinion. I do not know of Murdoch McRae occupying any other land in Harrington.

CROSS-EXAMINED.

I have a personal knowledge that he occupied the North-half of 15 in the 1st range, because he told me so himself. I have no personal knowledge of his occupying any other lot.

Lot 15, in 1st range, located to Duncan McTavish 14th Feby., 1835. Some payment has been made, but no patent issued.—*Crown Lands List.*

No Evidence in Rebuttal.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.
183	7	James McRae
185	14	Patrick Fay
186	16	Joseph Tenor
187	18	Alexander Cooper
188	19	Peter Cox
191	23	William Wilkes.
193	25	Andrew Bone
194	26	Richard Haney

Note.—These men were old soldiers of the Staff Corps disbanded on the completion of the Grenville Canal, about 30 years ago. With the exception of Wilkes, who died some time before the election, it is not believed that any of them ever settled in Harrington—the lots being allotted to them without any selection on their part. The want of knowledge of them displayed by the witnesses favors this view, as if they had gone there, they would now be the oldest inhabitants there, and well-known.

EWEN CAMPBELL.—I know that a man who gave his name as James McRae, voted, but I never saw him but once before. He said he lived in Harrington; but did not mention the number of the Range or Lot. He and others, at the time of the voting, said that he had property; and I had heard of a similar statement previously.

With respect to Patrick Fay, I do not know the individual.

I do not know Joseph Tenor. I do not know whether there is such a man in Harrington; there might be, however.

I can state the same of Patrick Fay and Joseph Tenor.

So also of Alexander Cooper.

Some men voted at my Poll whom I had never seen before.

I don't know Peter Cox. I may have heard tell of him. I think he owned property in the new settlement. I do not know where he lives, however.

With respect to William Wilkes, I have heard of him as owning property. I do not know him, nor where he lives.

I do not know Andrew Bone. I do not know of such a man in Harrington.

I can make the same remark with respect to Richard Haney.

HENRY MILWAY.—I do not know James McCrae. I do not remember of such a man voting.

I do not know Patrick Fay. I have heard of him years ago as holding land in the Township.

So also of Joseph Tenor.

So also of Alexander Cooper.

So also of Peter Cox.

I can make the same remark with respect to William Wilkes, as I did with respect to Patrick Fay above spoken of.

I do not know Andrew Bone. I have heard of a man named Boone or Bone holding lands in Harrington.

With respect to Richard Haney, I do not know him, but I have heard of his holding lands for years back.

GEORGE KAINS.—I do not know such a man as Patrick Fay. A patent issued to a man in the Staff Corps of that name on the 2nd September, 1848, for the north half of 18 in the 6th range. No other land is on my book for Patrick Fay.

I do not know Joseph Tenor. No such man is owner of property in my book.

Alexander Cooper I knew when he was in the Staff Corps.

The same of Peter Cox.

With respect to William Wilkes, he was in the Staff Corps, but I have not seen him for years.

I do not know Richard Haney. I know of no such man ever being in Harrington.

I do not know James McRae. I have no memorandum of him on my books.

Lot 19 in the 8th Range was patented to James McCrae, 6th March, 1841.
" N. ½ 18 " 6th " " Patrick Fay, 2nd September, 1848.
" S. pt. 8 " 4th " " Joseph Tanner, 23rd October, 1847.
" S. ½ 10 " 4th " " Alexander Cooper, 5th October, 1853.
" N. ½ 8 " 5th " " Peter Cox, 12th May, 1845.
" S. ½ 13 " 4th " " William Wilkes, 6th January, 1847.
" 16 & 17 " 6th " " Richard Hayne, 21st May, 1845.
" N. ½ 7 " 5th " " Andrew Boone, 15th March, 1851.

Crown Lands List.

No Evidence in Rebuttal.

The Hon. Judge Commissioner is of opinion that the objections to these votes are not proved.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to	Description on Poll.	Residence	Quality in wh. he voted	Description of Prop'y on Poll.	No. of Objn's
189	20	Hugh McDonald	Yeoman.	Harrington.	Proprietor	Land	7 8

EWEN CAMPBELL.—I know Hugh McDonald, 189 of objected List, and 20 of Poll. He owns the Glencoe Mills. I cannot remember whether he voted or not. He lives in the eighth Range. I cannot say what lot. He and his sons hold several. I do not know of his holding any other land than the block in the 8th range. I do not know any other man of that name in the Township.

He has the frame of a grist and saw mill, and he has a good clearance, and a house. I would call the improvements worth £100 at least.

HENRY MILWAY.—I know him. I think he voted. I think he owns mills. I know only one of the name.

GEORGE KAINS.—I do not know him. He is not on my books.

I find No. 9 in 8th Range located to Ewen McDonald, 16th September, 1850. Nothing has been paid on it. Instalments were due in 1855 with interest. I find seven sons of Ewen McDonald in the 8th range, holding Location tickets; but none of them are there: they are all in Glengarry. The old man is putting up a mill there. None of the sons is named Hugh. No instalments have been paid, and the tickets were granted in 1850. There are no transfers of these on my books.

Lot 9 in the 8th range, located to Ewen McDonell, 16th September, 1850. Some payments have been made on it; but no patent has issued.—*Crown Lands List.*

No Evidence in Rebuttal.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence	Quality in wh. he voted	Description of Prop'y on Poll.	No. of Obj'ns
192	24	John McDonald	Yeoman	Harrington	Proprietor	Land	7 8

EWEN CAMPBELL.—I do not know John McDonald, 192 of objected list and 24 of said poll. I think he is a son of Hugh McDonald, of whom I have above spoken, as owning property in the 8th range.

HENRY MILWAY.—I do not know him. He may be a son of Hugh above spoken of.

GEORGE KAINS.—I do not know him. I have John McDonald located on

South-half of 7 in the 8th range, the 16th September, 1850. The lot was sold for 30 dollars. It has not improved since. I have no other land to him on my Books.

South-half of 7 in the 8th range, was located to John McDonnell, the 16th September, 1850. Some payment has been made on it, but no patent has issued for it.—*Crown Lands List.*

No Evidence in Rebuttal.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence.	Quality in wh. he voted	Description of Property on Poll	No. of Obj'ns.
195	27	Donald Fraser	Yeoman	Harrington	Proprietor	Farm	7 8 1

EWEN CAMPBELL.—I know Donald Fraser, 195 of objected list and 27 of said poll. I think he voted. He was at the poll. He held, at the time of the election, the 7th or 8th lot in the 5th range. I am not sure about the lot. I do not know of his holding any other. I do not know of any other Donald Fraser in the Township.

CROSS-EXAMINED.

His lot I would value at between £50 and £60.

HENRY MILWAY.—I know a man of that name. I saw him about the poll, and I think he voted. I do not know in what range he lived at the time of the election. I do not know any other Donald Fraser in the Township.

GEORGE KAINS.—I find him located on the South-half of 8 in the 5th range, on the 10th May, 1850. Nothing has been paid on the lot. He is nowhere else on my books. Neither the North-half of 8 in the 5th, nor 7 in the 5th has been located. The North-half of 8 in the 5th range, has been patented.

The South half 8 in the 5th range was located to Donald Fraser, on the 10th May, 1850. No payment has been made on it nor patent issued—Crown Lands List.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence	Quality in wh. he voted	Description of Prop'y on Poll.	No. of Obj'ns
196	28	Neil McCrimmon	no evid.				
197	29	William Fraser	Yeoman.	Harrington.	Proprietor.	Farm	7 8

EWEN CAMPBELL.—With respect to William Fraser, 197 of objected list and 29 of said Poll. I know two of that name in Harrington. I find by the Poll Book that only one voted. The one that voted lived, at the time of the election, on the North half of lot number two in the fifth range. This lot was originally licensed to me, and sold by me to one Alexander McLellan, who made some improvements on the lot. McLellan then sold to William Fraser. I had a license or permit, called a location ticket, for the lot, and it was my right under this ticket that I sold to McLellan. I paid for the ticket, and the Crown Lands Agent was notified of these transfers. I think Fraser stated to me that he had paid up all arrears. I do not know of said Fraser's holding any other property in the Township; though he might as the four brothers have bought a good deal of property in the new settlement.

CROSS-EXAMINED.

His Lot is worth £50.

HENRY MILWAY.—I do not know him.

GEORGE KAINS.—I know him. He is not on my Book, with respect to lot 2 in the 5th. Donald Campbell was located on the South half of that lot, on 6th July, 1850. Nothing has been paid on the lot, and there has been no transfer. North half of same lot was located to Ewen Campbell, 5th July, 1850.

I have no memorandum on my book for the payment of the Instalments, but I think I have at home a Crown Land Department receipt for the Instalments.

I find, on examination, that the receipt does not contain any payments from Ewen Campbell, and instalments were due in 1855, and are still unpaid.

The North half of two in the fifth has not been transferred.

CROSS-EXAMINED.

On one occasion I was applied to by one Campbell and one Fraser to make a transfer of Campbell's lot to Fraser; and I told both Campbell and Fraser, at separate times, for they never came both together—for both to come at the same time to sign the transfer, which they have not done. Inasmuch as they never came together, I never referred the transfer to the Department; because the transfer had never been drawn out.

The North part of 2 in the 5th, was located to Ewen Campbell, 6th July, 1850. No payments has been made on it; nor patent issued.—*Crown Lands List.*

No evidence in rebuttal.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence	Quality in wh. he voted	Description of Prop'y on Poll.	No. of Obj'ns
198	31	Kenneth Campbell	Yeoman	Harrington	Proprietor	Farm	7 8

EWEN CAMPBELL.—I know Kenneth Campbell, 198 of objected list and 31 of said poll. He voted at the last election, I believe. He lived on a good farm on Lake Glencoe. My opinion is that he lived at that time in the 7th range. He has a fine clearance. I cannot give the number of the lot. I do not know whether he held any other property or not at that time, he might. I do not know any other man of that name in the Township.

CROSS-EXAMINED.

His lot with the improvements is worth £55.

HENRY MILWAY.—I know him. I think he voted. I know him 20 years. I do not know more than one of that name.

CROSS-EXAMINED.

I know him 17 or 18 years.

GEORGE KAINS.—I know him. He was located on the South-half of 17 in the 9th range, 16th October, 1855. One-fifth of the purchase money and one instalment were paid at the time. Another instalment became due in 1857, and has not been paid. I have no other land in my books for the said Kenneth Campbell.

South-half of 7 in the 9th, located to Kenneth Campbell, 16th October, 1855. Some payment has been made on it, but no patent has issued for it.—*Crown Lands List.*

No evidence in rebuttal.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence.	Quality in wh. he voted	Description of Prop'y on Poll.	No. of Obj'ns
199	37	Farquhar McCrimmon	Yeoman.	Harrington.	Proprietor	Farm.	7 8

EWEN CAMPBELL.—I know Farquhar McCrimmon, 199 objected list, and 37 of said poll. I know he voted. He held land, at the time of the election, in the 5th range. I think the 6th lot. I do not know that he has any other lot in the fifth. I think he has one in the sixth. I am not sure, however. I do not know that he has any other property in the Township, nor do I know that there is any other man of that name in the Township.

CROSS-EXAMINED.

His lot is worth £50.

HENRY MILWAY.—I know him. I think he did vote. He lived, at the time of the election, in the new settlement, as I think. I do not know more than one of that name.

CROSS-EXAMINED.

I know him for 8 years. He has a house and clearance put up.

GEORGE KAINS.—I know him. He was located on North-half of six in the 5th range, 11th May, 1850. An instalment was due 11th May, 1855, and not paid since.

South-half of same lot in the 5th range, I have no memorandum of ever having been patented or located.

He is also located on South-half of 3 in the 5th, 14th June, 1850. Instalments was due in June, 1855. No transfer. He has no other land in the Township, on my books.

Lot 6 in the 6th range, located to Farquhar McCrimmon, 11th May, 1850. No payment has been made on it, nor patent issued. South-half 3 in the 5th, was located to Samuel Beaton, 14th June, 1850. No payment has been made on it, nor patent issued.—*Crown Lands List.*

No Evidence in Rebuttal:

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence	Quality in wh. he voted	Description of Property on Poll	No. of Obj'ns
200	38	Donald McCuaig	Yeoman	Harrington	Proprietor	Farm	7 8

EWEN CAMPBELL.—I know Donald McCuaig, 200 of objected List, and 38 of said poll. I know he voted. He voted on a farm he held at the time of the election the fifth lot in the fifth range. He has a large clearance on his farm. I do not know that he held any other property at that time. I do not know any other person of that name in the Township.

CROSS-EXAMINED.

His lot is worth £55.

HENRY MILWAY.—I do not know him. I think he voted. I do not know in what range he lived at that time. I know only one Donald McCuaig.

CROSS-EXAMINED.

I have known him 7 or 8 years. He has a house and clearance put up.

GEORGE KAINS.—I know him. He was located on south half of 5 in the fifth, 24th April, 1850. Instalment due 24th April, 1855, and no transfer.

South half of 5 in the 5th located to Donald McCuaig, 24th April, 1850. No payment has been made on it, nor patent issued. North half of same lot located same day to Angus McCuaig. No payment made on it, nor patent issued.—*Crown Lands List.*

No Evidence in Rebuttal.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence	Quality in wh. he voted	Description of Property on Poll	No. of Objn's
201	42	Alexander McLeod	Yeoman.	Harrington.	Proprietor	Farm.	7 8

EWEN CAMPBELL.—I know Alexander McLeod, 201 of objected list, and 42 of said poll. I know he voted. I do not know what property he held at the time of the last election; but he lived in the 4th range. The lot is either 12 or 13. I have heard that he held other property. I heard that he held some in the first range, I cannot say whether I have heard of his holding property in any other range or not. I do not know any other man of that name in the Township.

HENRY MILWAY.—I know him; I think he did vote; I am not sure. I do not know in what range he lived. I do not know more than one of that name.

GEORGE KAINS.—I know two or three McLeods. I have had transactions with one Alexander McLeod, but I do not know him personally. He was located on South-half of four in the first, on the 10th November, 1856—an instalment due 10th November, 1857, and not paid. The land was sold at the Government price—that is one shilling and six-pence an acre. He paid six dollars on it, being one fifth of the purchase money. I find nothing else to him. I have no memoranda ofeither 12th or 13th lot ever being patented or located.

South-half in the first range, located to Alexander McLeod, 10th November, 1856. Some payment has been made on it, but no patent has issued for it. South-half 13 in the 4th, was patented to Wm. Wilkes (already referred to) the remainder of the lot, and lot 12 are not in the list of lands patented, sold or located.—*Crown Lands List.*.

No Evidence in Rebuttal.

The Hon, Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence.	Quality in wh. he voted	Description of Property on Poll	No. of Obj'ns
202	243	Donald Beaton	Yeoman.	Harrington	Proprietor	Farm.	7 8

EWEN CAMPBELL.—With respect to Donald Beaton, 202 of objected list and 43 of said poll, I know two of the name. I have no recollection of seeing more than one at the poll, and I think that one voted. I know he held a farm on which were clearings—a good few years back. I think it is in the fourth range. I think it is the North-half of lot number three. I think I have seen his name on Quinn's map, on a lot on the Bank of the Maskinongé River, to the best of my knowledge. I have heard that there are some settlers on the Maskinongé River. I cannot say what land is worth on that river. There were so many people crowding about me at the time of the voting, that I cannot say positively that the Donald Beaton, of whom I have been speaking, was the one that voted; though, I think so, because I do not remember having seen the other Donald Beaton at the poll. The other Donald Beaton is a young man, living with his father, when he is at home. He is backwards and forwards. He is clearing land this spring for himself, as I have heard, I think in the 3rd range, and I think it is the sixth lot.

HENRY MILWAY.—I know him. I think he voted. I saw him about the poll. I do not know in what range he lived at the time of the election. I do not know more than one of that name: but I have heard of another, but I think he was out of the Coutnry; they are brothers, and both of the same name.

GEORGE KAINS.—I know him. He was located on North half of 3 in 4th range, 14th June, 1850. The first Instalment became due on 14th June 1855, and is still unpaid. No transfer of the lot has taken place. I find no other land on my books to Donald Beaton.

William Beaton, was located on North half of 6 in the 3rd range, on 3rd December, 1856; and consequently, on 3rd December, 1857, there was an instalment due, and it is still unpaid. The South half of 6 in the 3rd range I do not find on my books ever located to any one. The North half of 4 in the 4th, is also located to Donald Beaton. This is a Clergy lot and was located in 1850, the 24th April. Nothing has been paid on it, according to my records. He is not on my books for any thing else.

North half 3 in the 4th range, located to Donald Beaton, 14th June, 1850. No payment has been made on it, and no patent issued. The North half 6 in the 3rd range was located to W. Beaton, 3rd December, 1856. Some

payment has been made on it, but no patent has issued for it. The South half of 6 in the 3rd, and the North half of 4 in the 4th range, are not in the list of lands patented, sold or located.—*Crown Lands List.*

No Evidence in Rebuttal.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter Objected to.	Description on Poll.	Residence.	Quality in wh. he voted	Description on Property on Poll	No. of Obj'ns
203	45	William Beaton	Yeoman	Harrington	Proprietor	Land	7 8

GEORGE KAINS.—William Beaton was located on north half of sixth lot in the 3rd range, on the 3rd December, 1856, there was an instalment due and it is still unpaid.

The north half of 6th lot in the 3rd range, was located to Wm. Beaton, 3rd December, 1856. Some payment has been made on it, but no patent has issued for it.—*Crown Lands List.*

No Evidence in Rebuttal:

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence.	Quality in wh. he voted	Description of Prop'y on Poll.	No. of Obj'ns.
206	48	George Albright	Surveyor	Argenteuil	Occupant	Ld. Prop'ty	4 5 6

EWEN CAMPBELL.—I know George Albright, 206 of objected list and 48 of said poll. I do not know of his owning any land in Harrington. I know he voted there. I do not mind of his having been asked to describe the property upon which he voted. I do remember now that he was asked on what property he voted, and he said his residence was in the County of Argenteuil; but he said that he owned property in Arundel, I think. I do not know of his occupying or owning any property in Harrington.

GEORGE KAINS.—I do not know him; but I know one George Nelson Albright, a Surveyor, of St. Andrews. George Albright was never located to any land in Harrington; neither had George Nelson Albright any land in Harrington.

No Evidence in Rebuttal.

The Hon. Judge Commissioner is of opinion that both votes are bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence.	Quality in wh. he voted	Description of Property on Poll	No. of Obj'ns.
207	49	David Shae	Yeoman	Harrington	Proprietor	Farm	7 8

EWEN CAMPBELL.—I know David Shae, 207 of objected list and 49 of said Poll. He voted. He held at the time of the last election a farm in he second range—part of lot 18. I do not know whether he held any other roperty at that time. I do not know any other man of that name.

CROSS-EXAMINED.

I would value his lot at £100.

HENRY MILWAY.—I know him. He voted. He lived in the second or third range, I think, at the time of the election. I do not know of his holding any other property than what he lives upon. I do not know any other man of that name.

CROSS-EXAMINED.

I know him 17 or 18 years. He has a house and barn, and a large clearance. The value could not be less than £100. I do not know whether the lot contains 100 acres or not; I speak only from the clearings. He voted for Mr. Cushing, at the election between Mr. Cushing and Mr. Bellingham.

GEORGE KAINS.—I know him. He is not on my records for any land in Harrington. I have no memoranda of 18 in the 2nd range being located; but I would not say that it is in the market, and unsold. I know that David Shae bought one quarter of the lot in question from William Woodward, to whom, I suppose, it was located many years ago. He bought the land with three instalments due on it; but he has told me to pay the instalments as soon as he can get a transfer from Woodward, as he wishes to take out the patent in his own name. The lot with the buildings on it is, perhaps, worth £50.

CROSS-EXAMINED.

I have undertaken to pay David Shae's instalments whenever he gets a transfer from Woodwards; because Shae left me the money to do so. This occurred about three months ago. I do not recollect whether I wrote to David Shae about his vote, or asking his interest for the Contestant; and in no instance have I mentioned to any one that I would pass their votes, or get land for them contrary to my instructions, or hinder them from getting land.

Lot 18 in the 2nd range was located to Daniel Campbell, 14th February, 1835. Some payment has been made on it, but no patent has issued for it. *Crown Lands List.*

No Evidence in Rebuttal.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence.	Quality in wh. he voted	Description of Prop'y on Poll.	No. of Obj'ns.
208	50	James Coiquhoun	Yeoman	Harrington	Occupant	Land	4 5 6

EWEN CAMPBELL.—I do not know James Colquhoun, 208 of objected list and 50 of Poll. I remember of a stranger voting, giving his name as James Colquhoun.

HENRY MILWAY.—I do not know him. I do not recollect of ever hearing of him.

GEORGE KAINS.—I know him. He was located on North half of 13 in 10th range, 20th January, 1858. He is not on my books for anything else. He lived in Chatham before this. I think he did so at the time of the election.

No Evidence in Rebuttal.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence.	Quality in wh. he voted	Description of Property on Poll	No. of Obj'ns
210	52	Angus McCuaig	Yeoman.	Harrington	Proprietor	Laud	7 8

EWEN CAMPBELL.—I know Angus McCuaig, 210 of objected list and 52 of Poll, of Harrington. He is a young man, unmarried. From the Poll Book, I think he voted at the last election, or some person for him. I know no other man of that name. He lives with his uncle. I do not know what land he occupied then. I think there was a ticket drawn for the young man. I think it is in the 5th range, the 5th lot.

HENRY MILWAY.—I do not know him. I have heard of him.

GEORGE KAINS.—Angus McCuaig was located the same day as Donald McCuaig, to the north half of same lot.—[to wit, lot 5 in the 5th range.]

Instalment due 24th April, 1855, and no transfer.

I do not know him. He was located on my books for north half of five in 5th range, 24th April, 1850. Nothing has been paid, and three instalments were due at the time of the election. I find no other land to him on my books.

The north half of lot 5 in the 5th range, was located to Angus McCuaig, on the 24th April, 1850. No payment has been made on it, and no patent has issued for it-- *Crown Lands List.*

No Evidence in Rebuttal:

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence	Quality in wh. he voted	Description of Prop'y on Poll.	No. of Obj'ns
211	55	John Shaw	Yeoman	Harrington	Proprietor	Farm	7 8

EWEN CAMPBELL.—I know John Shaw, 211 of objected list and 55 of said poll. I know that he voted. He occupied land at the time of the last election in the first range. I think it is either the sixteenth or seventeenth lot; but I thought it was the sixteenth. I do not know that he held any other.

CROSS-EXAMINED.

He has good buildings and a fine clearance. He has a block-house—one of the best in the settlement. The lot alongside of it was sold, I have heard for £60. This lot had perhaps no more clearings than John Shaw's; but it had no buildings. I would value Shaw's lot at £100.

HENRY MILWAY.—I know him. I know he voted. He is on the first range. I cannot give the number of the lot. I have heard of his having other property in Harrington, but I do not know. I do not know of any other man of that name in the Township.

CROSS-EXAMINED.

I have known him about 14 years. He has a large clearance and is a well to do farmer. The property is worth about £150.

GEORGE KAINS.—I know him. He is not on my books for any land. Neither 16th or 17th lots in first range, were ever located to any one; but I believe that he lived on one of them at the time of the election.

Lots 16 and 17 were located to Dugald, Archibald, and John Campbell, and Joseph Pierce on the 14th February, 1835. Some payment has been made on them, but no patent has issued for them.—*Crown Lands List.*

No Evidence in Rebuttal:

The Hon. Judge Commissioner offers no opinion upon this vote.—*Scrutiny.*

TOWNSHIP OF GRENVILLE.

Names of witnesses examined respecting the contested votes in this Township, together with such portions of their testimony as do not specially refer to any particular vote.

WITNESSES FOR THE PETITIONER.

ROBERT DICKSON, of the Township of Grenville, Secretary-Treasurer of the Township of Grenville, a witness for the contestant, being duly sworn, doth depose and say :—

I am and have been since 1855, the Secretary-Treasurer of the Township of Grenville and Union. The Municipality was only organized at that date, and I am the first and only Secretary-Treasurer that has ever been appointed. Since I came into office, an assessment valuation roll has been made for the Municipality of the Township. I have now before me the original valuation roll, which has never left my possession since I became the custodier of it. It is on separate sheets, each of which is signed by the three valuators. I have resided in Grenville upwards of twenty years. I know a large portion of the inhabitants of the said Municipality. I know the signatures of two of the valuators, which are genuine on the said roll, and in fact, the whole three valuators met together at my house to be sworn in as assessors. This roll was made in the Fall of 1856, and bears date November, 1856. I also acted as Poll Clerk, at the poll held at Grenville at the last election.

The roll which I now produce and speak from is the roll I have above spoken of.

The valuation roll is headed as follows, as regards the entry of names.

TAXABLE PERSONS.

Owner of Real Property		Occupant of Real Property.		Liable to Statute Labor.	
Name.	Designation.	Name.	Designation.	Name.	Designation.

Whenever the property is occupied by the owner thereof, the only entry

is that of his name in the first column, but when occupied by a tenant or occupant, the name of such tenant or occupant is entered in the second column. The third column is for persons liable to statute labor, being neither owners or occupants of real property.

The sheets of the valuation roll cover all the ranges. There are ten sheets, each of which signed.

Question.—Is the roll which you now have before you and from which you have been speaking, the original valuation roll of Grenville and Union, and signed by the assessors of the Municipality, and can you produce, exhibit and file the same?

Answer.—It is the original valuation roll, and consists of ten sheets signed each by the assessors; I can produce and exhibit them—but I cannot file them, as they cannot leave my possession.

The sitting Member requested that a copy of this valuation roll should be filed, in order that the Committee might know what the original contained.

The contestant declares, that the roll being a lengthy document and no copy of it being prepared, he cannot now do so; but promises that he will file a copy of this roll before the enquête closes.

The Commissioner suspends the cross-examination of this witness in consequence, until such copy is filed.

CROSS-EXAMINED.

I now produce and file a true copy of the valuation roll of Grenville, and the augmentation of Grenville. The Petitioner, Mr. Abbott, was represented at the Grenville Poll by Mr. Baker, at the last election. Mr. Baker was there both days. He remained till the closing of the poll the second day. I acted as Poll Cerk, and I voted for Mr. Abbott at the said election. Whenever Mr. Baker requested me to take down the description of any voter's property, I took it down. I recorded whatever objections were made. I was not Clerk to the valuators, who made the valuation roll from which I have spoken. I have never personally visited the properties of the persons mentioned on the said roll, except two or three; nor am I personally acquainted with them, except a few of them. I am not generally acquainted with them; in referring to the poll book I find only three persons who gave any description of the property upon which they voted; nor do I find any objections recorded to the voters on the poll book. There were oaths put, which were recorded. I know a number of the voters, but not the majority of them. I am a Cabinet-Maker to trade. In speaking of the different persons rated on my roll, in my examination in chief, I spoke of them from an index which I had made for my own convenience. I have since found that I had omitted three names from the said index, which names I had stated in my examination in chief were not on the valuation roll. These names are Philip McNeil, Michael McTeagne, John G. Craw-

ford. I cannot tell from my index whether the parties are in Grenville or its Augmentation. The voters about whom I have been examined have been brought up personally before me to identify them as the parties who voted. Generally, I do not swear that the parties who are rated in the valuation roll are the parties who voted at the election. In some instances I am aware that such is the fact.

GEORGE KAINS of the Township of Grenville, Crown Lands Agent for the Townships of Grenville and Harrington.—I have been in business in Grenville since 1831 : since January last I have been Mayor of the municipality of the Township of Grenville. For many years I have been Councillor for that municipality, in the County municipality, and for the last three or four years I have acted as local Crown Lands Agent—have had charge of the books and documents relating thereto, and have transacted the business of the Crown Lands Department for that municipality. Grenville and Union, sometimes called the Augmentation, form but one municipality. From these circumstances I know nearly all the inhabitants of Grenville and Augmentation, except those who have come in very lately. I am the same George Kains who was examined respecting the Harrington votes.

CROSS-EXAMINED

I was at the Grenville Poll nearly the whole of the two days of the election, off and on. I was appointed Crown Lands Agent for Grenville and Union under the same letter—copies of which were attached to my cross-examination respecting the Harrington votes. It is not in the rule of the Department for Agents to take an oath of office before entering on the duties of their office. I have no greater powers as Crown Lands Agent in Grenville and Union than what I stated, in my cross-examination, I had in Harrington. My duties were the same. The books that I spoke of in my cross-examination, with respect to Harrington, are the only books that were left to me for Grenville and Union, and Harrington. Respecting the evidence I have given I have not referred to the poll book, in any case, to ascertain upon what lot any of the voters voted.

Evidence for sitting Member in rebuttal.

LOUIS CHANTAL, cultivateur, du Township de Grenville.—Je connais George Kains, Marchand de Grenville. Je l'ai vu au Poll de Grenville lors de la dernière election. Je pense bien qu'il agissait alors comme l'Agent de Mr. Abbott, à ce poll là. J'ai voté pour Mr. Abbott a la derniére election.

Question.—Combien avez vous eu pour voter la ?

This question being objected to as irrevalent—the objection was maintained and the answer taken de bene esse.

LOUIS CHANTAL, Cultivateur, du Township de Grenville.—J'ai été payé un piastre au magazin de Mr. Kains par son commis pour mon temps.

C'était Mr. McMullin qui m'a envoyé au magazin pour avoir l'argent aprés avoir voté. Je n'ai pas vu d'autres personnes y recevoir de l'argent Mr. McMullin m'a donne un billet dans une maison à côté du poll appartenant à Mr. Ryan. McMullin m'a dit d'aller chercher Mr. Reeves qui me payait. Mr. Reeves est le commis de Mr. Kains. Le piastre qui m'a été payé l'a éte en effets dans le magazin de Mr. Kains. J'ai été requis de voter a la demande du jeune Ritchy qui m'a dit alors que mon temps serait payé. Mr. Kains etait aux approches du poll, lorsque j'ai voté ; mais je ne lui ai pas parlé.

TRANSQUESTIONNE.

Je n'ai pas d'autre nom de baptême qui celui de Louis.

Le témoin déclare ne savoir signêr son nom.

FRANCIS RANGER, Cultivateur, du Township de Grenville.—Jai voté à la derniere election au poll de Grenville pour Mr. Abbott : que je n'avais pas vu alors, mais j'ai voté pour son nom. J'ai voté pour Mr. Abbott et c'etait mon idée et mon opinion. Mr. Kains avec un nomme Cook m'est venu trois ou quatre jours d'avance pour me demander à voter. Mr. Kains m'a demandé si jé donnerais mon nom pour Mr. Abbott. Je n'ai pas voulu lui promettre ma voir et il m'alaissé. Je demeure un ou deux miles du poll. Mr. Kains ne m'a pas dit que si j'allais voter, mon temps sera payé. Le dernier jour de l'election, au meilleur de ma connaissance m'etant rendu au poll, Mr. Kains m'a dit que je devrais lui donner ma voix pour Mr. Abbott, et comme je faisais des affaires chez Mr. Kains, et que j'avais du credit là, et des services qu'il m'avait rendus, je lui dis que je voterais comme il voudrait. J'ai voté alors pour Mr. Abbott, et après avoir voté je me suis rétiré chez moi tout de suite. Mr. Kains ne m'a pas donné de billet. Rendu chez moi, le soir ou le lendemain, mon frère m'a donné une piastre que je compris de venir de Mr. McMullin, Reeves ou Kains, à tout evenement je crois d'un de ces trois, car je ne connaissais pas que ce pourrait venir d'ailleurs a ce temps là.

TRANSQUESTIONNE.

J'ai prété serment avant de voter.

Le témoin déclare ne savoir signer.

JEAN MATHIEUX DIT LA MANQUE, Cultivateur de Grenville. J'ai voté a la dernier election au poll de Grenville pour Mr. Abbott. Mr. MacBean m'a demandé d'aller voter ; Mr. Mac Bean m'a demandé pour qui j'étais et je lui dis que j'étais un pauvre homme ; et que je ne pourrais pas sortir. Il m'a dit que si j'y allais mon temps sera payé. Je lui dis que si j'y allais c'etait pour Mr. Abbott. Ceci, est arrivé la deuxieme journée de l'election. J'ai accompagné Mr. McBean. Il m'a donné un billet et m'a envoyé chez Mr. Kains où l'on m'a payé une piastre. Cette piastre était pour mon temps.

Ce n'était pas pour ma voix. J'ai été payé en argent. C'était le commi de Mr. Kains qui m'a payé. Je n'ai pas vu d'autres personnes là avec des billets pour recevoir de l'argent. Je suis sourd et je n'entend que lorsqué ou parle lentement.

TRANSQUESTIONNE.

J'ai prêté serment au poll avant de voter. Le témoin déclare ne savoir signer.

TOUSSAINT LA VICTOIRE, Cultivateur, de Grenville. J'ai voté pour Mr. Abbott, a la derniere election au poll de Grenville. Je crois que c'etait le premier jour. Apres avoir voté pour Mr. Abbott, Mr. McMullins m'a donné un billet pour cinq chelins. On m'a envoyé chez McKains à Mr. Reeves qui m'a payé en argent. Mr. McMullins m'a dit, par rapport à ce billet que c'etait un genérosité de la part de Mr. Abbott qu'il me faisait.

The Petitioner declaring that he objects to the relevancy of this testimony declines cross-examining the witness.

Evidence having Special Reference to Particular Votes.

No. on List.	No. on Poll.	Name of Voter objected to	Description on Poll.	Residence	Quality in wh. he voted	Description of Prop'y on Poll.	No. of Obj'n's
212	25	Samuel Johnson	Yeoman.		Tenant	None	4 5 6

ROBERT DICKSON.—I know Samuel Johnsen, 212 of objected List and 25 of Poll. I know he voted. He is not on my roll either as proprietor or occupant. He is a single man, I think, and he boards next door to me in Grenville, and is engaged in running a raft in the summer time. I think he was in Grenville last summer;—but I do not know where he is when he is not in Grenville.

GEORGE KAINS.—I know him. I know that he voted at the last election. He is a young single man, works as a raftsman in the summer, and in the winter goes to lumber shanty up the Ottawa. I never knew of his occupying any property. When at Grenville he lives with Mrs. Fraser who keeps a tavern, and is some relative of his; and also sometimes at Leroys, another connection of his, who also keeps a tavern. From the nature of his occupation, I could not keep track of him. I do not know of any other Samuel Johnson living in Grenville at the time of the last Election.

No Evidence in Rebuttal.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence	Quality in wh. he voted	Description of Prop'y on Poll.	No. of Obj'ns
213	28	David Johnson	Yeoman		Proprietor	None	7 8

ROBERT DICKSON.—I know a man of the name of David Johnson, 213 of objected List, and 28 of Poll. I know he voted.

Question.—On what property does the said David Johnson appear by your Roll to have been rated as proprietor; and what property did he occupy to your personal knowledge at the time of the last election, and for six months previous?

The sitting member objects to this line of evidence as irrelevant to the issue, stating that evidence should be confined to the lot upon which the voter voted; and to the objections raised against the voter on that lot; and furthermore because we are not trying the Assessment Rolls.

The Contestant replies that the Voter, having voted as proprietor, without designating any property, the contestant has a right to prove what property he then claimed to hold as proprietor, and that he had no title to such property, or that it was not of sufficient value to qualify him as a voter.

No evidence in rebuttal.

The Judge Commissioner overrules the objection in accordance with his former rulings on this point, and orders the answer to be given and recorded.

Answer.—By the Roll he is on 10 in the fifth range of Grenville as proprietor, and not on any other. I do not know of his occupying any other property. I know but one David Johnson, and to the best of my knowledge and belief he is the man who voted, and of whom I have spoken from the Roll.

CROSS-EXAMINED.

I know personally David Johnson. I was at his place seven or eight years ago; but I cannot from memory say what lot he is on. I merely called in at his place in passing, to inquire for the residence of another person.

GEORGE KAINS.—I know him. He is the father of Samuel Johnson above spoken of. I know he voted. He occupied, as proprietor, ten in the fifth range of Grenville at the time of the last Election. I think the south part of the Lot. He told me he would not pay because he had not the quantity he bought. He purchased it from the Crown. It is nearly two years since he told me he would not pay for it. I have no means of knowing whether he has paid for the lot, because he bought from the Department, and not from me.

Rated on part of 10 in the 5th Range of Grenville Roll,—permitted to purchase part of 10 in the 5th range. No payment yet made. *Crown Lands List.*

No evidence in rebuttal.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence.	Quality in wh. he voted	Description of Prop'y on Poll.	No. of Obj'ns
214	31	Hugh McGill	Yeoman.		Proprietor	None	1 2 3

ROBERT DICKSON.—I do not know Hugh McGill, 214 of objected List, and 31 of Poll of Grenville and Union. He is not on my Roll.

GEORGE KAINS.—I know him. I know that he voted. He lived with his mother at the time of the Election. I think, at least I never heard of the McGill family owning any property except what the father left to them ; and Hugh's father died when Hugh was very young. The property may be worth £100. I know there are at least two children surviving their father. I know no other man of the name of Hugh McGill. I think he is of age.

Mrs. McGill is rated as proprietrix of part of Lot 3 in the 3rd Range of Union at £80.—Roll

No Evidence in Rebuttal.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence	Quality in wh. he voted	Description of Property on Poll	No. of Obj'n's
215	41	Robert Gray	No evid.				
216	43	George Moncrief	"				
217	45	James McNeal	"				
219	48	Daniel McMaher	"				
220	52	George Kelly					

ROBERT DICKSON.—I do not know a man of the name of George Kelly, 220 of objected list and 52 of poll. He is not on my Roll.

GEORGE KAINS.—I know him. I know he voted. I do not know that he held any property at the time of the last election. He is not married. He is a young man. He lived with his father. I do not know more than one of the name.

No Evidence in Rebuttal.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny*

No. on List.	No. on Poll.	Name of Voter Objected to.	Description on Poll.	Residence.	Quality in wh. he voted	Description on Property on Poll	No. of Obj'ns
221	55	John Crawford, jr.	Yeoman		Proprietor	None	1 2 3 7 8

ROBERT DICKSON.—I do not know John Crawford, junior, 221 of objected list and 55 of said poll. He is not on my Roll, but I do find one John Crawford on my Roll.

CROSS-EXAMINED.

On examination of the Roll, I find John G. Crawford on it.

GEORGE KAINS.—I know him. I know that he voted. I do not know that he had any property as proprietor in Grenville. He is a young man; lives with his father, and does business for him, and has done so for some years back. His father is an old man. I know no other John Crawford, except the father of this young man.

No Evidence in Rebuttal.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence	Quality in wh. he voted	Description of Property on Poll	No. of Obj'ns
222	58	William Stewart	Yeoman		Proprietor	None	1 2 3 7 8

ROBERT DICKSON.—I do not know William Stewart, 222 of objected list and 58 of poll.

William Stewart is on my Roll for lot 4 in the 5th range of Union; valued at £30. He is not on my Roll for anything else.

GEORGE KAINS.—I have seen him. I do not know much of him. He is one of the new comers. I do not know more than one of the name, I think this man voted. If he lives any where, he lives in the augmention.

No evidence in rebuttal.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence	Quality in wh. he voted	Description of Prop'y on Poll.	No. of Obj'ns
218	47	David McNeal	Yeoman.		Proprietor.	None	1 2 3 7 8 16
223	65	David McNeal	"		"	"	1 2 3 7 8 10

ROBERT DICKSON.—I do not know David McNeal, 223 of objected list and 65 of poll. I have only one David McNeal on my Roll. He has two lots as proprietor, 27 in the 7th range, and 2 in the 2nd range, both of Union, valued at £110.

CROSS-EXAMINED.

I find upon the Valuation Roll one David McNeal, rated as owner of lot 2 in the 2nd range of the augmentation of Grenville. I find also one David McNeal on the Roll, rated as owner of lot 27 in the 7th range of Grenville. I find four persons rated on lot 27 in the 7th range; but I think there must be a mistake in the original Roll as two of these "7" occur in the folio on which the 8th range is entered.

GEORGE KAINS.—I know two of that name. I cannot say whether either of them held property at the time of the last election. I have no memoranda with me of their owing any dues to the Crown.

The Hon. Judge Commissioner is of opinion that the objections to these two votes are not proved.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence.	Quality in wh. he voted	Description of Property on Poll	No. of Obj'ns
224	73	Robert Kelly	No evid.				
225	80	Joseph Bates	"				
226	83	John McNeil	Yeoman.		Proprietor	None	7 8

ROBERT DICKSON.—I know John McNeal, 226 of objected list and 83 of poll. I do not know whether he voted. He is on my Roll for 25 and 26 in the 8th range of Union, and not for any other. I do not know of his owning any other land. I know of only one John McNeal.

CROSS-EXAMINED.

John McNeal is also down on the Roll at two places in this manner:

John McNeal do 8 25 £50.
do do do 8 26 £70.

I will not swear that these two names are the same man. I know a John McNeal.

GEORGE KAINS.—I know him. Having purchased from the Crown direct, I cannot say whether he owes anything to the Crown or not.

All arrears paid.—*Crown Lands List.*

The Hon. Judge Commissioner is of opinion that the objections to these votes are not proved.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence.	Quality in wh. he voted	Description of Property on Poll	No. of Obj'ns.
227	89	Robert Young	Yeoman		Proprietor	None	1 2 3 7 8 10
238	125	Robert Young	"		Tenant	"	1 2 3 7 8 10

ROBERT DICKSON.—I know Robert Young, 238 objected list and 125 of poll. He is on my Roll as owner of lot 1 in 6th range of Augmentation or Union, valued at £50. I cannot say that he voted. I have no other Robert Young on the Roll. I know only one Robert Young. He is down only once on the Roll.

GEORGE KAINS.—I know him. I know only one Robert Young. I know two families of Young's and only one Robert. The Robert Young, I know, lives in the Augmentation of Grenville with his mother, a widow. The Robert Young I know, voted.

No Evidence in Rebuttal.

The Hon. Judge Commissioner is of opinion that vote 227 is good and vote No. 238 is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence.	Quality in wh. he voted	Description of Prop'y on Poll.	No. of Obj'ns.
228	91	Alexander Taylor	No evid.				
229	92	Dougal Skelly	Yeoman		Proprietor	None	1 2 3

ROBERT DICKSON.—I do not know Dougall Skelly, 229 of objected list and 92 of said poll. He is not on my Roll.

GEORGE KAINS.—I know him. I know he voted. I do not know what lands he held at the time of the last election, or any. He was a married man. He was living in Grenville ; whether he was on a place of his own or lived with his father I cannot say. I do not know more than one of the name.

The Hon. Judge Commissioner is of opinion that the objections to this vote are not proved.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence	Quality in wh. he voted	Description of Prop'y on Poll.	No. of Obj'ns
230	95	James Read	Yeoman		Proprietor	None	1 2 3 7 8

ROBERT DICKSON.—I do not know James Read, 230 objected list, and 95 of poll. He is not on my Roll.

GEORGE KAINS.—I know him. I know he had land at the time of the election; but I do not know what lot. I do not know what land he occupied. I do not know whether or not there were Crown Dues owing to the Crown.

The Hon. Judge Commissioner is of opinion that the objections to this vote are not proved.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence	Quality in wh. he voted	Description of Property on Poll.	No. of Obj'ns
231	98	James Mulvaney.	Yeoman		Proprietor	None.	1 2 3 7 8

ROBERT DICKSON.—I do not know James Mulvany, 231 of objected list and 98 of said Poll. He is on my roll as owner of 24 in 4th of Grenville. He is only once on my roll. There is no other man of that name. The value entered is £50.

CROSS-EXAMINED.

I will not swear that the James Mulvany, mentioned in the Valuation Roll as owner of lot 24 in 4th of Grenville, is the same "James Mulvany," who voted and whose name was entered on the Poll Book by myself.

GEORGE KAINS.—I know him. I know he voted. I find by my Cash Book that he was located on the South half of 23 in the 4th range of Grenville, on 28th March, 1853. One Instalment was paid at the time of the purchase, and four Instalments have become due since. I have no memorandum of these being paid Three Instalments have become due since I was acting Local Crown Lands Agent. I consider I am the proper person to receive that money, but none of the instalments have been paid to me. I do not know that the said Mulvany, has any other property. I have no memorandum with me to tell the state of lot 24 in the 4th. I know no other man of the name.

