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The British Whig,

AND GENERAL ADVERTISER FOR CANADA WEST.

"OPIFER PER ORBEM DICOR."

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THE BRITISH WHIG
PRINTING ESTABLISHMENT,
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NEXT DOOR TO THE LAMBTON HOUSE.
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Provincial Parliament.

Legislative Assembly.

From the Montreal Herald

MONDAY, January 22, 1849.

Dr. LATERRIERE took the oaths and his seat, on his re-election for the County of Saguenay.

Dr. DAVIGNON presented a petition against the Seigniorial Tenure, signed by 1,000 landholders of the counties of Rouville, Chambly, and Huntingdon.

CONTESTED ELECTIONS.

Mr. NOTMAN made a motion for the reading of the journals relative to the petition against the return of James Webster, Esq. for the County of Waterloo.

Sir ALLAN MCNAB objected to the motion being made without previous notice having been given.

The SPEAKER decided in favor of the objection, and directed the question to stand as notice for this day.

Mr. NOTMAN then moved, seconded by Mr. WETHERALL, that the petition against the return of Mr. Webster be taken into consideration on Monday, the 5th of February.

On Motion of Mr. J. S. MCDONALD, seconded by Mr. HOLMES, the renewed petition against the return of Mr. Johnson, for the County of Haldimand was received.

Mr. J. S. M'DONALD moved, seconded by Mr. Richard—that the petition of Dr. Kingsmill & Co. and others, newspaper proprietors of this city praying to be provided with the Routine Proceedings of the House, free of expense, be referred to a Select Committee, composed of Messrs Prince, M'Donald (Kingston) Holmes, Cauchon and the Mover. He remarked that in 1824, '25 and '29, the Parliament of Upper Canada supplied the Press with the routine proceedings.

Col PRINCE thought it would have saved delay, if the House made an order at once that the Press should be permitted to have access to, and copy the routine Proceedings.

Sir ALLAN MCNAB said that the course pursued in England was to leave the matter of Printing in the hands of the speaker, and appoint a committee to assist him. He thought, that was the best course to pursue here.

Mr. INSPECTOR GENERAL HINCKS said that all the news-papers wanted, was to have one copy of the Routine Proceedings for publication the following morning They had had it heretofore, but they had been obliged to pay the clerks of the House for providing it, when they ought to have had it free of expense.

Mr. McDONALD then withdrew his motion, to renew it in a different form to-morrow. (This day.)

LIBEL ON COL. PRINCE.

Col PRINCE moved for copies of the indictment, Bench warrants, and other papers relative to the prosecution against George Brown, for libel, at the last Spring Assizes in the London District

Mr. BALDWIN said that he would explain the circumstances of the case, which perhaps would make it unnecessary to bring down the papers moved for. Mr. Rose had written to him respecting the proceedings at the assizes, and it appeared that the bench warrant had been issued in the wrong district, on that the warrant would not run where it could be rendered available. Mr. Rose stated that at the last assizes, he had received a letter from Brown stating that he could not come without injury to the public service, as he was on the Kingston Commission, which required his constant attendance, and asking (Mr. Rose) advice. He (Mr. Rose) told him to come at all events and take his trial Soon after Col. Prince came to town, and he (Mr. Rose) mentioned this to him. He replied that if it would be injurious to the public service, Mr. Brown need not come—Mr. Rose told Mr Brown's agent what had taken place; but, in the meantime, Col. Prince expressed his dissatisfaction. Finding Mr. Brown did not come he issued a bench warrant for his apprehension in the usual course.

Col. PRINCE asked how, then, it happened that after all this time Brown had not been arrested?

Mr. BALDWIN had nothing to do but to give the proper directions. The hon. member entered into some further technical explanations, and concluded by remarking that he believed the germ of the whole complaint, was that a gentleman had been employed who did not wear a silk gown. If the hon. member had been employed, all would have been right.

Col. PRINCE then withdrew the motion.

Mr. Solicitor General DRUMMOND introduced a Bill to remove doubts concerning an Act entitled, "An Act to render valid the transfer of land and other removal of property" in this Province.

Mr. HOLMES brought in a Bill to punish fraudulent conduct of warehousemen, in certain cases

Mr FORNERET inquired of Ministers if they intended to introduce any measure relative to Surveyors, and the measurement of land in Lower Canada.

Mr. PRICE replied (as we understand him) that the Government proposed to introduce such a measure.

