

Be it known that on the twentieth eighth day of
 February in the year of our Lord one thousand
 eight hundred and thirty five, Personally
 came and appeared before me The Honourable
 George Byrke one of the Judges of the Court of
 King's Bench for the District of Montreal
 in the Province of Lower Canada John
 Nelson the younger of the City of Montreal
 in the said District and Province, Merchant
 Benjamin Hall of the same place, Merchant
 and Stanley Bagg ——— of the same place
 Merchant, who separately acknowledged
 themselves to owe as follows, that is to say
 the said John Nelson the Younger the sum
 of one hundred pounds, currency, and the
 said Benjamin Hall, and the said Stanley
 Bagg each the sum of fifty pounds currency
 to be levied of their goods and chattels, moveable,
 and of their lands and possessions, respective-
 ly for the use of our Lord the King, or of the
 Person to whom the same shall appertain,
 in consequence of a Petition to be presented to
 The House

the House of Assembly against the legality of a certain Election of two Members to serve in the Assembly held for and in the West Ward of the City of Montreal, and against the Return, if the conditions herein after mentioned be not performed.

Now the condition of this Bond is such, that if the persons so petitioning shall duly appear before the said House of Assembly at such time as shall be appointed by it for taking their Petition into consideration, and shall prosecute the contestation to the final Decision thereof, or until it shall be otherwise determined with the permission of the said House, and shall pay such costs as shall be adjudged by the said House, to the person or persons sustaining damage by reason of such Petition, then this Bond shall be void, otherwise it shall remain in full force and virtue.

Geo. Nelson Jr.
Benj. Keane
Stanley Dagg

Taken and acknowledged before me at the City of Montreal the day month and year above written - In witness whereof I have hereunto set my hand and seal.

George Dyke (L.S.)
J. H. D.

Benjamin Hall of Montreal in the District
of Montreal Merchant and Stanley Bagg
of the same place Merchant
named in the foregoing bond and whose signa-
tures are thereunto subscribed severally
make oath and say - and first the said
Benjamin Hall for himself saith that he is
a freeholder and housekeeper in the West
Ward of the City of Montreal in the said
District and that he is worth the sum of four
hundred pounds currency over and above
what will pay all his debts, and the said
Stanley Bagg for himself saith that he is
a freeholder and housekeeper in the said
West Ward of the City of Montreal and
that he is worth the sum of Four hundred
pounds currency over and above what
will pay all his debts.

Benjamin Hall
Stanley Bagg

I sworn before me at the City
of Montreal the Twenty eighth
day of February one thousand
eight hundred and thirty five
Faith and Testimony whereof
I have hereunto set my hand and
Seal.

George Pyke
J. N. B.

(L. J.)

SOCIÉTÉ HISTORIQUE
DE MONTRÉAL

On this twenty eighth day of February one thousand
 eight hundred and thirty five, personally came
 and appeared before me Austin Curvillier Esquire,
 one of His Majesty's Justices of the Peace, in and
 for the District of Montreal, John Molson the
 Younger, of the City of Montreal, in the said
 District, Merchant, Thomas Phillips, of the
 same place, gentleman, John Samuel McLeod
 of the same place, Esquire, Advocate, Isaac
 Valentine, of the same place, gentleman, John
 Torrance of the same place, Merchant, James
 Charles Grant of the same place Esquire, Advocate,
 John Fisher of the same place, Merchant,
 Ebenezer Muir, of the same place, Merchant
 Taylor, William Robertson of the same place
 Physician, and Nicolas P. M. Kurgyn of the
 same place Grocer, and severally make oath
 and say: That they are respectively electors
 freeholders and proprietors duly qualified
 according to law of the West Ward of the City of
 Montreal, and now are and at the time of the
 last

John Crookes
 of the same place
 miller

J. M. P.
 J. P.
 J. M. C.
 J. J.
 J. B. J.
 J. C.
 J. H.
 E. M.
 W. R.
 A. C. J. P.

last Election of two members to represent the said
West Ward in the Provincial Parliament,
and for six calendar months and upwards
immediately preceding the said Election,
were respectively proprietors of and possessed
for their own respective uses and benefit^t of
a ~~lot~~ Lot of ground and dwelling house
within the limits of the said West Ward of the
yearly value of five pounds sterling that is
to say: five pounds eleven shillings and one
penny farthing currency or more over and
above all rents and charges payable out of
or in respect of the same.