CROSS-EXAMINED.

The entry in the Cash Book with respect to James Mulvany, is in the hand writing of William Henry Quinn, and it is from that source I derive my information.

South half of 24 in the 4th patented to Frank Aspin. The other half not sold.—*Crown Lands List.*

Whole lot rated at £50.—Roll.

No Evidence in Rebuttal:

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence	Quality in wh. he voted	Description of Property on Poll.	No. of Obj'ns
232	100	Thomas Knox	Yeoman		Proprietor	None	1 2 3 7 8

ROBERT DICKSON.—With respect to Thomas Knox, 232 objected list and 100 of poll, I know a lad of that name. I saw him at the poll. I cannot say that he voted. He is not on my roll. I do not know of his holding any property. I know only one of that name.

GEORGE KAINS.—I know him. I know he voted. He lived with his Mother on part of number 9 in the 6th range, at the time of the election. That is the lot which was located to his father. This was a free location in the time of the Staff Corps. By the rules of the Department, this lot would become forfeited, if the patent did not issue before 1855. Such were my instructions. The patent for this lot was never issued. Thomas Knox, is 19 or 20 years of age. I suppose £30 or £40 would be the value of the lot. There are not much improvements. There are two daughters with this boy and the widow. The father had no other property than this. I know no other man of the name of Thomas Knox.

No Evidence in Rebuttal.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence	Quality in wh. he voted	Description of Property on Poll.	No. of Obj'ns
233	104	John Greaves	No evid.				
234	110	James Young	"				1 2 3
235	111	David Kimble	Yeoman		Proprietor	None	7 8

ROBERT DICKSON.—I know David Kimble, 235 of objected list and 111 of poll. I cannot say that he voted. He is on my roll as owner of 5 in 8th range, valued at £40. He is not entered for any thing else. I do not know of his owning any other land. I do not know of any other David Kimble. There is no other of that name on the roll.

GEORGE KAINS —I know him. I know he voted. There are two David Kimbles, father and son. The father was the man who voted, and I speak of the father now. The father occupied part of lot 5 in 8th in Grenville. He squatted on the lot, and I told him he ought to buy the lot from the Crown, and told him the means to purchase it. I cannot say whether it is the North or South half of the lot. He told me so ten or twelve months ago. I do not know of his having any other lot in Grenville. He is still poor. The property would be worth £50 or £60. I know no other David Kimble, than this one.

On Roll for part only of 5 in the 8th range. Other part valued at £7 10s.—Roll. North half 5 in 8th not sold.—*Crown Lands List.*

No Evidence in Rebuttal.

The Hon. Judge Commissioner is of opinion that the vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter Objected to.	Description on Poll.	Residence.	Quality in wh. he voted	Description on Property on Poll	No. of Obj'ns
236	112	George Morrow, jr.	Yeoman		Proprietor	None	1 2 3

ROBERT DICKSON —With respect to George Morrow, junior, 236 objected List, and 112 of Poll,—I know two George Morrows,—father and son. One George Morrow is rated as owner of 11 in 6th Range of Grenville, valued at £40. George Morrow also appears as owner of 4 in the 5th Range of Union, valued at £50. No other property is entered to the name. The father and son I know live together. There is no George Morrow, junior, on my roll. I know of no other George Morrow holding property in the municipality.

CROSS-EXAMINED.

I don't know where George Morrow, junior's property is; but I was out past the property of George Morrow, the father, some seven years ago. I was never in his house. It is, I think, somewhere near the property of David Johnson of whom I have above spoken.

GEORGE KAINS.—I know him. I know he voted. He is a lame man, a shoemaker. I do not know of his holding any property at the time of the Election. My impression is that he was living with his father. I do not know any other George Morrow, junior.

North half of 11 in the 6th is not sold. George Morrow has permission to purchase, but has not done so.—*Crown Lands List.*

No Evidence in Rebuttal.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence	Quality in wh. he voted	Description of Property on Poll	No. of Obj'ns
237	120	Toussaint Cerrier	Yeoman		Tenant	None	4 5

ROBERT DICKSON.—I do not know Toussaint Cerrier, 237 objected and 120 of Poll. He is not on Roll, but I find one Toussaint Corria, rated as owner of part of 7 in 2nd of Union, valued at £15.

G. KAINS.—I do not know a man of that name, but I know one Toussaint Corrier who lives in the Augmentation. I find in the Book of Licenses of Occupation the entry following on the margin of a sheet which has been torn off; No. 53. N. N.

Tusa Corear, North half of Lot No. 10, in the 2nd concession of the Township of the Augmentation of Grenville, October the 28th, 1850.

OWEN QUINN, Agent.

Given under the ten years system.

My impression is that this entry is in William H. Quinn's handwriting; but it may be in Thomas Quinn's: but it is not in Owen Quinn's handwriting, nor is it signed by him.

Under this system one half of the purchase money became due in 1855, October 28th. I have no memorandum of anything ever having been paid on the lot. At that time lots were sold either at two shillings, or two shillings and six-pence an acre. Nothing has ever been paid to me on that lot.

No Evidence in Rebuttal:

The Hon. Judge Commissioner expresses no opinion on this vote.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to	Description on Poll.	Residence	Quality in wh. he voted	Description of Prop'y on Poll	No. of Objn's
239	126	Pierre Beauchamp	Yeoman.		Proprietor	None	1 2 3

ROBERT DICKSON.—I do not know Pierre Beauchamp, 239 objected List, and 126 of said Poll. There is a Beauchamp, Christian name not mentioned, entered on Roll as owner, three times, of lots 4 in 3rd, 3 in 4th, 3 in 4th in Grenville; 4 in 3rd is valued at £100; 3 in 4th at £75, and 3 in 4th valued at £115.

I know a Beauchamp, father of Alexander Beauchamp.

GEORGE KAINS.—I know him. He voted. I am not aware that he held any property at the time of the Election. He lives with his son Alexander. I know only one Pierre Beauchamp.

The Hon. Judge Commissioner expresses no opinion on this vote.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence.	Quality in wh. he voted	Description of Property on Poll	No of Obj'ns.
240	129	John McAllum	No evid.				
241	90	Alexander McLeod	Yeoman		Proprietor	None	1 2 3 7 8

ROBERT DICKSON.—I do not know Alexander McLeod, 241 objected and 91 of poll. He is rated, as owner of 4 in 7th of Union, at £40. He is nowhere else on my Roll. The name occurs but once.

GEORGE KAINS.—I know him. I know he voted. He held at the time of the election, part of a lot in the 7th range of Augmentation. It is my impression that it was the 4th lot. I think he was a squatter there. He is a very poor man. No arrears were paid me on said lot in 1857.

North-half of 4 in 7th sold to Jonathan Kelly. Arrears due in November, 1857. South-half located to Rowich, but forfeited under 14 and 15 Vict., cap. 56.—*Crown Lands List.*

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence	Quality in wh. he voted	Description of Prop'y on Poll.	No. of Objns
242	134	George Morrow	Yeoman		Proprietor	None	7 8

ROBERT DICKSON.—With respect to George Morrow, 242 of objected list and 134 of poll, see George Morrow, junior, 236 of objected list and 112 of poll.

GEORGE KAINS.—I know him. He voted. I know no more than one George Morrow, except the son spoken of before. He was living on North-half of 11 in the 6th of Grenville, at the time of the election. I now produce and attach to my deposition, to form part thereof, a copy of a letter from the Crown Lands Department, dated Toronto, 7th September, 1857, which copy I have certified under my hand to be a true copy of the original now produced before the Commissioner. This letter instructs me to allow the said George Morrow to purchase the lot, which he has not done. I do not know of his having any other property in the Township, at the time of the election.

The Hon. Judge Commissioner is of opinion that the objections to these votes are not proved.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence	Quality in wh. he voted	Description of Property on Poll	No. of Objns
243	136	Archibald McCallum	Yeoman		Proprietor	None.	1 2 3 6

ROBERT DICKSON.—I do not know Archibald McAllum 243 of objected list, and 136 of poll. He is not on Roll.

GEORGE KAINS.—I know him. He voted. I think his father was located on lot 1 in the 7th of Augmentation. His father died several years ago, leaving six children. The old man's wife is dead; but I cannot say whether she died before her husband or not. The father had only that one lot (200 acres) that I

am aware of. It is worth about £150 or £200. The father had no other estate. One of the brothers, who is since dead, paid the instalments on the land; but the patent has never issued. My impression is that it was Angus who paid for the land. Archibald at the time of the election was an unmarried man, a roving kind of a man, sometimes on the river in steamboats, and sometimes peddling, fanning mills and stoves.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence	Quality in wh. he voted	Description of Property on Poll.	No. of Obj'ns
244	141	Michael Butler	Yeoman		Proprietor	None	4 5 6 7 8

ROBERT DICKSON.—I do not know Michael Butler, 244 of objected list and 141 of poll. He is not on my Roll in any capacity whatever.

GEORGE KAINS.—I know him. He voted. I do not know that he held any land in the Township at the time of the election; but sometimes he lived with his mother in Grenville, and sometimes in the Augmentation. He is a Young man. I do not think he was married.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence.	Quality in wh. he voted	Description of Prop'y on Poll.	No. of Obj'ns
245	148	Matthew Wilson	Yeoman.		Tenant	None	1 2 3 7 8

ROBERT DICKSON.—With respect to Mathew Wilson, 245 objected and 148 of poll. I know a Wilson; but I do not know his Christian name. Mathew Wilson is entered as owner of 12th lot in 9th range, valued at £50. No other man of the name of Mathew Wilson is on my Roll.

GEORGE KAINS.—I know him. He voted. He occupied North-half of 12 in the 9th of Grenville. He has occupied the North-half of lot 12 in the 9th of Grenville for several years, for which he paid me, on 1st April, 1858, £10 for the lands and the patent fees. He has since obtained the patent. He held no other property at the time of the election. There is no other of the name in the Township.

CROSS-EXAMINED.

He had paid nothing before he paid me the £10 above mentioned. He bought a location ticket from a third party and transmitted it to the Department, who refused to give him a title, declaring that it had been forfeited. This correspondence took place through me, and occupied about two years till it was finally closed.

Original location forfeited. Permission to purchase given to Mathew Wilson, 20th January, 1858. Nothing yet paid, 6th April, 1858.—*Crown Lands List.*

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence	Quality in wh. he voted	Description of Prop'y on Poll.	No. of Obj'ns
246	169	Jean Cherron	Yeoman		Proprietor	None	1 2 3

ROBERT DICKSON.—I do not know Jean Cherron, 246 of objected List, and 119 of Poll. He is not on my roll.

GEORGE KAINS.—I know him. I do not know whether he voted or not. He owned property there at one time, but I think it is occupied now by one Garon.

The Hon. Judge Commissioner is of opinion that the objections to this vote are not proved.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence	Quality in wh. he voted	Description of Property on Poll.	No. of Obj'ns
247	182	Philip McNeal	Yeoman		Proprietor	None	1 2 3 7 8

ROBERT DICKSON.—I do not know Philip McNeal, 247 objected List, and 182 of Poll. He is not on the Roll.

CROSS-EXAMINED.

After verification of the Roll I find he is on it.

GEORGE KAINS.—I know him. I knew he voted. He occupied a Lot in Augmentation, and is there yet.

The Hon. Judge Commissioner is of opinion that the objection to this vote is not proved.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence.	Quality in wh. he voted	Description of Prop'y on Poll.	No. of Obj'ns.
248	183	Patrick McTeague	No evid.				
249	189	Michael McTeague	Yeoman		Proprietor	None	1 2 3 7 8

ROBERT DICKSON.—I do not know him. He is not on roll.

CROSS-EXAMINED.

After verification of the roll I find he is on it.

GEORGE KAINS.—I know him. He voted. He is living in the upper part of Grenville, and occupied property there ; but I do not know any thing about his title to it.

The Hon. Judge Commissioner is of opinion that the objections to this vote are not proved.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence	Quality in wh. he voted	Description of Prop'y on Poll.	No. of Obj'ns
250	192	Thomas Kelly	Yeoman.		Proprietor.	None "	1 2 3

ROBERT DICKSON.—I know him. He is not on my roll. He was sitting upon some land in Union, two years ago; but he afterwards moved up the river. I cannot say precisely when. I do not know of any other man of that name.

GEORGE KAINS.—I know him. He voted. I do not think he has any property. He lives with his father. He lived there at the time of the election. He has always lived with his father. I do not know more than one Thomas Kelly.

The Hon. Judge Commissioner expresses no opinion upon this vote.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence	Quality in wh. he voted	Description of Property on Poll	No. of Obj'n's
251	195	Robert Ganley, jr.	No evid.				
252	196	Jonathan Kelly, jr.	"				
253	202	Andrew Kerr	"				
254	203	William Crawford	Yeoman		Proprietor	None	1 2 3 7 8

ROBERT DICKSON.—I do not know him. He is not on the roll.

GEORGE KAINS.—I know him. I know he voted. I do not know whether he has any land. There is only one William Crawford, to my knowledge in Grenville.

The Hon. Judge Commissioner is of opinion that the objections to this vote are not proved.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence.	Quality in wh. he voted	Description of Property on Poll	No. of Obj'ns
255	204	John McNeil	Yeoman.		Proprietor	None	1 2 3

ROBERT DICKSON.—I know John Howard, 255 objected list and 204 of poll. He voted. He is valued on 9 in the 2nd range at £60—that is in Grenville.

Question.—Do you know how the property occupied by the said John Howard was by him acquired?

The sitting Member objects to verbal testimony being adduced respecting the title of any

property occupied by the said John Howard, because 1st—the said John Howard is not identified—because 2nd—the property upon which he voted is not established or identified; and because 3rd—even supposing these two points established; parol evidence concerning the contents of written documents cannot be adduced, without first, by the party in question having been ordered under the hand and seal of the Judge Commissioner, to appear and produce such title, deeds or documents as he might have respecting the property upon which he voted; and secondly, not without a *commencement depreuve par ecrit*, and further, because the notice which the said contestant produced and filed on the 22nd June, instant, and which purports to be a notification to produce before the Judge Commissioners on the 22nd June, instant, in St. Andrews, such title deeds as he might have to the property in respect of which he voted; and which notice purported to be signed by J. C. Baker, Agent for the Petitioner, did not call upon the party to appear upon the day upon which evidence was being taken, respecting the contested votes of the Township of Grenville and Union, where the said Voter is alleged to have voted; and because the said notice does not shew that the party upon whom the said notice was served, was the party who voted.

The Contestant replies that the Voter is identified by the Witness under examination. That the property not having been designated by the Voter, has been designated by the said Witness—if not conclusively, at least sufficiently, until rebutted by evidence to the contrary. That notice to produce is properly, sufficiently and legally given by the Agent of the Contestant, and that the whole of this enquiry constitutes but one Enquête day for any Township or Municipality in the County; and that proceeding with the scrutiny of the votes of one Poll at a time is as purely and exclusively a matter of convenience only as the examination of one Witness at a time; and the examining of Witnesses for the different polling places separately, does not make the investigation of each Township a distinct Enquête, more than the examination of Witnesses speaking to one count in the declaration in a Civil Action, before examining Witnesses on other counts, would make each count a separate Enquête.

Objection reserved by the Commissioner for the consideration of the Committee, and the answer ordered to be given.

Answer.—John Howard's mother-in-law, widow Kelly, owned the property for ten or twelve years previous to her death, which occurred about three or four years ago. The house remained unoccupied for some length of time. John Howard married a daughter of this widow Kelly. John Howard told me he bought out James Kelly's (the son of widow Kelly) claim; and he told me that the other brothers said they would give him a title to it. I think he told me that there were no writings between them about it; but he told me it would cost them more than it was worth to get him out of it. It was the husband of the widow Kelly who built the house and occupied it up to his death. He left a wife and, I think, six children. I think there was a lot of land or two. I know she sold land since his death. The house and lot in which Howard is, is worth £100. I think the lot in Grenville was sold for £50. I cannot say what the other lot is worth, whether £5 or £50. I don't know of the Kelly family having any other than these three properties: that is, the house and two lots Kelly was a shoemaker by trade, and I do not think he had any other property.

George Kains—I know John Howard, 255 of objected list, and 204 of Poll. I know he voted. He lived in a house in the Village of Grenville. This house is onpart of No. 9 in the second of Grenville. This lot is a half or three-quarters of an acre in extent, and a Village lot. It is a pro-

perty which the late John Kelly left to his wife and six children, one of whom is married to John Howard. The value of the property would, perhaps, be £100 or £120. He left other property, but his wife sold that. The lot she sold was worth about £30. The whole estate of said Kelly might have been worth £120, or £140 or £150.

The sources from which I derive my information respecting the Howard Lot are not from Howard himself, nor from having seen the deeds. The lot formerly belonged to my father-in-law, who had it surveyed into lots, one of which lots was sold to John Kelly, who paid a rent to my father-in-law for it up to the time of his death.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence	Quality in wh. he voted	Description of Property on Poll.	No. of Obj'ns
256	204	James Young, jr.	Yeoman		Proprietor	None	1 2 3 7 8

ROBERT DICKSON.—I know him. I know two James Youngs, father and son. I think James Young, junior, voted. I have not on my roll, James Young, junior. James Young is rated as owner of Lot 21 in the 7th Range of Union. He is not entered for any other property. I think James Young, junior, occupies land in the Augmentation for which he shewed me a paper.

GEORGE KAINS.—I know him. I think he did vote. His father applied to me for lot 10 in the 6th of Augmentation, 7th July, 1856, for his son James Young, junior. On the 4th of August, 1856, he applied for north half lot 11 in the 6th range. They being open on my list, I sold them; since that time I received an order to suspend the sale, on account of a misrepresentation by the said Young. The two lots together may be worth £80. The one fifty and the other thirty pounds. Three pounds are paid on 10 in 6th, and 19s 3d on north half of 11 in 6th. He has no other land to my knowledge. I know no other James Young, junior.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence	Quality in wh. he voted	Description of Property on Poll	No. of Objn's
257	207	Lochlin Cameron	No evid.				
258	217	Michael McHundry	"				
259	219	John McCallum	Yeoman		Proprietor	None	1 2 3 7 8 10

ROBERT DICKSON.—I know him. I know two John McCallums. Only one is on the roll. He is on lot 27 in the 7th of the augmentation. valued at £75. I know that man. I cannot say for whom he voted. One John McCallum is a farmer and trader, the other is a shoe-maker, whom I did not know to occupy land.

GEORGE KAINS.—I know two of that name. The one that is brother to Archibald is the one who voted for Mr. Bellingham. I know no more about him than what I have said, in speaking of Archibald above. I am not aware of his holding any other land than that left him by his father. I cannot say where he lived.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence.	Quality in wh. he voted	Description of Prop'y on Poll.	No. of Obj'ns.
260	221	Stevin Bevins	No evid.				
261	230	James Gillay	Yeoman		Proprietor	None	1 2 3

ROBERT DICKSON.—I know him, I cannot say that he voted He is on the roll as owner of 4th lot in 5th range, of Grenville, valued at £40. He is not down for anything else. I do not know any other James Gillay.

GEORGE KAINS.—I know him he voted. He bought a lot of land from his father last fall, in September or October. Before that he lived with his father, who left at time of sale. The father's name is Robert.

CROSS-EXAMINED.

James Gellay himself told me that he had purchased from his father.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence.	Quality in wh. he voted	Description of Prop'y on Poll.	No. of Obj'ns
262	232	George Brown, jr.	Yeoman.		Proprietor	None	1 2 3

ROBERT DICKSON.—With respect to George Browne, junior, 262 objected list and 232 of poll. I know an elderly man of the name of George Browne. I

think the elderly man did not vote. He is entered on the Roll as owner of lot 7 in the 2nd range of Grenville ; it is a Village Lot. No other George Browne is on the Roll. George Browne, junior, is not on the Roll.

I know George Browne, junior, 262 objected list, and 232 of poll. He voted. I don't know of his having any property. He is a young man, living with his father. I don't know of any other George Browne, junior, in the Township.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter Objected to.	Description on Poll.	Residence.	Quality in wh. he voted	Description on Property on Poll	No. of Obj'ns
263	88	Nicholas Hakett	No evid.				

PARISH OF ST. JERUSALEM D'ARGENTEUIL.

Names of witnesses examined respecting the contested votes in this Parish together with such portions of their testimony as do not specially refer to any particular vote.

WITNESSES FOR THE PETITIONER.

THOMAS POLLOCK, of the Parish of St. Jerusalem d'Argenteuil, in the County of Argenteuil, Trader.

I am now and have been the Secretary-Treasurer of the Municipal Council of the said parish since December, 1856 ; I have in my possession and now produce the original Valuation Roll of the said parish which was sworn to by the Valuators on 30th September, 1855. The Valuators are John Smith, Alexander Paul, and John Nicoll. I have also, in the same book, the original Collection Roll which was made in May 1857, and presented to the Local Council in June of the same year.

The Sitting Member objects to the production of the Valuation Roll of the Parish of St. Jerusalem d'Argenteuil or of any proof being gone into upon it, the Poll Book being the only document on which proof can be gone into.

The Commissioner makes the same order as in the case of the production of the Valuation Roll for the Parish of St. Andrews, and overrules the objection.

It is my duty to collect the assessments in the said parish. I have been a resident in this parish for thirty-five years.

The Agent for the Sitting Member objects to the examination of the witness upon the original Valuation Roll, inasmuch as no copy is produced and fyled, and inasmuch as he has not been notified of the production of the same.

The Petitioner replies that the production of the original document itself is the best evidence, and that it is the invariable practice in Courts of Law, both civil and criminal, when the contents of a public record are in question, to cause the official having the custody of it to bring it before such Court and examine him touching such contents. As to the notice, the Petitioner contends that no notice of any kind is required.

The Agent for the Sitting Member answers that the Poll Books are the subject matters of discussion in this Commission, and not the Assessment Roll.

The Judge Commissioner reserves the objection for his own consideration.

The Petitioner then declared that he would produce, during the taking of evidence in rebuttal, a copy of the said roll to be fyled *tunc pro nunc*, which was agreed to by both parties.

The Collection Roll is made from the Valuation Roll, and it is a copy of it, as regards the properties and their values and the names of the proprietors or occupants or tenants; with the exception, that if a change of tenancy, occupancy or proprietorship takes place, the name of the actual tenant, occupant or proprietor liable to assessment is inserted in the Collection Roll when it is made. In case the proprietor lives in the parish I continue his name in the Collection Roll.

CROSS-EXAMINED.

The Parish of St. Jerusalem was erected into a Municipality in 1855. I was not the Secretary-Treasurer for the Council at that time, but one John Gibson was. I did not act as Clerk for the Valuators when they went round to value the properties, neither did I see them sign the Valuation Roll. The Collection Roll of which I have spoken has been made up by me for my own convenience in collecting. It is thrown into alphabetical order, and is taken from the Valuation Roll. It has no description of the boundaries of the property; but all the description we have is in the Valuation Roll. I made up the Collection Roll in virtue of the third sub-section of the seventy-fourth section of the 18th Victoria, cap. 100.

There are no entries under the heading of concession or range, and only one entry under the head of "lot or part." The entries under the head "name of street" are only sixteen in number.

The said Valuation Roll contains no description of the property by the boundaries.

The Collection Roll contains no designation of "proprietor," "occupant or tenant" affixed to the name of any individual mentioned in the Valuation Roll. I do not reside in the Village of LaChute; I reside about five miles out of it. I have never been round to collect the assessments in the Parish of LaChute, but there is a Collector to go round for that purpose. From what I heard and from what I know from the parties themselves I made these alterations in the Collection Roll. Most of the alterations in my Collection Roll were made from receiving information from the parties interested. The only alteration is the substitution of one name for another where changes have taken place.

None of the people of whom I have spoken have been brought up before me to identify them as the parties of whom I have spoken.

Thomas' Gore is in the Parish of St. Jerusalem, so are Vide Sac and East Settlement.

DUNCAN MCNAUGHTON, of the Village of St. Andrews, in the County of Argenteuil, Esquire.

I am the same Duncan McNaughton who has been examined in this matter. This parish is within the limits of the Seigniory of Argenteuil, as I have already stated. I now produce the Rent Ledger of the Seigniory.

In my examination I have spoken with reference to the persons mentioned in it from what I call my Rent Ledger, but which is in reality a *terrier* of the Seigniory. This book contains the name of all proprietors in the Seigniory who have exhibited titles or of whose occupancy or proprietorship of land in the Seigniory I have obtained a knowledge.

As soon as I ascertain any change of property I enter it into this book, by closing up the old account and opening a new one. I ascertain the change of proprietorship from actual exhibition of titles and from extracts furnished to my office by the different Notaries of the Seigniory, and from my personal searches at the Registry Office of the County. In addition to this, what I can glean personally. My principal business as Agent for the Seignior is the collection of rent for these properties from the actual occupants and the mutation fines which became due on their transfer, previous to the Seigniorial Tenure Act. I make it my business to ascertain who are the actual occupants. The whole of this Parish of St. Jerusalem d'Argenteuil is in the Seigniory of Argenteuil, of which I am the Agent.

CROSS-EXAMINED.

I was not summoned to appear here yesterday by a subpœna or order from the Commissioner.

All the entries in the Rent Ledger or the terrier are in my own handwriting. In March, 1853, all the accounts that were then in existence I transferred from a ledger designated C, which was then full, to the one I have now before me, and from which I have spoken. All the entries in ledger "C" were in my handwriting.

I think the cadastre of the Seigniory of which I am agent, was lodged in the hands of the Seigniorial Commissioners in the fall of the year 1855, by Mr. De La Ronde, notary of St. Andrew's. The Seigniory is twelve miles long by six broad. I reside in the Village of St. Andrew's, about a fourth of a mile from one end of it. There are two large grist mills in St. Andrew's and one in Lachute; they are about six miles apart. It is part of my duty as agent, to look after and see to those mills. I frequently drive above past the mills in Lachute; and examine roads and bridges wherever required. The ninth day of June, last year, I was all through the back part of the Seigniory. I went there to see a bridge on the Gore Line, examine the road and look after the *censitaires* and arrears. I was then at McCormick's, Berry's, Drysdale's, the saw mill, came back to Thomas Morrison's, and then returned. This was my last visit in that direction.

I was through some parts of the Seigniory in that same direction about six months before that, my principal business is between St. Andrew's and Lachute; but I go to the saw mill in the North Settlement on the Gore Line when business requires me, and whenever my presence is required as agent. Within the last twelve months I think I have been twice to a mill beyond the Lachute Grist Mill on business. There are close upon six hundred censitaires upon farms and emplacements. There were for the two years previous to the making of the *cadastre* forty mutations per annum, to the best of my recollection. I made up a statement for the Seigniorial Commissioners which filled up six or eight sheets of paper. This statement was made up from the best sources of information that could be obtained, and not from the exhibition of titles in all cases. I made all possible researches; I was at the registry office for a week or more. I did not distinguish in my *cadastre* the sources of my information. I think the information respecting about the one half of the mutations was derived from exhibitions of title. I think mutations have increased since the passing of the Seigniorial Act in 1855, in May; the exhibition of titles have not been so frequent since that time. About fifty have been exhibited in these three years. The Seigniory is contained in the parishes of St. Jerusalem and St. Andrew's. In Lachute there are two large blocks which were sold formerly to one Lane and one Dewell, respectively known as the Lane and Dewell purchases. Lane's purchase contained about seven thousand acres, and Dewell's about four thousand acres. The mutations in these two purchases were subject to *lods et ventes*, inasmuch as they were subject to a copper rent for every forty acres which carried *lods et ventes*, and all Seigniorial rights. The mutations in both these purchases were regularly entered in my ledger, and have been paid as regularly as in any other part of the Seigniory.

I am the same Duncan McNaughton who have been examined on two previous occasions under this commission.

I was not at the poll at Lachute during the election. None of the people of whom I have spoken, have been brought up before me, to enable me to identify them.

If a neighbor or *censitaire* tells me that an individual is proprietor, I do not open an account in my ledger "D" for him, but it is my habit to take a memorandum of such information to make further enquiry.

Question.—Have you within the last fifteen months discovered any person to be proprietor of any lot in the Seigniory, whose name you had not already entered in Ledger "D"?

Answer.—No, I have not. I get my information from authentic sources, and then insert the names in my said rent ledger or terrier.

The Seigniorial rents are due on the eleventh of November. * * *

The last account opened immediately before Creighton's was Patrick Strachan Dunbar, dated 16th March, 1857, which was the date at which I ascertained the mutation. This is the last mutation entered in my book, with the exception of Creighton's. This entry is as follows :—

215.				215.			
1857.—Patrick Strachan Dunbar.				A lot of land in Thomas' Gore, 83 arpents, ...	£0	4	7
March 6.—To amount of arrears, due by Simon Dunbar, per fol. 204,.....	£11	03	11½	Supposed to contain 94 arpents, 2 b. 15 p.....	£		
November 11.—To cash, Rent 4s., Wheat, two bushels 6s. 3d., 17s. 10d.,.....	1	2	5				
	£12	0	4½				

The words "83 arpents, 4s. 7d.," "2 b. 15 p.," and "supposed to contain 94 arpents" are written in pencil in said entry.

This entry was made from copy of deed which was exhibited to me by the purchaser himself. I find also another account opened in my ledger to W. A. Phillips under date March 1857 ; also one for William Wood in March 1858.

This account was entered from what the vendor told me, but no title was exhibited to me: also one to H. F. A. McArthur in November, 1857.

Also one to Hugh Cleland on 11th November, 1857. This entry I made when Cleland told me he was going to purchase the land, and promised me to pay the arrears. He did not exhibit any title; but afterwards paid the arrears.

Also one to Pierre Brayer dit Saint Paire, in February, 1857. This entry was made from information that I received from vendor and vendee. The vendee came and paid me the arrears.

The next latest accounts opened in my ledger "D" were opened in 1856. They amount in all to 15. Which of them were entered from deeds exhibited, and which from private information I cannot tell; but my impression is, that the greater part of them were made from exhibition of titles. On reference to the ledger, I find that 14 of them were entered from information from parties themselves, and one from actual exhibition of title.

THOMAS DRYSDALE, of the parish of St. Jerusalem d'Argenteuil, in the County of Argenteuil, farmer, cross-examined :—None of the parties of whom I have spoken have been brought up before me to enable me to identify them as the parties of whom I have spoken.

Alvah Burch of Lachute, tavern-keeper.

Hugh Fraser of Lachute, farmer.

DANIEL DE HERTEL, of the village of St. Andrews, Esquire, Registrar of the County of Argenteuil.

THOMAS BARRON, of the parish of Lachute, Esquire:—I have lived in Lachute for forty years and more. I cannot say that I know most of the people. I know all the old residents. I was Deputy-Returning Officer for the poll held in the parish of St. Jerusalem d'Argenteuil at the last Election.

Witnesses in rebuttal.

JOSEPH GREEN, of the parish of St. Jerusalem d'Argenteuil, mail-driver and tailor:—I reside in Lachute, and have done so for twenty-six years. I voted for Mr. Bellingham at the last election. Thomas Pallaster, previous to the election, asked me to vote for Mr. Abbott. I had voted at previous elections for Mr. Bellingham. Also, Mr. Pallaster was either the proposer or seconder of Mr. Abbott at the last election. He went round canvassing for Mr. Abbott. He assisted Mr. Cross, Mr. Abbott's agent, at the Lachute poll, during the two days of the election.

Question—What took place between Mr. Pallaster and yourself at the time he solicited your vote for Mr. Abbott?

The petitioner objects to this question as totally irrelevant to the matters in issue before His Honor the Judge Commissioner.

Objection maintained; and the Sitting Member persisting in having the question put, the Commissioner orders it to be taken *de bene* on a separate folio.

The petitioner declines to cross-examine the witness.

GEORGE JOSS, of the parish of St. Jerusalem d'Argenteuil, cooper:—I voted for Mr. Bellingham at the last election. I was present at the nomination in December last. Mr. Thomas Pallaster proposed or seconded Mr. Abbott on that occasion, and I saw him frequently with the petitioner during the canvass. Joseph Green, the witness last examined, is a neighbour of mine. I have seen Pallaster frequently in and out of Green's during the canvass. Pallaster resided here in the Chute, and was a laboring blacksmith at the time. Said Pallaster voted for Bellingham at previous election. He told me at different times that he was acting as Mr. Abbott's agent. He said that any man that had bills against Mr. Abbott was to send them to him and that he would pay them—that he was Mr. Abbott's agent. These bills were for election matters. Since the election Pallaster has gone down to the village of St. Andrews to reside. I do not see very well how Pallaster was able to qualify as a Magistrate, but he has told me he was a Magistrate, and was ready to act as one at any time. Previously to the election I did not know of his having any property upon which to qualify as a Magistrate.

CROSS-EXAMINED.

The petitioner, reserving all his objections to the relevancy of this evidence, proceeds to his cross-examination.

It was after the election Palliser told me that people were to send their bills to him and that he was Mr. Abbott's agent. I do not know of any property that Palliser has acquired since the election. When I say that I did not think Palliser had any property upon which he could qualify; I did not mean that he had no property, but that I did not think the property he had was sufficient to enable him to qualify as magistrate. He had a house and three acres of ground near the village, on which he lived. He had also a farm; but I don't consider it was his, or that he could qualify on them, because they were mortgaged. Palliser, however, cropped the farm and such like. I cannot say whether or no Palliser was named a magistrate before the election; but I know he tried to qualify as one, but he could not do so. This I know from what Palliser said to me, namely, that they were wanting to make a Bailiff of him, and that people said he was fit for nothing else. That is the only way I know anything about it.

The witness declares he cannot sign his name.

Evidence having Special Reference to Particular Votes.

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence	Quality in wh. he voted	Description of Prop'y on Poll.	No. of Obj'ns
278	3	William Quinn	Farmer	Lachute	Occupant	None	4 6
279	4	Eugene Quinn	"	"	Proprietor	bet.McHenry & Fraser	1 2 3

THOMAS POLLOCK.—With reference to William Quinn, 278 objected and 3 of poll of St. Jerusalem d'Argenteuil, I know William Quinn of Lachute. I do not know his occupation. He is entered on my Valuation Roll as liable for Statute labor. On referring again to my Roll, he is entered thereon as a Surveyor. He was living with his mother at the time the Roll was made, as appears by the Roll; I cannot say how long afterwards. He does not appear on the Collection Roll as owner or occupant of any property.

With reference to Eugene Quinn, 279 objected and 4 of poll, I know Eugene Quinn of Lachute, farmer. He appears on my Roll as occupant of a farm which his mother, Mrs. Quinn, is rated as proprietrix. They live in the same house. As near as I can tell, this farm lies between the property of Mr. Henry and Mr. Fraser. Mrs. Quinn is also entered on the Collection Roll as proprietrix of it. This farm was occupied by the husband of Mrs. Quinn for a good many years and until he died. He acquired

it pending the marriage. I am not much acquainted with them. I know nothing about their affairs. They lived together as man and wife ever since I have known them. I do not know how many children there are: there are four boys and girls; I do not know how many of them. The widow and some of the family have continued to live on the farm since the old man's death; William Quinn just spoken of is one of the sons. The value of the farm as entered on my Roll is £275. I count the Roll made at half value in most cases. I cannot say what the property is worth. I consider it worth £500; and I consider that a fair value for it.

CROSS-EXAMINED.

Mrs. Quinn, the mother of William and Eugene Quinn of whom I have above spoken, is assessed as owner of two farms on my roll.

DUNCAN MCNAUGHTON,—I know the Quinn property, and the Quinn family. The property consists of the farms, one on each side of the North River—One contains about 100 acres and the other fifty. I should say the one of fifty acres is worth about £50.—It is only a mountain.—The other is worth from 300 to 400 pounds. Both of these properties have been in possession of the old Mr. Quinn, and subsequently to his death, in the possession of his Widow and family for a great number of years.—There are four sons issue of their marriage that I know of, and some girls, at least three that I know of all living.

I know Eugene Quinn, I believe he lives with his mother, I never knew of his having any other domicile.

I know William Quinn, I have not seen him at home for several years, but I am not aware of his having any other domicile than with his Mother, till up to last spring when he was married.

CROSS-EXAMINED.

The last time I was in Mrs. Quinn's house was about nine or ten years ago: I was there on business. This was during her husband's life time. I have never been on the farm since that time, but I have passed by it on the road. I last spoke to Eugene Quinn in December 1856. He was then in at Burch's Hotel. He was then taking home wood to his mother. He told me so. He said he was taking it home to his mother.

The Hon. Judge Commissioner expresses no opinion on these votes.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence.	Quality in wh. he voted	Description of Property on Poll	No. of Obj'ns.
280	5	David Lowe, jr.	No evid.				
281	13	Alexander Morall	Mason	Lachute	Proprietor	Village lot next C Brown	1 2 3

THOMAS POLLOCK.—With reference to Alexander Morall, 281 objected and 13 of poll, I know Alexander Morell of La Chute, Mason. He is not on valuation roll as proprietor. He is entered as occupant of real property, of which Patrick Ward is rated as owner, which is a Village Lot in the Village of Lachute, between the other property of Patrick Ward, and one Souter.

THOMAS BARRON,—I know him, James McGibbon, Alexander McGibbon, Joseph Mayie sometimes called Joseph Magie, carpenter, who lives in Lachute, Joseph Green, mailman, George Joss, cooper, Pierre Leggo of Vide Sac in the said parish. All of these persons except Pierre Leggo and Joseph Mayie, bought Emplacements from me at Lachute; Joseph Mayie has also one of these Emplacements which I sold to one Alexander Bellsland, and he sold to Meikle and Meikle to Mayie; to whom I gave a deed direct in 1856. To the persons to whom I thus sold I gave a writing *sous seing privé*. By these writings the prices of the lots were fixed, of which they were to pay me the Interest yearly, until they paid the capital or built; on either of which circumstances occurring, I was to give them a Deed on their demand, I have been summoned to produce the documents so granted to these parties of copies of them, but I had and have only one of them in my possession; namely, that granted to Alexander Morall; which I now produce before the Commissioner and of which the following is a copy.

"It is this day agreed and covenanted by and between Thomas Barron of Argenteuil of the one part, and Alexander Morell as follows. The said Barron agrees to concede and sell to the said Morell two half acres of Village Lots on his premises at Lachute en constitut, at the rate of forty five shillings rent per year, to be paid yearly until such time as the said Morell shall see fit to pay up the principal sum at six per cent, say one hundred and fifty dollars, provided always that the said Morell shall build a dwelling house on one of the said Emplacements in the course of one year from this date, the said Emplacement shall front on the North River and join the street that joins Mr. Raitt's lot in the Village of the Chute;

the first rent to become due and payable in one year from the first of October in the year 1857. Done at Lachute this 17th day of June 1856.

(signed,) THOS. BARRON,

his
ALEXANDER ⋈ MORELL,
mark

P. S. The said Morell makes his mark.

(signed,) JOHN SIMPSON.

This document is endorsed "A Morell's Bond for 2 lots in Lachute Village."

Morell began building on the said lot last year; that is he has raised a Building on it which is not yet finished. This lot adjoins on one side a projected street on my property; the other side of which is my property. To the best of my recollection I have given him no deed yet;— The documents I gave to James and Alexander McGibbon, who were in partnership, and have three lots between them, to Joseph Green and to George Joss contained similar conditions to that of Morell above copied: that is, they were all sold *en constitut* of which the rent was payable yearly until they should pay up the principal: when they were to receive their deeds. Some of the persons I have mentioned have received their deed this winter according to the stipulation of their bond. For instance, the McGibbons have, but to the best of my recollection Green and Joss have not. I gave a deed to Joseph Mayie about two years ago. This lot is built on: a house, workshop and stables are on it. Pierre Leggo above mentioned lives in Vide Sac on a lot bought from me. One Smith is next neighbor to this lot on one side: I do not recollect the name of the neighbor on the other. Leggo received a Bond for a deed on similar conditions to Morell's, except as to amount of purchase money, and I have also given him his deed this winter.

James McGibbon is in partnership with Alexander McGibbon under the firm of J. and A. McGibbon. They live in separate tenements, but have a tannery between them; all of which buildings are on the lots above mentioned.

All the persons of whom I have spoken, held the properties referred to at the time of the last Election, and for a long time before.

The date of Morell's Bond is already mentioned, James and Alexander McGibbon have had their lands seven or eight years, and built soon after their got them.

Joseph Green has had his land for six years, at least I think.

Joss got his about the same time. They both built immediately.

Leggo got his land several years ago and has since built.

To the best of my recollection all the persons of whom I have spoken voted at the last election.

DANIEL DE HERTEL.—I am the Registrar of the said County in which this parish lies. The Registry Books of this County are in my possession, containing as well the Enregistrations previous to the separation of this County from Two Mountains, as well as since. I have made search at the request of the petitioner to ascertain whether any deed or document in the nature of a deed or a bond for a deed, to James McGibbon, or to Alexander McGibbon, or to Joseph Green, or to Pierre Leggault, or to George Joss, or to Alexander Morell from Thomas Barron of Lachute, Esquire, had been enregistered in the said registry office, previous to the time of the last election for this County, and I declare that no such deeds, documents or lands have been enregistered there previous to the time mentioned.

CROSS-EXAMINED.

Deeds to McGibbon and Leggault have been enregistered since that time.

The Hon. Judge Commissioner expresses no opinion on these votes.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence	Quality in wh. he voted	Description of Property on Poll	No. of Obj'ns
282	14	James McGibbon	Farmer	Lachute	Proprietor	None	1 2 3
322	171	Alexander McGibbon	"	"	"	"	1 2 3

THOMAS POLLOCK.—With reference to James McGibbon, 282 objected, and 14 of poll, and Alexander McGibbon, 322 objected, and 17 of poll, I know two McGibbons who are entered on my roll as Tanners, under the name of A. and J. McGibbon, one of these is Alexander McGibbon, I expect, because I find Alexander McGibbon, tanner, entered on the roll. There are no other McGibbons in the parish, that I know of.

Question.—For what property are the said A. and J. McGibbon rated on the Roll, and did they occupy it at the time of the election?

The Agent for the Sitting Member objects to this question, because A. and J. McGibbon have not voted, and their names do not appear upon the poll book, and because no property is mentioned upon which any McGibbon voted; and because they have not been brought up by any order from the Commissioner to enable the witness to identify them or to cause them to state if they voted, or upon what property they voted if they nid so vote.

The Petitioner replies that the only portion of this objection which has not been repeatedly discussed and disposed of, is that portion of it based upon the fact that the witness does not distinctly declare the name of J. McGibbon to be James; but, as to this, he has stated that there are only these two McGibbons to his knowledge in the parish, the name of one

of whom is Alexander; that both Alexander and James are objected voters, and that under the circumstances the Petitioner is entitled for the moment to go into evidence, with respect to the said J. McGibbon's property, with the intention of proving hereafter that the J. McGibbon this witness refers to, is called James.

The objection is over-ruled, and the answer is ordered to be given.

Answer.—They are entered on the roll as James, and I know the tannery they occupy, but it is not described upon the roll. They have occupied it for several years. Joseph Green is a neighbor on one side, I do not know the neighbor on the other. It is a village lot, which I think they bought from Colonel Barron. They are not entered on either the valuation roll or collection roll for any other property.

DUNCAN MCNAUGHTON.—I know Alexander McGibbon of Lachute, tanner. I do not know James personally, but I know that Alexander has a brother called James. They are in co-partnership. I believe they are under the firm of Alexander and James McGibbon. I know the property they occupy at Lachute. It has a tannery on it. I understand that Alexander acquired this from Colonel Barron. It is one of the emplacements forming part of said Barron's property. They have been on it a good many years. They have exhibited no title to me, and I could find no record of any at the Registry Office at the time I examined there. I demanded the *lods et ventes* from Alexander, who declared to me that, having no title, he had no *lods et ventes* to pay. I do not know any other Alexander or James McGibbon in the parish. I do not know of their having any other property than this.

CROSS-EXAMINED.