Mr. SHERWOOD wished the House to proceed in the case of Mr. Vanuttan. Questions of privilege should always take precedence.

Sir A. MCNAB said, it was their first duty to protect the privileges of the House; and by the rules of the House, questions of this sort should always take precedence. If, however, the majority were determined, they could, of course, set aside the rules of the House, and take up the debate on the Address.

Sir A. MCNAB again urged that Mr. Vanuttan's case should take precedence, being a question of privilege.

The Speaker decided that the House could take up any question it chose.

Mr. CAYLEY reminded hon. gentlemen opposite, that when the question of the hon. and gallant Knight from Hamilton's right to the seat in the House came up, they then insisted that it should take precedence of the debate on the Address.

Mr. BALDWIN was surprised at the hon member for Home quoting that instance as a case in point, for the hon. and gallant Knight was then Speaker; and the question was, whether the House could do anything without the Speaker. (Hear, hear.) The two cases were not at all parallel.

NOTICES OF MOTIONS

Mr. SHERWOOD, (Toronto) gave notice of his intention to bring in a bill for the repeal of the Usury Laws

Mr. FORTIER gave notice of a motion relative to the Colonization of Townships.

Mr JOHNSON gave notice of a motion relative to indemnity for losses incurred in 1837-8, the words of which we were unable to catch.

Mr. HOLMES gave notice that he would to-morrow (this day) move for leave to bring in a bill to incorporate the Montreal & Troy Telegraph Co.

Mr. W. H. BOULTON gave notice that he would to-morrow (this day) move for leave to bring in a bill to limit the number of the Executive Council, and other matters relative to appointments to office.

Col. GUGY gave notice of several motions relative to Sheriffs' incompetency, &c. Tipstaffs of the Court of Queen's Bench

Mr BADGLEY brought in a Bill to amend the Law of Patents in this Province. The Bill was read a first time. Also a Bill to improve the Law of Evidence and to abolish unnecessary Oaths

On motion of Mr Attorney-General Hincks the usual Standing Committee [illegible]

Mr. GUGY moved for a return [illegible]

Mr. PRICE replied the motion, as there was no precedent on the subject; it had been usual to proceed entirely from the Provincial Government, from whom all information must be derived.

Mr CAYLEY was perfectly satisfied.

Col. GUGY moved for leave to bring in a Bill to amend the Law of Libel. The Bill was a transcript of Lord Campbell's celebrated bill, the intention of which was as well to protect the Press, as the public at large. Its object was to allow the publisher of newspapers to make amends, and thus to prevent the publication of hurtful matter unless it could be proved to have been useful to the public. He had likewise introduced a clause taken from the French law, imposing on a printer publishing libellous matter, the imperative duty of publishing the answer of the party injured. The Bill was read a first time

Sir ALLAN MCNAB moved an address to His Excellency, praying for any correspondence that might have taken place with the home government relative to the proposed amnesty for political offenders. He believed this was the first time the House had been called on to assist the Queen in the exercise of her prerogative and he hoped, therefore, the hon. gentlemen opposite would be ready to give every information on the subject

TUESDAY, January 23.

The House met at three o'clock.

A large number of petitions were presented.

Sir ALLAN MACNAB gave notice that he would, on Tuesday next, move that the House should, during this Session, meet at eleven o'clock in the forenoon, and adjourn at six o'clock in the evening.

Mr. INSPECTOR GEN. HINCKS gave notice that he would on Friday next, move the House into a Committee of the whole, to consider the propriety of addressing the Crown in favor of a repeal of the Navigation Laws.

Mr. M'DONALD (Kingston) gave notice of his intention to move for a copy of the Commission appointing the Kingston Penitentiary Commissioners, and various other matters connected with that institution.

PRINTING OF THE ROUTINE PROCEEDINGS.

Mr. M'DONALD (Glengarry) made a motion, that the printing of the Routine Proceedings should be placed entirely in the hands of the Speaker. He explained that this motion, which was copied from one generally adopted in England under similar circumstances, was intended to enable the press to furnish the public with the earliest information concerning the proceedings of the House.