That they were respectively
in the actual possession thereof or of the
rents issues and profits thereof for six
calendar months and upwards immediately
preceding the said election, that they are
still respectively in the possession thereof, or
of the rents issues and profits thereof and
that the same were not granted or made
over to them fraudulently or on purpose

to

each
J. H. J.
J. P.
J. M. C.
J. J.
H. G.
J. L.
J. J.
C. M.
M. R.
N. P. M. H.
M. J. C.

to qualify them to vote at any election.

And further the Deponents say not

Jno Molson Esq^r

Thomas Phillips

J. W. Wood

John Torrance

J. C. Grant

John Brooks

John Fisher

Chas. Murray

M. Robertson

Nicholas Pell Kurzyn

Taken and sworn before me
at the City of Montreal, the
day, month and year firstly
above written in Faith and
Testimony whereof I have here-
unto set my hand and seal,
sight word obliterated null,
two marginal references good

Martin Guellier J.P.

(L.S.)

To the Honorable The Knights,
Citizens and Burgesses of the
Province of Lower Canada in
Provincial Parliament assembled.

The Petition of John Bonellan of
the City of Montreal, and William Walker
of the same place, two of the Candidates at the
last Election of two Members to serve in your
Honorable House for the West Ward of the said
City of Montreal; and of the under-written
Electors being Freeholders (duly qualified
according to Law) of the said West Ward,

Humblly Sheweth,

That your Petitioners, estimating
at its due value an independent exercise of the
elective Franchise on the part of the Inhabitants
of this Province; and not indifferent to the
consequences which cannot fail to arise, if
the interests of any portion of its population
are inadequately, or illegally represented in
your Honorable House, or the Electors impeded
in the exercise of the rights conferred upon
them by law; feel themselves called upon
by a sense of duty towards the community,

DE NOTRE
SOCIÉTÉ HISTORIQUE

to bring under the consideration of Your Honorable House, some circumstances connected with the late Election of two Members to represent the West Ward of the City of Montreal in the Provincial Parliament; and the return of Louis Joseph Papineau, and Robert Nelson, Esquires, as such members, in violation of the spirit and letter of the law, and the rights of the Electors. —

That your Petitioners abstain from animadverting upon the illegal acts which were committed in the progress of the Election, or the unwarrantable rejection of undoubted votes by the Returning Officer: by which means, an apparent majority of votes was secured to the Candidates who have been returned. —

The facts to which they would confine the attention of Your Honorable House will appear by reference to the Poll Book, and it is by the facts there recorded, that your Petitioners are desirous, the legality or illegality of the pretended Election and returns should be determined. —

That by the Terms of the Royal Proclamation, and the tenor of the Writ addressed to the Returning Officer, the Return of the said Writ was fixed to the twenty second of November last; and as the Election com-

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-menced on the twenty eighth of October, it must be apparent to your Honourable House, that every intermediate day was of value to admit of the suffrages of a constituency, comprehending at least thirteen hundred qualified voters, to be recorded. —

That on the morning of the thirteenth day of the said month of November, to which day at the hour of ten of the Clock, the Poll stood fixed by adjournment of the previous day, and without any votes being received, the Returning Officer, without the sanction of the two Candidates, whose names are herunto subscribed, and in fact against their wishes, adjourned the Poll to the following day at the same hour, under pretence that the peace of the City had been disturbed during the previous night. — The watch beaten and dispersed and several persons dangerously wounded. — Circumstances, which, even if true, could not justify any abstinence from the discharge of a solemn and public duty, in the performance of which, the Returning Officer was assured of the support of the civil authorities. —

That your Petitioners further beg leave to represent, that although on the

fifteenth of the said Month of November, the Polling ought to have commenced at Eleven of the Clock in the forenoon, the hour to which it stood fixed by the adjournment of the previous day, the Returning Officer failed to attend, and contented himself with causing a notice to be affixed upon the building selected for the holding of the Poll, to the effect, that in consequence of Riots and disturbances which had occurred during the previous night from its appearing that disturbances were likely to recommence that morning, a considerable number of persons being in attendance at the Poll armed with clubs, as he had been informed - his life having been menaced previously to the time fixed by the adjournment of the preceding day for opening the Poll - and believing the lives of the Electors to be endangered - he had felt it incumbent upon him again to adjourn the Poll to the following Monday the seventeenth day of November at the hour of eight of the Clock in the forenoon; an adjournment not only against the wishes of the two candidates whose names are hereunto subscribed; but which your Petitioners apprehend to be unsanctioned

by

by the law, which imposes upon the Returning Officer, the necessity of keeping the Poll open for the space of eight hours in each day subsequently to the first day of Election unless otherwise determined by the unanimous consent of the Candidates, or their representatives, or by the final close of the Poll. —