I have no personal knowledge of what house Alexander McGibbon lives in with his family, nor of James McGibbon. The tannery I have spoken of is the place where they carry on their business, they erected it. I mean Alexander, as I understand. It was in September, 1855, that I asked him for *lods et ventes*. I caused a search to be made in the registry office previous to making out the cadastre in 1855, to see if he had any deed of purchase enregistered, and I could find none. I find a memorandum in the index to my ledger "D" or terrier, the name "McGibbon, Lachute," without any number, which means that he is not on my ledger.

The Hon. Judge Commissioner offers no opinion upon theses vote.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to	Description on Poll.	Residence	Quality in wh. he voted	Description of Prop'y on Poll.	No. of Objn's
283	28	Joseph Magie	Carpenter	Lachute	Proprietor	None	1 2 3

THOMAS POLLOCK.—I do not know Joseph Magie, but I know Joseph

Mayie of Lachute, carpenter. He is rated on both the rolls as owner and occupant of a village lot, which by the roll, appears to lie between John Meikle and George Browne. I think one John Simpson lives on the one side of him, and Alexander Hamilton on the other. The names on the roll do not always follow each other in the order in which the properties lie. I do not know more than one man of the name of Joseph Mayie in the place.

THOMAS BARRON.—See Alexander Morall, No. 281.

DANIEL DE HERTEL.—See Alexander Morall, No. 281.

The Hon. Judge Commissioner is of opinion that the objections to this vote are not proved.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence	Quality in wh. he voted	Description of Property on Poll.	No. of Obj'ns
284	42	Mathew Millar	No evid.				
285	48	Malcolm McIntyre	Farmer	Lachute	Tenant	None	4 5 6

THOMAS POLLOCK.—With reference to Malcolm McIntyre, 285 objected, and 48 of poll; I know a young man of that name, farmer. He lives with his mother, widow McIntyre. He is entered on my roll as occupant of the property of which she is rated as proprietrix. This farm belonged to his father, who lived on it until his death, and his mother has lived there since. I know only one of that name.

DUNCAN MCNAUGHTON.—I know a very aged man of that name. He is a farmer. He lives upon property upon which his son's widow, and his grandson, Malcolm, live. He purchased it originally, gave it to his son who is since dead, and now the survivors of the family reside on it. He is too old to work. I also know young Malcolm, the grandson.

CROSS-EXAMINED.

I believe Malcolm McIntyre's grandson's name is Malcolm. I have seen him on the farm, and also several times at my office. I have dealings with him about saw-logs, as well as about rent to bring us in contact.

The Hon. Judge Commissioner expresses no opinion upon this vote.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence.	Quality in wh. he voted	Description of Property on Poll	No. of Obj'ns
286	54	James Sellers	No evid.				
287	55	James Souter	"				
288	57	John Starnes	"				
289	67	William Barron	"				
290	68	George Hicks	"				
291	72	George L. Meikle	"				
292	73	Hugh Fraser	"				
293	81	William McKay	"				
294	82	Alexander Pollock	"				
295	83	William M. Cowat	"				
296	87	John Buchanan.	"			beside the	
297	95	David M. Ainsworth	Minister	Lachute	Proprietor	Church	1 2 3

THOMAS POLLOCK.—With reference to David M. Ainsworth or David McAinsworth, 297 objected and 95 of poll. I do not know him ; he is not on my roll, but I heard he was a tenant of John McOuat. He is not on either roll.

The Hon. Judge Commissioner is of opinion that the objections to this vote are not proved.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence	Quality in wh. he voted	Description of Prop'y on Poll.	No. of Obj'ns
298	97	Joseph Green	Mailman.	Lachute	Proprietor.	Joss & McGibbon	1 2 3

THOMAS POLLOCK.—With reference to Joseph Green, 298 objected, and 97 of poll. I know Joseph Green of Lachute, now mail driver, formerly tailor. He appears on my roll as owner and occupant of an emplacement of one acre between Joss and McGibbon. I think he bought from Colonel Barron.

THOMAS BARRON.—See Alexander Morall, No. 281.

DANIEL DE HERTEL.—See Alexander Morall, No. 281.

The Hon. Judge Commissioner is of opinion that the objections to this vote are not proved.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence	Qualtty in wh. he voted	Description of Property on Poll	No. of Obj'ns
299	101	George Browne	Farmer	North River	Proprietor	None.	1 2 3

THOMAS POLLOCK.—With reference to George Browne, 299 objected and 101 of poll, I know George Browne of Lachute, farmer. I do not know two farmers of that name in Lachute. There is another George Browne in the back of Chatham, miller. This latter George Brown is on my roll as proprietor of a vacant lot. George Brown, farmer, is rated as owner and occupant on both rolls of a lot of ninety acres, valued at £20. His farm lies on the West Gore road. His house is about a mile and a half from the North River, but I do not know how far from the North River the nearest parof his farm is. He still occupies that same property.

DUNCAN MCNAUGHTON.—I know him ; he occupied at the time of the election a lot on the west Gore Road, and for some time previous. This lot was originally conceded to one Sutherland, who is since dead ; and I have received a letter from his widow desiring me to give it to any one who would pay the arrears on it ; which arrears amount to at least £25. He has promised me to take a title for it ; but he has never done so. It

is not worth the amount of arrears due upon it. I know only one man of that name in the parish. There is another George Browne, a miller, who lives in Chatham, and who has a village lot in this parish.

CROSS-EXAMINED.

I have not seen George Brown on the lot I have spoken of; but I know he is on it; because I gave him permission to occupy it about four years ago, and some of his neighbours have told me he occupies it. I have not been past that property since; it lies on a different road from the Gore Road.

There is no entry in Ledger "D" of any lot in the parish of Jerusalem as belonging to George Brown, miller, Chatham; but there is an entry in Ledger "C", which I have not here with me. This lot is an "emplacement", with Hamilton on one side, and Holly Hutchins on the other or their assigns. I am speaking of the year 1855.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence.	Quality in wh. he voted	Description of Prop'y on Poll.	No. of Obj'ns
300	107	George Joss	Cooper	Lachute	Proprietor	Mr. Green & Doddridge	1 2 3

THOMAS POLLOCK.—With reference to George Joss, 300 objected and 107 of poll; I know George Joss of Lachute, cooper. He is rated on my Roll as owner and occupant of a village emplacement of one acre; it lies between Green and Dodderidge. This is also a lot which I think he bought from Colonel Barron.

THOMAS BARRON.—See Alexander Morall, No. 281.

DANIEL DE HERTEL.—See Alexander Morall, No. 281.

The Hon. Judge Commissioner expresses no opinion upon this vote.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter Objected to.	Description on Poll.	Residence	Quality in wh. he voted	Description on Property on Poll	No. of Obj'ns
301	116	William Green	No evid.				
302	117	Peter Bon	"				
303	119	Joseph Noeil	"			Hammond & Pratt	
304	125	James Gray	Farmer	Seigniory	Proprietor	Martin & Drysdale	1 2 3
305	128	Joseph Lee	"	"	"		1 2 3

THOMAS POLLOCK.—With reference to James Gray, 304 objected and 125 of poll, and Joseph Lee, 305 objected and 128 of poll, I declare that

I know a man of the name of Gray, but I do not know his first name. He is a son-in-law of Joseph Lee. I know Joseph Lee. Gray is not on my Valuation Roll, but he is entered on my Collection Roll as owner of a lot he purchased from one James Hammond, and upon which I think he lived at the time of the election. He built a new building last fall, previous to the election, and lives in it. He is entered on my Valuation Roll as occupant of a part of a property rated to Thomas Drysdale as proprietor. Martin is one side of the said property, and Drysdale on the other; at least I think their land touches at the corners.

DUNCAN MCNAUGHTON.—I do not know James Gray, but I know Joseph Lee. He is a weaver, I believe; and lives, I believe, in a house on a small emplacement said to be a corner of Thomas Drysdale's farm. He asked permission of me, in the first instance, to build his house upon this lot, supposing it to be on the Seignior's property, which permission I refused. I am not sure even now whether the lot is on the Seignior's property or on Drysdale's farm, because the boundaries between them in that part are obliterated.

James Hammond is entered as proprietor of lot No. 2 in the fifth range. This is in North Settlement. James Hammond formerly occupied two lots in the North Settlement, to one of which he had title; to the other none. These lots were one and two in the fifth range; it was to the latter lot he had a title.

Lot No. 3 is occupied by one Stewart Martin, and No. 4 is occupied by one William Stewart. The lot on the other side of No. 1 is William McOuat, between whom and lot No. 1 is a high road.

CROSS-EXAMINED.

I passed Joseph Lee's door in June, 1857. This is on the Gore road. It is five years since I saw James Hammond. He does not live on the lot; he lives in St. Scholastique, in County of Two Mountains. The high road turns alongside and across the front of the lot. I passed over this road a year ago last June, but I did not stop to go into the house.

THOMAS DRYSDALE.—I know Joseph Lee, of the parish of St. Jerusalem d'Argenteuil, farmer. I have no title or document in my possession referring to Joseph Lee's title. He lived upon my lot at the time of the election. He has a house and about two acres of land. He has no deed from me, and no title whatever. This property still belongs to me; I gave him permission to occupy it. The walls of the house were first built by one Dawson about fifteen years ago, who lived there about two or three years, and then abandoned it. Lee came there about ten years ago, took possession of it and shingled it with my permission, and he has continued

to live there ever since. He pays me rent for it. Stewart Martin is not a neighbor of mine, but he is not far off. The lot exactly opposite the rear of my lot in the next range belongs to Joseph Lee and James Gray, which they bought about two years ago from Stewart Martin, who previously bought from James Hammond. The neighbors of this lot are Pratt and Nichols. The occupant of the next lot to Nichols is Martin. I make a rough diagram showing the position :—

FIFTH RANGE,..	Martin.	Nichols.	Lee & Gray.	
FOURTH RANGE,.	Seignior.	Seignior.	House occupied by Lee. Drysdale.	McOuat.

Pratt's lot is in another range, and abuts on the lot marked Lee and Gray, which is the first in the fifth range. Gray lived on this Lee and Gray lot at the time of the election.

The lot of which I have spoken as tenanted by Lee is on the rear of my farm; it is not fenced in. He has what he cleared, and an acre and a half more, for which latter he pays me ten shillings per annum, and five shillings rent for the land on which the house stands. There is no agreement as to the time he is to stay there; and he is a weaver, and does my weaving; he also farms this clearing.

The Hon. Judge Commissioner expresses no opinion upon these two votes.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence.	Quality in wh. he voted	Description of Prop'y on Poll.	No. of Obj'ns.
306	133	John Barron	No evid			Hill & Hume	
307	136	William Waldron	Farmer	Lachute	Tenant	widow	5 6

THOMAS POLLOCK.—With reference to William Waldron, 307 objected and 136 of poll, I know him. He is not on either Roll, either as tenant or proprietor. He is a son of Linas, and is about 25 years of age, and is married. I think he lived with his father at the time of the election. I heard he had a lease of the father's farm, or something of that sort. The father is rated on both Rolls as proprietor. Hill and widow Hume are his neighbors. There is only one William Waldron in the parish that I know of.

William Waldron was not in Lachute when the Roll was made: he was

in the States, but has since returned. His father Linas is dead; he died in the Spring of this year.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence	Quality in wh. he voted	Description of Property on Poll	No. of Obj'n's
308	142	Thomas Quinn	No evid.				
309	143	Louis Gonice	Farmer	Lachute	Proprietor	None	1 2 3

THOMAS POLLOCK.—With reference to Louis Gonice, 309 objected and 143 of poll, I do not know any person of that name. He is not on either roll.

DUNCAN MCNAUGHTON.—I do not know Louis Gonice of LaChute, Farmer. He is not on my terrier as proprietor.

CROSS-EXAMINED.

Being asked if Louis Gonice might not be a proprietor without being on my terrier, I say that it is next to impossible, unless he be a very recent one—say within six months—because I am very particular in making enquiries of the neighbours about mutations. I never heard of the name "Louis Gonice" until this investigation.

When I use the word "*terrier*," I refer to the book ledger "D."

Question.—Of what neighbours did you enquire about Louis Gonice?

Answer.—I have already stated that I never heard that name as a proprietor in the Seigniory until the present investigation, and consequently made no enquiry.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence	Quality in wh. he voted	Description of Prop'y on Poll.	No. of Obj'ns
310	144	Alvah Stevens, jr.	Farmer	Lachute	Proprietor	None	1 2 3 9 10 13

THOMAS POLLOCK.—With reference to Alvah Stevens, junior, 310 objected and 144 of poll, I know Alvah Stevens, junior, farmer. He is not on either roll as occupant or proprietor of any property. He lived with his father; but Alvah Stevens, farmer, is on the roll for two properties. The father and son bear the same name. They have both left the country since the election. The old man paid me the assessments on both properties.

DUNCAN MCNAUGHTON.—I do not know him. I know only one Alvah Stevens of this parish. He appears on my terrier as proprietor of two properties. I know nothing about his family.

CROSS-EXAMINED.

Alvah Stevens of whom I have spoken lives in the rear parts of his father's lots, namely 17 and 18 in 2nd Concession. He has a separate house of his own and lived in it. I think he lives there yet. He had a deed from his father Philander, senior, previous to 1852. He has paid me rents more than once. He sold about a year ago, to one Pollock, the whole of the rear of 17 and 18. He now only has lot No. 15, which I have already mentioned. (See Philander Stephens, junior, No. 333.) I have no entry in my book of the sale to Pollock, but no exhibition of title has been made. On the 26th February, 1857, Thomas Pollock, blacksmith (at least I think his name is Thomas), and the said Alvah Stephens came to my office to ascertain the amount of arrears on the rear of the said lots 17 and 18. Alvah Stephens then presented to me an account for work done for the Seigniory amounting to £2 17s. 0d., four shillings and eleven pence of which I placed to his credit for arrears on 17 and 18, which settled his account up to 11th November, 1857. I then gave him credit for the balance upon lot 15 in the third range, of which I have already spoken. This was all that took place. They then went to the Notary to execute the deed, and I have not seen them since.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence	Quality in wh. he voted	Description of Prop'y on Poll.	No. of Obj'ns
311	147	William Thompson	Farmer	Lachute	Joint Occu	No evid.	
312	153	William Creswell	"	Seigniory	Proprietor	Flaherty & Daniel	1 2 3 16

THOMAS POLLOCK.—With reference to William Cresswell, 312 objected and 153 of poll, I do not know a man of that name. He is not on either of the rolls.

DUNCAN MCNAUGHTON.—I do not know him. I have made enquiry since I was examined before Judge Badgley respecting this Criswell, and ascertained that he is a squatter upon a lot of the Seignior's next to Thomas Drysdale's. He has no title or permission to occupy. One Flaherty lives very near this, but I cannot say whether he is next neighbor or not, not having his name on my terrier, he having no title. Drysdale has Lot No. 6 in the 2nd Range, and Lot No. 6 in the 3rd Range, and Lot No. 5 in the 4th Range. The lot I understand to be occupied by said

Criswell is No. 7 in the 2nd Range. This Lot 7 in the 2nd was originally conceded to one Joseph Perry, who afterwards retroceded it to the Seignior, and no title or permission to occupy it has since been given to any one.

CROSS-EXAMINED.

I think it was Richard Evans who gave me the information respecting William Criswell. I have not been recently on the lot. It does not lie upon the road I usually go. I have Perry's relinquishment of the lot in my office—it is *sous seing privé*. I do not remember if there are any witnesses to the document. If the man signed his own name to the deed, which I think he did, it would not require witnesses. Perry owned Lots 6 and 7, one of which he sold to Drysdale and the other fell back to the Seignior under said document. This was about four years ago. As far as regards my statement about Cresswell's lot, I speak from memory, having no account open with Perry in ledger "D," and not having the documents signed by Perry here. I have never put any one in possession of this lot since the retrocession. I have never been there since Perry left. Perry was on his way to leave when he executed the documents in my office. The document is drawn up in my own handwriting. He signed it after I drew it out.

THOMAS DRYSDALE.—I know William Criswell, when I see him. I do not know where he lives, but he occupies a lot between Flaherty and myself in 2nd Range. I do not know the numbers of these lots.

CROSS-EXAMINED.

I was on Criswell's lot about three or four years ago.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence	Quality in wh. he voted	Description of Property on Poll.	No. of Obj'ns
313	155	John Morrison	Farmer	Thomas' Gore	Proprietor	Smith & John McRuar	1 2 3

THOMAS POLLOCK.—With reference to John Morrisson, 313 objected and 155 of poll, I know John Morrisson of Thomas' Gore, farmer. He resides between Smith and John McRuar. He is not rated on either roll as proprietor, but he is rated on the Valuation Roll as occupant of a farm of which his father, Thomas Morrisson, is rated as proprietor. I know only one in the parish of that name.

CROSS-EXAMINED.

John Morrisson did not pay me the taxes. They were compensated by a larger sum which the Council owed to Thomas Morisson.

DUNCAN MCNAUGHTON.—With reference to John Morrisson, 313 objected and 155 of poll, I do not know him, but one Thomas Morrisson is proprietor of a lot having John McRuar on the one side and Beattie on the other. The lot Thomas Morrisson occupies is the rear half of 22 and 23 in the 1st Concession. Bond is proprietor of the front of these lots.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence	Quality in wh. he voted	Description of Property on Poll	No. of Obj'ns
314	157	R. G. Meikle	No evid.			Stewart &	
315	158	Hugh Allan	Clerk	Lachute	Proprietor	Meikle	1 2 3

THOMAS POLLOCK.—With reference to Hugh Allan, 315 objected and 158 of poll, I know him. He is a clerk at Meikle's. He is not rated on the roll as proprietor of the property answering to the description on the Poll Book, but he now has a property answering to that description, and he has built a house upon it, which he began last summer. It is an emplacement formerly belonging to one Hugh Fraser, I think.

Hugh Fraser—I know him. He is a clerk with Mr. Meikle, I sold to him last year a village lot. Thomas Stewart is on one side of it, and Meikle on the other. Hugh Allan received his deed from me last winter, some time. I dont remember the date, and have no copy of the Deed, but I know it was dated after New Year's day. The lot was sold to him for thirty-three pounds, which I think is its fair value exclusive of the house.

CROSS-EXAMINED.

The lot was sold at public auction, a year ago, some time last month. I believe the latter end of the month: and Mr. Allan went into possession immediately. Hugh Allan was not brought before me to be identified. I was not present at the poll when said Hugh Allan voted.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence	Qualtty in wh. he voted	Description of Property on Poll	No. of Obj'ns
316	159	James Lee, sen.	Farmer	Seigniory	Proprietor	No. 5 2d range	1 2 3 10

THOMAS POLLOCK.—With reference to James Lee, senior, 316 objected and 159 of poll, I know one James Lee, a farmer, who lives in Wentworth; but he is rated as owner and occupant of real property in this Parish, namely, a farm of 90 acres, valued at £10, I cannot tell exactly where it is: but if it be the farm he lived upon when in this parish, it was next to James Armstrong, on one side, and Elon Kettle on the other. The lots in

this parish are not numbered by lots and ranges, as they are in other places.

DUNCAN MCNAUGHTON.—I know him. He has title to a vacant lot in this Seigniory, but lives in Wentworth on lot 5, in the 3rd range. The lot in this parish is in the North Settlement, but I do not know the exact number, I think it is in the 2nd range; it may be in the 3rd range; but not far from Drysdale. I do not believe the lot to be worth more than £20.—It has a small clearing on it, without buildings on it, and the arrears have been allowed to accumulate on it, because he said he could get nothing off of it. Several lots in the neighbonrhood have been sold for £15.—I do not know any other James Lee in the parish.

CROSS-EXAMINED.

I have not been on Lee's lot for eight or ten years, but I have made enquiries about it from Evans occasionally and also from Andrew Timmons. Timmons lived nearer this lot than Evans, but he has been away going on four years. I see Evans however every three or four months. I last spoke to Evans about this lot in December, 1856, on my Wentworth journey. I saw Lee on that occasion and dunned him for the rents. Berry bought a lot from Timmons, Drysdale from Pratt, and Stewart from the heirs Allan. These sales took place within the last four years. I understood from good authority that £15 was the price that Drysdale was to pay Perry. The price of the Allan lot was very small, but I do not know what the price was; neither do I know what the prices of the other lots were. I myself own property in the neighborhood.

THOMAS DRYSDALE.—I know him. He lives in Wentworth. He once occupied and may yet occupy a lot in my neighborhood in the 2nd Range, but he does not now live on it. The lot I speak of was not between Armstrong and Kettle, who live on the third Range side by side, with no lot intervening, but Armstrong's lot buts on it. He never occupied any other there that I know of. I do not know the numbers about there. The people do not generally speak of numbers. I cannot say what it is worth. I have not been on it for ten years. I have been a resident in the settlement for thirty-one years.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence.	Quality in wh. he voted	Description of Property on Poll	No. of Obj'ns
317	163	Samuel Smith	No evid.				
318	164	Ward Smith	"				
319	167	George Hartley	"				
320	169	James Emsley	"				
321	170	James Kelso	"				
323	172	Lucianus Bloget	"				
324	176	James Mahon	Farmer	Lachute	Tenant	Stewart & Lester	4 5 6

THOMAS POLLOCK.—With reference to James Mahon, 324 objected and 176 of poll, I know James Mahon of LaChute, farmer. He resides with his mother on a farm lying between Stewart and Leister of which she is rated as owner, valued at £17, and the son is rated for Statute Labor. The name of the occupant of the property is not put down on the roll.

DUNCAN MCNAUGHTON.—I do not know him, but I know a Widow Mahon who has a son whose name I do not know. The widow lives on the rear part of Lot 5 in the 5th Concession, adjoining the Gore Line. The neighbours are Leister and Stewart. The Seignior has the front of the lot. She has no title to it. She is a squatter. It is a very rough lot. I cannot say its value, not having seen it lately. There are a large quantity of arrears accumulated on it, which she is too poor to pay; she never paid a shilling.

It is a good many years since I was on the widow Mahon's lot. Her husband was not then alive. This was four or five years ago. She has been there about twenty years before I got the agency. I have no account open for her in ledger "D," she having no title, she has paid no arrears. If the whole amount of arrears for that portion of the lot she occupies were charged to her, it would amount to £15 or £20. I do not know the son at all; at least I have seen him. He came with his mother to my office to complain about a road.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to	Description on Poll.	Residence	Quality in wh. he voted	Description of Prop'y on Poll.	No. of Objn's
325	179	Eugene Smith	Farmer	Bethany	Tenant	Bond & Beech Ridge	5 6

THOMAS POLLOCK.—I do not know him, he is not on either roll as owner or occupant of any property; but one Ingram Smith is entered on my valuation roll as occupant, and on my collection roll as proprietor of a farm of 75 acres, lying between Bond and his father, John Smith as his neighbors, he having become proprietor since the making of the valuation roll.

The Hon. Judge Commissioner is of opinion that the objections to this vote are not proved.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence.	Quality in wh. he voted	Description of Property on Poll	No. of Obj'ns
326	180	Joseph Brunette	No evid.				
327	183	Alexander McCubbin	"				
328	194	Robert Barron	"				
329	195	James Green	"				
330	197	Joseph Rodgers	"				
331	210	James Green	Farmer	East Settlem't	Proprietor	LaRose & Yeanden	1 2 3

THOMAS POLLOCK.—With reference to James Green, 331 objected and 210 of poll; I know two James Greens, farmers, one of them lives near me, and his neighbor on both sides at the time of the election was William Green. This is not in the East Settlement. The other James Green lived at the time of the election and before it in the East Settlement, but I do not know the names of his neighbors. I heard that he had sold it to one Creighton; I cannot say from whom I heard this. I asked said Green for the taxes on it in April last, to which he replied by asking me if Creighton had not paid them. When I say he was living on the farm at the time of the election, I mean that I heard so. He moved down to this village in the winter time and is now living in the village.

DUNCAN MCNAUGHTON.—I know two James Greens, one is James Green, junior, who lived in the East Settlement, and is son of the other. He was proprietor of a lot there, the neighbors of which were Felix La Rose and Joseph Yeandon. Green's lot is No. 6 in the East side of East Settlement. He sold this lot 19th November, 1857, to Alexander Creighton. The other James Green does not live in the East Settlement.

CROSS-EXAMINED.

The last account opened in ledger "D" is Alexander Creighton, under date 19th November, 1857. This account was entered in my ledger "D" on the 12th March, 1858, on which day I received the arrears, and opened the account. This account is entered as follows:—

215.—Alexander Creighton.				215.—Lot No. 6, E. S. E. Settlement, 9 arpents and 3 bushels,		£0	11 0
1857.				1858.			
Nov. 19.—To amount of arrears due by James Green, jun., p. fol. 85,	£44	6	2	March 12.—By cash in full,		40	0 0
" 11.—To cash received 15s., Wheat, 3 bushels, 6s. 3d., 18s. 9d., is	1	13	9	Giving him discount for poor law and prompt pay,		5	19 21
	£45	19	11			£45	11 11

James Green paid me; Creighton was away at the shanties. James Green took a receipt in Creighton's name. On that occasion Green exhibited to me a notorial copy of the deed from Green to Creighton, which

was accepted by some agent for Creighton, which agent was present in my office with Green. He did not leave the copy of the deed with me, but I made the entry from it in my book, ledger " D." The terms and conditions of that deed did not in any way affect the amount payable to the Seignior. I did not read the deed through ; I only entered in my ledger the date of the deed and the mutation, which is my usual habit in similar cases. I cannot say when Creighton is expected back, if he is not already returned. The agent I speak of was a Mr. McLaughlin, brother of the person in whose employ Creighton was. McLaughlin came and made an arrangement about the payment of the money, afterwards went to the notary, and after that again Green came and paid it.

Question.—Was not the entry made in ledger " D," respecting Alexander Creighton, and purporting to bear date the 19th November, 1857, made subsequently to Mr. Abbott's present contest, and subsequent to the Honorable Justice Badgley's having opened his commission for taking evidence in this matter ?

Answer.—The entry was made at the date already stated, namely, 12th March, 1858 ; but the date at which the election was contested and the commission opened I have no personal knowledge nor understanding of.

I cannot remember whether it was made previous to my examination before Judge Badgley or not.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence.	Quality in wh. he voted	Description of Property on Poll	No. of Obj'ns.
332	242	Baptistes Obah	No evid.				
333	226	Philander Stephens, jr.	Farmer	Seigniory	Proprietor	Barry & George Todd	1 2 3

THOMAS POLLOCK.—With reference to Philander Stephens, junior, 333 objected, and 226 of poll ; I know him. He is not rated on either roll as proprietor of any property. He appears on my valuation roll as occupant of a farm, for which his father is rated as proprietor. This farm does not lie between Berry and Tood. He does not appear as occupant of any other property. He occupied this at the time of the election. There is only one man of the name of Philander Stephens, junior, that I know of in the parish.

DUNCAN MCNAUGHTON.—I know him. I am not aware that he owned any property at the time of the election. He did own, previous to that time, lots 13 and 14 in Third Concession of north side of North River. His neighbors at that time were Alvah Stephens and Berry. George Todd

is next neighbor to Alvah Stephens. James Berry has lots 11 and 12; Alvah Stephens had 15, and George Todd had lot 16. Philander Stephens, junior, is son of Philander, senior; and brother of Alvah. Alvah had lot 15 at the time of the election, and has still. Philander, junior, sold both his lots, No. 14 to Wm. Thomas, seven or eight years ago, but I have not with me the precise date of the sale. The other lot, 13, he sold to Samuel McIntyre, a pensioner, since deceased. This took place before 1852, but the date is not in this book; McIntyre's family is still on the lot. The Alvah Stevens I have just been speaking of is the one I have spoken of under No. 310 objected and 144 of poll. Alvah is between 45 and 50 years of age.

CROSS-EXAMINED.

I have no entry whatever in Ledger "D" respecting Philander Stephens, junior, but I have in Ledger "C." Said Philander, junior, lived with his father at the time of the election. The property stands in the name of Thomas and Samuel McIntyre, deceased. Thomas has abandoned his part, and run away. The information in my book I got, not from seeing any deeds, but from Philander Stephens, junior, himself. The Thomas' lot has always been vacant since Thomas left. The other has always been in the occupation of the McIntyre family.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence	Quality in wh. he voted	Description of Prop'y on Poll.	No. of Obj'ns
334	227	Richard McIntyre	No evid.				1 2 3
335	230	Felix Desherda	"				
336	232	Pierre Leggo	Farmer	Vide Sack	Proprietor.	Smith & Lister	

THOMAS POLLOCK.—

With reference to Pierre Legault, 236 objected and 232 of poll, I do know a man of that name. He also has an additional name: he is called Pierre de Laurière dit Legault. I did not know him when I was examined before Judge Badgley in March last, but I have since been introduced to him by Mr. Hills. He is not on either of my rolls at all; but I understand he bought Baptiste St. Louis' farm last year, and had the crop off it last year; and I heard he has since bought Octave St. Louis' farm; I was told this by Mr. Hills when he was introduced to me. This was told to me with reference to this election. The Mr. Hills I refer to is Samuel Hills, junior. The farm he last bought is bounded on one side by William Smith; the other neighbor I do not know; but there are no Leisters in that quarter.

CROSS-EXAMINED.

Leggault did not crop both farms. He cropped only the one which he had first. He bought the second one only last fall. All I know about it is what Mr. Hills told me in Leggault's presence.

DUNCAN MCNAUGHTON.—I do not know him, but I have heard that there is one of that name living on Vide Sac. He does not appear to be a proprietor, and no title has been exhibited.

THOMAS BARRON.—See Alexander Morall, No. 281.

DANIEL DE HERTEL.—See Alexander Morall, No. 281.

The Hon. Judge Commissioner expresses no opinion upon this vote.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence	Quality in wh. he voted	Description of Property on Poll.	No. of Obj'ns
337	239	William Armstrong	Farmer	Thomas' Gore	Occupant	Beakum&McRuar	4 6

THOMAS POLLOCK.—With reference to William Armstrong, 337 objected and 239 of poll, I know William Armstrong of LaChute, farmer. He does not appear on either roll as occupant of any property, but he was in occupation of a property in Thomas' Gore at the time of the election. This property lies between Beakum and McRuar, of which his father appears to have been proprietor at that time. His father did not live upon it, but the son did.

The Hon. Judge Commissioner is of opinion that the objections to this vote are not proved.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence	Quality in wh. he voted	Description of Property on Poll	No. of Obj'ns
338	242	Richard Dodderidge	No evid.				
339	243	Alexander McFarland	"				
340	244	William Hume, jr.	"				
341	247	Alexander Fraser	Farmer	Lachute	Proprietor	Lee	1 2 3

THOMAS POLLOCK.—With reference to Alexander Fraser, 341 objected and 247 of poll, I know Alexander Fraser who was at one time a farmer. He is not on either roll at all. He lives in a house of Alvah Burch's in the village. I am not certain when he came there, but he came there last from a rented farm in Beech-ridge, in the parish of St. Andrews. I know only one man of that name. He has never paid me taxes.

DUNCAN MCNAUGHTON.—I do not know him. No person appears on my *terrier* as proprietor by that name.

ALVAH BURCH.—I know him. He lives in a house of mine in LaChute, to which he came a year ago last April. He lived in it as my tenant at the time of the election. At the time of the election one Greenshields was his only neighbor except myself.

CROSS-EXAMINED.

Alexander Fraser, of whom I have spoken, I did not see vote. I do not know whether he voted or not. He has not been brought up before me to be identified.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter Objected to.	Description on Poll.	Residence	Quality in wh. he voted	Description on Property on Poll	No. of Obj'ns
342	252	Thomas Morrison, jr.	No evid.				
343	253	Michael Kershaw	"				
344	255	William Woods	"				
345	257	Peter Leblanc	"			Beseur &	1 2 3
346	260	Peter Leblanc	Farmer	East settlem't	Proprietor	Morte	10 16

THOMAS POLLOCK.—With reference to Peter Le Blanc, 346 objected, and 260 of poll; I know Pierre Le Blanc, who lives in Vide Sac, which joins the East Settlement. He also is known by the name of Peter White. I saw his vote refused the first time. I saw it received afterwards, upon different property. The first property he wished to vote on was a property belonging to Colonel Barron, for which Peter White is entered on my roll as proprietor. He afterwards claimed to vote upon property which he purchased from one James Wilson adjoining the former, and valued on the roll at £15, and his vote was received. These two properties appear by the roll to be bounded on one side by the property of Romain, and on the other side by Mr. Barron. This latter property contains sixteen acres.

CROSS-EXAMINED.

I do not remember, out of the persons of whom I have spoken this morning having seen any vote, with the exception of Pierre Le Blanc.

DUNCAN MCNAUGHTON.—With reference to Peter Le Blanc, 346 objected, and 260 of poll; I do not know him personally. I have a memorandum, being simply his name in the index to the terrier, which indicates his occupying some land in Vide Sac, but he is not on my terrier as proprietor of any property; no title has ever been exhibited by him.

THOMAS BARRON.—With reference to Peter Le Blanc, 346 objected and 260 of poll; I know him. He lives on my property at Vide Sac. He had originally an agreement with me to purchase a lot from me there, which was afterwards cancelled, I buying his improvements. At that

time he was to remain on for one year as my tenant, but he has since continued in occupation and I cannot get rid of him. He tendered his vote on this lot as proprietor, but I refused it. He afterwards voted on another lot.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence	Quality in wh. he voted	Description of Property on Poll	No. of Objn's
347	177	Alvah Burch	No evid.				
348	2	John Robinson	"				
349	152	Thomas Shaw	"				
350	156	John Simpson	"				
			"				

PARISH OF ST. JEROME OR MILLE ISLES.

Names of witnesses examined respecting the contested votes in this Parish together with such portions of their testimony as do not specially refer to any particular vote.

WITNESSES FOR THE PETITIONER.

WILLIAM STUART, of the Parish of St. Jerome, or Mille Isles, Yeoman.—I have resided in the Parish of Mille Isles for above fifteen years, and am a farmer there. There were a great number of settlers there when I came into the Parish, but I cannot say whether the majority came there since or before I settled. I am tolerably well acquainted with the people there, though doubtless there are others better acquainted with them than I. I was Mr. Bellingham's Agent at the Mille Isles Poll, having been appointed to act as such at the last election. I am now Secretary-Treasurer of the local Municipality of Mille Isles. At the meeting in January last the people expressed an unanimous wish that I should be made Secretary-Treasurer, and the Council appointed me. I received the Books about the 29th of April last. I am now in possession of the records of the office of the Secretary-Treasurer, which is what purports to be the Valuation Roll of the Municipality. They were delivered to me by the local Council of Mille Isles at a meeting of the Councillors, I believe in April last. To the best of my opinion this was on the 29th of April last. I now produce the original Valuation Roll of the local Municipality of Mille Isles.

The Sitting Member objects to the production of the Valuation Roll of Mille Isles, or of any proof being gone into upon it, the Poll Book being the only document on which proof can be gone into.

The Commissioner makes the same order as in the case of the production of the Valuation Roll for the Parish of St. Andrews, and overrules the objection.

It purports to have been certified by the valuators the 16th October, 1855, under oath before Andrew Elliott, Mayor of the Municipality, on the same day, and to have been delivered to the said Mayor on the same day, as appears by the certificate and *jurat* at folio 5 of said Roll. James Hammond, John Pollick and John Pollock, appear to have been the valuators, and the certificate of delivery to the Mayor appears to have been signed by Thomas Strong, as Secretary-Treasurer of the said local Municipality. The signature, "Thomas Strong," on folio five is, I believe, the signature of Thomas

Strong, the late Secretary-Treasurer, whom I have frequently seen write and sign his name; but I am not quite certain. I speak to the best of my knowledge. Being shewn and having examined a document purporting to be a copy of the said Valuation Roll, I say that I think I know the writing of the said document. It seems like the writing of the late Secretary-Treasurer, Thomas Strong. I have compared it with the original Valuation Roll in my possession, and in its present state, as corrected, it is a true copy of the said Valuation Roll. It is contained on five sheets of paper, paged by folios from 114 to number 124. The said copy contains several erasures, obliterations and alterations, which I have authenticated by putting my initials upon the same line with the said erasures, obliterations and alterations.

In speaking of parties "occupying land," throughout my deposition, I have reference to the time of the last election.

CROSS-EXAMINED.

Mille Isles is erected into a Municipality and was so in 1855. A Mayor was elected. Another election was held in January, 1858, and Robert Ford was elected Mayor, and I was elected Secretary-Treasurer. Since I received the roll from which I have spoken throughout my deposition, I have not had any occasion to go out and collect taxes, nor to verify the said roll personally. That roll purports to be made in October, 1855. I cannot say how many lots of land there are in the De Bellefeuille Seigniory. The Council have no map of the Municipality in their office. I cannot say whether all the lots in the Municipality are entered on the roll from which I have spoken, or not. I do not recollect of any new settlers having come into this Municipality lately. I know that lots of land frequently change hands in Mille Isles; and I know that lands have changed hands there since the date of the roll. Mr. Abbott was represented at the Mille Isles poll by a gentleman whom we understood to be Mr. Snowdon. He was there when the poll closed on both the first and second days of polling. Mr. Snowdon objected to several votes, and some of the objections were put down. On the roll in question there are 133 persons to the best of my knowledge, after counting them over who are entered as proprietors and occupants of real estate in Mille Isles. All the persons mentioned in the said roll may, for all I know, have owned other lots at the time of the last election other than those for which they appear rated on the roll, I could not tell. My personal knowledge extends to only a few families with whom I am well acquainted. A man may have lived and occupied land in Mille Isles for six months previous to the last election and up to that time and might do so still, without my knowing it. There are persons on the roll with whom I am not acquainted, even by sight. Others I know by sight without knowing where their lands are. The date to the Jurat of the original valuation roll is so blotted and effaced that it is impossible for me to make it out. I do not pretend to say that the lots upon which the inhabitants are rated on the said roll are the lots on which the said objected voters voted. I do not find upon the copy of the Poll Book filed in this matter, and now exhibited to me the description of the property upon which any of the said voters in the said Poll Book voted. I believe the Valuation Roll was made out for the purposes of taxation; and I believe that the people being under that impression, endeavoured to conceal from the valuators the real value of their properties.

None of the parties of whom I have spoken in my examination in chief have been brought before me to identify them as the persons who voted. I am not exactly able to say that the persons whose names are on the Valuation Roll are the parties who voted at the last election. All I pretend to say is, that there is an identity of name in some cases.

I have not travelled much over the Seigniory—one half of it I have never put my foot in to my knowledge. I have never been in Cote St. Joseph, nor in the west ends of Cote Ste. Angélique and Ste. Marguérite. I cannot say that the Valuation Roll from which I spoke in my deposition contains the name of all the residents in Mille Isles at the time of the election.

Lawrence Brophy, of the Parish of St. Colomban, Saddler. I reside in the parish of St. Colomban, about four miles from Mille Isles. I was born and brought up there, and I have always lived there. Most of the people of Mille Isles come to St. Colomban to mill and to trade, and for four years I have carried on the business of a harness maker and saddler at St. Colomban, and have had dealings with the greater part of the people at Mille Isles. I was present at the Mille Isles poll during both polling days at the last election. I heard Mr. Snowdon demand several times that the description of the property upon which voters voted should be taken down upon the Poll Book. To the best of my opinion, the description was not taken down; because Mr. Snowdon kept asking that it should be done, which he would not have asked so continually had the description been so taken down. Upon one occasion the Returning Officer referred to the Clerk, who answered that, "he would do what he thought proper and not what Mr. Snowdon would think proper."

Question.—Have you not, since you were sworn yesterday and since you have begun giving testimony in this case, been in communication with Mr. Baker, Agent for the Contestant, respecting the evidence you are required to give in this case, and has not such communication taken place in the Agent's private quarters, and was the Agent for the sitting Member present at such communication?

Answer.—Mr. Baker put to me, since I gave my deposition yesterday, similar questions to those put to me by him yesterday, on some of the names that he did not ask me about yesterday. These questions were not put to me at the Agent's private quarters. The Agent for the Sitting Member was not present at such communication. It was immediately after the adjournment of the Court yesterday that this communication took place. I cannot say whether Mr. Baker will examine me to-day upon those points upon which Mr. Baker questioned me in such communication. Mr. Baker did not go over more than one or two or two or three of the names of the objected list of voters last night with me. This communication took place at Mr. Simpson's, where I am working. Mr. Baker did not read to me what any of the witnesses in this case had deposed to.

CROSS-EXAMINED.

At present, for the last two days, I have been in Mr. Simpson's employ. I am engaged with him as long as I wish to stay. I was generally paid at the rate of three pounds ten shillings, per month, when I worked for Mr. Simpson—and I expect the same now. I began to work for him on Wednesday, the thirtieth day of June last. I have done work for him since I came to him. Mr. Simpson sent out for me last Sunday

week; but I was too busy and could not come.

The Parish of St. Colomban, where I reside, is not in the county of Argenteuil. I began to trade in St. Colomban in 1841 or 1842, as saddle and harness maker. I have resided there ever since—except what time I spent with Mr. Simpson. Four years after I first established business in St. Colomban I gave up saddling, and I have worked with Mr. Simpson a month in summer, between seed time and harvest, and probably three or four months in winter. I did about £50 or £70 worth of work a-year in St. Colomban—whatever I did was ordered; it was for customers; and generally on credit. Mr. de Bellefeuille keeps the mill in Mille Isles. It is a saw mill, and not a grist mill. I live within twelve acres of the village of St. Colomban. I am not on the Mille Isles road. When I gave up business the Mille Isles people owed me about sixty or seventy pounds. Mr. Phelan has the mill at St. Colomban, which is on the next farm to me.

I learnt my trade with Mr. Davis in St. Andrews. I was bound to him for five years. I do not know if I finished it all out. I was not more than eighteen years old when I finished my apprenticeship.

I cannot state respecting which individual voter Mr. Snowdon asked that the description of the property upon which he voted should be taken down.

There may be an odd man in Mille Isles that I do not know. I do not know all the boys in Mille Isles. I think there may be between seventy and seventy-five proprietors in Mille Isles. I mean in the district of the Mille Isles poll; but whether in the Dumont Selgniory or the De Bellefeuille, I cannot say.

I think I know the seventy-five by sight; though I could not put their names to the whole of them.

I have always understood Mille Isles to include four Côtes. I have been through the greatest part of them. I have been through Cote St. Marguérite, Cote St. Angélique. I may have been through the others travelling, but I do not remember their names. I have been through to St. Jerome that route. I cannot say whether all the lots in Mille Isles are taken up or not.

I was merely asked to go to Mille Isles poll to show Mr. Snowdon the road. I cannot say who asked me. One of my motives for going was, that the country got a bad name at the previous elections, and the inhabitants being countrymen of my own, I went to see whether they were guilty or not of what they were accused. All the pay I got was my own satisfaction I have no vote there. I had a power of Attorney to act as his Agent. I requested this from Mr. Abbott himself, to protect me and prevent me from being hurt at the poll in the event of a disturbance. I got it from Mr. Abbott, the day before, at Lachute. I went to where Mr. Abbott was staying to get it from him.

Question.—Did you receive any money from Mr. Abbott for the expenses of the last election at Mille Isles?

The Agent of the Contestant objects to this question, upon the ground that there is no question of bribery at issue in this matter, and that the question does not tend to adduce evidence relevant to any matter in issue in this cause and cannot be legally put.

The Agent for the Sitting Member says, that the question is not a question of bribery, but is put simply to test the veracity of the Witness, the Witness having stated that he could not tell at whose request he went to Mille Isles poll, and also that all the pay he got was his own satisfaction, and further to shew the interest the Witness has in giving his present testimony.

The Commissioner considering that the question being too general can only refer to bribery, and not to the facts contained in the reply of the Sitting Member to the objection by the Contestant, overrules the question and refuses to take the answer.

The Agent for the Sitting Member persists in having this question put.

The Commissioner orders that the request of the Sitting Member be complied with, and that the answer be taken *de bene* on a separate folio, in compliance with the 120 Section of the "Election Petitions Act of 1851.

The Witness is first instructed that he is not bound to answer.