Mr. INSPECTOR GEN. HINCKS thought this motion would not facilitate the communication of the information to the daily papers which they desired. It was absolutely necessary they should have the proceedings the morning after they took place; but if the Speaker, as provided by this motion, had to examine the proceedings before they were handed to the Press, it would be impossible for the printers to have it in time. He (Mr Hincks) had been a newspaper proprietor, and was perfectly aware how this matter had been managed heretofore. He had himself paid, Session after Session, a Clerk of this House to furnish him with the proceedings, and the other newspaper proprietors had done the same. They had been furnished with the proceedings, hour after hour, so as to have them printed in time for the following morning. The Press felt that it was a hardship having to pay for furnishing this information to the public, and all they desired was to have access to one copy of the proceedings. He feared this motion would tend to defeat the object which the hon. gentleman who moved it had in view.

Sir ALLAN MACNAB thought the motion would have the desired effect. The Speaker could employ a suitable person to look over the proceedings and see that the newspapers were regularly supplied.

Mr. M'DONALD was satisfied, that now the attention of the House had been called to the subject, he felt satisfied that the object he had in view would be attained.

Mr. H. J. BOULTON thought that the matter should be so arranged, that the printers should be supplied with a portion of the proceedings every half hour.

Mr. GUGY called attention to the fact that certain newspapers were entering into a conspiracy to suppress portions of the proceedings of the House. He hoped that if this motion, a favor to the Press—was granted, it would be on the understanding that they should report the proceedings fairly.

Mr. M'DONALD, (Glengarry) said there was no mistaking the object of the remarks of the hon. member for Sherbrooke. The motion he (Mr. M'Donald) had made did not concern the Press alone, but the public at large; it was a matter which would afford satisfaction to the hon. members of the House, as they would thus be able to see on the following morning what had occurred in the House on the preceding evening, whether they were in their places or not. It was absurd to pretend that the public were to be deprived of the advantage of this information, because any individual hon. member might make a bunkum speech which might not be reported in some of the city papers. (Hear, hear.) It would be ridiculous to pretend that the House was to dictate to the Press what part of the proceedings they were to report. (Hear, hear.)

Mr. Christie hoped that if the Press had any intention of suppressing the speech of any individual member, they would not persevere in it. It would be a breach of the privileges of the House, and immediately he saw anything of the kind, he would move that the House be cleared of strangers.

The motion was then adopted.

Mr. BADGLEY brought in a bill to abolish imprisonment for debt in Lower Canada.—Also a bill to exempt persons from imprisonment for debt.

Mr. CHRISTIE moved an address to His Excellency for certain papers relative to the Gaspe Fishery and Coal Bill.

On motion of Mr. NOTMAN, the Journals were read relative to the contested Waterloo Election.

Mr. FORTIER brought in a bill to settle uncultivated lands in Canada West

Hon. Mr. CAMERON brought in a bill to form roads and bridges in Canada East.

Mr. DAVIGNON brought in a bill to indemnify Petit Jurors in Canada East.

Mr. H. J. BOULTON, brought in a bill respecting Aprons and Slides at Mill Dams. At so a bill, the object of which was to limit the number of the Executive Councillors, and also to place the making of new offices, and the fixing of the salaries thereof, in the hands of the Legislature.

After the discussion, Mr. McFarland postponed a motion of which he had given notice, for the reading of the journals relative to Niagara District Town.

Mr. GUGY made a number of motions relative to Temperance, Sheriffs' Fees, Criers' and Tipstaffs of the Court of Queen's Bench, &c., &c., &c.

From the Montreal Pilot

WEDNESDAY, January 24, 1849

The House met at three o'clock.

Mr. HOLMES presented various petitions, praying for the completion of the Paspebiac Road at Point de Sandi, in Gaspe.

Mr. DAVIGNON presented a petition from the inhabitants of the Township of Boulton, praying for an amendment in the Act relating to the partition of land.

Sir ALLAN MCNAB gave notice of a motion for the appointment of a Library Committee

Mr. H. J. BOULTON gave notice of his intention to move, this day, an address to His Excellency, for the production of information relative to the Re-organization of the Province, and the number of electors.

GORE BANK

After some discussion relative to the reference of petitions to Select Committees, and on the practice of the House on the subject.

Mr. Thompson moved that the petition of the President and Directors of the Gore Bank, praying the House to diminish the capital of the Bank to enable them to pay a dividend, and afterwards to increase its capital, be referred to a Select Committee, where a debate arose the con.

Mr Sherwood considered the request of the Bank most absurd and unprecedented.

Mr. Holmes defended the petition.

The motion was ultimately withdrawn.