That the said Returning Officer did not approach the Poll on Monday the seventeenth day of November, and the only information of his further proceedings in the execution of the duty confided to him, which, Your Petitioners, in common with their fellow Citizens were allowed to obtain, was by means of another notice or Proclamation transmitted by him, as it is said, to be affixed upon the door of the Building selected for the holding of the Poll, to the effect that, being unable to continue the Election for the West Ward of the City of Montreal with security to himself or the Citizens Electors, he had felt it his duty to close the poll; and to proclaim as duly elected to represent the said West Ward in the Provincial Parliament, the Citizens Louis Joseph Papineau and Robert Nelson, as having a majority of the suffrages appearing by the Poll-Book. a proclamation uttered

utterly at variance with the spirit of the law; and repugnant to the clause of the statute, which provides that when the Election is closed, the Returning Officer shall proclaim the same aloud, and immediately execute an Instrument of Indenture in the form prescribed by law.

That it accordingly appears that no Proclamation such as required by law was at any time made; and of the time, place, or circumstances of the execution of the Instrument of Indenture, if any such was executed, your Petitioners are ignorant.

That your Petitioners feel confident that your Honorable House will attach no weight to the suggestions of riot, aggression and menace, which are assigned by the Returning Officer as his reason for neglecting to continue the Election - his successive adjournments of the Poll - his shrinking from the discharge of a solemn public duty - and the manner in which the Election was terminated. For the Returning Officer was clothed by Law with sufficient power to command respect - to subdue tumult or aggression - to protect the right of the Electors, and the free-

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-doin of election - and to defy menace. -
And he had it in his power at any time
during the progress of the Election to com-
-mand the assistance of the Magistracy
and the other civil authorities to aid him
in the performance of the duties he had
assumed. -

Wherefore, and inasmuch as it
is manifest that the said Election
was not held, continued or closed,
as required by Law, Your Peti-
-tioners pray that the Prothonotaries
of the Court of King's Bench, for
the District of Montreal, in
whose office the Poll Book hath
been deposited, be enjoined to cause
the same to be conveyed to the
Clerk of Your Honorable House;
and that the truth of the matters
stated in this Petition being veri-
-fied by reference to the said
Poll Book, Your Honorable House
will be pleased to declare the
pretended Election and Returns
of Louis Joseph Papineau, and
Robert Nelson, Esquires, as Mem-
-bers duly elected to represent the
West Ward of the City of Montreal
in the Provincial Parliament
to

to be null and void. and to order that a
new writ do issue for the Election of two
members to represent the same. -

And your Petitioners will ever pray

Montreal

24th February 1835

Geo: Donnellan

Wm Walker

Alexander Murphy

Isaac Valentine. Geo. Molson Esq:
John Torrance Thomas Phillips
J. C. Grant J. S. McBord
John Fisher Ebenezer Muir
Nicolaus Kurzyn. W. Robertson
 John Whittam
 John Crooks

I Austin Curillier of the City of Montreal
Esquire, one of His Majesty's Justices of
the Peace in and for the District of Mon-
treal do hereby certify that John Molson
the younger, Thomas Phillips, John
Samuel McBord, John Torrance, James
Charles Grant, John Crooks, John Fisher,
Ebenezer Muir, William Robertson and
Nicolas D. de Kurzyn whose names are
subscribed to the foregoing Petition
personally appeared before me at the
said City of Montreal and took the oath

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required by Law to the effect that they now
are and at the time of the last Election
of two Members to represent the West Ward
of the said City in the Provincial Parlia-
ment, and for six months immedi-
ately preceding the said Election, were
Electors free holders and proprietors, duly
qualified according to Law, of the said
West Ward, and that each of them now
is and at the time of the said Election,
and for six months and upwards im-
mediately preceding the same, was
proprietor of and possessed for his own
use and benefit of a lot of ground and
dwelling house within the limits of the
said West Ward of the yearly value of
Five pounds sterling, i.e.: Five pounds
eleven shillings and one penny farthing
currency or more, over and above all
rents and charges payable out of or in
respect of the same. —

In faith and testimony whereof
I have hereunto set my hand and seal at
the said City of Montreal this twenty eighth
day of February one thousand eight
hundred and thirty five. —

Certified a true & correct copy
of Petition & Documents accompanying
the same —

W. H. H. H.
28th of Feb

Austin Curvillier J. P.

24 fév. 1835