Question.—Did you give or cause to be given or loan any sum of money, or give any office, place or employment, gratuity or reward, or any bond, bill, or note, or promise of the same to any elector, in consideration of, or for the purpose of corrupting him to give his vote for Mr. Abbott, the candidate at the last election, or to forbear to give his vote for Mr. Bellingham the Sitting Member, or as a compensation to any elector for his loss of time, or expenses in going to or returning from voting, or on any pretence whatever?

The Agent of the Contestant objects to this question, upon the ground stated in his objection to the last previous question, and upon the further ground that the Witness would be exposed to a penalty if the question were answered in the affirmative.

The Agent for the Sitting Member replies, that the question applies to the Witness individually, and not to the Contestant. That the question was put for the purpose of shewing the position and *aminus* of the Witness; and further, that the objection as to the Witness being exposed to a penalty, should come from the Witness and not from the Contestant, the Commissioner being bound to warn the Witness, there being a penalty attached to his answer.

The objection is overruled, for the reason assigned in the reply of the Sitting Member, and the Commissioner instructs the Witness that he is not bound to answer unless he pleases.

Answer.—I never gave a copper to any man for his vote. I never gave anything to any man to forbear voting, nor did I give anything to any person for his loss of time in going to or returning from voting. All I did was, I hired some teams and I told the voters, without asking for whom they would vote, to get upon the team and go up and vote—they would take you there and bring you back. The voters I spoke to were, as far as I can remember, Healey, McMullin, McDiarmid, Blanchfield and Kennedy, and some others whom I do not recollect. These men did not vote, because they would not be allowed to go there by the other party. They were promised that they would be killed if they went, some of the teams came to the poll to vote and went away again, others part of the way, according as they became frightened—some did come and did vote for Mr. Bellingham, because the mob forced them. One of these men was Craig. I do not remember at present the names of any others, but I know that others were so forced. I do not know that I was ever out at William Morrow's place. I may have been too.

THOMAS STRONG, of the Parish of St. Colomban, Schoolmaster.—I have lived in St. Colomban for twenty-two years. Until January last I was Secretary-Treasurer of the Municipality of Mille Isles. I was the Secretary-Treasurer since the coming into force of the Municipal and Road Act in 1855—two years and a half. I am tolerably well acquainted with Mille Isles and its inhabitants. I was Clerk to the Valuators when they valued the properties of the inhabitants of Mille Isles, and I travelled with them. We went from Cote to Cote and took down the numbers of the ranges and the lots, and

the names of the reputed proprietors and occupants of each lot, as they are entered on the Valuation Roll. We did so through the whole of the Municipality of Mille Isles that is included in this county, to the best of my knowledge. As far as I was directed by the valuators, we went through all that part of Mille Isles that we understood to be included in the county of Argenteuil, and took down all the proprietors and occupants and lots and ranges, and entered them on the roll as far as we went The copy of the said Valuation Roll which has been produced, filed in this matter, and is now shewn to me is in my hand writing, with the exception of what has been written in it since I made the copy. The alterations are in a different hand and in a different ink. The Valuation Roll was made in October, 1855, and I made the copy shewn to me a long time after. I kept possession of this copy until I gave it up to Judge Badgley in March last, I believe the 20th day of that month. I know of no Valuation Roll made subsequent to the one in October, 1855; with the exception of one for school purposes. I was a very short time at the Mille Isles poll on the evening of the second day of polling.

CROSS-EXAMINED.

I can swear that the values set down to the properties on the Valuation Roll are not the real values,—they are too low. I consider the timber of a wild lot of land in Mille Isles, containing one hundred acres, to be worth over £50, by having the timber chopped and converted into pot ash. A very few of the lots we valued and entered on the roll were wild lots—they were partly cleared and had some buildings on them; wherever there was a building we entered it on the roll. There were very few lots which were uninhabited. Since this roll was made some properties have changed hands; consequently the Valuation Roll does not shew exactly the actual state of all the owners and occupants of properties in Mille Isles. None of the persons whose votes are objected to and to whom I have spoken, have been brought up personally before me to identify them during my examination. There could be but very few people in Mille Isles but what I would know by sight without being able to call them by name. I saw none of the persons about whom I have spoken in my examination, vote at the election.

ANDREW ELLIOTT, of Mille Isles, Farmer. I have lived fourteen years in Mille Isles and have been Mayor of the Municipality of Mille Isles. I know a good many of the people of Mille Isles; but there is a large part of it that I know very little about. I signed the requisition to Mr. Bellingham to come forward as a candidate for this County at the last election. I did not vote for Mr. Bellingham at the election in December last. I never voted in this County. Mille Isles never had a poll for voting in this County before last election. It was not in this County.

CROSS-EXAMINED.

I do not remember Mr. Snowdon's having asked me to take down the number of any man's lot who voted. The Poll Book shows clearly everything that was done, and everything was done as he wished, in regard to qualifying them and describing their properties. I think that every objection that Mr. Snowdon made was entered on the Poll Book.

Some parts of Mille Isle have been settled for fifteen or twenty years. I understand it to be Seigniory land. We pay rent to Mr. De Bellefeuille, from whom I have a deed of concession.

It is from twenty-five to twenty-six miles from the Mille Isles poll to St. Andrews, more or less to the best of my knowledge. The people of Mille Isles have to come through Lachute in coming here. It is about seven miles more or less, to the best of my knowledge, from that Court House to St. Andrews, where the Commission is now being held.

I know that in Mille Isles there are several people who bear both the same Christian and family name.

HOYES L. SNOWDON, Esquire, of Montreal, Advocate, Agent for Petitioner.—I several times requested the description of the property upon which each voter voted to be taken down. The Poll Clerk after I explained and shewed to him the manner in which the entry should be made said, that he knew how to perform his duty. He entered the description given in the Poll Book as he seemed to consider that the proper way. I objected to a good many votes. I did not keep a memorandum of all the votes I objected to. I have no memorandum of votes objected to by me, the objections to which are not entered on the Poll Book; and which objected votes I now see among the votes of the Contestant's objected list.

Question.—Do you know whether your objections to voters were always entered by the Poll Clerk, and were you permitted to see what entries were made in the Poll Book?

The Agent for the Sitting Member objects to the above question, as tending to introduce evidence respecting the conduct of the Poll Clerk, which is not at issue under the present Commission, and also because the said question is not confined to any of the votes objected to by the said Contestant.

The Contestant replies that the question directly tends to explain an imperfection and incompleteness in the Poll Book, and as such is perfectly admissible.

The objection is maintained for the reasons given by the Sitting Member.

The Contestant persisting in having an answer to this question, the Commissioner complies and orders it to be taken *de bene* on a separate folio, in accordance with the 120 Section of the "Elections Petitions Act of 1851."

CROSS-EXAMINED.

I had a written authority from Mr Abbott to act as his Agent at the Mille Isles poll, which I presented to the Deputy Returning Officer. Mr. Abbott sent it to me; I went there also at Mr. Abbott's personal request. I do not remember the name of any particular individual the description of whose property I requested the Poll Clerk to take down in the Poll Book, by number of lot or mentioning his neighbours; but I believe I told the Deputy Returning Officer that I wanted the description of property of every one. I gave this as a general request when they commenced to record votes, and I repeated this request several times. I do not remember the exact words I made use of in making the request; but I told him that the number of the lot, or the neighbours adjoining, should be given. I repeated several times to him that the description "house and land" was no description; and was not the description necessary. When a voter's name was taken down, I would say that I wanted a description of the property upon which he voted taken down, and followed up with a general request that I wanted a different description from what was given. This I did several times; but I ceased to do so when

I saw that it was in vain. I cannot say at what particular vote I first made that request. In some instances I questioned the voter about description of the property on which he voted—some of them I have asked who were their neighbours adjoining; but I don't recollect if I asked the number of the lot. I cannot recollect what the names of those I so questioned were. I do not remember whether I asked the Clerk or Deputy Returning Officer in these cases to take down the description so given me; but when I asked the Clerk or Deputy Returning Officer to take down the descriptions of the properties, the Clerk told me he knew his duty, and did not require to be shewn. When I doubted of a vote being good, I objected to it. The oaths were administered in several instances.

WILLIAM MCCULLOGH, of the parish of St. Jerome or Mille Isles, Schoolmaster.

CROSS-EXAMINED.

Mr. Snowdon did in no instance ask me, to my recollection, to record the number of the lot upon which the voter voted. If he did so, it will appear upon the face of the poll book. I was well aware that it should be done, if required. The original poll book will show exactly what Mr. Snowdon requested me to do. I entered in the poll book whatever memoranda Mr. Snowdon requested me, consistent with the instructions laid down in the Act of Parliament put before me at the time. I do not now recollect that Mr. Snowdon requested me to put down the neighbors of the voters as their description, but if he did so it will appear upon the poll book. In coming from Mille Isles here, I passed through Lachute. I know no other road. I inquired if there was any other road, and I was told that there was no other.

JOSEPH LEFEBVRE DE BELLEFEUILLE, of the parish of St. Eustache, in the District of Terrebonne, Esquire, Notary Public.—I am one of the Seigniors of the Seigniory of Mille Isles and of its Augmentation. Only a part of the Augmentation of the Seigniory of Mille Isles is in the County of Argenteuil. That part of the Seigniory comprised in the County of Argenteuil contains the following Cotes, to wit, Cotes Ste. Angélique, North East, and South West; and St. Eustache, East and West; and Ste. Marguerite; and St. Joseph East and West. These Cotes are all the parts of the Seigniory or Augmentation of it that lie in the said County of Argenteuil. I have the management of that part of the Seigniory that lies in Argenteuil. I act for the DeBellefeuille family. Myself and my nephews are in possession. I am the custodier of, and have in my possession the *papier terrier*, the records and other muniments of that part of the Augmentation of the Seigniory of Mille Isles that lies in the County of Argenteuil. A part only of the Augmentation of Mille Isles Seigniory is in Argenteuil; the rest of the Seigniory and of its Augmentation being in another county. All the lands that lie in the part of the Augmentation of the Seigniory of Mille Isles being in this county are entered on my *papier terrier*. I consider the *procés verbal* a commencement of title inasmuch as when a party comes forward for a title, he must produce the *procés verbal* as a description of the property for which he asks a title. Sometimes, however, I have granted concession deeds without the production of the *procés verbal* of the lot. I consider that the Seig-

nior can concede any lot (unconceded) to any party other than the one holding the *procès verbal*; but I have, generally speaking, respected the claims of those who held *procès verbaux*, and of those who were in possession and had made improvements, and preferred them to strangers. I have made out no list of the land conceded in Mille Isles; I have not every one of the concession deeds with me; but I have every one of them except about three, not more, which are filed in suits in Court. These I applied for to Mr. Berthelot, the Clerk of the Court in which they are filed, but he told me he could not find them,—consequently I have not them with me. The number of concession deeds that I have with me is forty-six, so that the whole number of concession deeds executed is about fifty. I may add that sometimes more than one lot is granted under the same deed.

Question.—Have you now before you the original deed by which that part of the Seigniory of Mille Isles, lying in the County of Argenteuil was granted to your *auteurs*, and if so, exhibit to the Commissioner the said deed, and state the nature of the deed, and by whom the grant was made?

The Agent for the sitting Member objects to the above question, because no copy of the deed is procured, 2° because the Contestant has already examined the witness, and endeavoured to prove by the parol testimony of the said witness his title to the Seigniory of the augmentation of Mille Isles, to which proof the sitting Member objected, but which proof was allowed, the Commissioner reserving it for the consideration of the Committee.

The Agent for the Contestant answers that the deed in question, being an original grant under the seal of a former Government of this Province, the Contestant is unable to produce and file an authentic copy, and the original is not in his possession or under his control. That it is not true that the Contestant has already attempted to prove by parol evidence the title of the witness to the Seigniory in question; or that any such evidence has been taken and reserved for the consideration of the Committee, and furthermore, if the witness had been already asked as to his title and such question disallowed in consequence of the witness not then having his deeds before him, such a decision could not prevent his now being examined with respect to, and speaking from, his deeds.

The Commissioner reserves the objection for the consideration of the Committee, and orders the witness to produce his title deeds and the answer to be taken.

Answer.—I have now before me the said deed, and I exhibit it to the Commissioner. The nature of the deed is a concession to Sieur Dumont, of the Seigneurie of the depth of the primitive Concession, granted to Messieurs Petit et Largloisené under date 20th January, 1752, executed at Quebec by the Marquis de Lajonquiere, Governor and Lieutenant General for the King of France, En Toule en Nouvelle France. It is signed by the said Marquis, the Governor, under his hand and seal. It is also signed by François Bigot, Conseiller du Roi, and countersigned by his two Secretaries, Monseigneur Saint-Sauveur and Descheneaux. It is written in the French language and runs in the following terms:—

[L. S.]

(*Here follows a copy of the document in question.*)

Question.—In what way do you hold the portion of the said Seigniory of Mille Isles comprised in the county of Argenteuil, under the said Deed?

This question is put by the Contestant in person.

The sitting Member objects to this question as tending to prove by parol testimony the Witness' own title to the property in question.

The Commissioner reserves the objection.

Answer.—I hold it under a Will of Louis Eustache Lambert Dumont who was I believe the son of the original Grantee, I have above mentioned; who bequeathed the usufruct of the said seigniory and augmentation to his children then to his grandchildren, and the proprietorship of it to his great grandchildren. I am one of the grandchildren, and the De Bellefeuille family share of the seigniory will fall in absolute proprietorship to my nephews and my children. The portion of the seigniory that is in the County of Argenteuil forms part of the De Bellefeuille portion. I have been in actual possession of the said portion since 1836 in my own person. From 1832 to 1836 one of my brothers was in possession for me; my mother was in possession of the said portion of the said seigniory since 1807 till 1831, when she died. I cannot tell without reference to my papers how many children the late Louis Eustache Lambert Dumont had. I have not with me the will of the late Louis Eustache Lambert Dumont. I am now, and always have been, ever since I took possession as aforesaid, managing the said portion of the said seigniory for myself and my nephews. The four cotes already mentioned or the greater part of them were originally surveyed in 1844. When I speak of the four cotes, I mean the three double cotes and one single one above mentioned. I herewith produce a statement or list showing all the lands conceded in that part of the seigniory of Mille Isles included in the county of Argenteuil, the dates of concession and the subsequent transfers, as far as known. I will file this list to-morrow.

CROSS-EXAMINED.

I was not at all at the Mille Isles poll at the last Election. I do not know where the poll was held. Lot 39 South West Ste. Angélique is about thirty miles from my place of residence. None of the parties who voted at the last election, and about whom I have spoken in my examination in chief, were brought up personally before me to be identified as the parties about whom I spoke. I do not mean to say that the parties of whom I have spoken as being on my *papier terrier* are the persons who voted. I would know about twelve or fifteen of the persons I have on my *papier terrier* if I personally met them. For the four Cotes of the Seigniory (included in the County of Argenteuil) there has never been a regular *terrier sous l'autorité de justice;* and it is only upon these four Cotes that I have been examined in chief. What I have called my *papier terrier* in my examination in chief is an "enumeration" *dénombrement* of all the lots in the four Cotes, the persons occupying them, what I know and have heard respecting them; and also the names of the original *cessionaires* of the lots. I may say that it contains more than a regular *terrier*, because I have notes on it of what I heard personally, and also from third parties. There was one, or perhaps two, very few at any rate, concessions before 1844, but concessions began to be made generally in 1844, immediately after the survey. I believe that there was but one concession before 1844, and it was to one Thomas Woods: at least that is the only concession that I found among my deeds of

concession that I have with me here. I cannot swear positively that this is the only one, not having all the deeds of concession with me; but I am positive that there were very few lots so conceded; about two or three, not more, that is before 1844. I have no agent in Mille Isles. I employed one once, one Herbert a bailiff, to collect rents for me. Herbert collected in 1854. One Jacob Barcelo acted for the DeBellefeuille family as their duly authorized agent for the years 1844, 1845 and 1846, or thereabout. I do not believe he acted longer than that. He signed deeds of concession as the duly authorized agent. He is since dead. Almost all the deeds of concession passed in 1844 are signed by him in that capacity. In 1844 I resided in the City of Montreal.

Owen Quinn, who is since dead, surveyed the above mentioned four Cotes at my request.

Question.—Under what agreement did the said Owen Quinn survey the said Seigniory for you?

The Petitioner objects to this question as entirely irrelevant to the matter submitted to the Judge Commissioner for investigation; and not legally arising out of the examination in chief of this witness.

The Agent for the sitting Member answers that the said question arises out of the examination in chief, because the witness stated that the said Seigniory had been surveyed by the said Owen Quinn, and that parties applying for deeds of concession had produced *procès-verbaux* of said surveys before obtaining said deeds of concession. As to the ground of objection on the score of irrelevancy, the sitting Member states that he has raised that ground several times himself, but that the said Contestant has constantly persisted in having the said evidence taken, and that the said evidence has been so taken.

The Commissioner reserves this objection for his own consideration, and directs the answer to be given.

Answer.—The agreement was, that the said Quinn should measure the lands of the said four Cotes at the rate of three to four dollars a lot for his work, which was to be paid him by the Censitaire, who wanted the lot conceded to him.

I do not remember that there was a written agreement to this effect, but the Widow Quinn, I believe told me so. I do not know how many *procès-verbaux* the said Quinn issued; I have no memorandum of them; but I believe he gave them for a great number of the lots.

The Seigniors have a Saw Mill in Cote St. Eustache. It is on lot number four, West St. Eustache, Thomas Strong's lot. The road that I go to it is from St. Columban to the west side of St. Eustache; to the best of my knowledge a road divides the double Cote Ste. Angélique. This is the only road in the Seigniory, and it is *procès-verbalized* I believe; and there was only a small portion of this road made in 1852, when I passed through the Seigniory. At least I am under that impression. I have never been through the Seigniory on the business of collecting. When I was through the Seigniory, in 1852, I think I visited about two thirds of the *censitaires*, I mean the occupants then on the lands. I have never been through the Seigniory since that time, but I have been to the mill almost every year since. I have no memorandum either on the book that I have called my "*papier terrier*," or from the deeds of concession that I have

with me, by which I can state exactly how many deeds of concession for lands I have signed myself. I find thirteen deeds among those I have with me, signed by myself, and I do not think I myself gave many more of them.

I cannot tell exactly who were actually in possession of every lot in the Cote Ste. Marguerite in December 1857; but when I was at my mill in the summer of 1857, I think in October or September, I received the following information about the parties who had the lots in the said Cote, but I do not know whether they occupied them or not.

The following are the names and numbers:—

Nos. 1 & 2—John Hodge,
" 3 & 4—Mathew Elder, Senior.
" 6 & 7—John Morrow,
" 5—Thomas Elder,
" 8—John Kyle,
" 9 & 10—R. B. Johnston,
" 11—Joseph Dawson,
" 12—Michael Ryan, having bought from Robert Dawson, or some other person.
" 13—Thomas Dawson,
" 14—George Woods,
" 15—James Woods,
" 16—Joseph Elliott,
" 17—Samuel Dawson,
" 18—John Elliott, from John Beattie or some other.
" 19 & 20—Edward Beattie from Robert Beattie or some other.
" 21 & 22—James Hammond, Junior,
" 23 & 24—Henry Hammond,
" 25—John Kerr from James Day or some other.
Nos. 26 & 27—John Day the South End.
" 26 & 27—James Day the North End, from George McDonald or some other.
" 28—Alexander Kilpatrick one half and William Boyd one half.
" 29—William Kilpatrick,
" 30—William Boyd has 68½ acres of South End of lots 29 & 30 and John Kilpatrick the remainder.
" 31—David Hammond,
" 32—David Hammond wants this lot.
" 33 & 34—John Kerr,
" 35—Alexander Ivel,
" 36—Andrew Elliott, Junior, has a *procès verbal*.
" 37—Andrew Elliott and William Pollock want to get this lot.

I now produce and file the list I referred to in my examination in chief yesterday which is correct to the best of my knowledge. This list is marked "B." I cannot swear with positive certainty that this list contains every contract of concession that has been executed in the lands in the said four Côtes, because I instituted several actions in the Circuit Court at Terrebonne in May last, and I was obliged to give to my lawyers the deeds of concession on which they were based. However I now produce another list which was made before I instituted these suits, containing a correct list to the best of my knowledge and belief of all those lands the deeds for which were so given to my lawyers. This latter list is marked " A."

This list marked " A" is the one I filed before the Honorable William Badgely, on the 10th March, 1858, when he was taking evidence in the matter of

this controverted Election. I do not believe any additional names have been put on said list marked " A." I cannot say with certainty that the first list marked " B" contains all the eight or ten deeds which were omitted from the list " A." I desire to explain that the list " A" is more to be relied on than the list " B" for correctness. I made up the list " A" from my *papier terrier*, and the other papers in my possession. That list is not made out in my own handwriting, but under my direction. I cannot state which of the entries on the said list " A" were made from my *terrier*, and which from my concession deeds. I made up list " B" from list " A" and from my papers. It was completed by me since my examination yesterday. It was begun here since my examination in chief commenced. The papers I have here with me are loose memoranda, my *papier terrier* and my concession deeds.

There are thirty-seven lots in Cote Ste. Marguerite; I have nine concession deeds for lots in this Cote with me. Some of these deeds contain two lots conceded; there may be other deeds of concession for Cote Ste. Marguerite, but I cannot say from my *terrier*, nor have I any other means here with me of obtaining information with respect to these other concessions, but in respect to this I would refer particularly to the list marked " A," and which I signed the 10th March, which is correct to the best of my knowledge and belief. The list " A" refers to eleven deeds of concession for Cote Ste. Marguerite. In my *papier terrier* there are only two lots in the Cote Ste. Marguerite marked as conceded; but as I have mentioned in my deposition before, my *papier terrier* is only notes and an enumeration, *dénombrement* of the lots in the Seigniory, which would serve as a basis for a regular *terrier*, intending also, when I make a regular *papier terrier*, to refer to my deeds of concession. It is a manuscript book, *(cahier,)* stitched together with a newspaper cover.

The following is the entry of one of those lots I have mentioned, as having been entered as conceded:—

" Mars 1851—Ste. Marguerite.

90 arpents, Rente 9s.4½d.

23. Henry Hammond demeure avec son père James, concession à H. Hammond, le 30 Mars 1854, devant Maitre S. McKay, pour les Nos. 23 et 24."

I have memoranda in my said *papier terrier* respecting every lot in Cote Ste. Marguerite. I cannot state the dates at which the memoranda were made. They were made at different times. This *papier terrier* was begun about nine or ten years ago, to the best of my knowledge. I find, on examination of my *terrier*, that I have entered the dates to the memoranda respecting only seventeen lots in Cote Ste. Marguerite.

These dates extend from 1852 to 1856 both inclusively.

In Cote Ste. Angélique South West there are forty-two lots, and forty lots in the North East Cote.

I have with me six deeds of concession for the lots in the South West Cote of Ste. Angélique; some of these deeds contain two lots, and some contain three. I believe there are other deeds of concession for lots in this Cote, but I am not certain; but I desire it to be well understood that I refer particularly for

information on this point to the list "A," already mentioned, which contains to the best of my knowledge all the lots conceded in this Cote. It is correct to the best of my knowledge. I have with me eight deeds of concession for lots in the South West Cote, referred to in the said list "A." I think they are all the deeds of concession that have been issued for the said Cote, to the best of my knowledge. There may have been some actions pending for arrears of *cens et rentes* on some lots in this Cote, when I made out the said list marked "A," and the deeds of concession, if any there were, may have been at that time in the hands of my lawyers. I have in my *terrier* six entries of lots having been conceded in the south west side of Ste. Angélique. I have with me eight deeds of concession for the north east side of Cote Ste. Angélique. I cannot say whether or not these are all the deeds of concession that have issued for the north east side. I find four entries of concession deeds on my *terrier* for lots on the north east Ste. Angélique. I find fourteen deeds of concession entered on list "A" for North East St. Angélique. On the west side of Cote St Eustache there are 21 lots, and in the east side there are 21 to the best of my knowledge and belief. I have with me here eight deeds of concession for Cote St. Eustache West. I believe there are twelve lots entered on my *terrier* as conceded for Cote St. Eustache West. I find on said list "A" fourteen lots entered as conceded for Cote St. Eustache West. I find in some instances two lots, and in one instance three lots have been conceded by one deed of concession. I have with me eleven deeds of concession for Cote St. Eustache East. One of these deeds is for two lots, the other ten contain only one lot each. I find six lots entered on my *terrier* as conceded for the east side of Cote St. Eustache; and on list "A" I find sixteen lots as conceded. On the said list two lots are conceded in some of the deeds.

There are eleven lots on my *terrier* in Cote St. Joseph West; but I find by the concession deeds I have with me that I have conceded lots numbers twelve and thirteen, which are higher numbers than I have in my *terrier*; but as far as I remember, the map furnished to me by Quinn the surveyor of the lands, shows only eleven lots.

There are only five lots on the east side of Cote St. Joseph. I have only two deeds of concession of Cote St. Joseph East with me, and the same number for Cote St. Joseph West. I find that one of the deeds I have with me concedes lot No. 13 St. Joseph East; but I do not find this lot on my *terrier*, and I do not think that such a lot exists. I think one or two of those lots so numbered too high belong to the Dumont family-part of the Seigniory; and I do not think they are in our part of my Seigniory. I believe the *concessionaires* of one or two of these three lots refused to pay me *rentes* on that ground. I cannot tell how many of these lots are conceded on my *terrier*, not having the *terrier* here with me; but the list "A" mentions how many are conceded on my *terrier* to the best of my knowledge. The *terrier* of Cote St. Joseph, and of which I speak, is a formal one, but I have it not with me.

I find on list "A" ten lots conceded for west side of Cote St. Joseph; and on

the same list I find five lots conceded for the east side of the said Cote. In some cases two lots are conceded by one deed.

I find by the extract that I made from my *papier terrier* that the following are entered there as being in prossession of the following lots in Côte St. Joseph.

St. Joseph West.

No. 1—Francis Monahan,
" 2—Michael Williams,
" 3—Thomas Williams,
" 4—James Williams,
" 5 & 6—Edward White,
" 7—Joseph Massy,
" 8—Hyacinte Berthiaume,
" 9—Joseph Béique dit Lafleur,
" 10 & 11—James and Thomas Couroz.

St. Joseph East.

No. 1—John Murphy,
" 2—James McGarr,
" 3—John McGarr,
" 4—James Williams,
" 5—Mathew McGarr.

I have not entered in my *terrier or cahier* or memorandum book of which I spoke in my examination in chief, the term "proprietor" opposite any man's name; but I say that when the word "concession" with the date has been mentioned in the book in question, this word is sufficient to show that the person opposite whose name the word is entered is proprietor. There are several persons proprietors, opposite whose name the word "concession" is not mentioned in the said *cahier*, as has been shewn above in the course of my examination. I cannot tell exactly how many lots are occupied in Mille Isles by the said *cahier*, but it contains, as nearly as possible, the names of all the occupants to my knowledge. I think there are about ten lots in Mille Isles unoccupied. There are about two or three lots on my said *cahier* opposite to which I have no name written; but I cannot conclude from this that there are no other vacant lots.

Being asked how many of the entries in the said *cahier* were made from the information the parties themselves have given me, I say that the occupants of the lots of both sides of Cote St. Eustache acknowledged themselves to me to be in possession. There are about eleven in Cote Ste. Marguerite who have not personally informed me of their possession. There are about ten in the North East side of Cote Ste. Angélique who have not personally informed me of their possession. There are about twenty in the South West side of Cote Ste. Angélique who have not personally informed me of their possession. Those who have done so, recognized me as Seignior; but since the Seigniorial Tenure Bill, in 1854, many of these people are under the impression that they owe me nothing for *cens et rentes*, and that the property belongs to the Crown. A great portion

of these people have got *procès verbaux*—Owen Quinn is the only party who has surveyed the said Seigniory.

I have altogether sued the people for arrears of *cens et rentes* in the four Cotes in question previous to the last election. The lands in Cote St. Joseph are not in my *cahier*. Cote St. Joseph is one of the Cotes in the Augmentation of Mille Isles, and is in this County.

Being asked how many notarial transfers of lands conceded were noted on my said *cahier*, as having been exhibited to me, I state that there have been two, namely: lots Nos. 14 and 17 in Cote St. Eustache, West, in Cote Ste. Marguerite, two; for lots Nos. 29 and 30, and in Cote Ste. Angélique, North East, one transfer for lot No. 6; and lastly, for Cote Ste. Angélique, South West, one transfer for lot No. 4.

Being asked what transfers other than those above mentioned I have entered on my *cahier*, from information obtained from the parties themselves, I state there are nine transfers in Cote St. Eustache, West, for lots Nos. 6, 7, 8, 9, 10, 11, 13, 14 and 19, all for East St. Eustache; there are five for lots Nos. 2, 3, 9, 14 and 16. There are three transfers in Cote Ste. Marguerite for lots Nos. 6, 7, and 31. There are five transfers in Cote Ste. Angélique, North East, for lots Nos. 9, 13, 14, 31 and 32. There are five transfers in Cote St. Angelique, South West, for lots Nos. 3, 5, 13, 23 and 29; as to Cote St. Joseph I have it not in my *cahier* as I said before in my deposition. I have not with me here the original *terrier* of Cote St. Joseph. I do not think I am much mistaken in saying that there were three transfers, namely:—7, 8 and 9, of lots of Cote St. Joseph West. I do not mean to say they were regular Notarial transfers.

In St. Joseph East, I think, there were two, namely:—No. 1 and No. 4. I think there are three lots in Cote St. Joseph West, of whose possession I have not personal information from the parties themselves of their possession; and, I think, about three in the East side of said Cote. Those who have informed me of their possession have recognized me as Seignior. I think the people of this Cote have got *procès verbaux* as the people of the other Cotes; inasmuch as it was surveyed by Mr. Quinn at the same time he surveyed the other Cotes. Being asked whether I considered those persons who occupy my lands without concession deeds to be proprietors, I say that several of them have paid me arrears or part of arrears of *cens et rentes*, accruing upon the lots they hold, and that as long as they pay me what I am entitled to, I do not disturb them, though I would prefer them to take contracts, but a great number of them will not do so. I have asked several of them that I could see; according to law they are not proprietors. I cannot say that I consider them proprietors; but I have been advised by Counsel that I can sue any persons whom I find in possession of any property for my *cens et rentes*, as if they were proprietors. I have accordingly sued about thirty-seven of these people who are on my lands without deeds of concession in May last, for arrears of *cens et rentes* as proprietors. The names of

these parties are as follows:—

James Noble,
Mathew Elder,
Thomas Elder,
Joseph Dawson,
Michael Ryan,
Thomas Dawson,
Samuel Dawson,
Alexander Ivel,
William Pollock,
Richard McCormick,
Robert Pollock,
James Elliott, Junior
John Chapman,
George Earls,
James Good,
John McClure,
James Pollock,
Sarah Walker, Widow Paterson,
William Hughes,
Mathew Crethers,
Hugh Riddle,
James Riddle, Junior.
James Chambers,
Feris McMullin,
John Hodge,
John Morrow,
George Woods,
James Woods,
John Elliott,
Edward Beattie,
John Kerr,
William Dawson,
Thomas Ryan,
Samuel Rogers,
John Pollock,
Joseph Thompson,
James Cudders,
William Pollock,
Samuel Moore,
James Morrow,
John Pollock, son of Charles,
William Riddle, Junior.
William Riddle, Senior.
John Riddle,
Robert Crethers,

I have sued about 21 of those who had deeds of concession in May last: their names are as follows:

Richard Bowes,
Patrick McLinchy,
James McKnight,
Félix Kennedy,
James Kennedy,
John Kennedy,
John Lahy,
James Johnston,
Joseph Elliott,
John Day,
James Day.
Alexander Kilpatrick,
Andrew Elliott, Junior,
William Boyd,
John Kilpatrick,
Andrew Elliott, Senior
James Hill,
James Hammond, Senior
John Hammond,
William Hammond,
John Taylor,

The following clause is in all the deeds of concession issued for the said seigniory.

5th. That the said Grantee his heirs and assigns shall furnish to the said seigniors their heirs and assigns within eight days of the date hereof, a legal copy of the surveyor's report of the survey of th said lot; and a copy of the present deed of concession at his the grantee's cost."

The seigniors have established no Grist or Flour Mill in the said four Côtes.

I have no means of ascertaining from my *cahier* when the same name is entered twice or thrice or in two different places whether it refers to the same or different individuals. I think it occurs about only twice or thrice in my books.

There are no entries in my *cahier* made since I was examined on 10th March last before the Honorable William Badgley; except a few entries respecting some receipts of money.

Question—When you use the word "Proprietor" in your examination in chief, do you use it equally in reference to those who have received Deeds of Concession, as to those who are in the Category, respecting which you spoke this morning and which your Counsel advised you to sue as proprietor, for arrears of *cens et rentes?*

Answer.—In my examination in chief, when I spoke of persons not being proprietors on my *Terrier*, I meant that either they had not obtained Concessions Deeds, or, that they had not purchased from those who had so obtained Deeds.

The greater part of the occupants of the land in question, have shanties or cabins—not regular houses—with small stables for their cattle—except about ten or a dozen who have respectable tenements. This was when I visited them in 1852.

When I speak of the Gore of Chatham, I mean the Township of Gore, which is bounded on one side by my seigniory, and on the other side by the seigniory of Argenteuil.

The heirs Dumont have a separate and district seigniory from the Bellefeuille Family. I have not got with me the Will of the late Louis Eustache Lambert Dumont; but it is in the hands of my Lawyers in Montreal.

The original grant which has been copied above, comprises the whole of the Augmentation of the Seigniory of Mille Isles belonging to the DeBellefeuille and Dumont Families, and I believe nothing else. The said Seigniory is not divided by the said Will.

I got a map of the four cotes above spoken of, from the late Owen Quinn; but I have it not with me; nor have I spoken from it.

RE-EXAMINED.

The list "B" contains two names more than the list "A." The names that are mentioned in the Deeds of Concession which are excepted at the end of list "A" are as follows:—

James Hammond, Junior.	Henry Hammond.
Robert Dey.	Andrew Elliot.
James Dey.	James Hammond.
Ann Moore Widow of M. Craig	William Ford.
William Wilson Sims.	Michael Healy.

Of these some were actually included in said list "A" namely, James Hammond, Junior, Henry Hammond, Ann Moore, Widow Craig, Michael Healey, Andrew Elliot, James Hammond the elder—so that all of the lots for which Concession Deeds have ever been granted in the said four cotes, now appear by the said list and by my present explanation of the reservation at the end of the said list "A" to the best of

my knowledge and belief. I was therefore mistaken in the extent of the said exception, from not looking with sufficient care, into the papers in my possession.

REBUTTAL TESTIMONY.

THOMAS QUINN, of the Village of La Chute. Surveyor.—I acted as chain bearer to my father Owen Quinn when he surveyed the Seigniory of Mille Isles. The following is the agreement my father made with Seignior respecting the survey :—

I, Owen Quinn, the undersigned Land Surveyor duly commissioned and sworn for the Province of Upper and Lower Canada, and residing in Argenteuil, in the District of Montreal, do propose to survey, measure, and bound the augmentation of that part of the Seigniory of Mille Isles, belonging to DeBellefeuille family, in the County of Terrebonne, on any principle of survey that the said family will please to instruct, under the following conditions, viz: that on or before the issue of each deed of concession, the person about to receive such a deed will first come to me or my representatives, and take my *proces verbal* of survey, and pay for the same at the following rates, viz: any person giving me assistance as an axe-man on the range he resides the sum of fifteen shillings, that is ten shillings for survey and five shillings for the *proces verbal*. Those who will refuse to assist so, to pay me four dollars for the same. And I further bind myself to complete and have done the said survey for the first of June next: to run one line across the centre of the said part of the said Seigniory, for the purpose of the settlers opening a main road on the same, and in addition, to furnish to Mr. DeBellefeuille, the undersigned Co. Seignior of the said Seigniory, a figurative plan of all the lots which I will survey in the said Seigniory, in that part of the same, belonging to DeBellefeuille family, from the settlements of the River DeBellefeuille, commonly known under the name of *River a Gagnon*, as far as the line of the said Seigniory, the said plan containing the exact description and measure of every said lot of ground surveyed by me.

In testimony whereof, I have signed this present writing in duplicate, at St. Eustache, on the 4th day of January, 1844.

(Signed,) OWEN QUINN,
Witness, *D. S.*
(Signed,) J. BARCELO.

I, the undersigned Co. Seignior of the said augmentation of the Seigniory of Mille Isles, and other places, do bind and oblige myself to follow all the conditions of the within agreement as far as I am concerned in it.

In testimony whereof, I have signed the present writing in duplicate, at St. Eustache, on the 4th day of January, 1844.

(Signed,) J. LEFEBVRE DeBELLEFEUILLE.
" M. V. LEF. DeBELLEFEUILLE.
Witness, *(Signed,)* J. BARCELO.

I was a witness examined before Judge Badgley of my own free will, in rebuttal, giving true witness on both sides. At that time I had with me a map of the Seigniory of Mille Isles which I produced on the second day. I have not that map with me now, but I have not got it in my possession. This Map contains the names of the

cotes, the numbers of the lots, and the names of the parties to whom my father gave *proces verbaux* at the time of the survey and afterwards. There were *proces verbaux* issued for every lot that my father surveyed in Mille Isles, according to the agreement above copied. There were people living on the land when we went to make the survey. I think the map shows the names of the people who were settled on the land at the time of the survey ; but the map contains also the names of those who subsequenty took *proces verbaux*. The names on the map however do not afford a certain guide as to who were in occupation of the lands in December, 1857 : because new settlers subsequently went in and the lots were sold and changed hands. I now produce and exhibit before the Commissioner, a *proces verbal*, such as was used in locating the lands in the Seigniory, it is as follows :—

"On this sixteenth day of the month of May, in the year of our Lord One Thousand Eight Hundred and Forty-four, I, Owen Quinn, one of her Majesty's Land Surveyors, duly admitted and sworn in, and for the Province of Canada, and residing in the Seigniory of Argenteuil, in the Inferior District of the Lake of Two Mountains, in the District of Montreal, and in that part of the province of Canada formerly Lower Canada, did proceed at the desire and request of Edward Mackreth, survey, admeasure and bound a certain lot of land lying and situate in the Augmentation of ths Seigniory of Mille Isles, the property of the Lefebvre de Bellefeuille family, and on the south west side of the Cote Ste. Angelique, all in the County of Terrebonne and district of Montreal, Lower Canada, which I describe as follows, viz :

I commenced by planting a stone boundary, with broken delf underneath, and a square wooden post thereby numbered on one side 39 and on the other side 40, from hom where I planted two range posts, on the direction of the side line, and from thence I ran on the magnetic course North, 59° West, a distance of four arpents, where I planted a similar boundary : from thence 2° West, a distance of 25 arpents to where a post will be planted at a future survey, between the Cote Ste. Angélique and the Gore of Chatham, from thence where a line is opened on the given course South 59° East, a distance of four arpents to where another boundary is to be planted, and thence on the course North, 2° East, a distance of 25 arpents to the place of beginning, containing in superfices ninety-eight arpents, and 17 perches, paris measure, or there about, the variation of the compass being nine degrees 45 minutes westerly. The Chain bearers were sworn and hereunto signed, certified a true copy as taken from the minutes of survey on record in my office.

(Signed) OWEN QUINN,
Provincial Deputy Surveyor, &c., &c., &c.

T. C. Quinn, J. P. Quinn. } *Chain-Bearers.*

No Improvement, O Quinn, D. S. About 12 arpents lost by waters.
The survey was made in 1844.

CROSS-EXAMINED BY CONTESTANT.

Reserving that the testimony of this Witness is wholly irrelevant.

There were fourteen lots surveyed by my father, for which no *proces verbaux* were issued. I issued several of the said *proces verbaux*, after my father's death, which

took place about six or seven years ago. Those which were given out after my father's death, were signed by me or my brother William Hammond, or one Quinton Johnson, both students of my father while alive, under the powers of Attorney from my father to us. I cannot say how many were issued before my father's death nor after. There is no distinction on the map in question, as to the person by whom the *proces verbaux* were issued ; except what may be gathered from the hand writing in which the name of the grantee was written. The person who issued and signed the proces verbal, wrote the name on the map in question, and some of the names on the map are written by my father, some by myself, some by Quinton Johnson and some by William Henry Quinn. The last process verbal was issued three years ago at least.

I am well accquainted with the seigniory of Mille Isle, and have been there often. I was last there about three weeks ago.

I cannot say, without reference to the map, whether Cote Ste. Angelique is a double Cote or not. I cannot tell without the map, whether St. Eustache is a double Cote or not. I cannot say which Cotes are double or single without reference to the map. I only know that there are two double Cotes, but I do not recollect their names.

I voted for Mr. Bellingham at the last election ; and would do so again if he comes forward. I was one of the Voters objected to by Mr. Abbott the Petitioner.

GEORGE NELSON ALBRIGHT, of the Parish St. Andrews, Surveyor.

I have been employed by the Government in surveying different parts of this County. I was a Student with Owen Quinn, Provincial Deputy Surveyor, in the years 1846, 1847 and 1848. I was not with him at the time he surveyed the Seigniory of Mille Isles; but I have been through the Seigniory with him since then. I was through the Seigniory lately. I went there at the request of the sitting Member's Agent, within the last week and examined several properties at his said request.

The people of whom I have above spoken, I saw on my last visit except one of the James Pollocks. The most of these people I saw at their own places, but the others met me at a *bee* at James Hammonds, of whom I have above spoken.

I assisted at the survey of Morin, which abuts on the said Seigniory. I got a log-house put up in the Township of Arundel which is just surveyed. It cost £50 for the labor alone. Some of the houses in Mille Isles are better, and some are worse I am pretty well acquainted with the land in the Seigniory from having passed through it frequently, and having been employed in the survey of the neighbouring Townships. I know that six or seven years ago lots were sold without improvements at £30 or £40 each.

I know pretty well the value of lands and tenements in Mille Isles. The lots which I have valued above, I visited particularly at the request of the sitting Member's Agent. Mr. Burroughs, last week, to ascertain their values.

I believe the people of whom I have been speaking, occupied at the time of the last election, the properties of which I found them in possession on my said visit. I think the most of Mille Isles was settled at the time it was surveyed. I think some of it was settled 24 years ago.

CROSS-EXAMINED.

Question.—Were you not at the Poll held in the Township of Harrington at the last election, during the whole or the greater part of the two days of polling, and did you not act as the sitting member's Agent, or on his behalf at the poll there?

Answer.—I was there both days; I did not act as the Sitting Member's agent, or on his behalf there at his request, but I acted as his Agent at the request of the Sitting Member's Election Committee.

I voted for the Sitting Member. I live in the parish of St. Andrew's. My residence is between twenty and twenty-five miles from Harrington; and about the same distance from Mille Isles. I have lived in St. Andrews ever since I was born, with the exception of two years, which two years I lived in Grenville. I have voted for Mr. Bellingham at every election.

I have been employed on my own responsibility as a surveyor for the Government, only since the Sitting Member's first election for this County. Previous to that I was employed on Government surveys in the County; but only in a subordinate capacity; being employed by the persons charged with such surveys. I am not aware that I obtained the surveys that I have had on my own responsibility through the influence of Mr. Bellingham. I suppose that Mr. Bellingham represented that the County had to be surveyed, and the Government knew that I was a surveyor living in the County, but I do not know whether he said any thing to them about it or not. I do not think I ever had any conversation with Mr. Bellingham respecting the first survey; I had after Mr. Bellingham's first return; but I have had conversations with him respecting the surveys I have had since.

Question.—Have you not stated that in the event of the Petitioner being returned for this County, you would lose the Government employ or would be likely to lose it?

Answer.—I did say so; I did say so to the Petitioner when he asked me to support him.

Question.—Have you not stated to another person or persons that if the sitting Member did not succeed in this election, you would be in the street, or might as well be in the street, or words of a similar purport?

Answer.—No: I did not say that; but I said to one Mr. Bradford who I understood was sent to me by the Petitioner, that if Mr. Abbott got in I should get no more Government surveys, as I understood that he had relations surveyors, for whom he would get all the Government surveys in the County.

Question.—Is it not true that you sent to the sitting Member information respecting the quality of the wild lands you surveyed or some of them?

The Agent for the sitting Member objects to this question as not arising out of the examination in chief and as not tending to attack the credibility of the witness.