Hon H. J. Boulton moved that the order of the day for the second reading of the bill authorizing the formation of Macadamized Roads be discharged Carried.

Mr. Richards moved to resolve that the petition against the return of the sitting member for the County of Glengarry is not now pending, the petitioners not having entered into the recognizances required by law

Sir A. McNab thought the motion irregular, notice should have been given.

The motion was not granted.

Dr. Laterriere brought in a bill to allow Pilots' apprentices to qualify themselves in certain cases. Read a first time, to be read a second time on Tuesday next

REBELLION CLAIMS.

Mr McLean moved for an address to His Excellency for certain information on the subject of the Rebellion Claims in Upper Canada.

THURSDAY, January 25

The Speaker took the Chair about four o'clock.

Mr. Holmes presented a petition from the Canada Baptist Union, praying for reform in King's College, Toronto; also one from the same body in favor of appropriating the Clergy Reserves to purposes of general unsectarian education. (Hear, hear)

Mr Thompson, presented the petition of the Niagara District Council, on the subject of the completion of the Brock Monument (Hear, hear.)

Mr M'Donald (Glengarry) gave notice that he would, on to-morrow, move for an address to His Excellency for returns on three subjects. 1st. The pay to Clerical Visitors to sick emigrants during 1848; 2nd. All Special Grants to Schools and Colleges, exclusive of the annual grants for Common Schools, and 3rd. Of the Expenditure of the Clergy Reserves Funds, with copies of correspondence relative to the Surplus Fund.

Mr. Richards gave notice that he would, tomorrow, move for copies of all correspondence relating to the Temporary Lunatic Asylum, and the dismissal of Dr. Parke.

Mr. Christie gave notice of a motion for papers and correspondence relative to the removal of Justice Bedard from Montreal to Quebec.

Dr Davignon gave notice that he would, tomorrow, ask the Government, whether they intended to introduce any measure like Russian Ukase relative to the Seigniorial Tenure; and if so, what would be its nature?

Mr. Sherwood (Toronto) moved an address to His Excellency for all correspondence between the Imperial Government and His Excellency relative to the Usury Laws. Carried.

INQUIRIES OF MINISTERS.

Mr. Thompson inquired of Ministers if they intended to bring in, during the present Session, Bills for the following purposes:—

1st. To amend the Charter of King's College.

Mr. Att. Gen. Baldwin.—It is our intention. (Hear.)

2nd. To amend the Common School Act.

Mr. Baldwin.—If the House sanctioned the projected Municipal Act, they would then, if there was time, take up the School Bill. (Hear, hear.)

3rd. To appropriate land of equal value to the support of Grammar Schools in Upper Canada, to that misapplied.

Mr Baldwin.—We propose no such measure.

4th. To appropriate funds to maintain the Dunnville and Cayuga Roads, rendered useless by the overflow of the Dunnville dam.

Mr Baldwin.—We have no such measure.

5th To enable the remnant of U. E. Loyalists and Militiamen to obtain compensation for their respective land claims, precluded by law for want of timely application.

Mr. Baldwin.—They did not.

ASSESSMENT LAW.

Mr. Hincks gave notice of a motion to bring in a Bill to amend the Law of Assessment in Upper Canada. (Hear, hear.)

THE BANKRUPT ACT, (C. E.)

Mr. Davignon moved to refer the petition of divers merchants of Montreal, for a repeal of the Bankrupt Law to a Select Committee.

Mr. Att Gen. LaFontaine stated that it was unnecessary to refer it to a Select Committee, as the Government had determined to allow the Bankrupt Law to expire. (Loud cries of "Hear, hear")

Mr M'Donald (of Kingston) made some inquiries relative to the reason why Mr. Gov. Brown had not been compelled to give his evidence before a Grand Jury at Kingston.

Mr Baldwin said he understood that, when Mr. Brown was before the Grand Jury, he stated that he could not give the evidence required, because it would be injurious to the public service. This was mentioned to Mr. Justice Draper, and if he had ordered the evidence to be given, he supposed the witness would have been compelled to give evidence. But the Crown prosecutor did not press the matter, nor did the private prosecutor as he might have done.

Col. Prince complained that the Crown prosecutor ought to have pressed the Court to order the witness to reply. The Crown prosecutor ought to have pressed the Court to order the witness to reply.—The Crown prosecutor was too young to do the business as it ought to be. The Judge too, ought to have made Mr Brown give evidence.