The Petitioner replies that he is entitled to put the question to shew the closeness of the relations of the witness with the sitting Member as a test of his probable bias in his favor.

OBJECTION MAINTAINED.

I was not paid nor am I to receive pay for the visit which I made out to Mille Isles last week. I went with Mr. Burroughs, I went there on the sixth day of this month. We arrived there on the evening of Friday the sixth. Most of the time on Saturday and Sunday we were in Mille Isles. We were also in Morin during

those two days, as we went backwards and forwards from one place to another. We arrived early on Monday morning in St. Andrews after having travelled all the previous night.

I never bought, sold or owned any land in Mille Isles. I do not know the price at which any lots there have been sold lately. When I say that I believe the persons I have mentioned, occupied these lots at the time of the election, I judge so from what I have seen and been told. I was not there. I judge also from the fact, that people there have not changed their properties frequently within the last two years.

WILLIAM MCCULLOGH, of the Parish of St. Jerome or Mille Isles, Teacher. I am resident of Mille Isles.

CROSS-EXAMINED.

I have only been a year in Mille Isles—previous to that time I lived in Montreal, and I also taught school in the Gore. I do not know the numbers of any of the lots occupied by any of the persons I have mentioned in my examination in chief, except what they told me themselves.

ANDREW ELLIOTT, of the Parish of St. Jerome, or Mille Isles, farmer. I know Joseph Lefebvre de Bellefeuille, who claims to be Co-Seignior of the Seigniory of Mille Isles. Mille Isles was surveyed fourteen years ago. I have had some conversation with Mr. de Bellefeuille, respecting the survey that was made by Mr. Owen Quinn of the said Seigniory.

Question.—Please state what that conversation was?

The Petitioner objects to this question, in so far as it tends to introduce verbal testimony to prove title in this Witness or in any other person to lands in Mille Isles.

The Agent of the sitting Member replies, that the question tends to prove none of the permits stated in the objection.

The Commissioner reserves this objection for his own consideration.

Answer.—The way I came to know that, was, I was down settling with him at his own mill for some rent; and at the same time there came in a man to make some agreement respecting some rent that he had not paid him; and he asked him had he a *procès verbal*, and he said "No," that he had gone to Captain Quinn, and that he would not give him a *procès verbal* under five dollars; and Mr. de Bellefeuille said that according to the written agreement that he had made with Captain Quinn, he had no right to charge more than four dollars, and Mr. De Bellefeuille told the man to take two witnesses with him and tender him the four dollars, and that if he would not take that, to come back to him, that is Mr. De Bellefeuille, and that he, Mr. De Bellefeuille would deed the land to him, that is to the man. That was all the conversation he had with Mr. De Bellefeuille on that occasion. Mille Isles has been settled, I believe, about 24 years ago. I went into it about 14 years ago; and the place I took up had then improvements on it.

CROSS-EXAMINED.

I was mayor of the municipality of Mille Isles for two years and more previous to the election of the present Mayor. I am acquainted with a good many people in the Seigniory, particularly with my neighbors.

Evidence having Special Reference to Particular Votes.

No. on List.	No. on Poll.	Name of Voter objected to	Description on Poll.	Residence	Quality in wh. he voted	Description of Prop'y on Poll.	No. of Objn's
351	1	Joseph Elliott	Farmer	Mille Isles		House & Land	1 2 3

WM. STUART.—I know him. He is entered on the valuation roll as owner and occupant of lot 16, in Cote St. Marguérite. Some time in the course of last winter he sold out; but occupied the said lot till then. I saw him vote; he owned and occcupied at the time of the election, another lot near beside him which I think is the one entered on the roll for John Beally, namely: No. 18 Cote St. Marguérite. He has sold these two lots since the election, one of them I am informed by his brother-in-law for £52.

J. L. DeBELLEFEUILLE, I cannot say positively that I know him.

Question.—Is Joseph Elliot on your *papier terrier* as holding any land in your part of the Seigniory, and if he is, what title does he hold under?

The Agent for the sitting Member objects to the above question, first, because there is no identification of individual spoken of, with the individual voting, and secondly as attempting to prove by verbal testimony, first, the witness' own title, and secondly, the title of Joseph Elliot spoken of in the question and not of the Joseph Elliot who voted.

The Agent for the Petitioner answers that the objection as to the identification of the voter has been overruled in a great number of instances during this enquiry: and the Petitioner is entitled to take the evidence of the witness and if need be, to prove the identification by others. That the objection upon the ground of adducing parol evidence of title is groundless, inasmuch as the witness may produce the very title deeds under which the voter holds, and moreover because the voter has been *d'abondant*, notified to produce and file his title deeds if any he had.

The Judge Commissioner overrules the objection on the first ground and orders the objection on the second ground, to be reserved for the consideration of the Committee, and also orders the answer to be received.

Answer.—There is a copy of a deed of concession which was granted, 29th May, 1844, to Joseph Elliot for lot No. 13 South-West Ste. Angélique. I have on my terrier that the said Joseph Elliot sold this lot by deed (which must have been shewn to me,) to John Pollock, son of Edward Pollock, on the 22nd day of January, 1852. There is also a memorandum on the terrier, that the said John Pollack has paid me some *rentes*. I am positive that this deed of sale has been exhibited to me. I see on my terrier also that a man of the name of Joseph Elliot, son of Andrew Elliot, was in 1854, holding lot 16 in Cote Ste. Marguérite, for which he has no concession. I have received from him some rentes through the hands of the Bailiff, Herbert, in 1854. He may have paid rentes subsequently to that time; but I have not with me my receipt book in which I enter every sum of money I receive from the holders of land in the Seigniory. I have no other Joseph Elliot on my *papier terrier* at all. There is no other lot to him than that.

Question.—Are you able to state whether any concession deeds have ever been granted for lots numbers 16 or 18, or either of them in Cote Ste. Marguérite?

Answer.—I do not see on my *papier terrier* that any concession deeds have ever been granted for these two lots. If there had been, they would certainly appear by my *papier terrier.*

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence.	Quality in wh. he voted	Description of Prop'y on Poll.	No. of Obj'ns
352	3	John Elliott	Farmer	Mille Isles	Proprietor	House & Land	1 2 3

WM. STUART.—I know Andrew Elliot has a son of that name. I know all the sons of Andrew Elliot by sight. John Elliot is not on the Roll for any land, he is on the Roll assessed for statute labor only. I don't know whether he occupied any land apart from his father.

J. L. DEBELLEFEUILLE.—I do not know him. I never heard of such a man. His name is not on my *Terrier.*

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter Objected to.	Description on Poll.	Residence	Quality in wh. he voted	Description of Property on Poll	No. of Obj'ns
353	4	James Hammond	Farmer	Mille Isles	Proprietor	House & Land	1 2 3 16 1 2 3
431	110	James Hammond	"	"	"	"	10 16
440	126	James Hemmond	"	"	"	"	1 2 3 10 16

WM. STUART.—I know only two James Hammond's holding land in Mille Isles. They are father and son. James Hammond, senior, the father, is rated as owner and occupant of 23, 24 and 25 of 2nd range of Ste. Angélique. James Hammond, junior, has 21 and 22 in Cote Ste. Marguérite. There may be children of the name of James Hammond, but there are no other James Hammond's than these two holding lands in Mille Isles.

J. L. DEBELLEFEUILLE.—I have two James Hammond's, father and son.—The father has lots 23, 24 and 25 North-East Ste. Angélique, as proprietor under a Deed of Concession, The father holds nothing else. The son holds as proprietor, lots 21 and 22 Ste. Marguérite, under Deeds of Concession. There is no other James Hammond but these two holding land in Mille Isles.

Evidence in Rebuttal.

G. N. ALBRIGHT.—I know several. I am acquainted with three James Hammond's in Mille Isles, but there are more there. I think that the three I know are father, son and nephew. I have seen eight James Hammond's; one the

father of a family, who has eighteen children. His father had one hundred and thirty-two descendants at the time of his death.

James Hammond, senior, is on lot 23 in 1st range of Ste. Angélique. It is difficult to say what lots they are on, as the side lines are not run in many places. One, I think the son, is on lot 23 in Cote Ste. Marguérite. The other has lots 20 and 21 in same Cote.

CROSS-EXAMINED.

I cannot tell the number of the lot upon which James Hammond, senior, lives, but I know the lot very well; I have been in the house very often, and always stop there when I go to Mille Isles. I have the same memoranda with me now that I had yesterday. I cannot say positively the number of the lot. If there is a number written down in my examination in chief, it is a mistake. The lot is in the 2nd range of Cote Ste. Angélique; which is also distinguished as the "North" or "North East" Cote of Ste. Angélique. One of the young James Hammonds lives and has land in Cote Ste. Marguérite. I am not certain of the number of the lot. I think he has lot 23 in Ste. Marguérite. I think so because I was onthe lot, and he told me it was his. I judge it was 23 from my general knowledge of the place. I did not look at any posts, and I think I can swear it is not number twenty-two. I might possibly be mistaken as to the number of the lot. The other James Hammond has, as I stated in my examination in chief, lots 20 and 21 in same Cote Ste. Marguèrite. He was living there when I saw him, which was last week.

Question.—Were you or were you not in said James' house on lot 20 or lot 21 aforesaid, or do you swear there is any house on either of those lots?

Answer.—There is a house and other buildings. There are very few lots in that Cote, which have not houses upon them. I was in the said house.

I believe these were James Hammond's lots, because I saw him living there, and because I think he shewed me a *procés verbal* or a deed or some other paper, and he told me they were his.

I swear that this James Hammond, who is on lots 20 and 21, shewed me some documents which satisfied me they were his. I speak of the number of the lots to the best of my knowledge; I would not swear to their number, nor would I swear to the number of my own lot.

WM. MCCULLOGH.—I know three James Hammond's holding lands there—at least I have always heard they hold separate land, and I believe paid school tax for different lots of land.

The Hon. Judge Commissioner is of opinion that the objections to these votes are not proved.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence	Quality in wh. he voted	Description of Prop'y on Poll.	No. of Obj'ns
354	5	Robert Crethers	Farmer	Mille Isles		House & Land	1 2 3

WILLIAM STUART.—He is rated on the Roll as occupying and owning lots 38 and 39 in the first concession for 1st range of St. Angélique, valued at £40. I do not know the man—St. Angélique is a double Côte—the first range of it is known as the South West and the second is the North East. I know a widow named Crethers who has several sons.

J. L. DEBELLEFEUILLE.—I do not know him—I never heard of such a man. His name is not on my Terrier. I find a Memorandum on the Terrier that some one told me that a man of the name of Sillers sold the lot No. 38 South West Ste. Angélique to a man of the name of Robert Carrathérs, who lived on it in 1853, with his mother and brother. This lot No. 38 has never been conceded. As to lot 39 in South West Ste. Angélique, I find the name "Sillers" for it; but no concession has issued for it.

Evidence in Rebuttal.

G. N. ALBRIGHT.—I know him—He holds lot 38, and I think lot 39, in South West Côte Ste. Angélique.—Lot 39 is worth £60 and 38 is worth £100.

CROSS-EXAMINED.

When I say that Robert Crethers holds 38 and 39 in Ste. Angélique, I mean that I was told that one Mathew Crethers holds the fronts of these lots and Robert the rear. I was not at their places. I think it was Robert who told me this and he told me he paid £40 for his portion several years ago. I must have been on these lots because I valued them.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence	Quality in wh. he voted	Description of Property on Poll.	No. of Obj'ns
355	6	James Elliott	Farmer	Mille Isles		House & Land	1 2 3

WILLIAM STUART.—I know him—He is a married man, and is rated as owner and occupant of lots 29 and 30 of second range of Ste. Angélique. I cannot remember that he voted, but I believe that he voted. An Election is a scene of confusion; and it is almost a matter of impossibity to remember who voted and who did not. James Elliott has lived on the lots which he is rated, a great number of years and still does so. He was a lad living with his father when I came to the country. He did not always occupy those lots—He occupied no other property at the time of the Election that I know of. I know only one of the name.

J. L. DeBELLEFEUILLE.—I see a Memorandum on the Terrier that a man of the name of James Elliott, Junior, son of Andrew Elliott, is holding two lots of land in North East of Ste. Angélique. The lots are 29 and 30—Since 1854 to 1857, when I received some arrears of rents, no concession has been granted for these lots. I see also by the Terrier that he has a procés verbal for lot No. 29. James Elliott, Junior, is not on the Terrier for any other land. I have no other James Elliott on my Terrier.

The Hon Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence	Quality in wh. he voted	Description of Property on Poll	No. of Obj'ns
356	7	John Pollock	Aband.				
423	96	John Pollock	"				
428	105	John Pollock	"				
357	9	George Earls	Farmer	Mille Isles	Proprietor	House & Land	1 2 3 14

WM. STUART.—I know him. He is rated as owner and occupant of No. 35 in second range of Cote Ste. Angélique, originally valued at £40, changed to £35. I saw him at the poll, but I do not know that he voted. I know only one man in the settlement of that name. He occupied the lot till after the election. He occupied no other property at the time of the election that I know of. I know only one of the name.

J. L. DeBELLEFEUILLE.—He has no deed of concession. It is marked on my terrier that I heard he was living on lot No. 35 in North-East. Ste. Angelique. This lot has never been conceded: he is on my terrier for nothing. I have no other person of the name on my terrier.

CROSS-EXAMINED.

The entry on my terrier *cahier* is as follows:—

"N.E. Cote Ste. Angélique.

No. 35—George Earle, y demeure."

In rebuttal.

GEORGE N. ALBRIGHT.—I have seen him. He occupies lot 35 in 2nd range of Ste. Angélique, valued at £60.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence	Qualtty in wh. he voted	Description of Property on Poll	No. of Obj'ns
358	10	Richard Elliott	Farmer	Mille Isles	Proprietor	House & Land	1 2 3

WM. STUART.—I know him. He is a son of Andrew Elliott. He is on the Roll for statute labor only; I cannot say whether he was living with his father or not, at the time of the election, nor whether he occupied any separate house or property by himself. I don't know of his occupying any property. I know

only one Richard Elliott. There was a lad of that name who died of consumption before the election.

J. L. DEBELLEFEUILLE.—No man of that name is on my terrier. I do not know him.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence	Quality in wh. he voted	Description of Property on Poll	No. of Objn's
360	14	William Riddle	Farmer	Mille Isles Cote Ste. Angeliq	Proprietor	House &Land	1 2 3 16
435	116	William Riddle	"	Mille Isles Cote Ste. Angeliq	"	"	1 2 3

WM. STUART.—I know him. He is rated for North-half of 22, 23 and 24 in 1st range of St. Angélique. He has occupied those lots for ten years, and occupies them still. He is so entered as "William Riddle, senior." There is but one William Ridle, senior, in the Parish, and he occupies only these three lots that I know of. There is also a William Riddle, junior, assessed on the Roll, as owner of property. He is son of William Riddle, senior. I know them both.

J. L. DEBELLEFEUILLE.—With reference to William Riddle. I see by my *Papier Terrier*, that one William Riddle, senior, was living, a few years ago, on lot 22 in Cote South-West St. Angélique, and that he purchased this same lot 22 and lot 21 in the same Cote for £16, from Rogers Taylor and I have also a memorandum that the son William Riddle was holding the South part of these lots 21 and 22, and that the father, William Riddle, was holding the North part of these two same lots. These memoranda are from hearsay, perhaps from the father himself who has paid me some arrears. He paid me one pound five shillings, and I agreed with him to wait for a balance of arrears of *rentes* which were to be paid in three Instalments yearly. This balance was Three Pounds Fifteen Shillings.

Lots 21, 22, 23 and 24 of South West Ste. Angélique have none of them ever been conceded. William Riddle, Senior, told me that he bought lot 23 from the widow Carruthers. I have no other land to William Riddle on my Terrier. There is no other William Riddle on my Terrier.

Neither of them is proprietor—but in as far as they have paid me arrears of *cens et rentes*, I consider them as proprietors. Neither the father nor the son has a deed nor a promise in writing or otherwise from me, of a deed for these lots: nor for any land in the Seigniory. He is mentioned for lots 23 and 24, South West Ste. Angélique. He is entered here as William Riddle, Senior. I am led to believe that this last William Riddle, Senior, is a different man from the William Riddle, Senior, I first mentioned, from the fact that the last one is

entered as "*pauvre*" and as having paid me Ten Shillings, which Ten Shillings is entered in a different place from that in which the first William Riddle is entered. I find as a Memorandum on my Terrier by which I see that a man of the name of William Riddle only is entered for lot 30 South West Ste. Angélique, which he is said to have purchased from Joseph MacRiff for £13 10. This name I have heard from some Irishmen as spelled "MacKreath." The same William Riddle, in the same last Memorandum, is said to have taken the *procés uerbal* for lots 34 and 36 South West Ste. Angélique. I see the name William Riddle in a Memorandum also mentioned under lot 35 South West Ste. Angélique. I cannot say that the same William Riddle is intended by each entry—I have no William Riddle down in my Terrier as the proprietor of any lot—None of the lots which I have mentioned in connection with the above names "William Riddle," "William Riddle, Senior," and "William Riddle Junior," have ever been conceded to any one.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to	Description on Poll.	Residence	Quality in wh. he voted	Description of Prop'y on Poll.	No. of Objn's
361	15	Edward McReth	Farmer	Mille Isles	Proprietor	Lot of Land	1 2 3

WILLIAM STUART.—I know him—He is rated for No. 40 in 1st range of Ste. Angélique, valued at £30. He occupied that property at the time of the Election—has done so for a considerable time, I believe, and does so still for all I know. I know of only one man of that name in the Parish. I dont know that he has any other property.

J. L. DEBELLEFEUILLE.—I do not know him—No man of that name is on my Terrier as proprietor. On having my attention called to lot No. 40 of South West Ste. Angélique, I find the name "Edward McKreth" for that lot. Some one has told me that he was holding that lot, and I made the Memorandum in pencil. No consession-deed has been granted for the lot. I have no other Memorandum on my Terrier of his holding any other lot. I have no other Edward McKreth on my Terrier.

CROSS-EXAMINED.

The entry respecting Edward McKreth 361 objected, and 15 of the poll is as follows:—"S O. Côte Ste. Angelique, No. 40, Ed. McRiff."

"Ed. McRiff" is in pencil.

Evidence in Rebuttal.

G. N. ALBRIGHT.—I know him—He occupies No. 40 in 1st range of Côte Ste. Angélique, valued at £70.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence.	Quality in wh. he voted	Description of Prop'y on Poll.	No. of Obj'ns.
362	17	William Ford	No evid.				
363	18	John Crethers	Farmer	Mille Isles	Proprietor	House & Land	1 2 3

WILLIAM STUART.—I can make the same remark with respect to him as to Robert Crethers, 354 objected. He is rated as owner and occupant of lot 33 in 2nd range of Ste. Angélique. I believe he occupied property at the time of the Election; but I never was on it or saw it.

J. L. DEBELLEFEUILLE.—I do not know a man of that name—He is not on my Terrier.

Lot No. 33 in North East Ste. Angélique has never been conceded. I find a Memorandum that one Thomas Pratt originally got the *procés verbal* for that lot, and in 1853 I have written on my *papier Terrier* that I was under the impression that William Hughes was occupying this lot since about six years.

Evidence in Rebuttal.

G. N. ALBRIGHT.—I know him—He has lot 33 in 2nd range of Côte Ste. Angélique. He is a married man and lives on that lot. His mother lives with his brother Robert.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence	Quality in wh. he voted	Description of Property on Poll.	No. of Obj'ns
364	20	Mathew Crethers	Farmer	Mille Isles	Proprietor	House & Land	1 2 3

WILLIAM STUART.—I give the same answer with respect to Matthew Crethers as to my knowledge of him and the property he occupied, as I have given in respect of John Crethers. He is rated as owner and occupant of South half of 27 in 1st Ste. Angélique, valued at £20.

J. L. DEBELLEFEUILLE.—I do not know him—He is not on my Terrier as proprietor of any land; but I have written on my "Terrier" that one Matthew Caruthers sold one-half of Lot 27 South West Ste. Angélique to one William Riddle.—There is no concession for lot 27 at all. I have him down for nothing else—I have no other Matthew Crethers on my Terrier.

Referring back to him, I find that though he does not appear on my Terrier as proprietor, I merely find that I have heard that either he or Joseph Chapman was living on lot No. 26 South West Ste. Angélique, which lot has never been conceded.

CROSS-EXAMINED.

I find the entry in my *Cahier* as follows:—"S. O. Côte Ste. Angélique,

No. 27, Matthew Corathers or Creders—Mathew Corathers a vendre la moitié, de ce No. 27 à William Riddle."

The words "William Riddle" are in pencil.

I find on lot 26 of the South West Côte Ste Angélique the following entry:—"Joseph Chapman, No. 26, Mathew Corathers 7 y demeure, pauvre."

Evidence in Rebuttal.

G. N. ALBRIGHT.—I know him—He occupies the fronts of lots 38 and 39 in 1st. range of Côte Ste. Angélique. At the time of the Election a person of the name of Good occupied lot 27 in the first range of Côte Ste. Angélique.

CROSS-EXAMINED.

It is the South-half of lot 27 that Good had at the last election, because I was told so; that is all I know about it.

I know that Mathew Crethers did not occupy half of lot 27 at the time of the election, from what people told me about this lot.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence	Quality in wh. he voted	Description of Prop'y on Poll.	No. of Obj'ns
365	24	Samuel Pollock	Farmer	Mille Isles	Proprietor	House & Land	1 2 3 9

WM. STUART.—I do not know any man of the name of Samuel Pollock, holding land at the time of the election. I do not find any such man on the Roll.

J. L. DEBELLEFEUILLE.—I do not know him. He is not entered on my Terrier as proprietor, nor does he appear on it at all.

In rebuttal.

G. N. ALBRIGHT.—I know him. He has lot 14 in 1st range of Ste. Angélique, which he acquired from Andrew Elliott, about two years ago. I would value this lot at £120.

CROSS-EXAMINED.

I cannot state how long I have known Samuel Pollock, of whom I have spoken yesterday. I think I ascertained that he held lot 14 in 1st, Ste. Angélique by being told so by Elliott and others.

Question.—Can you swear that said lot No. 14 in 1st range of Ste. Angélique is not John Pollock, junior's?

Answer.—To the best of my knowledge it is not. It was shewn to me some time ago, before my last visit, as Samuel Pollock's, I was over it and at the house; but I did not see Samuel Pollock there. I know there are a

great many Pollock's, but I do not know what there Christian names are ; whether they are Samuel or Solomon. The knowledge I have of Samuel's lot, is from what I was told.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence	Quality in wh. he voted	Description of Property on Poll.	No. of Obj'ns
366	25	Joseph McReth	No evid.				
367	28	James Chapman	Farmer	Mille Isles	Proprietor	House & Land	1 2 3 14

WILLIAM STUART.—I know a family of Chapmans whose names are John, Joseph, and Jehu, and, I think, James, but I am not sure—at least I think one is named James ;—but I don't personally know what property any of them occupies. James is not on the Roll.

J. L. DEBELLEFEUILLE.—I do not know the man—He does not appear on my *Papier Terrier* anywhere. He is not on my Terrier as proprietor, and I am not aware that he appears there at all.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence.	Quality in wh. he voted.	Description of Property on Poll	No. of Obj'ns.
368	32	John Chapman	Farmer	Mille Isles Côte Ste. Angeliq	Proprietor	House & Land	1 2 3 10 14

WM. STUART.—I believe there is such a man, brother of Joseph and Jehu above mentioned. I find him rated as owner and occupant of lot 25 in first range of Ste. Angélique. I do not know any other John Chapman in the Parish.

J. L. DEBELLEFEUILLE.—I do no know him—He is not on my Terrier as proprietor of any lot. He does not appear on my Terrier at all.

With reference to lot No. 25 in South West Ste. Angélique, I was told that the widow James Chapman was living on it. This is a Memorandum on my Terrier. This lot has never been conceded.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence	Quality in wh. he voted	Description of Prop'y on Poll.	No. of Obj'ns
369	34	John Morrow	Farmer	Mille Isle	Proprietor.	House & Land	1 2 3

WM. STUART.—I know him—He is rated on 6 and 7 of Côte Ste. Marguérite. He occupied this property at the time of the Election, and from 7 to 10 years previous. He occupied no other property. There is no other man of that name to my knowledge.

J. L. DEBELLEFEUILLE.—I do not know him---He is not on my Terrier as proprietor. I have written on my Terrier that John Heally sold his "improvements" made on Lot No. 6 in Ste. Marguérite to John Morrow, and that said John Morrow was living on this lot. I have a Memorandum under lot No. 7 of Ste. Marguérite that on the 29th April, 1853, the said John Morrow for the lot No. 7 in Ste. Marguérite made in my favor a Note of Hand for the sum of Three Pounds for arrears of *cens et rentes* on the lots, and he pretended to have made a clearance on the lot No. 7, and I have written also that one John Hayle was in possession of it. Neither of the lots 6 or 7 have been conceded.

Evidence in Rebuttal.

G. N. ALBRIGHT.---I have seen him at his place. He occupies lots 6 and 7 in Côte Ste. Marguérite, which are each worth £50. I have been over the lots.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence	Quality in wh. he voted	Description of Prop'y on Poll.	No. of Obj'ns
371	38	James Noble	Farmer	Mille Isles	Proprietor	House & Land	1 2 3

WM. STUART.---I know him. He is rated as owner and occupant of 12 Ste. Eustache West. He has been there for the last twelve years and is so still. He owned at the time of the Election no other property, and I know no other man of that name in the Parish.

J. L. DEBELLEFEUILLE.—He is not on my Terrier as proprietor. I have a memorandum that he has since about twelve years a *procés verbal* for lot 12 in Cote St. Eustache West: that he has several times paid me *cens et rentes* for this lot. This lot has never been conceded. I have no other land to him. There is no other man of that name on my Terrier.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to	Description on Poll.	Residence	Quality in wh. he voted	Description of Prop'y on Poll.	No. of Objn's
372	40	John McClure	Farmer	Mille Isles	Proprietor	House & Land	1 2 3

WILLIAM STUART.—I know two of the name, father and son. I believe it was the young man who voted. The young man did not live on his father's property at the time of the Election. He was working out at that time as a laborer for his livelihood with different neighbors. The old man had the property at the time of the Election, and has since sold the property as I am informed. I think the young man is more than of age. From his appearance he is 23 years of age. The property entered on the roll to John McClure as No. 3 in the first range of Ste. Angélique, is the property I refer to as the property of the old McClure, and I know the family and the property well. I know of no other John McClure in the parish. They have no other property in the parish.

J. L. DEBELLEFEUILLE.—I do not know him. He is not on my Terrier as proprietor. I think he is not on it at all. I find as to lot No. 3, south west Ste. Angélique, a memorandum that John McClure was living on that lot, and that he has paid me, by John Phelan, two pounds currency on 19th October, 1852. I have received from the said John Phelan his prommissory note for the balance of *cens et rentes*. The said John Phelan is in the said memorandum stated to be the possessor of the said lot. This Lot No. 3 has never been conceded. I have no other land to the said John McClure. I have no other John McClure in the Terrier.

No Evidence in Rebuttal.

G. N. ALBRIGHT.—I know him. He holds lands in the first range of Ste. Angélique, or did hold land there at the time of the Election. It is worth £100, and he has good building on it.

CROSS-EXAMINED.

He is not in Mille Isles at present, I cannot say whether he was there or not at the time of the Election.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence	Quality in wh. he voted	Description of Property on Poll.	No. of Obj'ns
373	41	Edward Beatley	Farmer	Mille Isles	Proprietor	House & Land	1 2 3

WILLIAM STUART.—I know him. He is on the roll as owner and occupant of 19 and 20 Ste. Marguèrite. He was living on the property several years before the Election. There is only one man of that name in the parish that I know of. He occupies no other property that I know of.

J. L. DEBELLEFEUILLE.—I do not know him. He is not on my Terrier as proprietor. I heard he was living on lot No. 18 or No. 19 in Cote Ste. Marguérite. Neither lot 18, nor 19, nor 20, has ever been conceded. I have no other person of that name on the Terrier. He is nowhere else on the Terrier.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence	Quality in wh. he voted	Description of Property on Poll.	No. of Obj'ns
374	44	John Riddle	Farmer	Mille Isles	Proprietor	House & Land	1 2 3

WILLIAM STUART.—I know him. He is entered as owner and occupant of 36 and 37 in the 1st range of Ste. Angélique. He occupied this property for several years before the election. I dont know precisely what property he occupies. I know no other man of that name in the Parish.

J. L. DEBELLEFEUILLE.—He is not on my Terrier, as proprietor. Lots 36 and 37 in South-West Ste. Angélique have never been conceded. The same numbers in North-East Ste. Angélique are unconceded.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence	Quality in wh. he voted	Description of Prop'y on Poll.	No. of Obj'ns
375	45	Joseph McMahon	Farmer	Mille Isles Cote Ste. Angeliq	Proprietor	House & Land	1 2 3

WILLIAM STUART.—I do not know him. There are McMahons who live in the last range of the Gore, or in the first of Mille Isles. I do not find him on the Roll.

J. L. DEBELLEFEUILLE.—He is not on my Terrier as proprietor, neither is he there at all. I never heard of him.

Evidence in rebuttal.

G. N. ALBRIGHT.—I know him. He occupied two lots, I think 41 and 42 in 1st range of Ste. Angélique. There are buildings on the lots. I saw him there seven years ago.

CROSS-EXAMINED.

He was on lots 41 and 42 in Ste. Angélique 7 years ago; but I did not see him there, but I know he was there, having passed and having been told that he lived there. I never saw him on the lots.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence.	Quality in wh. he voted	Description of Prop'y on Poll.	No. of Obj'ns.
376	47	Robert Bailey	No evid.			House &	1 2 3
377	49	James Riddle	Farmer	Mille Isles	Proprietor	Land	4 5 6

WM. STUART.—I know him.—He is rated as owner and occupant of 30 in 1st Ste. Angélique. He has occupied the property for several years

past, and still does so. I do not know of any other man of that name. I do not know of his owning or occupying any other property.

J. L. DeBellefeuille.—He is not on my Terrier as proprietor. On referring to lot 30 South West Côte Ste. Angélique, I find it is unconceded. I merely find that a long time ago I wrote the name of James Riddle opposite that lot, from which I supposed that such a man held that lot.

Evidence in Rebuttal.

G. N. Albright.—I know him—He is on lot 30 in 1st range of Ste. Angélique which he purchased from MacKreath a long time ago—It was one of the 1st lots settled, I think. It was settled about 24 years ago.

CROSS-EXAMINED.

I did not see James Riddle on my last visit.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence.	Quality in wh. he voted	Description of Prop'y on Poll.	No. of Obj'ns
378	50	Alexander Toil	Farmer	Mille Isles Côte Ste. Marg'te	Proprietor	House & Land	1 2 3 14

Wm. Stuart.—I do not know a man of the name of Alexander Toil, 378 objected and 50 of Poll, holding land in the Parish I don't know any man of that name in the settlement—He is not on my Roll. I think it must be an error for "Sandy Ivils," who is entered on Roll as owner and occupant of 35 in Ste. Marguérite, valued at £22. He occupied land in the Côte Ste. Marguérite at the time of the Election, but I do not know what lot.

J. L. DeBellefeuille.—With reference to Alexander Toil, 378 objected and 50 of Poll, he is not on my Terrier. I never heard of such a man. With reference to lot 35 Ste. Marguérite, I find that I have a Memorandum that one Alexander Ivil held that lot 1853. There never was granted a concession-deed for this lot. I have no other land to Alexander Ivil.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence	Qualtty in wh. he voted	Description of Property on Poll	No. of Obj'ns
379	51	David Hammond	No evid.				

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence	Quality in wh. he voted	Description of Property on Poll	No. of Objn's
359	11	Robert Kerr	Farmer	Mille Isles	Proprietor	House & Land	1 2 3 10 16
380	53	Robert Kerr	"	Mille Isles Côte ste. Marg'ite	"	"	1 2 3 10 12 16

WILLIAM STUART.—I do not know him personally, but he is rated on the roll as owner of Lot 25 in Cote Ste. Marguérite, valued at £40. He lived there at the time of the Election. I do not find him assessed for any other property. I know only one of that name.

ANDREW ELLIOT.—I know a Robert Kerr living in Cote Ste. Marguérite.

J. L. DEBELLEFEUILLE.—I do not know him. His name is entered nowhere in the *papier terrier*.

With reference to Lot No. 25 in Cote Ste. Marguérite, I find in my *Papier Terrier* that a Deed of Concession has issued for that Lot 21st March, 1845, to James Day. I do not believe there has been any transfer. I sued him for the Court term in September, 1856, for *cens et Rentes*, but I do not know whether Judgment has been obtained against him yet or not. I think it has.

With reference to Robert Kerr, 380 objected List, I have stated all I know of him in speaking of Robert Kerr before.

Question.—Look at the Poll book and see what is the number on the book after the name Robert Kerr to which you spoke before?

Answer.—I do not remember of having spoken of Robert Kerr as proprietor or possessor of any land in my part of the Seigniory. I do not see any man of the name of Robert Kerr as proprietor on my Terrier.

Lot number 25 in Cote Ste. Marguerite was conceded on the 21 March, 1845, to one James Day. There has been no transfer of this lot. I sued him in the Court term of September, 1856, for *Cens et Rentes* as I stated in the former part of my deposition.

ANDREW ELLIOT.—I know only one. There are other Kerrs, but I do not know their Christian names. There may be a Robert among them.

Evidence in Rebuttal.

GEORGE N. ALBRIGHT.—I know Robert Kerr. There are two of that name.

CROSS-EXAMINED.

I have seen the two Robert Kerrs, of whom I have spoken, the last time I was in Mille Isles. I cannot say whether they are father and son or not. They are both middle aged men. I know myself that they are both Robert

Testimony of Witnesses having reference to the votes in this Parish, from 54 to 95, inclusive: and specially to the hour at which they were inserted in the Poll Book; the mode in which they were polled, and circumstances generally under which they were illegally and surreptitiously placed on the poll.

WM. STUART.—(Agent for sitting Member.) I was at the poll all the time, representing the sitting Member. I cannot say, from recollection, whether I saw any of these boys and persons unknown to me vote at the election. I cannot recollect whether I saw my sons William and James, the boys already spoken of vote at the said election; but I saw them in the crowd. I do not remember whether I saw any of the boys that I have spoken of in my deposition, vote, or whether I saw them among the crowd about the poll. I will state how the thing occurred. The poll was held in a school house. There was a railing put across it, on the outside of which there was a crowd and within it the Deputy Returning Officer and Clerk, and myself, Mr. Snowdon and Mr. Brophy. The names of these boys and persons were given in from the crowd by some person or persons in it; but whether by the boys themselves, or some other person or persons speaking in their names, I cannot tell. It was on the morning of the second day's polling, and before Mr. Snowdon came, that this sort of thing commenced. The voices came from the crowd, I could not see the persons from whom came the names; but the Deputy Returning Officer who was on an elevated seat might have seen them. The place was full of people, and they voted from where they stood, as I believe, without separately coming up to the railing in front of the returning Officer, though they could have done so with a little exertion. While Mr. Snowdon was there the voters generally came to the railing to give their votes; but this morning there was a rush and a hurry to get down as many votes as possible before he arrived to prevent his scrutinizing them. The reason of this means being adopted, was that word came to the place, as I understood, during the night after the first day's polling that all kinds of bad votes, imaginary persons, dead men and the like were being fraudulently put on the Poll Books for the Petitioner at Chatham and St. Andrews and other places, and that it was necessary to make similar exertions for Mr. Bellingham at Mille Isles, to counterbalance these illegal votes for Mr. Abbott. I could not say how many votes were thus put on the Poll Book, but there were a good many. Mr. Snowdon was past the time in coming up, as I have heard, a full half hour, and, as I have stated, they made the best of their time in so recording votes.

CROSS-EXAMINED.

The poll was opened both days at 9 o'clock, as I was informed by the Deputy returning Officer; I had no watch of my own. I was present both days when the poll was being opened. On the morning of the second day of polling, I went to the Polling Booth, and finding that I was too early and that the poll was not open (although there were people about the poll,) I went to a neighbor's about

SPECIAL EVIDENCE.

Kerrs. I was told they were both called Robert before I went out this last time; and I know they live in Ste Marguérite because I have seen places there which people told me were the Kerr's. I am not certain that I saw either of them at my last visit. I cannot say at what last previous time I saw these Kerrs, or either of them. I cannot say how long it is since I have seen them. I cannot remember whether I have seen them within the last year. I cannot swear that I have seen the Kerrs within the last three years.

The Hon. Judge Commissioner is of opinion that Vote No. 359 is good, and Vote No. 380 is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence	Quality in wh. he voted	Description of Property on Poll	No. of Obj'ns
381	54	John Maxwell	Farmer	Mille Isles	Proprietor	House & Land	1 2 3 12

No special evidence adduced. The Hon. Judge Commissioner expresses no opinion as to objection 12.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter Objected to.	Description on Poll.	Residence	Quality in wh. he voted	Description of Property on Poll	No. of Obj'ns
382	55	Richard Hughes	Farmer	Mille Isles	Proprietor	House & Land	1 2 3 12

WILLIAM STUART.—I don't know any man of that name holding land in Mille Isles. I do not know him. He is not on roll.

J. L. DEBELLEFEUILE.—I have not such a man as proprietor on my terrier. He is not on it at all. I never heard of such a man.

ANDREW ELLIOTT.---I know several Hughes in Mille Isles, but I do not know their Christian-names. I do not remember seeing any of them vote on the morning of the second day, but they might.---(*See No* 382, *Wm. Hughes.*)

L. BROPHY.---I know a Hughes, but I do not know what his Christian-name is.—(*See Wm. Hughes.*)

THOS. STRONG.---There may be a Richard Hughes in Mille Isles, but I do not know him.

Evidence in Rebuttal.

G. N. ALBRIGHT.---I know him---He has lot 21 in 1st range of Côte Ste. Angèlique, which I consider worth £60.

three acres from the poll more or less, where I stayed some time and had a smoke. While I was at this neighbors the clock struck nine and upon looking at the dial I found that it was nine by the clock. I then thought it was time for me to be at the poll, as I was acting as Mr. Bellingham's agent. I then hastened to the poll, and when I came there the poll was not yet opened. I there found Mr. Elliot, the Deputy returning Officer, outside of the poll, in conversation with some of the parties standing about, and I told him I thought he should be in his place. He then took out his watch and looking at it, said it was not nine o'clock yet, and that he would open and close the poll by his watch. After some time he went into the booth and took his seat, and holding his watch in his hand for some time, and looking at it he said it was 9 o'clock, and announced the poll to be open.

With the exception of a full half hour (as I was informed by those holding watches,) during the morning of the second day of polling, Mr. Snowdon was at the poll the whole of the two days.

LAURENCE BROPHY.—I know that on the first day of the Polling at the close of the Poll, there were fifty-two votes polled for Mr. Bellingham and none for Mr. Abbott. To the best of my knowledge, the second day I arrived at the Poll about half-past eight o'clock, but I had no watch on me. I judge of the time we arrived at the Poll from the fact that I started in company with Mr. Snowdon, who represented Mr. Abbott at the Mille Isles Poll, from the house of one Edward Elliott, at break of day; in fact we could hardly tell whether it was night or day. We then drove to the Poll, which, at the outside, was not over two miles and a half from said Edward Elliott's. We drove quickly, and could not have been more than half an hour in reaching the Poll. On arriving at the poll we found the Returning Officer and Poll Clerk and a few people outside the poll. Those outside the poll arranged themselves in front of the doors to prevent us entering. I heard them inside calling votes as fast as possible. We repeatedly called out to the Returning Officer to be permitted to enter. It may have been twenty minutes or half an hour before we got into the poll booth. While standing outside I heard them calling out the names of boys and children. In one instance a boy of the name of McClinchy was called out; and I called out to the Deputy Returning Officer that the boy was then three miles from the poll, and not to put his name down, but to give us some kind of fair play. After a time we got into the poll booth and I then found that eighty-four votes, to the best of my memory, were recorded on the poll book. On the first day of the polling, we waited and took breakfast after the time at which we started on the second day. We drove at aabout the same rate and reached the poll about half an hour before it was open. On the evening of the first day, I reminded Mr. Snowdon, that we had been half an hour too early the first day—he said " it is no matter " we will be early there to morrow. There was no difference in the

SPECIAL EVIDENCE.

CROSS-EXAMINED.

I know William and Richard Hughes very well. I cannot say whether or not they live together on lot No. 20 of 1st range of Côte Ste. Angélique. I swear that William lives either on 20 or 21. I swear that Richard Hughes has either 20 or 21---I know that personally. I think that William has 20 and Richard has 21. There is a house on each lot. I will not swear that Richard has a house on either lot. I know that William has one of the lots and Richard has the other, because I saw them there and they told me. This is all I know about their title. I think Richard is the brother of William. Richard is a young man. I cannot say whether he is under or over twenty years. He is not under twenty, judging from his looks. I did not ask his age.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence	Quality in wh. he voted	Description of Prop'y on Poll.	No. of Obj'ns
383	56	Thomas Hammond	Farmer	Mille Isles	Proprietor.	House & Land	1 2 3

WM. STUART.—I don't know a man of the name. He is not on the Roll.

J. L. DEBELLEFEUILLE.—He is not on my Terrier, nor is he on the Terrier at all. I never heard of such a man.

L. BROPHY—I know a boy of that name; I did not see him at the Election—He might be twelve or fourteen years of age. I know no man of the name of Thomas Hammond holding land in Mille Isles.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence.	Quality in wh. he voted	Description of Property on Poll	No. of Obj'ns
						House &	1 2 3
384	57	Robert J. Pollock	Farmer	Mille Isles	Proprietor	Land	12 16
385	58	Robert Pollock	"	"	"	"	1 2 3
							12 16
427	103	Robert Pollock	"	"	"	"	1 2 3 10

WM. STUART.—With respect to Robert J. Pollock, I know two Robert Pollocks one a young man, living with his father—the other is rated as owner and occupant of lot 22 in 2nd range Côte Ste. Angélique. The

GENERAL EVIDENCE.

weather in the two days to make a difference in the time in which day light would appear. The roads were better the second day than the day previous. To put it at the outside, I do not think that we arrived at the poll on the second day later than half past eight o'clock in the morning, and I do not think it was so late.

CROSS-EXAMINED.

I was at the poll the whole of the first day, both at the opening and closing of the poll. The poll was opened by the Deputy Returning Officer, by his own time. He had a watch, but he stated that he was not sure of his time, and said that he would like to get the time from some neighboring clock, which he did, and he said he thought neither of them were right, but his own the nearest and by his own he opened the poll and closed it.

The second day he closed the poll by his own time. Edward Ellicott, with whom Mr. Snowdon and I were staying, had no clock. He might have had a watch, but I do not think it was going.

Neither Mr. Snowdon nor myself had a watch. To the best of my knowledge it was Mr. Snowdon who made two memoranda of the number of the votes on the poll book at the close of the poll the first day. He handed one of these memoranda to me and kept one himself. I had the memorandum some time ago, and several times since. though I have it not with me now, and I am confident of what I said of it. The number of votes polled on the first day was fifty-two. I think it took us half an hour nearly, the second morning to drive from Ellicott's to the poll booth, as the roads were bad. There were about fifteen people to the best of my recollection around the poll booth on the morning of the second day when I arrived there. These were outside of the poll and came against us. I cannot say how many were inside the poll. I could not tell all the people that were there, but I could tell a good part of them. The number of votes that were on the poll book when we arrived on the morning of the second day were to the best of my recollection eighty-four. We, that is, Mr. Snowdon and myself, then compared our memoranda with the number on the poll book, and then commenced to argue our case how they had put so many votes on the poll book. I will swear positively, that the number of votes was eighty four on the second morning. I saw it with my own eyes. I went up to the Poll Clerk and demanded from him the state of the poll which he gave me to the same effect.

When I arrived at the poll the morning of the second day, I heard several names called. I could not tell the number. I was in a wrangle to get in. I can say that there were more than three called. I heard them call and answer, call and answer from every corner of the room.

Question.—Can you say that you heard six names called.?

Answer.—To the best of my opinion there were more than six names called; I will not say that I heard ten names called.

SPECIAL EVIDENCE.

latter only is on the Roll. The first may have an "I" in his name—I cannot say. I do not know of the young man's owning any property—He is unmarried and lives with his father. I know no other Robert Pollock. The said Robert occupied the said lot for several years and still continues to do so. I do not know of his having any other property. I have said all that I know about Robert Pollock, 385 objected list and 58 of Poll in speaking of 384 of objected list. I do not remember whether either of them voted, but I believe that Robert Pollock 58, who holds the land, voted. I saw him in the crowd about the Poll, and I believe he came for the purpose of voting.

L. BROPHY.—I know only one Robert Pollock—I know no Robert I Pollock.

J. L. DEBELLEFEUILLE.—Robert I. Pollock is not on the Terrier at all; Lot No. 22 in North East Ste. Angélique has never been conceded, but Robert Pollock has paid me arrears of *rentes* for this lot in 1854 for the years 1852 and 1853.

Robert Pollock is in possession of lot 22 North East Ste. Angèlique. He has paid me some arrears in 1854 for 1852, and I consider him as proprietor. The lot has never been conceded, neither has a *promesse de concession* been granted. He has no other land. There is no other of the name.

Evidence in Rebuttal.

G. N. ALBRIGHT.—With reference to Robert Pollock, I know three of that name. One only of them is married. The other two are young men grown. They all hold land in Mille Isles. The married one lives in 2nd range of Ste. Angélique, and the two young men hold land in the 1st range. I was at their places, and over the whole of them.

The Hon. Judge Commissioner is of opinion that these three votes are bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence	Quality in wh. he voted	Description of Property on Poll.	No. of Obj'n's
386	59	Robert Hill	Farmer	Mille Isles	Proprietor	House & Land	1 2 3 12 16
390	63	Robert Hill	"	Mille Isles	"	"	10 12 16

WILLIAM STUART.—I do not know of such a man holding land in Mille Isles. I cannot find his name on the Roll. I know only one Hill holding land in the settlement, whose name is James and he may have a boy of the name of Robert.

GENERAL EVIDENCE.

All this time I was outside the polling booth and there was a crowd between me and the door of the poll booth.

While waiting outside the poll the morning of the second day, I heard Mr. McCullogh, (to the best of my knowledge it was Mr. McCullogh, but I am not certain because I could not see him) the Clerk, to the Deputy-Returning Officer, call out for instance John McClinchy, and I heard some one in the house call out, "Here." I heard the crowd inside the poll and outside then cry out, "Put it down," "Write away," "Now is the time." I did not hear them ask who they voted for. I cannot say whether the votes were put down for Mr. Abbott or for Mr. Bellingham; but I found afterwards on the Poll-Book that there were no votes for Mr. Abbott.

We took our breakfast before we started the second day.

I did see Mr. Snowdon take down the Memorandum of the number of votes recorded on the Poll-Book at the close of the poll the first day. We both stood by the Poll-Book when Mr. Snowdon took this Memorandum which he handed to me, and on which was the number 52. After we got home from the poll-booth on the afternoon of the second day after the poll was closed, we went to a neighbor to enquire the time, and the answer was that it was not five o'clock yet. I did not go myself; and I do not remember whether it was Mr. Snowdon himself or his brother who went to inquire. Mr. Snowdon's brother, who had come to take Mr. Snowdon home, had a watch with him, and by it, it was a quarter to five o'clock. I did not look at the watch myself. He told me that it was a quarter to five.

ANDREW ELLIOTT, of the Parish of Jerome, or Mille Isles, farmer: I was Deputy-Returning Officer for the poll held at Mille Isles during the last Election for the County of Argenteuil. To the best of my knowledge there were something about fifty votes polled when the poll closed on the afternoon of the first day; I cannot speak positively as to the exact number. If I saw the original Poll-Book, I might tell something about it; but I cannot speak anything from this copy now shewn to me, and which has been filed in this matter. I do not believe that this copy begins as we began. Having looked at the copy of the Poll-Book, I cannot point out any name as the name of the first person whom I remember to have voted on the second day. I remember that the first man that voted on the first day was Joseph Elliott, and that is all I remember about it. I know that some votes were taken down the morning of the second day of polling before Mr. Snowdon, Mr. Abbott's Agent, arrived at the poll that morning. I cannot say how many:—The poll had been open about half an hour that morning before Mr. Snowdon arrived. I cannot say whether ten or twenty votes were taken down before he came.

Question.—May there have been thirty or forty votes taken that morning before Mr. Snowdon came?

SPECIAL EVIDENCE.

L. BROPHY.—I know no man of that name; but I know a man named James Hill.

THOMAS STRONG.—I do not know them.

J. L. DEBELLEFEUILLE.—With reference to Robert Hill, he is not on the Terrier as proprietor. He is not on it at all. I never heard of him at all.

The Hon. Judge Commissioner is of opinion that both these votes are bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter Objected to.	Description on Poll.	Residence	Quality in wh. he voted	Description of Property on Poll	No. of Obj'ns
387	60	John Sheals	Farmer	Mille Isles	Proprietor	House & Land	1 2 3 12 14

WILLIAM STUART.—I do not know him. I do not know of such a man either holding land, or being in Mille Isles. He is not on the Roll.

LAWRENCE BROPHY.—I neither know nor have I ever heard of such a man.

J. L. DEBELLEFEUILLE.—I make the same answer, as I did with reference to Robert Hill preceding.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence	Quality in wh. he voted	Description of Property on Poll.	No. of Obj'ns
388	61	William Stewart	Farmer	Mille Isles	Proprietor	House & Land	10 12
389	62	James Stewart	"	"		"	1 2 3 12

WILLIAM STUART.—With respect to William Stewart, 61 of Poll, I know of no other William Stewart than myself, holding land in Mille Isles, or any Stewart of any other Christian names. I have a son named William. He is a lad living with me. He has no land in Mille Isles. The William Stewart rated on Roll, as owner and occupant of 5 and 6 Cote St. Eustache West is myself.

There is no James Stewart holding land in Mille Isles to my knowledge, nor is he on the Roll. There is a James Stewart, a son of mine, younger than William, living with me. He has no land. He is 13 years old, and William is nearly 15 years old. In speaking of the two last persons objected, having no land, I refer to the time of the last election. These two lads are my sons.

THOMAS STRONG.—With respect to William Stewart 61 of Poll, and James Stewart, I know two boys of those names. They are sons of William Stewart, the present Secretary-Treasurer of Mille Isles. They are not very old

Answer.—I say again there might be ten or twenty so taken down as I have already said.

Question.—Is it not possible that there may have been thirty or forty so taken down?

Answer.—There might have been ten or twenty votes taken down before Mr. Snowdon came.

Question.—Upon the Oath you have taken, will you swear there were not thirty or forty votes taken down before Mr. Snowdon came?

Answer.—There might have been thirty or forty votes so taken down; but I cannot say that there were.

I remember that there was a noise about the poll on the second morning when Mr. Snowdon came to the poll, and he came round to the window and asked me to make way to let him in. I ordered the Constables to make a way for him to get in, and he came in. He came in as fast as he could come round after he spoke to me; as there was no hindrance. Our Polling-Booth was arranged with two poles running across the house from one side to the other. The desk stood behind these poles at about from one to two feet distance: some of the Voters came up to these poles outside and voted; some did not so come up. The crowd at times was so great that they did not get up. They sometimes voted from where they stood in the building. When the Agents wanted to question the Voters, or to put the Oath to them, a way was made for the Voters and they came up to the poles and were so questioned and sworn. I believe that during the first day's polling all the Voters came forward to the bars and gave their votes. During the second day, while the Agents of both parties were present, the Voters came up to the bars and voted. By times they did not so come up,—that is, when the crowd came into the poll. I cannot exactly remember how the voting took place the second morning before Mr. Snowdon came,—some came forward, and some voted from the crowd. I cannot say whether each Voter gave his own name or whether some other person gave in the name for him. The name was then taken down and the Poll Clerk then asked whether there were any objections. On the second day before Mr. Snowdon arrived no person was at the Poll representing Mr. Abbott. I cannot say that I saw each separate Voter as he gave his vote that morning before Mr. Snowdon arrived.

On the morning of the second day, before Mr. Snowdon came, there was some little hurry of the people come from other parts who raised the minds of the people in Mille Isles, telling them what had taken place at some other polling places the first day. This caused the little hurry that morning; so that the people did not come and poll their votes with so much satisfaction as the day before. There was a crowd in the poll and some did not push forward to the bars to vote; but called out from behind the crowd.

SPECIAL EVIDENCE.

boys. They are between twelve or fourteen, or fifteen years of age. I do not know any other William Stewart, than the father of these boys, in Mille Isle.

J. L. DeBellefeuille.—With reference to William Stewart, 61 of Poll, I have a man of that name on my Terrier as proprietor for two lots, 5 and 6 West side Ste. Eustache, by one Deed of Concession. I have only one William Stewart on my Terrier.

I don't know such a man as James Stewart. He is not on my Terrier at all.

The Hon. Judge Commissioner is of opinion that both votes are bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence	Quality in wh. he voted	Description of Property on Poll	No. of Obj'ns
391	64	James Crethers	Farmer	Mille Isles	Proprietor	House & Land	1 2 3 12

William Stuart.—I know the Crether's family, but not personally. He is rated on Poll as owner and occupant of lot 37 in 2nd concession of Ste. Angélique.

J. L. DeBellefeuille.—I do not know the man. He is not on my Terrier as proprietor.

With reference to Lot 37 North East Ste. Angélique, I find I have written on my Terrier the name of John Riddle. This lot has never been conceded.

No Evidence in Rebuttal.

G. N. Albright.—I know him. He occupies lot 37 in 2nd Range of Ste. Angelique. I would value it at £75. He has from 6 to 10 acres cleared. There are several brothers Crethers; and they hold several lots.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to	Description on Poll.	Residence	Quality in wh. he voted	Description of Prop'y on Poll.	No. of Objn's
392	65	William Hughes	Farmer	Mille Isles	Proprietor	House & Land	1 2 3 12

William Stuart.—I know him. He is rated as owner and occupant of 26 and 21 in 1st Ste. Angélique, valued at £40. He has occupied that lot several years, and does so still. I know of no other William Hughes in the parish.

J. L. DeBellefeuille.—He is not on my Terrier as proprietor of any lot;

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I opened the poll the second morning at 9 o'clock by the watch I carried. My watch not being a very correct one, I borrowed one to use during the polling days. I did not set the watch myself, but I took the time it gave; it was set and going when I got it. On the morning of the first day I asked Mr. Snowdon if he had a watch, and he said he had not. We then agreed that the poll should be opened and closed by the watch I had, which was done both the first and second day. I did not alter the watch any time during the two days of polling. I do not know of any person having altered it. Mr. Snowdon said to me that we would go by the watch we had and heed no other watch. Some one made a scoff about the time of my watch. There was, I believe, a man who had an old watch, in the crowd that raised the scoffing; but Mr. Snowdon said to me to pay no heed to them, but to go by my own watch.

Question.—Do you know whether on the second day of polling your watch was very much in advance of the time indicated by other time pieces in the neighborhood?

Answer.—I had not the watch more than these two days of polling, and what she was more than these two days I cannot say; but during these two days she kept correct time with me.

I did not hear any remark made that it was not 5 o'clock after the poll closed the second day. I cannot remember whether it was sun-down or not, when the poll was so closed. There had been an intermission of voting for fifteen minutes, and if more votes had been required to have been taken down, a lighted candle would have been required shortly after.

I borrowed the watch I used at the election, and by which I opened and closed the poll both days, from one of the Kerr's who live in Cote Ste. Marguérite. After the poll was closed the first day, I went home and got to bed. I hung up the watch and went to sleep. No one had possession of the watch the night that intervened between the two days of polling, unless the while I was asleep.

Question.—After the closing of the poll on the first day, and before the opening it on the second day, had you any communication with Mr. Bellingham and was anything said about getting a number of names on the poll book before Mr. Abbott's agent should arrive next morning?

The agent for the sitting Member objects to the question as tending to evidence foreign to the issue, and because even supposing it answered in the affirmative it would not tend to prove any of the objections specified in the Contestant's List of objected votes.

The objection is maintained and the Contestant persisting in having this question put the Commissioner complies and orders the evidence to be taken *de bene* in accordance with the 120 section of the "Election petitions Act of 1851."

The Commissioner also instructs the witness that he is not bound to criminate himself.

Question.—Did Mr. Snowdon arrive on the first day before the opening of the poll on that morning.?

Answer.—Mr. Snowdon did arrive the first day before the poll opened. It might be between five and ten minutes before the poll opened that he arrived. It

SPECIAL EVIDENCE.

but I have written on my Terrier his name as possessor of lot No. 20, South West Ste. Angelique. I find that for some reason or other I have written his name under lot No. 21 in same range. Neither of these lots has ever been conceded, he never paid me a farthing. I have no other William Hughes on the Terrier. His name does not occur elsewhere on the Terrier.

L. BROPHY.—This is the man I had in my mind when speaking of Richard Hughes, 382 objected.

No evidence in rebuttal.

G. N. ALBRIGHT.—I know him. He has lot 20 in the 1st range of Ste. Angélique, which I consider worth about £75. There are buildings and a clearance on it.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence.	Quality in wh. he voted	Description of Property on Poll	No. of Obj'ns.
393	66	Thomas Taylor	Farmer	Mille Isles	Proprietor	House & Land	1 2 3 10 12 16
421	94	Thomas Taylor	"	"	"	"	"
468	48	Thomas Taylor	"	"	Occupant	Land	4 5 6 16

WILLIAM STUART.—I know Thomas Taylor. He is rated as owner and occupant of lots 5 and 6 of concession 2 in Ste. Angélique. He occupied those lots for 15 years back, and does so still. I know no other man of that name. He occupies no other lot to my knowledge. He is the only man of that name who owns land in Mille Isles. There are two boys of the name of Thomas Taylor, one the son of Thomas Taylor, 66 of poll, and the other his nephew. They live with their respective fathers. I am not aware of their holding any land in Mille Isles, and neither of them is entered on the Roll.

J. L. DEBELLEFEUILLE.—I have a man of that name on my Terrier as possessor of lot No. 5 North East Ste Angélique, on which he has paid me arrears of *rentes*, and is in possession of the lot with the consent of the Seignior. He has no deed of concession for the lot; but at the first opportunity, I will give him one on his coming for it I consider him as proprietor. I have sued several of the people on the Seigniory lands as possessors of them, treating them as proprietors by the advice of my Lawyers; I would value Thomas Taylor's lot at about £50. I have been on the lot.

Lot No. 6 in North-East Ste Angélique, has never been conceded. With regard to this lot, I have a memorandum to the effect that this same Thomas Taylor, whom I have reason to believe is in possession of the lot, has told me that he offered the late Owen Quinn £20 for the *procés verbal* of this lot,

GENERAL EVIDENCE.

was not quite dark when we closed the poll the second day. We were able to see clearly to write, but the Clerk had to turn round to the window; that is he had to move round in order not to sit in the light. If there had been any more names to record we would have required a candle. A short time before the poll closed we stopped recording names. It was at that time we stopped recording names, that the Clerk turned toward the light. The Clerk was quite close to the window. I think that on the morning of the second day, Mr. Snowdon and Mr. Brophy, came into the poll together one after the other. I believe Mr. Snowdon came in first. The school room in which the poll was held, was about 16 feet long and 14 feet broad. The bars that divided the room ran across the short length of the room; the door opened and swung full open back to the bars. I used the same watch both the first and second days of polling. I did not compare the time of this watch with Pollock's clock or any clock any where.

CROSS-EXAMINED.

I can say that there were no votes inserted in the poll book after the poll closed on the afternoon of the first day and before the poll opened on the morning of the second day.

Question.—Were there any votes illegally inserted in the poll book for Mille Isles after five o'clock in the afternoon on the 29th day of December last, and before nine o'clock in the forenoon of the 30th day of December last?

Answer.—None.

HOYES L. SNOWDON, of the City of Montreal, Esquire, Advocate:—I acted as Mr. Abbott's Agent at the Mille Isles poll at the last Election. By the watch of the Deputy-Returning Officer, it was ten minutes to ten of the clock of the second day of polling when I got into the poll; but my opinion is that the correct time was about half-past eight when I arrived at the Polling-Booth. I was detained ten or fifteen minutes at the door before I got in. I was detained at the door by several men who prevented my entrance.

Question.—Do you know whether votes were then being recorded in the Polling-Booth, and state what means you took to get in and object to votes being illegally entered in the Poll-Book?

The Agent for the sitting Member objects, first, as to the time being too vague respecting the recording of the votes, and secondly, that the means he may have taken to get in have nothing to do with the present scrutiny ordered, and thirdly, because the question asserts a fact which is to be proved.

OBJECTIONS RESERVED.

Answer.—On arriving there, I heard the Deputy-Returning Officer or Poll Clerk calling out, "Are there no objections," and from that I inferred they were polling votes; but not being able to make my way into the Polling-Booth, I went round to the window and called to the Returning Officer to make the Constables clear the passage. Shortly after I was allowed to enter. When I was at the window, as I say, I said to the Returning Officer that I had objections to

SPECIAL EVIDENCE.

which offer was refused, also that he, Taylor, claimed to have made a clearance on the said lot, previous to 1844. I have no other lands to Thomas Taylor, on my Terrier. I have not more than one Thomas Taylor on my Terrier. I have never heard of more than one.

No deed of concession, or promise of any kind, has been given for either of these lots. Both of these lots remain unconceded. I have only one man of that name on my Terrier.

The Hon. Judge Commissioner is of opinion that these votes are all bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence	Quality in wh. he voted	Description of Property on Poll.	No. of Objns
394	67	Samuel Chambers	Farmer	Mille Isles	Proprietor	House & Land	1 2 3 12

WILLIAM STUART.—I do not know him. I do not know of his owning or occupying any land in Mille Isles. He is not on Roll

J. L. DEBELLEFEUILLE.—He is not on my Terrier as proprietor. I find, however, that there is a memorandum as to lot 30, South West Ste. Angélique, that one William Riddle bought that lot for £13 10s from Joseph McRiff without a *procés verbal*; and that afterwards a man under the name of Chambers, from the Gore of Chatham, had the *procès verbal* of this lot. This lot has never been conceded, nor any *rentes* paid on it.

L. BROPHY.—I neither know nor have I ever heard of such a man as Samuel Chambers, 394 objected List, and 67 of Poll.

Evidence in Rebuttal.

G. N. ALBRIGHT.—I know Samuel Chambers, 394 objected, and 67 of Poll. He has lots 34 and 35 in 1st range of Ste. Angelique. There is a house, outbuildings and pot-ash works on the lot. I would value the premises at £65 or £70.

CROSS-EXAMINED.

I cannot say where I saw Samuel Chambers. I saw him somewhere near his own property. When I say that he has 34 or 35 in Ste. Angélique, I mean that I saw a man near those lots who said his name was Samuel Chambers, and who said those lots belonged to him. I do not know whether they are John Chamber's lots or not. I know nothing about the title except what this man told me. I cannot say whether this man was the son of John Chambers or not. I do not mean to say in my examination in chief that Samuel Chambers has lots 34 and 35, but that this man Samuel Chambers told me that he had one of them.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

GENERAL EVIDENCE.

these votes, and that I would hold him (the Deputy-Returning Officer) responsible if I was not allowed to enter.

When I got into the Poll-Booth, they were at the name of William Day, number 95 of the Poll-Book. The Returning Officer or Poll-Clerk called out the name of William Day to ascertain his occupation, but there was no one there to answer, and therefore there was no objection made and no entry made. The name had been entered, but the rest was in blank and it was so left in blank at the time, the Voter not appearing. The voting of the day before closed at number 53, Robert Kerr. So I have the Memorandum. On the first day's polling each Voter came up individually to the bars to give his vote. After I got into the poll on the morning of the second day, the Voters invariably came up to the bars to give their votes during the whole day.

My reasons for believing that it was about half-past eight on the morning of the second day when we arrived at the Poll are: first, that I started on the first day from Edward Elliott's, where I was stopping—a distance of about three or four miles from the Polling-Booth—about the same time as I started on the morning of the second day, and arrived at the Polling-Booth about half-past eight by the Returning Officer's time the first morning, and I believe I was if anything a little longer time on the road the first morning; secondly, because it was about daybreak when I started the second morning—and I could not have been more than an hour and a-half driving to the Poll; thirdly, when the Poll closed the first day it was dusk—beginning to be dark—and on the second day it was broad day light, although the weather was stormy when the Poll closed. The first day was fine and not stormy. According to a watch I saw, it was not five o'clock when I returned to Elliott's, the place from which I started in the morning. I did not take an hour to return to Elliott's that afternoon—we took much less time to return as the road back was all down hill. It was then just beginning to be dark;—and lastly, because I compared the Returning Officer's watch with the watch of one Michael Ryan, and the Deputy-Returning Officer's watch was an hour and ten minutes faster than the watch of said Michael Ryan.

The Poll was closed by the Deputy Returning Officer's Watch at five o'clock. All the votes from number fifty-three to number ninety-five of Poll were to my belief recorded on the Poll Book either after five o'clock in the afternoon of the first day after the Poll closed, or before I arrived at the Poll the morning of the second day, which I beleive to have been before nine o'clock in the morning of the second day of polling.

CROSS-EXAMINED.

I went from Edward Elliott's to the poll the first day. I had my breakfast before starting, and I went with Laurence Brophy there. The sun was not up when we started the first day. It is about three or four miles from Elliott's to the poll. The road from Elliott's there is a very bad road and up hill. I think

SPECIAL EVIDENCE.

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence	Quality in wh. he voted	Description of Prop'y on Poll.	No. of Obj'ns
370	36	John Ryan	Farmer	Mille Isles	Proprietor	house & land	1 2 3
395	68	William Ryan	"	"	"	"	1 2 3 12
408	81	Richard Ryan	"	"	"	"	1 2 3 9 12
448	137	Michael Ryan	"	"	"	"	1 2 3

WILLIAM STUART.—I know no man of the name of John Ryan, holding land in Mille Isles, and he is not rated on the roll. There is a Thomas Ryan and a Michael Ryan with sons living with them, and they may have a John Ryan among them for aught that I know.

With respect to William Ryan, I make the same answer as I have done with respect to John Ryan.

With respect to Richard Ryan, I know no man of that name holding land in Mille Isles, nor is he rated on the Roll. I say the same with respect to him, as I have done with respect to John and William respectively.

I know Michael Ryan. He is not on the Roll as owner or occupant of any property in Mille Isles He occupied lots 12 and 14 in Cote Ste. Marguérite. He purchased from Robert Dawson (whether one or both of these lots I cannot say,) at £110, and held the property six months before the election.

L. BROPHY.—With respect to William Ryan, I know one William Ryan, son of Thomas Ryan. He is a boy of about 15 years of age, to the best of my knowledge. I know only one William Ryan.

I know a little boy of the name of Richard Ryan. He is, I think, a brother of William Ryan, and is 10 or 12 years of age.

T. STRONG.—I know neither man nor boy of the name of William Ryan.

I know Richard Ryan. He is a boy, son of Thomas Ryan, living with his father. I do not think he is of age yet. I know of no other Richard Ryan.

J. L. DEBELLEFEUILLE—With reference to William Ryan, I do not know him. He is not on my Terrier as a proprietor. He is not on my Terrier, in any capacity.

With reference to Richard Ryan, he is not on my Terrier as proprietor. I do not know him. He is not on the Terrier at all. I never heard of his holding land in Mille Isles.

With reference to John Ryan, I do not know any man of that name.—He is not entered on my Terrier as proprietor. He is not entered there at all.

With reference to Michael Ryan, I give the same answer with reference to him, as to David Morrow immediately preceding.

Lots 12 and 14 Ste. Marguérite have never been conceded.

it took us the first day from an hour to an hour and a half to get to the poll. They had no clock nor watch at Elliott's and neither Brophy nor myself had one. There was no one else accompanying me to the poll. There were no other sleighs. The poll was opened on the first morning by the watch of Elliot, the Deputy-Returning Officer, at nine and closed at five. We returned to Edward Elliott's that evening. This is a different Elliot from the Returning Officer. On the first morning we breakfasted at candle light. I cannot tell the exact place I was when the sun rose the first morning. I think I arrived at the polling booth after sun rise. On the evening of the first day, at the close of the poll, I saw the poll books and examined them. I took a memorandum of the number of votes that were polled that day, that is, I think I gave Mr. Brophy a memorandum to send to St. Andrews. I do not remember whether I kept any memorandum myself or not.

In my examination in chief, I spoke from a memorandum made by me on the morning of the second day only, which memorandum I am satisfied is correct.

The memorandum thus made by me, is entered in my memorandum-book as follows:

"From 53 to about 90—W. Day's name, votes doubtful."

Accounting for the "90" they would not permit me to see the poll-book; but I was satisfied by the name "William Day."

I did not compare the watch of the Deputy-Returning Officer with any other time piece the first day. I left the poll the first day at its close immediately, and it was dark when I reached Elliott's where I was putting up. We took our supper after we arrived there. It was by candle-light. I suppose I went to bed that night about nine or ten o'clock.

I do not remember whether I was awakened by any person, or whether I awoke myself the morning of the second day. I think there was somebody up when I got up. I beleive they were preparing breakfast when I got up. Very shortly after I got up, I think, breakfast was ready, but I cannot tell exactly how long. I think we took breakfast by candle-light. I went out of the house, I think, before we breakfasted. I am perfectly certain it was not day-light. I have not a very clear remembrance whether day had begun to break or not when I was out before breakfast. It did not take us quite so long the second day to get to the poll as it did the first day. The first day we broke our swivel tree, which delayed us somewhat. I never heard that there was any unusual delay the morning of the second day, from any difficulty about getting the harness or bridle. I did not go out to help to harness the horse. We took supper at Elliott's by candle-light also the evening of the second day. It was snowing when we went home the evening of the second day.

I saw Michael Ryan's watch myself, and I am sure it was going. I compared it only with the time of the Deputy Returning Officer, and with no other. This Michael Ryan was not drunk. He voted at the Election. I did not go to any

SPECIAL EVIDENCE.

With respect to said Lot No. 12, I have a memorandum that I heard that one Robert Dawson lived on this lot, and that he has paid me some money on account of arrears of *cents et rentes*. With reference to lot No. 14 I have a memorandum that I heard that one George Woods was living on this lot, but he has never paid me anything on it.

Evidence in Rebuttal.

G. L. ALBRIGHT.—With reference to William Ryan, I know him very well. He holds land in the 2nd range of Ste. Angélique; but I do not know the lot.

CROSS-EXAMINED.

I know the Ryan's of Mille Isles. I know that one William Ryan holds land in the 2nd range of Ste. Angélique. I do not know the number. I saw this William Ryan last week. I had seen him before; but I did not know his Christian name. I saw him somewhere in my travels through Mille Isles; but I cannot remember the spot. This person whom I took for William Ryan, was a young man of between 20 and 30 years of age. I do not remember who told me his name was William. I state he holds land in Ste. Angélique, because several persons and he himself told me so on my last visit. I have no other knowledge of the fact.

The Hon. Judge Commissioner is of opinion that these votes are all bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence.	Quality in wh. he voted	Description of Prop'y on Poll.	No. of Obj'ns.
396	69	Thomas Wilson	Farmer	Mille Isles	Proprietor	house & land	1 2 3 12 14
397	70	Gilbert Wilson	"	"	"	"	1 2 3 12 14

WILLIAM STUART.—I know no man, of the name of Thomas Wilson, holding land in Mille Isles. I know a James Wilson who has a son called Thomas. The lad has no land and he lives with his father.

I make the same statements with regard to Gilbert Wilson, that I have made with regard to Thomas Wilson preceding. Gilbert, however, is the younger of the two; and Thomas and he are the only sons of James, living with him. He has other sons, who do not live in the Parish.

L. BROPHY.—I know neither man nor boy of the name of Thomas Wilson or of Gilbert Wilson.

J. L. DEBELLEFEUILLE.—With reference to ThomasWilson, I do not know him. He is not on my Terrier as proprietor. I do not know of his holding any land in Mille Isles. I can say the same with regard to Gilbert Wilson.

The Hon. Judge Commissioner is of opinion that both these votes are bad.—*Scrutiny.*

of the neighbors to ascertain the time from their clocks or watches. I sent, however, but I got no return of the time.

The memorandum I have spoken of and given in extenso above, I made very shortly after I entered the Poll, and I could not say whether half an hour, an hour, or two hours after. I had taken a memorandam the first day at the close of the Poll of the the votes polled, which I gave to Lawrence Brophy. From this memorandum I concluded that " 53" was the number of the last vote on the Poll Book at the close of the poll on the first day. This memorandum was taken after the close of the Poll. I made the memorandum in my book from the recollection of the one I had given to Brophy the night before. I think the number "53" finished a page on the original Poll Book, but I will not be certain. I was inside of the Poll when I heard the name of " William Day" called, and it was from that that I made the entry. I availed myself of the first opportunity of verifying that no vote had been recorded. I did not hear any name called when I was at the window, asking to be permitted to get in. I only heard some one call "are there any objections." I then called out " I have objections," without specifying them, stating that I would hold the Deputy Returning Officer responsible if I were not admitted to scrutinize these votes. Brophy did not come round to the window with me. I believe he followed me into the Poll ; I then mentioned to him the memorandum I have above spoken of. I did not ask him to verify the above memorandum as I was satisfied it was correct. I do not know whether he did so or not.

I think it was about three o'clock in the afternoon of the second day that I verified my memorandum. I remembered that " William Day's" name was the first vote that was being recorded on my entrance into the Poll Book. My object in verifying was to ascertain whether his vote was recorded, and I found that, as I stated in my examination, neither his occupation, residence, nor vote was recorded.

WILLIAM MCCULLOGH.—I was Poll clerk for the Mille Isles Poll at the election in December last. The Poll was held in a school house, and rails were placed across the short length of the room dividing it in two, one of which divisions the Deputy Returning Officer, myself and the scrutineers of both parties occupied, while the other was left for the voters. These rails came very near the front of the desk on which I was writing. Generally speaking the voters came up to the rails to vote. Sometimes they did not. There might be a few exceptions in which they did not so come up, and very few. Both days the votes generally speaking came up to the rails to vote ; but I will not say that they always did. I cannot say positively how many votes were recorded up to the closing of the Poll the first day ; but I believe there were upwards of fifty. I am sure there were upwards of fifty. I gave a statement of the Poll to Mr. Snowdon, Mr. Abbott's agent, and to the agent of Mr. Bellingham, and also to Mr. Bellingham

SPECIAL EVIDENCE.

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence.	Quality in wh. he voted	Description of Property on Poll	No. of Obj'ns
398	71	Richard Morrow	Farmer	Mille Isles	Proprietor	house & land	1 2 3 12 16
459	155	Richard Morrow	"	"	"	"	1 2 3 14 10 16
399	72	William Morrow	"	"	"	"	1 2 3 12 16
441	127	William Morrow	"	"	Occupant	"	4 5 6 10 16
447	136	David Morrow	"	Côte Ste. Marg'ite	Proprietor	"	1 2 3
450	140	Henry Morrow	"	Mille Isles Côte Ste. Marg'ite	"	"	1 2 3

WILLIAM STUART.—I do not know Richard Morrow nor William Morrow. I do not know either of them holding land in Mille Isles. Neither of them appear rated for any land on the Roll.

With reference to William Morrow, I know him. He does not live in that part of Mille Isles included in the County of Argenteuil. I think he lives either in Dumont Seigniory or Morin. He is not on the roll of Mille Isles, and I do not know of his owning or occupying any land there.

With reference to David Morrow, I know him; he resides in the same settlement as William Morrow and Jeremiah Pollock. He is not on the Roll. I don't know that he occupied at the time of the Election, or occupies now, any property in Mille Isles.

I know a man of the name of Henry Morrow, but he does not live in that part of Mille Isles comprised in the county of Argentéuil. He is not rated on the roll as owner or occupant of any property in Mille Isles. There is no Henry Morrow on the Roll.

L. BROPHY.—With reference to Richard Morrow, I know a man of that name outside of that part of Mille Isles comprised in this county. I know no Richard Morrow in this county.

I say the same with reference to William Morrow. There are three brothers of the name of Morrow living in the same place.

CROSS-EXAMINED.

I was never out at Richard Morrow's place.

T. STRONG.—I know Richard Morrow. He was not valued by us. We did not consider him to be in Mille Isles.

J. L. DEBELLEFEUILLE.—Richard Morrow is not on my Terrier as proprietor. I do not know of his holding any land in Mille Isles.

William Morrow is not on my *papier terrier* as proprietor; nor is such a name on my *papier terrier* at all. I never heard of him holding land in Mille Isles.

With reference to Henry Morrow, I never heard of him holding land in Mille Isles. He is not on my Terrier.

himself in person. I gave it to Mr. Bellingham a considerable time after the Poll was closed, and not in writing. I merely told him. I will not swear positively what number over fifty votes was polled during the first day.

Question.—Do you not think the number was fifty-two; or can you say that it was more than fifty-two?

Answer.—I cannot recollect the number; for I have often strove since to recollect the number and I cannot. Since I have been subpæned here, I have tried to recollect it, but I cannot. I have no memorandum of it. I will swear that the number was over fifty; but what number over fifty or under sixty I cannot say. I heard the remark made at the time that there were a half hundred votes polled the first day, and that votes were polled after that remark was made. There may have been a half dozen or there may have been two or three. Upon referring to the copy of the poll-book, and on looking over the names of the Mills Isles poll, I cannot remember any of the names that were polled towards the end of the first day and the begining of the second. I cannot distinguish where we ended on the first day and where began the second day. I see names on the copy now shewn to me, and which has been filed in this matter, which are not on the original poll-book. I might be able to tell more from the original poll-book than I can from this copy. The poll was opened on the second morning of the polling before Mr. Snowdon, Mr. Abbott's Agent, arrived there.

Question.—Can you state about how many votes had been entered on the poll-book on the morning of the second day, before Mr. Snowdon arrived that morning?

The Agent of the sitting Member objects to the question as tending to adduce evidence respecting a fact not at issue. That the only objection made by the Contestant, is, that a vote was illegally inserted in the poll-book after five o'clock in the afternoon, on the 29th day of December last; and because this last objection applies only to some specific votes who are not specified in the said question.

The Contestant answers, that though the Witness may not speak as to the time of Mr. Snowdon's arrival—it is perfectly allowable for the Petitioner to prove by this Witness the number of votes polled before Mr. Snowdon's arrival, and by other Witnesses, that Mr. Snowdon's arrival was at or before nine o'clock.

The question is maintained and the objection is over-ruled for the reasons assigned in the answer of the Contestant.

Answer.—I cannot.

Question.—May there have been thirty or forty?

Answer.—There may.

I will not swear how long the poll had been open before Mr. Snowdon arrived the second morning. It had been opened some time. It may have been thirty minutes, but I cannot say exactly. I looked at the watch of the Deputy-Returning Officer before the poll opened, and I am positive it was nine o'clock when the poll was opened. This clock was in the house of one John Pollock, where the Post Office is kept, and this was, I understand, the place in which the

SPECIAL EVIDENCE.

With reference to David Morrow, I have no man of that name on my *papier terrier* as proprietor of any land. I do not think he is there at all. I never heard of him holding land in Mille Isles.

The Hon. Judge Commissioner is of opinion that these votes are all bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to	Description on Poll.	Residence	Quality in wh. he voted	Description of Prop'y on Poll.	No. of Obj'ns
400	73	Samuel Woods	Farmer	Mille Isles	Proprietor	House & Land	1 2 3 12

WILLIAM STUART.—I do not know any person of that name holding land in Mille Isles. His name is not on the Roll.

L. BROPHY.—I do not know nor have I ever heard of Samuel Woods.

J. L. DEBELLEFEUILLE.—I give the same answer with reference to him as to Richard Morrow and William Morrow.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to	Description on Poll.	Residence.	Quality in wh. he voted	Description of Prop'y on Poll.	No. of Obj'ns
401	74	Henry Hammond	Farmer	Mille Isles	Proprietor	house & land	1 2 3 10 12
470	39	Henry Hammond	"	" Cote Ste Marg'te	"	"	1 2 3 16

WILLIAM STUART.—I know Henry Hammond. He is rated as owner and occupant of Lots 23 and 24 in Cote St. Marguérite. I know of no other Henry Hammond holding land in Mille Isles, but I know a lad of that name living with his father James. He is about 12 or 13 years of age. The first mentioned Henry Hammond occupied the said lots at the time of the Election, and several years previously. I do not know of his occupying any other lots in Mille Isles.

J. L. DEBELLEFEUILLE.—I find a man of that name on my Terrier as proprietor of lots 23 and 24 Ste. Marguérite, by Deed of Concession, of date 30th March, 1854. I have no more than one Henry Hammond on my Terrier. I know of no other Henry Hammond holding land in Mille Isles. He is not on my Terrier for any other land.

L. BROPHY.—I know him. I know only one Henry Hammond. There are several young Hammonds around their father, but how they hold property I do not know. The Henry Hammond of whom I speak is grown up.

The Hon. Judge Commissioner is of opinion that vote 470 is good and vote No. 401 is bad.—*Scrutiny.*

GENERAL EVIDENCE.

Committee of Mr. Bellingham used to meet for election purposes. I swear to those fifteen minutes from recollection and from nothing else. I waited till nine o'clock. Some people called upon us to open the poll, saying it was nine o'clock ; but I said I would not, until it was nine o'clock by the watch of the Deputy Returning Officer. Mr. Snowdon and the Deputy-Returning Officer, had an agreement the previous day to go by the watch of the Deputy-Returning Officer. The clock I spoke of was Pollock's. I saw no other clock. To the best of my knowledge there is no other clock in the neighborhood of the poll. It is by this clock I generally open school.

I do not remember the name we were at on the poll-book when Mr. Snowdon came in the poll-booth the morning of the second day. I could tell from the original poll-book, because the name is entered but the vote is not recorded.

Question.—Do you think the name was William Day ?

Answer.—I will not swear that the name was William Day. If I were to see the original poll-book I might perhaps say; and I will swear positively what the name was on my seeing the original poll-book.

I remember that when I called out the name of the person who was giving his vote, and when Mr. Snowdon was in the poll behind the rail, and by my side, Mr. Snowdon said that he had objections to the vote, and I think the objections were entered, but I will not be positive ; but the party did not appear, and no vote was recorded. It was a remarkable circumstance at the time and I remember it perfectly. I did not 'sign Mr. Bellingham's requisition to come forward as a Candidate for this County at the last election. I have no vote.

CROSS-EXAMINED.

To the best of my knowledge and belief the Poll opened after nine o'clock, and not before that hour on the second morning of polling. Pollock's house where I saw the clock of which I have spoken in my examination in chief, was from eighty to one hundred yards from the polling booth. The polling booth was in sight of said Pollock's. I looked at Pollock's clock the morning of the second day before I left to go to the Poll. It was a quarter to nine when I so looked. I may have remained a minute or two there before I left the house after so looking at it. It was more than fifteen minutes that intervened between my leaving Pollocks and the opening of the Poll that morning. I stood a good while about the stove in the poll booth. I was in no hurry to get behind the rails, it was so cold. Before going behind the rails, I looked at the watch of the Deputy Returning Officer to see the time.

No votes were entered in the Mille Isles poll book, except in my own handwriting, and I swear positively that no votes were illegally inserted in the said poll book after five o'clock in the afternoon on the 29th day of December last and before nine o'clock in the forenoon of the 30th December last. We did not require candle-light in the poll booth either days of the polling ; but I had to turn round

SPECIAL EVIDENCE.

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence	Quality in wh. he voted	Description of Property on Poll	No. of Objn's
402	75	Simon Taylor	Farmer	Mille Isles	Proprietor	House & Land	1 2 3 12 14
412	85	David Taylor	"	Mille Isles	"	"	1 2 3 12 14

WILLIAM STUART.—With respect to Simon Taylor, I know of no man of that name holding land in Mille Isles, nor is he rated on the Roll. I know one Simon Taylor who is a boy living with his father Thomas Taylor. He holds no land, but his father does.

With respect to David Taylor, I know no man of that name holding land in Mille Isles, nor is he on the roll. I know one John Taylor who has a family, some of whom are sons. There may be a David among them ; but I do not know their names. I know he has one boy ; and he may have another but he is very young. He has other children, and they go to Strong's School.

L. BROPHY.—With reference to Simon Taylor, I know no man of that name in Mille Isles.

I don't know David Taylor. There are but two Taylors to my knowledge in Mille Isles, John and Thomas.

THOMAS STRONG.—I know Simon Taylor. He is a young boy living with his father Thomas Taylor. He is about 12 years of age. I know of no other Simon Taylor in Mille Isles.

I do not know either man or boy of the name of David Taylor.

J. L. DEBELLEFEUILLE.—With reference to Simon Taylor, I do not know such a man. He is not on my Terrier at all. I never heard of him, or of his holding any land in Mille Isles.

So also of David Taylor.

The Hon. Judge Commissioner is of opinion that both these votes are bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence	Quality in wh. he voted	Description of Property on Poll	No. of Obj'ns
403	76	Mathew Elder	Farmer	Mille Isles	Proprietor	House & Land	1 2 3 12
411	84	Stewart Elder	"	"	"	"	1 2 3 12 14

WILLIAM STUART.—I know Mathew Elder. He is rated as owner and occupant of 3 and 4 in Cote Ste. Marguérite. He occupied these lots about 14 years previous to the last election, and does so still. I know only one man of that name, and he holds only those two lots.

to the window to see to insert the last one or two names in the Poll Book the afternoon of the second day. If I had had to insert more I would have required a candle to see; so would I even on the first day. It might have been ten or fifteen minutes, or half an hour after the last name was recorded on the second day that the Poll was closed.

The foregoing General Evidence has reference to Votes from 54 *to* 95 *inclusive.*

SPECIAL EVIDENCE.

With respect to Stewart Elder, I know no man of that name, holding land in Mille Isles, nor is he entered on the Roll. I know a young boy of that name, living with his father. He goes to Thomas Strong's School.

THOMAS STRONG.—I have a boy at my school, named Stewart Elder. I know no man of that name in Mille Isles. I do not know that he voted. I never heard him say that he did.

L. BROPHY.—I know Mathew Elder. He is an aged man. I know only one Mathew Elder. He has a son named Thomas.

I know neither man nor boy of the name of Stewart Elder.

J. L. DEBELLEFEUILLE.—Mathew Elder is on my Terrier, as being in possession of lots No. 3 and 4 Ste. Marguérite, with the consent of the Seignior. He has given me a Note of hand for the arrears of *cens et rentes*. I have no more than one Mathew Elder on my Terrier. He is on my Terrier for no other land. I do not know Stewart Elder. He is not on my Terrier at all. I have never heard of a man of that name holding land in Mille Isles.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence	Quality in wh. he voted	Description of Prop'y on Poll.	No. of Obj'ns
404	77	Jeremiah Pollock	Farmer	Mille Isles	Proprietor.	House & Land	1 2 3 12

WILLIAM STUART.—I know a man of that name. He is not rated for any land in Mille Isles, and does not, to my knowledge, occupy any. He lives, and I believe occupies land either in Morin or in Dumont Seigniory.

L. BROPHY.—I know him. I do not know who he lives with, nor whether he occupies any land.

J. L. DEBELLEFEUILLE.—I do not know him. I have never heard of him as holding lands in Mille Isles.

Evidence in Rebuttal.

G. N. ALBRIGHT.—I know him. He occupies land in the first range of Ste. Angêlique. The lot is worth £70.

CROSS-EXAMINED.

I was over the lot occupied by Jeremiah Pollock; I cannot say whether he lives on the lot or not, because I did not go to the house. I say it was his lot, because I was told so by the person who accompanied me; whom I asked to make myself more certain. I think he was not there himself. He might have been for any thing I know. The only other knowledge besides what the people told me, was, that I knew Jeremiah Pollock lived in that neighborhood. I am

positive that the lot I examined as Jeremiah Pollock's lot, was not in Morin. I do not remember who accompanied me to this lot. I cannot say who lives on the lot. I did not go to the house This lot that was so pointed out to me was the lot I valued at £70. I cannot say whether I saw Jeremiah Pollock on that occasion. I think I did. I saw a great many Pollocks. I saw some one of the Crethers, but not all.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence	Quality in wh. he voted	Description of Property on Poll.	No. of Obj'ns
405	78	Alexander Boyd	Farmer	Mille Isles	Proprietor	House & Land	1 2 3 12

WM. STUART.—I do not know of such a man holding land in Mille Isles nor is he rated on the Roll.