Mr. H. Smith said, that what showed the injustice of the case was, that a person was accused of perjury before the Grand Jury, and who could not be proceeded against on account of this want of evidence, was afterwards received as a witness by the Commission.

Mr. Boulton believed no one had any privilege to refuse evidence, and that Mr. Brown would be compelled to do so, as well as any one else; but that House was not the place to judge the Judges.

Mr. Baldwin had no objection to give those papers, but he did not see what good they would do to any one.

In reply to some remarks from Sir A McNab—

Mr. Richards said it seemed to him that the hon. and gallant knight from Hamilton misapprehended this matter Mr G. Brown did not refuse to go before the Grand Jury; on the contrary, he went before them, but he stated that he could not with propriety disclose the evidence taken before the Commission till he had made his report, but that if the Court thought it right that he should do so, he would do it. (Hear, hear) He (Mr. Richards) had conducted the business for the Circuit, but he had not been acquainted with the facts of the case, or called upon to take any steps in it.

After some further conversation, shared in by Messrs. M'Donald (Kingston,) H Sherwood, Blake, Prince, Gugy, and Hincks, in which nothing new was elicited, except an allusion by Col Prince to the events of 1837, resented on the hon and gallant member by Mr. Blake, by reference to the Debates in the British House of Lords on Col. Prince's conduct at that period. In speaking of this, Mr Blake made use of the word "murder," upon which Col. Prince rose, and threatened to hold the Solicitor General West responsible, if he repeated the term.

Mr. Hincks said the Kingston Commission would soon report. Their remuneration was £3 per day, including all expenses, travelling and otherwise; and that the whole expense would be about £2,500 ("Hear, hear," from the Opposition,) which amount the Government believed would be saved to the country annually, in consequence of the labors of the Commission.

Mr. M'Donald (Kingston) then moved for an Address to His Excellency, for a copy of the Kingston Commission, instructions, and other papers relating therein. He at the same time expressed his disapprobation of the course pursued by the Commissioners, and especially of the appointment of Mr. Brown, a gentleman who had, previous to his appointment, expressed a decided opinion, on the subject of the Penitentiary, in his newspaper. He also complained that the evidence against the Warden was taken for three months together, and signed by the worst villains that collection of villains, before he had an opportunity of cross-examining them. Witnesses on the other side, on the contrary, were allowed to be constantly cross-examined as they gave their evidence. The charges against the Warden were eleven, divided into 121 counts consisting of 221 pages, which again were subdivided into 699 portions, upon all which evidence was taken. Among these charges were some for acts which the Warden had done in obedience to the orders of the Government, or to those of the Inspectors. Others were for aiding and abetting in larceny, and when the Commission were applied to, to allow counsel to be present while evidence upon them was heard, the request was refused. He made these statements not from his own knowledge, but upon information, which he was assured could be substantiated by the oath of competent witnesses On the same authority he would state, that Mr Brown took the evidence; and falsified the evidence, which afterwards, when the error was pointed out, he was with difficulty induced to alter, and which, in some cases, he would not alter. Mr. Brown had also told some of the witnesses that what they said was not true, but might go for what it was worth.—One witness was examined for twelve and a half consecutive days; and when he asked why he was subjected to so severe an examination, he was told, "You are the chief witness for the Warden, and it is our business to destroy your testimony." That Witness replied that Government would do him justice and he was told, "We are the officers of Government, and it must support us." The copy of a letter was produced by Mr Brown as evidence against the Warden; and Mr. Brown declared upon his honor that it was a true copy of one written by the Warden.—The the Warden denied, asserting that it was an ingenious extract from the real letter—every thing favorable to the Warden being left out. He was informed that Mr Brown's declaration could not but be true: for the Warden, at that very time, had the letter in his pocket; that he produced it; and that when Mr. Brown saw it, he was confounded, and asked why it was not in the archives. It was of great importance to have that fact in evidence, and Mr. Brown consented to give his testimony upon it. Afterwards, however, he refused to give his evidence; and when the Warden called up other witnesses to that fact Mr Brown's counsel not allow the testimony to be entered on the notes. One of the charges against the Warden was, that he allowed Mr. Hopkirk to steal a cords of wood. The Commissioners examined a witness named Ballantine, one of the gate-keepers, who said he knew Mr. Hopkirk had the wood, and he knew that he had returned it.—The other named Cooper, only proved that Mr. Hopkirk had the wood, and his evidence alone was contradicted by the minutes; but he was now prepared to swear that the only reason he had stated that Mr. Hopkirk had returned it, was because he was not asked. The truth was, Mr Hopkirk, on first coming to his house, had borrowed a little wood and returned it He concluded with a long statement—

Mr. Hincks—Of what you have heard.