L. BROPHY.—I do not know such a man as Alexander Boyd.

J. L. DEBELLEFEUILLE.—With reference to Alexander Boyd. I can make the same remark as to Jeremiah Pollock immediately preceeding.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence	Quality in wh. he voted	Description of Prop'y on Poll.	No. of Obj'ns
406	79	John Noble	Farmer	Mille Isles	Proprietor	House & Land	1 2 3 12 14

WM. STUART.—I know no man of that name holding property in Mille Isles, nor is any one of that name rated on the Roll. I know that James Noble has a son named John, who is about ten years of age, and lives with his father. He has no property.

THOMAS STRONG.—I know that James Noble has a boy of that name. He is old enough to go to school, but does not come. He may be about ten years of age. I know of no other person in Mille Isles named John Noble.

L. BROPHY.—I know neither man nor boy of this name.

J. L. DEBELLEFEUILLE.—I say the same of him as of Jeremiah Pollock.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence	Quality in wh. he voted	Description of Property on Poll.	No. of Obj'ns
407	80	James Woods	Farmer	Mille Isles	Proprietor	House & Land	1 2 3 12 16
430	109	James Woods	"	"	"	"	1 2 3 10 16

WM. STUART.—With respect to James Woods. I know the man by sight. He is rated as owner and occupant of lot 15 in Ste. Mrguerite. He occupied

that lot at the time of the election, and 7 or 8 years previously. I know no other man of that name holding land in the parish. He occupied no other land in Mille Isles at that time.

L. BROPHY.—I know a little boy named James Woods, 407 objected and 80 of Poll. He is a son of Thomas Woods, and is not over ten years of age.

THOMAS STRONG.—I know a man of the name of James Woods. He lives in Cote Ste. Marguérite. I know also a boy of that name, son of Thomas Woods. I think he was of age at the time of the Election. He lived with his father at that time, and he is my next door neighbor. I do not know of his ever having held land in Mille Isles.

J. L. DeBELLEFEUILLE.—James Woods is not on my terrier as proprietor I have a memorandum on my terrier of a man of the name of James Woods as being on lot 15, Ste. Marguérite. I heard that he was holding that lot. He is not proprietor. The lot is not conceded. He has paid me nothing. There is no other land to him. I know of no other of the name on my terrier.

CROSS-EXAMINED.

I believe the James Woods mentioned in the list of parties I sued, is the one I have stated to be on lot 15 in Cote Ste. Marguérite.

The Hon. Judge Commissioner is of opinion that both these votes are bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter Objected to.	Description on Poll.	Residence	Quality in wh. he voted	Description of Property on Poll	No. of Obj'ns
409	82	William McMullin	Farmer	Mille Isles	Proprietor	House & Land	1 2 3 12 14

WM. STUART.—I know no man of that name who held land in Mille Isles at the time of the Election ; nor is there such a name on the Roll. I know one William McMullin who is a boy apparently about twelve years old, son of Richard McMullin. I know no other William McMullin. William McMullin goes to Strong's school.

L. BROPHY.—I know him. He is a boy four or five years old, and is a son of Richard. I know of no other William McMullin.

THOMAS STRONG.—I have a boy at my school of that name. I know no man of that name in Mille Isles. I do not know that this boy voted at the Election. I never heard him say that he did.

J. L. DeBELLEFEUILLE.—I do not know him. I can make the same remark with respect to him as I did to Richard Ryan immediately preceding.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence.	Quality in wh. he voted	Description of Prop'y on Poll.	No. of Obj'ns.
410	83	David Johnson	Farmer	Mille Isles	Proprietor	house & land	1 2 3 12 14
413	86	William Johnson	"	"	"	"	1 2 3 12 14

WM. STUART.—With respect to David Johnson, I know no man of that name holding land in Mille Isles. He is not entered on the Roll. I know a boy of that name. His father's name is James. The boy is apparently about thirteen years of age. He lives with his father. He goes to Strong's school.

With respect to William Johnson, I do not know of such a man holding land in Mille Isles, and he is not on the valuation Roll; but one James Johnson has a son named William, about of an age to go to school, a brother of David above mentioned.

L. BROPHY.—I know neither man nor boy of the name of David Johnson.

I do not know William Johnson.

THOMAS STRONG.—With reference to David Johnson, I have a boy of that name at my school. I know no man of that name in Mille Isles. I do not know that he voted at the last election. I never heard them say that they did.

With reference to William Johnson, I did know a William Johnson of Gore, but he died before the election. I know no William Johnson in Mille Isles.

J. L. DEBELLEFEUILLE.—Same remarks on both as are made respecting Richard Ryan.

The Hon. Judge Commissioner is of opinion that both these votes are bad.—*Scrutiny*.

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence	Qualtty in wh. he voted	Description of Property on Poll	No. of Obj'ns
414	87	James Pollock	Farmer	Mille Isles	Proprietor	House & Land	1 2 3 12

WM. STUART.—I know him. He is rated as owner and occupant of lot 5 in 1st concession of Ste. Angélique. He occupied this property at the time of the election, and for some time previous. There is only one of the name in the settlement, that I know of, and he only occupies the said lot.

J. L. DEBELLEFEUILLE.—A man of that name is in possession of lot No. 5 South-West Ste. Angélique. I have received from him some money on account of *cens et rentes*. This lot has never been conceded. He does not hold any other lot. There is no other James Pollock on my Terrier.

Evidence in Rebuttal.

G. N. ALBRIGHT.—I know three James Pollocks. They are distinguished as "Shanty Jimmy," "Singing Jimmy" and Jimmy Jimmy." They all three resided in Mille Isles at the time of the election, but one has since left.

CROSS-EXAMINED.

I am not positive that "Shanty Jimmy Pollock" held any land at the time

of election in Mille Isles. Being asked, whether I can swear whether any of the three James Pollocks of whom I have above spoken, held at the time of the election any land in Mille Isles in their own right, I say I was not at their places; I saw two of the Pollocks when I was there, and who told me they had land. I have been at their places, and I swear that the places I was at, were the places of "Shanty Jimmy," Singing Jimmy" and "Jimmy Jimmy." I also judge that they had property in Mille Isles, because they lived there previous to the election, and there are few people in Mille Isles who have not property. Being asked, when I was last at "Shanty Jimmy's" place and where it is, I answer that three or four years ago, I was at several James Pollock's places, but I cannot distinguish them apart by their soubriquet. I cannot say whether I was at "Shanty Jimmy's" place or not, on my last visit

I was not at "Singing Jimmy's" place, on my last visit. He is not now in Mille Isles: nor do I know where his place is.

I do not remember whether I was at "Jimmy Jimmy's" place last week, but I saw himself. I do not know exactly where any of their places are. All I know about them is that I was at several James Pollock's places three or four years ago.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence	Quality in wh he voted	Description of Property on Poll.	No. of Ob'ns
415	88	John McCormack	Farmer	Mille Isles	Proprietor	House & Land	1 2 3 12

WM. STUART.—I do not know of any man of that name holding land in Mille Isles. He is not on the Roll. I know neither man nor boy of that name.

J. L. DEBELLEFEUILLE.—I do not know him. I never heard of him as holding land in Mille Isles.

Evidence in Rebuttal.

G. N. ALBRIGHT.—I know him. He has a place which I visited. He has two places each of which I valued at £70.

CROSS-EXAMINED.

Question.—How long have you known John McCormick by that name?

Answer.—I do not know how long I have known John McCormick. I have often seen the McCormicks. The McCormicks I mean are Richard and John. One of them is a young man. I cannot say which. I am not certain whether they both live together or not. One of them is an elderly man, and the other is a young man. I cannot say whether one is the son of the other or not. I have not been at their house for two or three years, but I have been over their farm. I do not know the Christian names of the McCormacks. I have been told that one of them is Richard and the other is John. That is all I know about them. I did not mean to say in my examination in chief, that John McCormick has two

properties, nor do I know that either of them holds two properties. The property that I valued was shewn to me as John McCormick's. I knew that there were two properties there belonging to the McCormicks, one of which was shewn to me as John's. I think the property was in the 2nd Range of Ste. Angelique. I do not know the number of the lot. I know that the McCormicks occupied two lots from having been told so by different people, and from having walked over the two lots—they lie close along side by each other. They are next to one of the Elliotts. I do not remember who is on the other side.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence.	Quality in wh. he voted	Description of Property on Poll	No. of Obj'ns.
416	89	John McClinchy	Farmer	Mille Isles	Proprietor	House & Land	1 2 3 12
419	92	James McClinchy	"	"	"	"	1 2 3 12 14
434	113	Patrick McClinchy	"	"	"	"	1 2 3

WM. STUART.—I know Patrick McClinchy. He is rated as owner and occupant of lot 17 in St. Eustache West, valued at £20. He occupied this lot at the time of the election, and some time before. He has a son of same name, living with him—a grown man—who came this time two years from Ireland. He held no land, that I know of, at the time of the election. He is not on the Roll. He was in the crowd around the poll, at the time of the election. The father held no other lot, at the time of the election, than the one he is rated on, that I know of.

I know John McClinchy. He is the son of Patrick McClinchy, and occupies no land in Mille Isles, that I am aware of. He is not entered on the Roll. He is a young man, living with his father, and working with him. He has always done so, with short exceptions, when he has been working as a laborer.

I know James McClinchy. He is a young man who lived with his father, at the time of the election. He is a brother of John McClinchy, already spoken of, and I believe a younger brother. He is not rated on the Roll, as holding any property, nor do I know of his holding any property.

L. BROPHY.—I know John McClinchy. He owned no land in Mille Isles, at the time of the election. He is a boy of about 17 years of age. He lives with his father. I know no other John McClinchy in Mille Isles.

T. STRONG.—I know a man of the name of John McClinchy. He is a young man, living with his father. I never knew of his holding any land; but his father does. I know no other man of the name of John McClinchy.

I know James McClinchy. He is a brother of John McClinchy, and younger than John. I believe James McClinchy is 21 years of age. He lives with his father, as well as John, in the same house. The father is an old man, and they

work the farm together. I never heard of either of the sons having any land in Mille Isles.

J. L. DEBELLEFEUILLE.—With reference to James McClinchy, I do not know him. He is not on my terrier. I never heard of him.

So also of John McClinchy.

With reference to Patrick McLinchy, 334, I have a man of that name on my terrier as proprietor. He is proprietor of lot No. 17, West St. Eustache. I have a memorandum that the said John McLinchy bought this lot from Michael Phelan. The said Michael Phelan had this lot from the Seignior by deed of concession. I have no other land to John McLinchy.

The Hon. Judge Commissioner is of opinion that these votes are bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to	Description on Poll.	Residence	Quality in wh. he voted	Description of Prop'y on Poll.	No. of Obj'ns
417	90	Edward Craig	Farmer	Mille Isles	Proprietor	House & Land	1 2 3 10 12

WM. STUART.—I do not know such a man holding land in Mille Isles, nor is he entered on the roll. I never knew nor heard of such a man in Mille Isles; nor do I believe that there is one, else I should either know him or have heard of him.

J. L. DEBELLEFEUILLE.—I do not know him. He is not on my terrier; I never heard of such a man.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence	Quality in wh. he voted	Description of Prop'y on Poll.	No. of Obj'ns
418	91	William Dawson	Farmer	Mille Isles	Proprietor	house & land	1 2 3 12 16
449	139	William Dawson	"	"	"	"	1 2 3 10 16

WM. STUART.—I know William Dawson. He is entered on roll as owner and occupant of lots, 9 and 10 in 2nd concession of Ste. Angélique. He occupied those lots at the time of the election, and for six or seven years previous. There is only one William Dawson that occcupies land in Mille Isles. He occupies only these two lots.

J. L. DEBELLEFEUILLE.—With reference to William Dawson, he is not on my terrier as proprietor. He is however, in possession of lots Nos. 9 and 10, North-East Ste. Angélique. He has paid me some arrears of *cens et rentes.* Neither of these lots has ever been conceded by a valid deed, nor any *promesse de concession* been accorded for either of them. I do not know of his holding any other land in Mille Isles. There is only one of the name in the Seigniory.

A deed was drawn up for No. 9, in favor of Mr. Gilmour, son-in-law of the late Mr. Quinn, Surveyor, but it was never signed by the Seigniors nor by their authorized agent. The said William Dawson never got a title from the Seigniors for either of the said lots, nine or ten. He got these lots, I heard, from one Hodge, by exchange. Hodge never had a title from me. There is only one William Dawson on my *papier terrier*.

CROSS-EXAMINED.

I do not remember in what year the deed was executed to Gilmour, for lots 9 and 10 North-East Ste. Angélique. I think it was after the expiration of Barcelo's Agency. I believe the deed was signed by Gilmour and the Notary; but not by the Seigniors, or their agent.

Evidence in Rebuttal.

G. N. ALBRIGHT.—I know two William Dawsons. They hold lands, each separately, in the 2nd range of Ste. Angélique. R. B. Johnson holds two lots between the Dawson's; one William Dawson has two lots; and the other has only one.

CROSS-EXAMINED.

I saw the two William Dawsons, above spoken of, a great many years ago. I did not see them this last time I was out. I dare say they are father and son The Dawsons, I speak of live on each side of R. B. Johnson, and I believe they are both named William. I cannot swear that they are both named William. I swear positively that this land of R. B. Johnson's is in Côte Ste. Angélique. I mean to say that to the best of my knowledge they are there. I know at all events, that the title of Mr. Johnson comes from the De Bellefeuille family; and I think he got his *procés verbaux* from Quinn. I do not remember whether I saw the two persons, whom I have called William Dawsons, on my last visit to Mille Isles.

The Hon. Judge Commissioner is of opinion that both these votes are bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence.	Quality in wh. he voted	Description of Prop'y on Poll.	No. of Obj'ns
420	93	Thomas Woods	Farmer	Mille Isles	Proprietor	house & land	1 2 3 10 12 16
471	16	Thomas Woods	"	" Côte Ste. Angeliq	"	"	1 2 3 16

WM. STUART.—With reference to Thomas Woods, I know two Thomas Woods, father and son. The son is a young man, of man's size, living with his father. He was a very little boy when I came to the country, and he may be twenty years old now. Thomas Woods is rated on the roll for 245 acres of land in Cote Ste. Angélique, which appears on the roll under the apparent number of "3½" in the first range. The figures "3½" have been altered, and it is difficult to make out what they mean, but I personally know that he has lots 1 and 2 in 1st range of Ste. Angelique, and

West half of lot 1 in West St. Eustache. This is all the land possesed by the family of Thomas Woods; but how it is divided amongst them I cannot say. It is the old man who is understood to be the possessor of the land in question.

I have only one of the name on my roll, and know of no other proprietor of that name at the time of the election

J. L. DeBellefeuille.—With reference to Thomas Woods, I have a man of that name on my terrier as proprietor of several lots; to wit, No. 1 West St. Eustache, and lots Nos. 1 and 2 South West Ste. Angélique, by Deed of Concession. I have no other land to Thomas Woods. I have only one man of that name on my terrier. I know only one man of that name, and he is never described as Thomas Woods, junior. The man I speak of is a man of about sixty years of age. He is a very honest man and I do not think he would vote twice.

The Hon. Judge Commissioner expresses no opinion on No. 420, and is of opinion that No 471 is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence	Quality in wh. he voted	Description of Prop'y on Poll.	No. of Obj'ns
422	95	William Day	Farmer	Mille Isles		House & Land	1 2 3 12

Wm. Stuart.—I do not know any man of the name of William Day, 422 objected, and 95 of poll, holding land in Mille Isles. Nor did he do so at the Election. I know a man of the name of James Day, and he may have a son named William. William is not rated on roll as owner or occupant of property.

J. L. DeBellefeuille.—With reference to William Day, 422 objected and 95 of poll, I do not know such a man, he is not down on my terrier at all. I never heard of him.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence	Quality in wh. he voted	Description of Property on Poll	No. of Obj'n's
424	100	William Hammond	Farmer	Mille Isles Cote Ste. Angeliq	Proprietor	House & Land	1 2 3

Wm. Stuart.—I know him. He is rated as owner and occupant of lot 28 in 2nd Range of St. Angélique, valued at £35. He occupied that lot

at time of Election, and for some time before. I know only one William Hammond in Mille Isles; and I know of his owning no other property than that; he may have other.

J. L. DEBELLEFEUILLE.—I am sure he is not proprietor of any land in my *terriér*. I do not see his name in my *terriér* as proprietor Lot No. 28. North East Ste. Angélique was conceded to Arthur Ross, I think, some time in 1844. Arthur Ross sold to John Trainer, and John Trainer to John Smith, who paid me some money on account of arrears of *cens et rentes*. I don't know whether Smith is in possession or not; but I believe I sued him in May last for arrears of *cens et rentes*. I do not know anything about William Hammond.

The Hon Judge Commissioner is of opinion that the objections to this vote are not proved.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence.	Quality in wh. he voted	Description of Property on Poll	No. of Obj'ns
425	101	William Boyd	No evid.				
426	103	James Hill	"				
429	107	Richard McCormack	"				
432	111	William Pollock	Farmer	Mille Isles	Proprietor	house & land	1 2 3 10 16
464	161	William Pollock	"	"	"	"	1 2 3 10 16

WM. STUART.—With reference to William Pollock, I know two of that name. They are cousins and are both married. I have heard that they both hold lands in Mille Isles. I find one William Pollock rated as owner and occupant of lot 37 in Ste. Marguerite, valued at £20, and the other on 38 and 39 Cote Ste. Angélique, No. 2. These two latter lots are valued together at £40. I know no other William Pollocks in Mille Isles than these two, being proprietors at the time of the last Election. And they had these lots and no others to the best of my knowledge.

J. L. DEBELLEFEUILLE.—There is no such man as proprietor on my *terrier*. I do not know him at all. I find a memorandum on my *terrier* that such a man wanted to get lot No. 37 in Cote Ste. Marguerite; but this lot has never been conceded This same lot has also been applied for by Andrew Elliott. I wrote to Andrew Elliott to furnish me a certificate signed by two witnesses, that he himself or William Pollock was in possession of that lot. I told William Pollock in person to do the same. I did this in consequence of their both wishing to have the lot. I also told said William Pollock, on 5th August, 1856, that if he William Pollock desired to have this lot he would be obliged to pay me thirty shillings for arrears of *rentes* before he got it. He has never paid me anything at all. Lots 38 and 39 in North East Ste. Angélique have never been conceded; but I have a

memorandum on my *papier terrier* by which I see that William Pollock told me on the 2nd February, 1853, that he had the *procès verbal* for lot No. 38 about the year 1851: and I see, moreover, on my *papier terrier* that this last William Pollock had the *procès verbal* for the lot No. 39, from his cousin in 1851, and I suppose that by his cousin I meant the William Pollock that I mentioned first, at least that is my impression. No concession or promise of concession has been granted for any of these three lots, 37 in Ste. Marguerite, and 38 and 39 in North East Ste. Angélique, nor has any thing been paid on these three lots. I have no other land to William Pollock. There is no other William Pollock on my *terrier*.

Evidence in Rebuttal.

G. N. ALBRIGHT.—With reference to William Pollock, I know two William Pollocks. One has 37 Ste. Marguerite, and the other 38 and 39 in Ste. Angélique in 2nd range. Each of them I valued at £80.

The Hon. Judge Commissioner is of opinion that both these votes are bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence	Quality in wh. he voted	Description of Property on Poll	No. of Obj'ns
433	112	William Craig, jr.	No evid.				
436	119	Henry Riddle	Farmer	Mille Isles	Proprietor	House & Land	1 2 3

WM. STUART.—I know him. He is a young man unmarried as yet. He is rated on the roll for Statute Labor only. He is son of William Riddle. I have heard that he was working on his own land at the time of the Election, but whether he was living with his father or his brothers I do not know. I do not know where the land is, nor how long he had been working on it. I speak only from hearsay.

J. L. DEBELLEFEUILLE.—No such person is entered on my book in any capacity.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No on List.	No. on Poll.	Name of Voter Objected to.	Description on Poll.	Residence	Quality in wh he voted	Description of Property on Poll	No. of Obj'ns
437	122	John Day	Farmer	Mille Isles	Proprietor	House & Land	1 2 3

WM. STUART.—I know him. Lot No. 36 in Ste. Marguerite is entered

on the roll as rated to "John Dey or Andrew Elliott," and is valued at £20. The said John Dey is entered on the roll under the head of occupant. The said lot 36 was sold by said John Dey to said Andrew Elliott before the time of the election and was in possession of Andrew Elliott at that time; but John Dey was entered on the occupation of another lot in Cote Ste. Marguerite previous to the Election, and was then and for a considerable time before; I should judge from the situation of their respective houses that John Dey lives on a part of a lot, the other part of which Robert Dey occupies. I know only one John Dey.

J. L. DeBellfeuille.—I do not know the man. He is not on my *terrier* as proprietor, and I do not think his name is entered on my *terrier* at all. I find a memorandum on my *papier terrier* of what I have heard that he is entered as having taken possession of lot No. 36, Cote Ste. Marguerite. This lot has never been conceded to any one; nor any *promesse* of concession of it made to said John Day or to any one else. This same John Day, as I heard by information, took possession of the lot in the fall of 1853, and I heard also that Andrew Elliot, junior, had the *procès verbal* of this same lot.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence	Quality in wh. he voted	Description of Property on Poll	No. of Objn's
438	123	William Elliott	Farmer	Mille Isles Cote Ste. Angeliq	Proprietor	House & Land	1 2 3

Wm. Stuart.—I know him. He is rated as owner and occupant of lot No. 31 in 2nd range of St. Angélique, valued at £35. There is no other William Elliott that I know of. I believe he occupied this lot at the time of the Election, and no other that I know of.

J. L DeBellefuillee.—I have a man of that name on my *papier terrier* as proprietor of lot 31 North East St. Angélique. He has no other land on my *papier terrier*, either as proprietor or possessor, to the best of my knowledge and belief. There is no more than one William Elliott on my *papier terrier.*

Evidence in Rebuttal.

G. N. Albright.—I know him. He occupies 31 and 32 in Cote Ste. Angélique. I cannot say in which range. I went over these lots and he shewed me his deeds of them. They were each worth £100.

Cross Examined.

I do not remember whether William Elliott shewed me a deed of one or two lots; but on reference to my memorandum, I find that he shewed me his deed only to lot 31.

The Hon. Judge Commissioner is of opinion that the objections to these votes are not proved.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence	Qualtty in wh. he voted	Description of Property on Poll	No. of Obj'ns
439	124	John Moffatt	Farmer	Mille Isles	Occupant	House & Land	4 5 6

WM. STUART.—I know him. He occupied, I understand, at the time of election, the lot of land formerly held by William Sims, valued at £30. I know only one John Moffatt.

J. L. DEBELLEFEUILLE.—I am sure he is not on my *papier terrier.*

Lot 33 south west Ste. Angélique was conceded by me to William Wilson Simms, 13th April, 1854. I do not believe that this lot has been transferred. I received from the said Simms, on the 11th of December, 1856, a sum of money for balance of *cens et rentes* on this lot. Before paying in 1856, he was sued in the fall of that year by me for a balance of *cens et rentes.* I think the said Simms still holds this lot.

Evidence in Rebuttal.

G. N. ALBRIGHT.—I know him. He has lot 33 in 1st range of Ste. Angélique. The value of this lot is £75. There are buildings on it.

CROSS-EXAMINED.

I did not see John Moffatt, because he was in Montreal.

The Hon. Judge Commissioner is of opinion that the objections to this vote are not proved.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to	Description on Poll.	Residence	Quality in wh. he voted	Description of Prop'y on Poll.	No. of Objn's
442	128	Robert Paterson	Farmer	Mille Isles	Proprietor	House & Land	1 2 3

WM. STUART.—I know him. He is a son of Widow Paterson. I believe he lives with his mother who is rated as owner and occupant of lots numbers 18 and 19 St. Angélique, 1st Range. Robert and his brother Thomas are rated for Statute Labor only. I am not well acquainted with the family.

J. L. DEBELLEFEUILLE.—No man of that name is on my *papier terrier as* proprietor of any lot. I have written as a memorandum of what I heard, that

Sarah Walker, Widow Paterson, was occupying lots 18 and 19, south-west St. Angélique. The son is named Robert Paterson, and lives with his mother, the widow, who has paid me some arrears of *cens et rentes*. Neither of these lots have ever been conceded, nor has any promise of concession been made with respect to them.

Evidence in Rebuttal:

G. N. ALBRIGHT.—I know him. His brother is named Thomas. They each hold land seperately in the first range of St Angélique. They have separate houses. I could not give the number of the lots. I valued these lots at £150 each.

CROSS-EXAMINED.

I swear that Robert and Thomas Paterson have separate houses on their lots. I do not know the number of the lots. I think they lie side by side. They were pointed out to me by parties as Thomas and Robert Paterson's lots. I knew that persons of that name lived there. I do not think I saw these persons on these lots which I have so valued.

WM. MCCULLOGH.—I know Robert and Thomas Paterson—they both occupy separate lots, and did so previous to my going there, which was about a year ago. I pass their houses almost weekly.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence.	Quality in wh. he voted	Description of Prop'y on Poll.	No. of Obj'ns
443	129	Frederick Rogers	No evid.				
444	130	James Holly	Farmer	Mille Isles Côte Ste. Marg'te	Proprietor	house & land	1 2 3

WM. STUART.—I know him. He lives somewhere in the neighborhood of William Morrow, above spoken of—I think in Dumont Seigniory. I understand that the part of the Seigniory of Mille Isles, which is included in the County of Argénteuil belongs to the DeBellefeuille Family, and the part out side of the said County belongs to the Dumont Family.

J. L. DEBELLEFEUILLE.—He is not on my *papier terrier* as proprietor. He is not on my *papier terrier* at all to the best of my knowledge and belief. I never heard of him holding any land in Mille Isles.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence	Quality in wh. he voted	Description of Property on Poll.	No. of Obj'ns
445	132	Robert Day	Farmer	Mille Isles Cote Ste Marg'ite	Proprietor	House & Land	1 2 3

WM. STUART.—I know him. He is rated on west half of 26 and 27 in Cote St. Marguérite. He occupied these lots ever since the land was sur-

veyed, which I believe was in 1844. I mean by "the land" the seigniory. I know only one Robert Day. I do not know of any other land that he occupied at the time of the election.

J. L. DEBELLEFEUILLE.—A man of that name had a Deed of Concession from the Seigniors for lots 26 and 27, Cote Ste. Marguérite. I think he is still proprietor of these lots. In the Fall of 1856, he was sued by me before the Circuit Court of Two Mountains, for arrears of *cens et rentes.*

The Hon. Judge Commissioner is of opinion that the objections to this vote are not proved.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence	Quality in wh. he voted	Description of Property on Poll.	No. of Ob'ns
446	134	Robert McReth	Farmer	Mille Isles	Occupant	House & Land	4 5 6

WM. STUART.—I know him. He is entered on roll as owner and occupant of lot 29 in 1st range of Ste. Angélique. He occupied this lot the time of the Election, and no other that I am aware of. I know of only one Robert MacKreth.

J. L. DEBELLEFEUILLE.—He is not on papier terrier as proprietor or possessor of any lot. Lot 29 South West Ste. Angélique was conceded to James Grant in 1844. I have a memorandum of what I heard that said Grant sold this lot to Joseph McRiff, before the year 1854, who then paid me some arrears on this lot. I find also that I have a memorandum that Joseph McRiff paid me for the amount of arrears due on the lots 28 and 29 on 8th December, 1857. The amount was due in December previous. I have reason to suppose that Joseph McRiff was in possession of both of these lots at that time, and I have never heard that he had disposed of them since. I have sometimes written his name as "Joseph McKereath." The said lot No. 28 has never been conceded.

Evidence in Rebuttal.

G. N. ALBRIGHT.—I visited the property of Robert MacKreth, which is lot 28 in the first Concession of Ste. Angélique. He lives with his father in a house, but whether on lot 28 or 29 I cannot say. I am not certain, I think it is 29. I think lot 28 is worth £120 or £130. There is a large clearance on it and it is well fenced. Robert MacKreth is a married man, and was brought up there. I have known him to be a man grown since 1847.

EDWARD MCKRETH of the parish of St. Jerome or Mille Isles, farmer.—I know Robert McKereth. I now produce and exhibit before the Commissioner the procés verbal of the lot occupied by him at the time of the last Election, which is lot 28 in South West Cote Ste. Angélique. The

procés verbal is in the same form as the one produced by Mr. Quinn and copied above.

CROSS EXAMINED BY CONTESTANT.

Reserving that this testimony is wholly irrelevant.

My brother Robert had not a dwelling house on the said lot No. 28; but his outbuildings and preparations for a dwelling house were on the lot at that time and some time previous. The house he lives in is on the next lot, namely, lot No. 29 in same Cote. In the *procés verbal* now produced by me the name first written has been scratched out with some sharp instrument, both in the body of it and in the endorsement. The name first written was Joseph MacKereth. The name Robert MacKereth was written in, I believe, by my father. The *procés verbal* is signed Owen Quinn, and I believe the written part thereof to be all in his hand-writing, with the exception of the name Robert MacKereth. I understand that the erasure of the name Joseph MacKereth, and the substitution of Robert MacKereth is a means of transfering the lot from the father Joseph MacKereth to his son Robert. The house I speak of as being the one in which Robert lives, is his father Joseph's; but it is understood that it is to be Robert's when the old man dies. I cannot say when the name Robert McKereth was written in.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence	Quality in wh. he voted	Description of Prop'y on Poll.	No of Obj'ns
451	142	William McGahey	Farmer	Mille Isles Cote Ste. Angeliq	Proprietor	house & land	1 2 3 9
455	149	David McGahey	"	Mille Isles	"	"	1 2 3

WM. STUART.—I know William McGahey. He is rated only for Statute Labor.. He is son of Widow McGahey who is rated for 8 and 9 Ste. Angélique, first range.

She has another son named David McGahey; and she has several daughters. I suppose the property belonged to the widow when the roll was made, but I do not know of her having given her sons any title. I do not know of the son William having any property in Mille Isles at the time of the Election, or previously, or subsequently. The widow's property, lots 8 and 9, is valued at £70.

I know David McGahey. He is not on the Roll at all. I did not know him to occupy land in Mille Isles at the time of the election or previously. He is a young man and lives with his mother. I know this man with his brother William above spoken of works the farm.

J. L. DeBellefeuille.—William McGahey is not on my terrier as proprietor. Lots 8 and 9, south-west St. Angélique, I have a memorandum of what I heard were held by one John McGahey, who is now dead—and who left for sons William and David. I did not hear that he left any daughters. I believe the widow is still alive, at least I heard nothing to the contrary. The late John McGahey had a Deed of Concession for these two lots; at least I am under this impression; but I am not positive. I find I am correct that the deeds were granted to him. John McGahey had no other land in Mille Isles to my knowledge.

With reference to David McGahey. I do not know him at all. He is not on my Terrier as proprietor or possessor. I find a memorandum on my Terrier in pencil, to the effect, that the late John McGahey left two sons with a widow, one of whom is named David. I have spoken of him when speaking of William McGahey, 451 objected.

Evidence in Rebuttal.

G. N. Albright.—I know William McGahey. I have seen his brother David. They each have a lot. They are young men grown up. Each of these lots is worth £150. They have a large clearance and other improvements. They are not married and they live together. Their mother lives with them. Their lots are in the first concession of St. Angélique. I speak from my own memoranda which I made at my last visit into the Seigniory.

CROSS-EXAMINED.

I know William and David McGahey. I have known them several years I do not know the numbers of their lots; but I know they are in the first range of St. Angélique. The mother lives with the two sons in the same house. I believe the old man lived on these lots and made them over to his sons at his death. I am not aware there was any will; but it was understood in the family, that the sons were to have the property when the father died. The sons and the mother both, and many others besides them told me the property was theirs. I could name a dozen who told me so. James Hammond and Andrew Elliott and the two Fords told me. I do not know whether they voted. I do not know that their votes are objected to. I never had any conversation with the two young men respecting their title previous to last week; but I had with their mother. The persons I saw at my last visit, were pointed out to me as David and William McGahey.

Wm. McCullogh.—I know William McGahey well, he holds a lot in Mille Isles, but I do not know the number. I have it from the mother and himself. It is notorious that he holds a separate lot. I have seen his deed *proces verbal*. I know his brother David, he occupies a separate lot.

CROSS-EXAMINED.

The deed I speak of as having been shewn me by William McGahey, was a concession deed from the Seignior to John McGahey the father of William.

The Hon. Judge Commissioner is of opinion that both these votes are bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence	Quality in wh. he voted	Description of Property on Poll.	No. of Obj'ns
452	145	John Hammond	No evid.				
453	146	Robert Ford	Farmer	Mille Isles	Proprietor	House & Land	1 2 3

WM. STUART.—I know him. He is rated only for statute labor on the roll. I cannot exactly say whether he held any property at the time of the last election. He is now Mayor of the municipality of Mille Isles.

Evidence in Rebuttal.

G. N. ALBRIGHT.—I know him. I was on his lot at my visit last week. I now produce a deed of concession in the usual form purporting to have been passed on the 10th April, 1845, to Robert Ford accepting by William Ford, his father, of the said augmentation of Mille Isles. The lot conceded by this deed is lot 32 in the South-West side Cote Ste. Angélique.

CROSS-EXAMINED.

I have known Robert Ford ten or twelve years ago. He is a son of William Ford. I think he is a man of about 24 or 25 years old. I cannot say however, as many a man of fifty looks only as if he was twenty-five. The deed I produced yesterday, purports to be made "to Robert Ford hereto accepting by William Ford his father." I swear it was given to me by Robert Ford, and I gave it to Mr. Burroughs and he handed it to me for production yesterday.

The Hon. Judge Commissioner is of opinion that the objections to these votes are not proved.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence	Quality in wh. he voted	Description of Prop'y on Poll.	No. of Obj'ns
454	147	Solomon Pollock	Farmer	Mille Isles	Proprietor	House & Land	1 2 3

WM. STUART.—I know him. He is on the roll only for statute labor, but at the time of the election and for six months previous, I believe he held land in the Seigniory. It formed part of his father's property as I think. The father's property consists of three lots, namely, 15, 16 and 17,

Ste. Angélique, the first range valued at £150. I cannot say how much of his father's property he has; but there is a house put upon the land the young man occupies. The father's name is John Pollock, Senior.

J. L. DeBellefeuille.—He is not on my *papier terrier* as proprietor or possessor of any lot in Mille Isles. Lots 15, 16 and 17, South-West Ste. Angélique have never been conceded.

Evidence in Rebuttal.

G. N. Albright.—I know him. I know he has land in the 1st Range of Cote Ste. Angélique. I am not certain of the number of the lot. There are so many Pollocks that I am confused about them.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence	Quality in wh. he voted	Description of Prop'y on Poll.	No. of Obj'ns
456	152	Joseph Thompson	Farmer	Mille Isles	Proprietor	House & Land	1 2 3 14

Wm. Stuart.—I do not know him, but I find his name on the roll as owner and occupant of lot 36 in 2nd range of Cote Ste. Angélique valued at £35. I do not find his name elsewhere on the roll. I do not know any Joseph Thompson in Mille Isles; but I have heard of such a man.

J. L. DeBellefeuille.—He is not on my *papier terrier* as proprietor or possessor. Lot 26 North-East Ste. Angélique has never been conceded. I find however a memorandum that I heard that one George Earls had the *proces verbal* of this lot but that he the said George Earls had abandoned his claims on this lot to one Joseph Thompson. This memorandum was written in 1852. This memorandum is on a slip of paper in my terrier which I consider part of my terrier. Nothing has ever been paid on this lot. I find that I had some time or other begun to write a memorandum of a receipt: but I have not completed it. I do not consider this memorandum as anything at all on my terrier. Had the money ever been paid I would have completed the receipt. I do not believe anything at all was received by me from that man on this lot, or on any other.

Evidence in Rebuttal.

G. N. Albright.—I know him. He occupies lot 36 in 2nd range of Ste. Angélique, which I would value at £100. He has a large clearance on his place. He lives with his father. I could not say what lot the father lives on.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence.	Quality in wh. he voted	Description of Property on Poll	No. of Obj'ns.
457	153	William Gain	Farmer	Mille Isles	Proprietor	House & Land	1 2 3

WM. STUART.—I do not know him. He is rated as owner and occupant of lot 32 in Cote Ste. Angélique, in 2nd range, valued at £50. I know of no other William Gain, nor is he on the Roll for anything else.

J. L. DEBELLEFEUILLE.—No man of that name has ever received a Deed of Concession for any land in Mille Isles to my knowledge. He is not on my *terrier* as proprieter, but I have a memorandum that I gave him an acquittance for the year 1852, for the arrears of *cens et rentes* on lot 32 North-East Ste. Angélique. This lot has never been conceded, at least to my knowledge. I do not think that he has paid anything at all since, nor has he any promise of any kind with respect to this, or any other lot.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence.	Quality in wh. he voted	Description of Prop'y on Poll.	No. of Obj'ns.
458	154	James McCarter	Farmer	Mille Isles Côte Ste. Marg't	Proprietor	house & land	1 2 3 14

WM. STUART.—I know him. He is not on the Roll at all. He lives convenient to the Morrows, but not in that part of Mille Isles comprised in this County. I do not know of his having held any land in Mille Isles, at the time of the election.

J. L. DEBELLEFEUILLE.—No man of that name is on my terrier as proprietor. I never heard of him holding any land in Mille Isles.

No. on List.	No. on Poll.	Name of Voter Objected to.	Description on Poll.	Residence	Quality in wh. he voted	Description of Property on Poll	No. of Obj'ns
460	157	George Campbell	Farmer	Mille Isles	Proprietor	House & Land	1 2 3 14

WM. STUART.—I know a young man named George Campbell. He is not on the Roll, but I know that he lives in Dumont Seigniory with his father. I believe he did so at the time of the election. I know of no other George Campbell in Mille Isles. He did not own or occupy, to my knowledge, any land in Mille Isles.

J. L. DEBELLEFEUILLE.—No man of that name is entered on my terrier as proprietor. I never heard of such a man holding land in Mille Isles.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence.	Quality in wh. he voted	Description of Prop'y on Poll.	No. of Obj'ns
461	158	Thomas Cook	Farmer	Mille Isles Cote Ste. Marg'te	Proprietor	house & land	1 2 3

WM. STUART.—I do not know the man. He is not on the Roll at all, and I don't know of any such person in the Seigniory; but I remember of a stranger to me (but not to others who were in the poll) coming up late in the afternoon of the second day of polling, and giving in his name as Thomas Cook and voting. Mr. Snowdon did not object to his vote. There is no such proprietor, to my knowledge, in Mille Isles.

J. L. DEBELLEFEUILLE.—No man of that name is entered on my terrier as proprietor. I never heard of such a man holding land in Mille Isles.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence	Quality in wh. he voted	Description of Property on Poll.	No. of Obj'ns
462	159	Matthew Hammond	Farmer	Mille Isles		House & Land	1 2 3 10

WM. STUART.—I know him. He is a son of James Hammond and lives out of that part of Mille Isles comprised in this County, and somewhere near the Morrows.

J. L. DEBELLEFEUILLE.—A man of this name had a deed of concession about 12 years ago for lots 31 and 32 Ste. Marguérite; but I heard a few days ago that he was absent and in the Township of Morin. I have acknowledged David Hammond as proprietor of lot 31, and in fact the said David Hammond has paid me all the arrears for these lots 31 and 32, except for the year 1857. I suppose the said David Hammond lived on one of the lots at the time. I have no other Mathew Hammond on my terrier.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence	Quality in wh. he voted	Description of Property on Poll	No. of Obj'ns
463	160	Edward Mulle	Farmer	Mille Isles	Proprietor	House & Land	1 2 3 14
467	165	William Sunvie	"	"	"	"	1 2 3 14

WM. STUART.—I do not know William Sunvie or Edward Mulle. They are not on Roll. I never heard of such men.

J. L. DEBELLEFEUILLE.—I do not know such a man as Edward Mulle. He is not on my terrier. I never heard of such a man holding land in Mille Isles.

So also of William Sulvie.

The Hon. Judge Commissioner is of opinion that both votes are bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence	Quality in wh. he voted	Description of Prop'y on Poll.	No. of Obj'ns
465	162	Valentine Swail	Farmer	Mille Isles	Proprietor	house & land	1 2 3 10 16
466	163	John Watchorn	"	Mille Isles Cote Ste. Angelique	"	"	1 2 3

WM. STUART.—I do not know personally John Watchorn. He is not on the Roll. I remember now that I have seen a John Watchorn, but he never lived nor to my knowledge held any property in Mille Isles.

I do not know Valentine Swail. He is not on the Roll. I have heard of a man of that name, but I do not know where he lives.

J. L. DEBELLEFEUILLE.—I do not know such a man as Valentine Swail. He is not on my terrier as proprietor. I never heard of such a man holding land in Mille Isles.

So also of John Watchorn.

The Hon. Judge Commissioner is of opinion that both these votes are bad.—*Scrutiny.*

No. on List.	No. on Poll.	Name of Voter objected to.	Description on Poll.	Residence	Quality in wh. he voted	Description of Property on Poll	No. of Objn's
469	117	Hugh Riddle	Farmer	Mille Isles	Proprietor	House & Land	1 2 3

WM. STUART.—I know him. He is rated as owner and occupant of ½ lot 27 in 1st Range of St. Angelique, valued at £15. I do not know him to have owned any other property at the time of the election. I know only one Hugh Riddle in Mille Isles.

J. L. DEBELLEFEUILLE.—I do not know such a man. He is not on my terrier as proprietor. I have a memorandum that I heard that one Mathew Crethers or Corathers sold one half of lot 27, south-west St. Angelique, to one William Riddle. This lot has never been conceded, and nothing has ever been paid on it.

Evidence in Rebuttal.

GEORGE N. ALBRIGHT.—I know him. He occupies the north ends of two lots in 1st Range of St. Angelique, valued by me at £100. He has a house, barn and other buildings on it.

The Hon. Judge Commissioner is of opinion that this vote is bad.—*Scrutiny.*

TOWNSHIP OF GORE.

Names of witnesses examined respecting the Contested Votes in this Township, with such portions of their testimony as do not specially refer to any particular vote.

JAMES McDONALD of the Township of Gore, in the County of Argenteuil, farmer.

I have been a resident of the Township of Gore for the last thirty years. I was among the first settlers of the Gore. There were only about eighteen before me. I am acquainted with the people of the Township generally. I acted as poll clerk for the Poll held at Gore at the last election. I went round and procured the signatures to the requisition for Mr. Bellingham to become a candidate for election for this County. I am now, and have been since the 10th February, 1853, secretary-treasurer of the Township of Gore; and I have in my possession, the original valuation roll of the Municipality of the said Township, which I produce, and speak from. The book now produced and filed by the Petitioner, purporting to be a copy of the said valuation roll, is a true copy of the said roll, made out in my own handwriting, and certified under my hand. The lots entered and numbered on the said roll are all one hundred acre lots. They are numbered regularly from number one upwards, commencing at the line of the township of Wentworth. Each Government two hundred acre lot therefore, is numbered as two lots on my roll: the east and west halves of number one of Government enumeration, will therefore be lots numbers two and one on my said roll, and so with the remainder of the lots.

The enumeration which I will use in my deposition will be the enumeration adopted in making said roll.

CROSS-EXAMINED.

The valuation roll contains a valuation of properties. We never went to the real value of the properties in making the said valuation roll. As a general rule, we estimated the properties at three-fourths of their actual value. I know this, because the properties that have been sold since the assessment roll was made, have brought over a third more than the value we set upon them.