Mr. McDonald.—Yes, but it is only because Counsel and the Press were excluded that we are induced to hear any evidence. He understood the Government had not approved—he did not profess to hold them responsible for all the acts of the Commissioners—and he believed that among the acts which they did not approve was the rejection of Mr. Smith from his house, at a day's notice, in the most inclement weather, and with his aged wife exceedingly sick.

Mr. Baldwin desired the consideration of the question to be referred till the report came down. The history of the commission was this:—For many complaints of the Penitentiary had induced the late Government to determine on the appointment of a commission, and that intention the present Government carried out. They appointed persons not influenced by hasty excitement. The President was a gentleman universally respected, a distinguished member of the other House, and from early professional education peculiarly adapted for the duty of receiving evidence. A other gentleman, from Montreal, was a distinguished and active magistrate, whose merits and qualifications were admitted on all hands. The third gentleman was also from Montreal, an eminent mercantile man, of the first respectability. Mr. Brown had, it is true, discussed the subject of the management of the Penitentiary in the Globe but he had censured no individual connected with it, and seemed as if the circumstance of his intention having been directed that way made it more rather than less fit for the office of Commissioner. He thought the hon. gentleman had hardly dealt out to the Commission that justice claimed for the Warden, when he entered upon these statements, before the report was before the House. For his own part, it would give him sincere pleasure, if he could come to the conclusion on seeing the report, that Mr Smith ought to be reinstated; and if it had given him great pain, to learn that he had been obliged to leave his residence. At the same time, it was obvious that a Commission of this kind was appointed, because Government could not fulfil the duty themselves and they could not be constantly interfering with those in whom they confided. He had heard of the secrecy of the early part of the inquiry, that arose from the desire of the Commissioners not to take evidence on all the charges which might be brought—some doubtless utterly futile. They wished, first, to ascertain what appeared to be grave accusations, and then to take evidence upon them The time occupied by the Commission was complained of even now. It would have taken a much longer time if every little charge had been gone into. Of course it was easy to make *ex parte* complaints; but perhaps they would be explained when the other side was heard. Colonel Prince would not have said anything on the subject but for what had fallen from the Attorney General West. No doubt the gentlemen who had been appointed on that Commission, of the highest respectability, and although (Col. Prince) had the greatest respect for one of the three, (Mr. Brown), still he did not think Mr. Brown was at all qualified for the responsible duties connected with the Commission. It might also state that the gentleman placed at the head of that Commission, no sooner found in the duties of the office run counter to his interest in other ways, than he neglected the business which he had been appointed, and as a consequence he (Col Prince) believed many thousands transpired during his absence, which would have taken place if he had been present. It was regretted this, but he believed such was the case The hon Attorney General West had mentioned a high obligation to Mr Brown; he (Col Prince) had seen several articles in the Toronto Globe virulently stigmatising the gentleman into whose case he was as a Commissioner, bound to inquire. This, in Colonel Prince's opinion, was not the conduct which ought to be made Mr. Brown notable as a Commissioner; neither did it place him in the position of an unprejudiced, but rather gave him unfair treatment. He had heard a gentleman state at a large public meeting in Kingston, that the great partiality had been exhibited by Mr. Brown taking the evidence during the sitting of the commission That gentleman stated that Mr. Brown would not take down those parts of the evidence which went to exculpate Mr. Smith from charges made against him; and when Mr. Smith was called to sign the evidence, he did so, but it was not down which he had stated Mr Brown, however said that he must sign what was on him, as, if he had said anything more, he had been bound. This he could prove, if required. (Col Prince) trusted the motion would prevail; thought it would be but just to the House, if they were put in possession of even the dead evidence, or report of the commission, as it had been taken down, as it was uncertain when it could be laid before the House. By adopting this course, the House would know whether any reasons had been made or not. The Attorney General West had evinced uncommon sensibility at the removal of the Warden, but it was unjust to assume a man before he was known to be guilty, and thus driven from his home, bag and baggage, on a couple of days' notice. More than one Judge had signified their approval of the conduct of Mr. Smith in his management of the Kingston Penitentiary. But why had a Sheriff from a distant county been placed in Mr. Smith's situation? It was unfair to Mr. Smith, although the small salary held by Mr. M'Donald required probably some consideration from the Ministry. He thought Mr Smith should have been kept in office if found guilty of the charges against him, or moved incompetent to perform the duties of his office.