The original poll books have not been exhibited to me during my examination, nor has any voter been brought forward to be identified by me as the party who voted. Mr. Abbott, the Contestant, was represented by Henry Abbott, his brother, at the Gore poll, during the two days of the last election. I entered in the poll book every objection which he required me to put down; and I also entered the description of the property upon which such voters voted, whenever he requested it. There were also at the poll two other gentlemen on Mr. Abbott's behalf, namely, Mr. Elliot and Mr. Smith. Mr. Elliott stated himself to be a lawyer; Mr. Smith was not.

It is about sixteen miles from the place where the Gore poll was held to the village of St. Andrews. The inhabitants of the Gore have to come through Lachute to get to St. Andrews, and have to pass by the Lachute Court House. All the people in the Gore are just now very busy haying.

The Mille Isles Poll was held in No. 2 School-house of Cote Ste. Angélique.

RE-EXAMINED.

I did not hear what passed between Mr. Elliott and the Deputy Returning Officer at the Gore Poll, at the time of the election; or if I did, I did not retain it.

I do not think that Mr. Elliott attempted to scrutinize the votes on behalf of Mr. Abbott. To the best of my knowledge, I know nothing of it. I did not mind anything that was passing. I minded my book. The sitting Member in person objected to Mr. Henry Abbott being permitted to remain inside of the Poll for the purpose of scrutinizing the votes, and the Deputy Returning Officer ordered him out, at the request of Mr. Bellingham.

Question.—Did you or did you not hear the sitting Member himself threaten to drag Mr. Henry Abbott from the Poll, while he was proceeding to the scrutiny of the votes?

The Agent for the sitting Member objects to the above question.

The Contestant in person replies.

The Agent of the sitting Member answers.

The question is maintained, for the reasons given by the Contestant; the objection overruled, and the answer ordered to be given.

Answer.—He objected to his sitting by my side, and told the Deputy Returning Officer to tell Mr. Henry Abbott to come out of that; that he would not let him in by my side. The officer told him to go out, and he went outside of the Poll-bar, amongst the crowd in front of the desk; but about twenty minutes after he obtained permission from the Deputy Returning Officer to come in again, and he did so, and sat by me the rest of the two days of polling.

The separation which he crossed was a desk, two boards wide, in the inside of which he had been, and on the outside of which the crowd was.

THOMAS BARRON, of the Parish of St. Jerusalem d'Argenteuil, in the District of Terrebonne, Esquire—I am now and I have been a resident of Lachute and its vicinity for upwards of fifty years. I am now and have been for about thirty years Crown Lands Agent for the Township of Gore. The Township of Gore is sometimes called the Gore of Chatham. The Township of Gore is, according to the Government Survey, laid out in lots of two hundred acres each, and the lots are numbered from one upwards, commencing at the Wentworth line, each lot of two hundred acres forming one of the Government enumeration. I am aware that the people sometimes number them by one hundred acre lots in such a manner that the west half of lot number one of the Government numeration would be lot one of this popular numeration. I have had considerable correspondence with the Government concerning the lands in the township of Gore. The first settlers in the Gore were of the opinion that they were entitled to free grants of the lands they occupied, but subsequent settlers were undeceived in that respect, and made to understand that it was necessary for them to purchase from the Government. I interested myself in endeavouring to procure free grants for these settlers, and did succeed in getting between seventy and eighty; but many of them did not send in their names, and were consequently overlooked in the grants that were made. I have the letter a copy of which is contained in the document produced by the petitioner, which letter is dated 22nd November, 1854, addressed to me, and signed "A. N. Morin, Commissioner," in which I was instructed that gratuitous grants of public lands were no longer authorized, except in specific cases, within which the settlers in question did not appear to fall; but subsequently, upon my representation to the Government that the settlers had been there a considerable time, and had made improvements upon the land they occupied, I was ordered to make a return of the persons in occupation of the lands of the Crown in the Gore, who had either made such improvements, or who had acquired them from the persons who had done so. The correspondence appears by the said document, which also contains a copy of the said return. I have no doubt that this said copy is a true copy. After sending the said return, I received from the Crown Lands Department a letter from the Honorable Joseph Cauchon, Commissioner of Crown Lands, dated the 18th April, 1856, which copy also forms part of the said document, in which letter the receipt of the said return was acknowledged, and I was authorised to sell the half lots set opposite the names of the persons entered in the said return to them,

at the rate of one shilling and sixpence per acre, payable in five equal annual instalments, with interest from the date of sale. The Department then (namely, 7th October, 1856) sent me down some blank tickets of sale and occupation, commonly called "location tickets," of which eighteen were in English and sixty French, to be issued to the said settlers when required by them; with directions contained in the letter of the last mentioned date, a copy of which is contained in the said document, that these tickets were only to be issued for actual sales, and only when the purchaser should pay the first instalment of purchase money. The statements made in my returns and letter to the Government, copies of which form part of the said document so produced by the said petitioner, are correct to the best of my knowledge and belief. The said return of squatters was made by me upon actual and personal inspection by myself of the lands in question, in which duty I was occupied, along with another person whom I employed for the purpose, during the space of about a week, or probably more, to the best of my recollection.

I have received from the department no other location tickets for the Township of Gore since that period. I did not issue, between the receipt of the said tickets and the time of the last election, any of them to the said settlers. The French ones were of no use, the settlers being English; and there were so few of the English forms, that I waited for a further supply before going back to the said Township to issue them. None of the persons mentioned in said list of squatters paid any instalment mentioned in the said letter of instructions, or of any price whatever. In fact, the lands mentioned in the said list, and the persons in the occupation of them, are in the same position, with regard to titles, as they were when I made the said return, except that they may have made some transfers among themselves, and excepting also, of course, the order already referred to, respecting allowing them the right of pre-emption. To the best of my recollection no transfer between individuals have been notified to me; but it is probable there may have been some.

I have not with me the original letter of the Crown Lands Department, dated the 22nd November, 1854; nor that dated the 19th March, 1856; nor that dated the 7th October, 1856. From the purport of the said letters, I have no doubt that the copies contained in the said document are correct copies of the letters that were sent to me, of the said dates respectively. I have brought with me a bundle of papers connected with the Crown Lands in the Township of Gore, which I supposed contained all the papers connected with the said Lands, in obedience to the order of the Judge Commisioner, in the subpœna

served upon me; but I cannot find among them the said originals, though I think I must have them somewhere. Indeed I know I have them.

I produce the original letter dated 28th February, 1855; copy of which is contained in the said document. I produce, also, an original letter dated 18th August, 1856, signed, "Joseph Cauchon, Commissioner," and corresponding exactly in terms with the copy of letter at page numbered 133 of said document, except that the date of the original letter is 18th August, 1856, in lieu of 18th April, 1856, as contained in the copy. I do not remember whether I received, or not, two letters of the same tenor respectively, dated 18th April, 1856, and 18th August, 1856. It is not probable at all that I did so.

On reference to some loose sheets of memoranda, which I made about, or shortly previous to the said return of squatters, I find, by comparing them with the said copy of return, that the same is a correct copy.

The said memoranda were made about or shortly previous to the 25th of March, 1856; the date of my letter reporting progress, a copy of which is in said document.

I have received, at different times, printed instructions from the department, respecting the conduct of my agency; but not with reference to the Gore Lands, according to the best of my knowledge and belief.

Question.—What are your instructions from the department, respecting the sale and location of lands within your agency? Please answer with reference to the time previous to the last election.

The Agent for the sitting Member objects to the said question.

The Petitioner replies.

The objection is maintained.

Question.—Have you any general intructions from the department respecting the management of your Crown Lands business, applying to your conduct generally of the affairs of your office, as to all the lands within your jurisdiction?

Answer.—My instructions differ in different Townships.

I now exhibit a printed circular from the Department of Crown Lands, dated 14th March, 1846, which contains general instructions for the management of the Clergy Reserve Lands in all the Townships within the limits of my agency. I presume that there were printed circulars sent to me, containing general instructions respecting the conduct of my agency, regarding the other Crown Lands within its limits.

I now produce and file a printed paper sent to me from the Depart ment, containing instructions dated Montreal, 18th October, 1845, respecting the Clergy Reserve lands in the said Township.

I have no special instructions respecting the lands in the Gore, excepting those contained in the document already referred to and produced and filed by the petitioner this day, except that I have received an order in Council to sell Clergy Reserve lots in the Gore on the petition of certain settlers; I cannot state who they are nor what was the number of lots, without reference to a document which I have not brought with me. I cannot state what are the Clergy Reserve lands in the Gore, without reference to documents which I have at home, but on reference to them I think I could. My diagram was taken away from me by Mr. Commissioner Judge McCord, so that I cannot precisely say whether I can state every Clergy Reserve lot or not.

I recollect that about forty years ago, I was instructed to give free grants to all persons that were in the Gore at that time. I was next instructed that no more free grants were to be given, and that the lands were to be sold at four shillings an acre, payable in four years. Afterwards, on the representation of the people, the price was lowered to one shilling and sixpence an acre, and that this one shilling and six pence was to be paid, one-fifth down, and the balance in four or five annual instalments, I do not remember which. No one bought at four shillings nor at one shilling and six pence. I do not know that I am right in saying this, because I consider that all those mentioned in my return have bought long ago, only they have not paid.

The Township of Gore is 18 lots wide, according to the Government numeration.

The only difference I recollect that has been made in my instructions respecting Clergy Reserve lots in the Township of Gore since the 18th October, 1845, is, that under my present instructions I am obliged to have them valued before they are sold. These instructions come not long after the printed instructions of the last mentioned date.

Since leaving Court last night I have brought up with me all my papers that have reference to the lands in the Gore. I now produce a copy of the letter written by me to the Commissioner of the Crown Lands, on the 24th October, 1854, to which the letter of which the first leaf of the document No. 13 contains a copy, refers and was a reply. I now produce and file the copy of the letter I so sent; it is marked and numbered 16. I now also produce the original of the letter to me from the Crown Lands Department, dated 22nd November, 1854, by which I am enabled to state that the copy forming the first leaf of said document, No. 13, is a

copy. I also produce the original letter, a copy of which, under date 19th March, 1857, is contained in said document, No. 13, by which I am enabled to state that the said copy is correct. I also produce the original draft of the letter, a copy of which, under date 25th March, 1856, is contained in said document No. 13, by which I am enabled to state that the said copy is correct. The Clergy Reserve lots in the Township of Gore are Nos. 15, 16, 17, and 18 in the second range; and 15, 16, 17, and 18 in the third range, and 16, 17, and 18 in the fourth range. There was a petition from the settlers on these lots to be permitted to purchase them, and for a reduction of price, upon which orders were sent to me to sell to them for two shillings and six pence an acre.

Five of these petitioners took advantage of this and purchased, which five are mentioned in the document No. 14, under the head of lands sold but not patented. The remainder have not yet taken their tickets, but they have agreed to purchase on the terms of the Government. I cannot say positively that every man on the said eleven lots has agreed to purchase on the terms of the Government; my memory does not serve me, but my opinion is that every one did. The order to sell on these terms I received about 11 years ago. On the 20th March, 1856, I received from the Crown Lands Department a letter requesting a return of the average price of Clergy Reserves remaining unsold in each Township, which letter contained a statement of the Clergy lands unsold in the Gore, by which statement it appeared that there were then sixteen hundred acres of Clergy Reserve lands unsold.

I have in my possession the instructions received by me from the Government respecting the sale and disposal of lands within the limits of my agency, and also those having special reference to the Township of Gore. I am not disposed to fyle these originals before the Court, as they form part of the records of my office.

Question.—Can you produce and file copies of the said documents?

Answer.—No; I have no copies of them. I could not say whether I could make copies of them in a week or not. I am not a good writer. I do not know, if I were to try, whether or not I could make copies of them ready for to-morrow morning. I would not like to take the responsibility of doing so. There are twenty of them, several of them containing two or three pages, several of them printed, and one of them alone six foolscap and a half pages of printed matter. I have no objection to the Petitioners' taking copies of them.

The examination of this Witness is suspended.

The document now exhibited to me, containing copies of nineteen papers, consisting of letters, circulars, and instructions, and also a copy

of a petition, contains respectively true copies of the said papers, which are the same papers I produced in this matter before the Judge, during my examination on the 20th instant. I have compared the said papers with the originals so produced by me, and I have found them correct. There were a good many letters on the subject of the Gore lands between myself and the Department previous to those contained in document marked number 13. I think I have produced the greater part of those I received from the Department, but there were a good many that I wrote, of which I have not retained the drafts. The correspondence contained in the said document number 13 contains the last correspondence and the final decision of the Department with reference to Crown Lands in Gore, to the best of my recollection.

I cannot say that I have notified the said persons mentioned in my return that the right of pre-emption at the rate of one shilling and six pence an acre was accorded to them by the Government, that is to say, I have not not notified them formally; but they know it very well. I think that several of them have applied to me since the order was given me to sell at one shilling and six pence, for their tickets or permits of occupation; but in fact, on reflection, I only recollect of one having done so, and that is John Hammond, who paid me fifty dollars on account, and he wanted his location ticket on the strength of that payment. I was requested, on my examination of the 20th instant, to look whether William Beattie and Robert Beattie had paid up the instalments which were due upon their lots at the time of the election, but I did not look, and I cannot say. I did not recollect till this moment that it had been asked of me. I was also desired to examine whether location tickets had issued for lots 31, 32 and 33 of the people's enumeration of the second range, but I did not do so. If any location tickets or permits of occupation had been issued for these lots, it is probable that they would have been mentioned in my return to the Government. In fact, I have issued no permits of occupation in the form prescribed by the Department; and in fact, none at all, unless a receipt for money may be considered such.

I do not recollect of having received any sums of money for any clergy lots than those mentioned in my return to Government, and in the document number 14.

I really do not remember whether I signed Mr. Bellingham's requisition or not. I would not be surprised if I did. I do not think I canvassed for him, but I may have done so. I was circumspect in that respect, having been deputy returning officer for a number of years. I was favorable to the election of Mr. Bellingham and am so still; and

I think it probable that I did speak to some persons about voting for Mr. Bellingham.

I cannot say whether I did or not. I cannot say positively whether the sitting Member's Agent assisted me in selecting the papers I was directed to bring here on the morning of the 20th instant, but I think he did not. My memory is so bad that I do not even recollect whether he was there or not at the time.

CROSS-EXAMINED.

If I mistake not, the Gore was first begun to be settled in 1819 or 1820. The settlers are chiefly Irish, and speak the English language. In the communication of 7th October, 1856, received from the department, they promised to send me a further supply of location tickets, which they have not done; and, as I had only the eighteen English ones I have above spoken of, I waited for that further supply before issuing any of the said tickets. The persons whose names have been mentioned in the returns to Government, copies of which are contained in the document No. 13, filed in this matter, and for whom the Government sent me down location tickets, have been for a long time in possession of their respective lots; some of them for over thirty years. They have all houses and barns and clearings on their respective lots. I have never written to these people, to tell them that either their location tickets were ready to be issued, or that any of them were in arrears, and asking payment of arrears. A few of the first settlers went into the Gore before I was Agent, not knowing whether they were going into Gore or Wentworth.

The people mentioned in my return, a copy of which is contained in document No. 13, went into the Gore and settled there, and afterwards obtained my consent to remain there. Some of them may have asked before they went in. This possession I have notified the Government of, as will appear by the correspondence, copy of which is filed to-day; and the Government have recognized their right of pre-emption. I believe I have made no returns of money, that I can remember, to Government since I made the returns I have already spoken of, that is, 4th April, 1856, except it may be for a few Clergy lots.

The Gore is erected into a Municipality. They furnished a couple of Companies of Volunteers in 1838. The people of the Gore, in coming to St. Andrews, have to come through Lachute, and pass by the Court House in Lachute; and this lengthens their road seven miles in coming to St. Andrews.

Evidence for the sitting Member.

William Evans, of the Township of Gore, Farmer—I am Mayor of the Township of Gore. I have had occasion to see the valuation roll

of the Municipality, and to see the values set opposite the different properties rated therein. I can state the value of properties in the Gore far exceed the value at which they were rated. They were rated for Municipal purposes, and their intrinsic values were not put down.

I can state, for instance, that one John Nicholson purchased, a short time ago, a lot for £105, which was rated on the valuation roll at £65. This was about three weeks or a month ago at the furthest.

I also know that one John Boyde, about a year and a half ago, purchased lot 22, in the fifth range, for £125 or £130. I find lots 21 and 22 of that range are rated on the roll for £70.

I know that Thomas Dixon purchased, two years ago, lot 23, in the fifth range, for £125 or £130. I find lots 23 and 24 valued on the roll for £90.

I know that John Smith purchased, about two years ago, lot 24, in the fourth range, for which he is to pay £170. I find that lot rated on the valuation roll at £87. It is from these and other sales, and from my knowledge of the lands, that I say that the valuation in the Municipal roll is far lower than the real value.

To the best of my opinion the valuation roll of 1855 does not correctly shew the properties upon which the voters resided at the time of the election; because there have been frequent changes of property since that time. I cannot remember all the changes. For instance, all those I have mentioned above have so changed since 1855, as well as others which I do not recollect.

GEORGE SHERRITT, of the Township of Gore, farmer—After having heard the testimony of William Evans read over to me, by the consent of the parties, I declare that I can confirm the same in every particular, with the exception of the production of the deed of east half of 8, in the fifth range.

ISAIAH CURREY, of the Township of Gore, farmer—I voted for Mr. Bellingham at the election in December last. My vote, 478, objected list, and 26 of poll was objected to by the petitioner. Previous to the election, Mr. Abbott himself came to my house twice and asked me to vote for him. I was not at home when he came to my house, and his brother sent for me to Michael Good's. I then went to the house; Mr. Abbott was there taking tea at the time.

Question.—What transpired upon that occasion?

Objected to by petitioner as being too general, and otherwise irrelevant to the matters in issue before his Honor the Judge Commissioner.

Objection maintained, and the sitting member persisting in having the question put, the Commissioner complies, and orders it to be taken *de bene* on a separate folio

The witness declares he cannot sign his name.

A selection of three votes in the Township of Gore, with the evidence specially referring to those votes:

No. on List.	No. on Poll.	Name of Voter.	Description.	Residence.	Quality.	Description on Poll.	No. of Objections.
490	54	George Nicholson.	Farmer.	Gore.	Proprietor.	33 in the 5th	1, 2, 3, 7, 8.

JAMES McDONALD—With reference to George Nicholson, 499, objected, and 54 of poll, I know George Nicholson, of Gore, farmer—there is only one of the name in Gore. He voted, He is rated as owner and occupant of lot 33 in the fifth, and no other. He occupied this at the time of the election and another lot.

CROSS-EXAMINED.

George Nicholson has been on his property for three years. His father previously had it for eight or ten years, and gave it to him. He has a house, buildings, and clearance.

George Nicholson is entered in the Crown Lands list and documents as a squatter on the west half of 17 (33) in the fifth range.

The Judge Commissioner is of opinion that this vote is bad.—Scrutiny.

No. on List.	No. on Poll.	Name of Voter.	Description.	Residence.	Quality.	No. of Objections.
474	7	James Scarlet.	Farmer.	Gore.	Occupant.	4, 5, 6, 7, 8.

JAMES McDONALD.—With reference to James Scarlet, 474, objected list, and 7 of poll; I know one James Scarlet of the Township of Gore, farmer—I never knew but one of the name. He voted at the election.

Question.—Look at your valuation roll and state whether the said James Scarlet is there entered as occupant of any real estate in the said Township, and what?

The sitting member objects to the production of the valuation roll for the Township of Gore, or of any proof being gone into upon it, the poll book being the only document upon which proof can be gone into.

The Commissioner makes the same ruling as in the case of the production of the valuation roll for the Parish of St. Andrews; and overrules the objection.

Answer.—He is entered on the said valuation roll as owner and occupant of Lot No. 11 of second range, which Lot he occupied at the time of the Election and still occupies. He has occupied no other Lot that I know of, and pays no tax on any other Lot.

CROSS-EXAMINED.

He has been in Gore for six years, and he has a house and barn on the lot. He has a good clearance on the lot. James Scarlet did not clear the lot, but he purchased from one John Riely.

James Scarlet is entered on the Crown Lands list as a squatter on the W½ of 6 (11) in the 2nd range.

The Hon. Judge Commissioner is of opinion that this vote is bad.—Scrutiny.

No. on List.	No. on Poll.	Name of Voter.	Description.	Residence.	Quality.	No. of Objections.
522	89	Thomas Westgate.	Farmer.	Gore.	Proprietor.	1, 2, 3, 7, 8, 10, 16.

JAMES MCDONALD.—With reference to Thomas Westgate, 522, objected, and 89 of poll; I know Thomas Westgate of Gore, farmer. There is only one Thomas Westgate in Gore; he voted; he is rated as owner and occupant of Lot 28 in the 6th range, which Lot and no other he occupied at the time of the Election and for a long time previous.

CROSS-EXAMINED.

Thomas Westgate has been in possession of his property for 14 years. He has a house, buildings, and clearance on the Lot.

Thomas Westgate is entered on the Crown Lands List as a squatter upon E½ 14 (28) in the 6th Range.

The Hon. Judge Commissioner is of opinion that this vote is bad.—Scrutiny.

In the course of the examination of the witnesses on the votes in this Township, the following question was put on behalf of Petitioner.

Question.—Do you know what land, if any, the said Robert Dawson occupied at the time of the Election?

The sitting member objects to this question, first, upon the ground of there being no identification of voters; 2nd. Upon the ground of there being no description of the

property upon which the voter voted being entered upon the poll-book, the Contestant having been represented at the said poll by his Agent; and, 3rd. Because he is not upon the valuation roll which the Contestant produced as tending to show by inferences to be deduced therefrom, that the Lots for which persons were rated on the said roll were the Lots upon which the parties voted, and because the said testimony might go to contradict statements which the voter may himself have made at the time he voted as to the Lot on which he voted, although such statements may not have been recorded; because the Agent of the Contestant did not require it; and also because it tends to contradict the poll-books.

The Petitioner replies, as he has already frequently replied to similar objections, that proof of the property upon which the voter lived at the time of the Election, creates a sufficient presumption that he voted in respect of that property, to throw the *onus* of showing that he had other property on the sitting Member, and that the objections generally are insufficient in Law.

The Judge Commissioner over-ruled the objection on the ground that the facts sought to be proved constituted a sufficient presumption that the Lot in question was the one voted on, no description of the property upon which the voter voted having been entered on the poll-book, to entitle the Contestant to go into evidence upon it; and that if the sitting Member contended that he had voted on any other property, he would have the right to prove that fact in rebuttal.

APPENDIX B.

Containing Notes explanatory and critical upon the decisions of the Select Committee appointed to try the Controverted Election for the County of Argenteuil.

APPENDIX B.

NOTE A. (*p.* 24.)

It is impossible to imagine upon what principle the Committee arrived at the conclusion indicated by this resolution. It must be remembered that at this stage of the case the parties had prepared for the scrutiny of the Sitting Member's votes, by the accumulation of an immense quantity of testimony on both sides, the result of about two months incessant labor. That testimony was then before the Committee, and its examination would have shewn at once which of the contending parties was entitled to the seat. But the decision of the question of qualification would not in any respect have furthered the final settlement of the case, because it it were decided that the Sitting Member was not qualified, it would still have been necessary to go into the scrutiny to ascertain whether or no the Petitioner had the majority of legal votes. He could not be seated till he had placed himself in a majority, so that the adjudication by the Committee, whether in favor of or against the Sitting Member's qualification, would not have advanced the case a single step. It must also be remembered that if the Petitioner had felt it for his advantage to have proceeded with his case against the qualification, he would have been obliged to procure the issue of a commission for the examination of witnesses—which would have given the Sitting Member the certain enjoyment of his seat for that session, then near its close. With evidence sufficient to destroy twice the apparent majority of the Sitting Member, it could not have been, and probably was not, supposed that the Petitioner would thus abandon his case for a whole session, to prove a point, which the possession of a majority of votes rendered unnecessary and useless. The decision of the Committee therefore produced no other effect than that of forcing the Petitioner, either to lose a session in proving a charge that would not further his design of obtaining the seat; or to abandon a charge which, if true, would be fatal to the Sitting Member's election, if the Petitioner failed in shewing a majority of votes. Thus it is

obvious there would have been a denial of justice, and the Sitting Member would have been improperly protected; in the one case by being assisted to retain his seat, in the other by being enabled to avoid the trial of a material charge against him.

It is conjectured from remarks which fell from an influential member of the Committee in connection with this subject, that the decision was prompted by a supposition that if the Sitting Member should be disqualified the Petitioner would at once obtain the seat; and this error as to the law would suffice to explain a conclusion otherwise inexplicable, except upon a hypothesis that could hardly be entertained in respect of the persons composing the Committee. (1)

NOTE B. (*p.* 28.)

This decision must be taken as conclusive against the objections made to the affidavit; as indicating the opinion of the Committee, either that the irregularity was insufficient to invalidate the affidavit, (thus sharing the opinion of the Judges of the Superior Court at Montreal—p. 14,) or that the fact of the due swearing of Mr. Germain might be enquired into and established by the evidence of those best qualified to know, as was done in the Halton case with respect to the much more important oath of the Commissioner himself. The subsequent suggestion *by the Committee* of an objection which the Sitting Member never made, to a proceeding taking by the Judge in his favor, and of which he fully availed himself, affords an indication of one of the difficulties with which the Petitioner had to contend at this stage of his case.

(1) It may not be uninteresting to those curious in electoral "dodges," to know that the declaration of qualification required of a candidate by the Statute, was deposited in this case in the Registrar's hands in a *sealed envelope*, which the Registrar refused to open; and thus the election was proceeded with by the electors, in total ignorance of that which the law contemplated they should be informed of. The Statute, while it provided that the declaration should be placed in the Returning Officer's hands, had unfortunately omitted to enact that it should *not* be *sealed up!*

NOTE C. (*p.* 30.)

The magnitude of the interests sacrificed by this decision, renders it one of the most important, while it is legally speaking, one of the most glaringly erroneous and unjust at which the Committee arrived.

Upon the strict law of the question, whether it was the duty of the Judge, *à peine de Nullité*, instantly on receipt of the application to name the day for commencing to take evidence, because the Statute enacted that "forthwith," upon the application being validly made, such day should be fixed; there cannot be two opinions amongst lawyers or Judges. The doctrine that such a provision, so made, is directory only, and does not necessarily entail the nullity of the procedure, is perfectly well known to every person possessing even an elementary knowledge of either French, English or American law. The reports are full of cases where it is held, that the mention even of a precise date within which an act is to be performed, does not render the act null if done afterwards, unless there are precise words declaring it shall be null if done at any other time; or unless it be of the essence of the act itself, that it should be invalid if not done at that time. Here no time was fixed; but on the contrary, the necessity for ascertaining whether the numerous formalities requisite to make an application "valid" had been performed or not, contemplated some delay; there was nothing in the Statute enacting that the order should be null if not *instantly* made; there was nothing of the essence of the proceeding that necessarily made it null if not done instantly. No Court, in such a state of things, would have given such a decision as that of the Committee, upon the mere law of the case. But when the circumstances are looked at, it would appear still more unaccountable. The order was made in the interest of the Sitting Member, to enable him to make and urge any objections he might have. He appeared with his Counsel, in conformity with the order, and made and argued upon, several objections, but without even hinting any censure of the Judge for having given him the opportunity of doing so. When the day was subsequently fixed, he appeared by his Counsel before the Judge, and proceeded for nearly two months with the cross-examination of his Opponent's witnesses, and with the examination of witnesses of his own in support of his votes: still without making any objection to the Judge for not having decided against him unheard. He then came before the Committee; and while he very properly sought from the Committee a revision of the decisions of the Judge upon the objections he had previously made before him, still he took no exception whatever to having been allowed an opportunity of making those objections. It

appears almost incredible, that under these circumstances the Committee should first have started such an objection, and then maintained it. It is difficult to believe that in doing so they were free from the imputation of being swayed by the slanderous reports as to the proceedings, which had been industriously circulated in the House and before the Country : or that they were not governed more by the impressions they had formed outside the Committee room, than by what a moment's reference to the authorities cited would have shewn them was the law.

The result was a loss to the Petitioner of his seat for nearly a year ; of the enormous expense of a new commission, which sat for nearly three months, at a cost to him of over $25 *per diem* : and finally, a report by a second Judge, chosen by the Sitting Member, by which, after a much more energetic defence of his votes than had been made before Judge Badgly, the Sitting Member was declared to have 405 bad votes, (only 17 less than Judge Badgly reported,) while upon 27, which the Commissioner considered doubtful, he expressed no opinion. The final decision of the Committee, by which 201 votes out of 322 were struck off, exclusive of 52 which were retained until the production of a Crown Land certificate, afterwards laid before the Committee, making 253 bad out of 322, further maintained the correctness of the reports of the two Judges, if, in fact, the decision of an Election Committee can be considered as affording any assistance in the elucidation of a legal question, which may well be doubted. It is probable that when a thorough investigation exposed these facts, the regret of the members of the Committee at having suffered themselves to commit so great an injustice, was scarcely less than that of the Petitioner at having been the victim of it.

NOTE D. (*p.* 40.)

A reference to the authorities collected at p. p., 83, 84 and 85, of Montagu on elections, will show that the adjournment of the case for a week, upon such a trivial pretext, was contrary to all precedent. The equity of keeping the Petitioner a week in Toronto, while the Sitting Member sent 400 miles to a country village for a Counsel, is easily weighed.

NOTE E. (*p.* 43.)

It is believed that the arguments used by Mr. Cameron in support of the Judge's report are sound, and should have prevailed. On a comparison of the terms of the old law, with those of the act of 1851, it will be obvious that the powers conveyed to the Commissioner by the latter greatly exceed those contemplated by earlier legislation. It may also be said that the proposition that the Judge ,being authorised to scrutinise must report the result, should be considered conclusive. It is probable that should the question again arise, the concurrent opinion of the two Judges on this point, would be sustained, in opposition to that of the Committee. There is no doubt, however, that the correctness of the Judge's opinion upon each vote, might be impugned before the Committee, who could themselves go thoroughly into the evidence, so that the report would not otherwise affect the case, than as being the expression of an opinion by a person eminently qualified to form a just one.

The second branch of the decision of the Committee shews the extreme desire that appeared to prevail to find fault with the proceedings of the Judges. It will be observed that they say that the Judge should have ordered the Poll Books to be produced "on the application of the Sitting Member." Strange to say, there never was any application to that effect by the Sitting Member, nor did he or his Counsel pretend before the Committee that there had been. He applied to the Judge to prevent the Petitioner from proceeding upon a copy of the Poll Books, which the Judge could not do; for he was constrained by the 13th and 14th Vict., cap. 19 § 4, to consider that copy sufficient proof of the Poll, and of the same effect as the original; but he never made the proper application to the Judge to get the original Poll books, though his Counsel well knew how to do so; and on making it would doubtless have obtained them.

NOTE F. (*p.* 46.)

The Committee must have become conscious of the absurdity of the decision contained in their second resolution; for in scrutinising the votes in Mille Isles and Gore, they did not require evidence that the voters who voted at those

Polls had no qualification in Howard. (*Query*, why not also in Arundel, Montcalm, Wolfe, &c., where no Polls were held?) It is a new idea in civil law, that the party supporting the negative of a proposition is obliged to prove the negative of every hypothesis of a substantive character, however improbable, that can enter into the imagination of his opponent. According to every rule of law and principle of justice, the Sitting Member should have been told: "Sir, these voters say they are of Morin, and they vote there; and it has been "shewn that there are no votes in Morin. If you pretend that they have "votes elsewhere, and have voted in Morin under an exceptional provision of "the law, it is for you to prove it."

The mode by which the Committee arrived at the conclusion that Maillé voted as proprietor, and not as tenant, though both qualifications were appended to his name, does not appear.

NOTE G. (*p.* 47.)

The question presented by Mr. Cameron was difficult of solution, upon the evidence of record. On the one hand the watch of the Returning Officer and the clock in Mr. Bellingham's open house, though both open to suspicion, afforded evidence that the Poll had been opened at the proper hour; while the testimony of Snowdon and Brophy, though unsupported by any time piece, appeared to point to a different conclusion. As the evidence was so strong on both sides, the Committee were probably in the right in allowing the presumption in favor of the acts of a public officer like the Returning Officer, to turn the scale. The question would have been less difficult, if his conduct in receiving votes had been less exceptional. (See App., A, pages 191 to 217).

NOTES H and I. (*pp.* 62 *&* 63.)

These decisions turn upon the same point, and involve the only question of importance upon which any difference of opinion existed in the Committee The dissenting members forming the minority, adopt the view, that without the

direct evidence which the Poll Book should afford, of the precise lot upon which a voter voted, his right to vote cannot be successfully assailed. The majority appeared to consider that such a view would place an election entirely at the mercy of any Returning Officer; who might insert upon the Poll Book any number of fictitious votes, and by omitting any designation of property, prevent their being scrutinized. They seemed to be of opinion, with both the Judges, that in the absence of a designation of property on the Poll; proof; by the Valuation Roll of his parish and by his neighbours, of the property the Voter occupied, and was assessed for; that to the knowledge of his neighbours he occupied no other; and that in the Valuation Roll he was assessed for no other; constituted sufficient evidence of the property he voted on. Because it was the best evidence that could be procured, and was of such weight as to shift upon him the *onus* of shewing he had other property, if such was his pretension.

This view of the case is believed to be sustained beyond controversy, by the arguments of Counsel and authorities cited at pp. 58 to 61. As already stated, it is held both by Judge Badgley and Judge Bruneau; and since the election in question the evidence afforded by the Valuation Roll alone, has been constituted the sole test of a man's possession of the franchise.

Upon the other questions suggested by the Counsel for the Sitting Member, it is understood that the Committee were unanimously against him.

NOTE J. (*p.* 64.)

The only distinction between this voter and McReth, is that the former had paid rent to the Seignior. It is considered that this fact placed him in the position of a person who is in occupation of a property with the consent of the owner, and with intent to become the proprietor thereof on the performance of certain conditions. No other construction could be put on his occupancy: and these facts constituted him an "occupant" within the meaning of the law. It was not denied that the voter might be considered as having had a right to demand a Concession Deed from the Seignior; but admitting that right, he certainly could not be considered proprietor till he had exercised it. The

power of compelling a person to sell you property does not, of itself, constitute you proprietor of that property. Elliott undoubtedly could have voted as occupant, with propriety : but, as he voted as owner, his vote, according to strict law, should have been rejected.

NOTE. K (*p.* 66.)

The Chairman's opinion upon Cook's vote, was correct and consistent. The position of this voter was precisely the same as that of several others whose votes had been rejected.

NOTE L. (*p.* 69.)

The minority of the Committee might at first sight be supposed to have departed, in this decision, from the principle they had previously maintained with regard to the Mille Isles voters who had not designated their properties on the Poll Book, but it is not so. They have here drawn a very just distinction between these persons in Gore who voted as "occupants" and those in Mille Isles who voted as "proprietors." As the qualification of occupant appeared to require a physical possession which was susceptible of direct evidence :, they thought that evidence of occupancy by the voter, of a particular property, and of none other, afforded conclusive proof of the property on which alone he could have voted. On proof therefore that these voters were not legally occupants of the properties they respectively held, the Committee were unanimous in rejecting their votes.

NOTE M. (*p.* 78.)

Among the many extraordinary rulings of Election Committees this is certainly one of the most singular. It will be observed (p 72) that the argument of the Sitting Member turned entirely on the proposition that his list of objected votes had been filed. That is to say, that the second answer, filed before Judge Badgley, was a list of objected votes filed before the Committee. This position is obviously untenable, and the resolution of the Committee shews they considered it so: but the Sitting Member's application wholly rested upon that: and neither he nor his Counsel had the boldness to ask to be permitted to file lists at that stage of the proceedings. There probably would be little doubt in the mind of any one who would glance at the Act of 1857, that no scrutiny of votes could take place unless the notice or answer objecting to them was filed within the requisite time. The Statute expressly prohibits evidence, except upon the facts and circumstances set up in these documents. This is enacted both in affirmative and negative terms: affirmatively, by providing that all facts and circumstances intended to be proved should be stated in these documents; and negatively, by declaring that no evidence should be received of any other. How did the Committee escape this? Simply by totally ignoring the Statute of 1857; by treating the case as if that Statute had been repealed, though it was still in full force. They did not pretend even to exercise a discretionary power as to the proceedings under the Act of 1857. They proceeded exactly as if that page of the Statute Book had been a complete blank. But it remains to be seen how far they improved their position by acting, as if the Statute of 1851 had been alone in force. In the first place by granting the Sitting Member permission to file lists, they did what they were not asked to do. No application was before them to be permitted to file lists, but on the contrary, the Sitting Member argued that lists had been filed. The majority of the Committee therefore volunteered the permission; they originated the idea by which the Sitting Member was to be extricated from his difficulty; and they acted upon it in his favor without being asked to do so. It would have been somewhat strange, but much less unjust, had they told him they were of opinion that his lists were not filed, and suggested that he should apply for leave to file them. Then the parties could have been heard, and the Petitioner would at least have had the satisfaction of shewing them how far they would break the law by granting such a request. So far however, from doing so, they received an application of one kind, and finding, after hearing the parties, that they could not grant it, they made an order without hearing the parties upon it, according a privilege entirely different from the one asked for, and at

least equally illegal. To prove the impropriety of this order, a very short reference to the Statute will suffice. The discretionary power of the Committee is relied on in the order itself. Now what discretion is allowed the Committee? Section 145 gives a power of this nature in certain cases; but not when by affirmative and negative terms the Statute indicated a certain course, and no other, as the one to be followed. All discretionary power is expressly excluded, if the proper course be thus indicated: and no other latitude of the kind is allowed to the Committee in any other Section of the Statute. Now by Sections 79, 80, and 81, the Statute *affirmatively* orders that lists shall be filed *on a certain day;* unless otherwise ordered by the Committee, on an application *made on that day:*—And by Section 82 it *negatively* provides that no evidence shall be received against any vote not included in lists filed as directed by the previous Sections. Here are *negative* and *affirmative* terms, indicating a certain course and forbidding any other, which course it is admitted was not followed in this case. Where then is the discretionary power of the Committee? The Statute expressly excludes it in a certain state of things: and exactly in that state of things the Committee assume it, unasked: and grant an unsolicited permission to do exactly what the Statute declares shall not be done, viz: to file lists after the period fixed by its terms.

The circumstances under which this illegal permission was granted really appear to make the matter worse. Had the Sitting Member been taken by surprise in any way: had the proceedings been unusually rapid, and the delay beyond the prescribed time but small, it might have been said that equity dictated the order, and that a sense of justice would excuse the breach of the law which it involved. But so far from that being the case, a year and a half had elapsed, during which nothing had been done by the Sitting Member towards scrutinizing the Petitioner's votes. The whole period between the first and second Sessions had been suffered to pass by without the slightest intimation of his intention to attempt to do so: and it was not till he found himself in a minority, near the end of the second Session of the Parliament, that he made the application in question. The mere order to issue a commission of course gave him peaceable possession of his seat for the remainder of the second Session, and the beginning of the third: while under the law he was bound to take proceedings towards a scrutiny in the beginning of the first. In the consideration of the equities of the order, too, it would not have been out of place for the Committee to recollect that they had already denied to the Petitioner, for one Session, the right of shewing his majority; and that even if they were right in their decision setting aside the first commission, it was not on account of any error committed by *him* that those proceedings were

annulled. Contrary however to the Statute of 1857, contrary to the Statute of 1851, contrary to every consideration of equity, so far as the facts were then known and as it turned out, contrary to the "interests of justice," which the Committee declared they sought, the order was granted; the further warrant issued: and the Petitioner was kept out of his seat for another year: with the additional privilege finally accorded him by the Committee, of *paying the cost of the issuing and working of the warrant which they illegally granted at the instance of his opponent, and which resulted in nothing but his illegal exclusion from his seat.* The whole matter affords an instance of the extreme danger of departing from rules of law, upon the supposition that some equity dictates their violation.

NOTE N. (*p.* 94.)

So much has been said respecting the *cadastre* of Mille Isles that it has been thought worth while to analyse it, and also to compare the Mille Isles votes left on the Poll by the Committee, with the probable number as exhibited by the *cadastre*, and the actual number shewn by the voter's list made for Mille Isles, under an extended franchise.

It appears by the *cadastre* that there are 187 lots of land in Mille Isles occupied, - - - - - - - - - - say 187.

Of these	43	persons hold	2 lots each,	making	86
	6	persons hold	3 lots each	"	18
	2	persons hold	4 lots each,	"	8
	2	persons hold	5 lots each,	"	10
	5	women hold	1 lot each,	"	5
and	60	men hold	1 lot each,	"	60——187

thus shewing that exclusive of women, there are 113 persons holding land in Mille Isles.

By the Valuation Roll of October, 1855, which was in force at the time of the election, in which the same names frequently appear more than once, 126 persons appear to be occupying land, which, deducting the women and persons several times named, would nearly agree with the estimate taken from the

cadastre. Of these only 53 are valued at £50 and upwards, and 73 are valued under £50. By the Voter's list made under the new law in January, 1859, there appear to be 101 persons entitled to vote in Mille Isles, so that apart from all question of legal right to vote, the *cadastre* only exhibits 113 men in occupation of land in Mille Isles, of whom, following the valuation of 14 months before the election, only 53 had property of sufficient value to entitle them to vote; but taking the valuation and Voter's list made 13 months afterwards, only 101 had property of sufficient value to entitle them to vote.

Now at the election in question 152 votes were polled in Mille Isles; and 7 persons voted in Gore on property in Mille Isles, making in all 159 Mille Isles votes, of which the Committee struck off 71, leaving 88 Mille Isles votes on the Poll. So that supposing every one holding property of the value of £50 in October, 1855, to have voted and to have been entitled to vote, the Committee admitted 34 votes that they ought to have struck off. And again, supposing every one holding property worth £50 in 1859 to have been entitled to a vote in 1857, and to have voted, the Committee only struck off 14 erroneously. But on reference to the names on the Voter's list it appears, that of the 101 persons holding property worth £50 in 1859, only 80 voted, so that even according to the Voter's list, made under a franchise enabling squatters to vote, the Committee left upon the Poll 8 votes too many. In other words, it is complained that there are only 88 Mille Isles votes allowed to Mr. Bellingham under a franchise *excluding* squatters; when, if the law had then permitted squatters to vote, he would only have been entitled to 80!

But adopting another test of the correctness of the decision of the Committee, let us try to ascertain from these Seigniorial papers how many of these 113 persons mentioned in the Mille Isles *cadastre* had really any title in the land they were occupying; and strangely enough, a number of them have expressed their own views on that point, in a document filed before Mr. Commissioner Dumas, on the 28th December, 1858. In this rather curious paper, 48 of the persons mentioned in the *cadastre* object to their names being inserted there, *declare they have no titles,* but offer *then* to take the property from the Seignior at a rent which they name. In 46 out of the 48 instances these objections were *maintained* by the Commissioner, so that supposing that every one of the remaining 67 persons had title of some kind; that the property each held was worth £50, and that he voted; the Committee would still have left 21 bad votes upon the Poll. It would be very easy to pursue the examination farther and shew that these 67 persons did not all vote; that many of them had no titles, and that the property of many of them was not worth £50, but it is considered sufficient to shew, that taking a most unreasonably favorable view

of these much vaunted papers of the Seigniorial Commission, the Sitting Member was allowed to retain upon the Poll about 24 per centum of Mille Isles votes more than they shew to have existed there.

It is to be hoped that these few figures will forever set at rest the pretension that any injustice was done the Sitting Member in respect of the Mille Isles Poll.

The assertion that the Seignior, Mr. DeBellefeuille, forgot two Côtes in giving his evidence, is simply absurd. A reference to his testimony will shew that he speaks of all the four Côtes, known as St. Angelique, St. Margaret, St. Joseph and St. Eustache, which alone are within the boundaries of Argenteuil, and form what is called the augmentation of Mille Isles. It is said that two Côtes of the Seigniory of Mille Isles were forgotten or omitted in the first *cadastre* of that Seigniory; and this is supposed to be the report upon which the assertion is made, that Mr. DeBellefeuille forgot two Côtes in the augmentation of that Seigniory when he gave his evidence on this contest. One moment's glance at his testimony would have shewn the absurdity of such a pretension.

FINIS.