Mrs McDonald [Kingston] did not blame any one on the opposite side of the House for all that had been done. There was a great deal of excitement on the subject of the Penitentiary and many violent attacks in the public papers upon Mr. Smith; and it was, in his opinion unfair to rely on the strength of charges made by an anonymous writer; however, from what had been stated by the Attorney General, and in conjunction with his wish, he would withdraw his motion.

Mr Holmes introduced a bill to amend the law regulating Inland Bills of Exchange and Promissory Notes, and from the protesting thereof. Read a first time, to be read a second time on Thursday next.

Mr. Inspector General Hincks brought up the documents moved for, relative to the restrictions on commerce. Ordered to be printed for the use of members. Sir Allan MCNAB moved the appointment of a Standing Committee on Library

Mr. Smith [Durham] withdrew a motion for leave to bring in a bill for the incorporation of Port Hope.

Hon. H J Boulton moved for returns of the population of Upper and Lower Canada, the number of representatives, constituencies, &c.

Mr. Hincks had no objection to the motion; but it was impossible to give an accurate return of the population of Lower Canada, as no census had been taken for several years. Calculations had, however, been made by three different parties, without communication with one another, which approached nearly to one another. The most accurate information possible should be given.

Legislative Council.

MONDAY, January 22, 1849.

The House met at three o'clock, P. M.

Prayers and the reading of the Minutes having been concluded, the public were admitted.

Various petitions were presented by honorable members

The Clerk of the House, then, having read the "sole order of the day," namely, to adopt an address to His Excellency the Governor General, in the picked Speech from the Throne to open the Speech was read in both languages.

Hon. Mr. QUESNEL then rose, and proposed, for the adoption of the House, a series of resolutions echoing, as is usual, the terms of the Speech, seconded by the Hon Mr. Ross. The former gentleman in French, and the latter in English, said a few words in support of the various matters contained in the Speech, clause by clause.

Hon. Mr. DeBOUCHERVILLE rose, and claimed the right of, on such an occasion, expressing himself on being relieved from the necessity of confining himself to the particular matters referred to and mentioned in the Speech. He said that the form of Government in Canada was not a transcript of the British constitution, wanting, as it did, the aristocratic element. He was going on to give his views regarding the rights and duties of the Honorable the Canadian Legislative Council, when he was interrupted by the Speaker, as wandering from the subject before the House.—Mr. DeBoucherville said that, before giving his opinion of the Speech from the Throne—he would express "all his thoughts"—the House might stop it if it thought fit.

The Hon. SPEAKER said, he had no right to rule in the matter; it rested with the House to do so. He added, the hon gentleman is out of order, and if he, (the Speaker) had the power, he would stop him. He left it with the House to hear him or not.

The Hon. Mr. McGILL regretted to interrupt the friend of Mr. DeB's discourse, but thought he should confine himself to the subject before the House. At the same time, he would rather extend the indulgence of the House to the hon. member and hear what he had to say. He much regretted that he did not deliver his views in English.

Hon. Mr. FERRIE urged the deliverance of the Speech in English, as being the language of three-fourths of the House.

Mr. DeBoucherville continued, in French, by consent of the House, to point out the difference between the Hon. Legislative Council and the British House of Peers, and to describe the duties of Councillors. On the subject of Electoral Reform, he said he should have supported the leading members of the Viger-Papineau Administration, when, in 1841, they called upon Her Majesty to dissolve the Union, and do justice to his French Canadian countrymen. He maintained that this House is independent of the Crown and people—it represents the principle of "legislation" of abstract Justice, and had suffered eight years of oppression, in not being permitted the use of the French language. He would that Parliament should have been called in October or November, and that the Executive should have explained why it was not so called—and have accounted for the "Bastard Session" of last year, which cost the country so many thousands of pounds. He concluded that he saw nothing in the resolutions to object to, and would vote for them.

The Hon D B VIGER proposed an address, to be substituted for the one proposed. It having been read.

The Hon. Mr. McGILL complained that he had been taken by surprise by the amendment moved—which, however, he thought varied very little from the resolutions proposed—and under the circumstances would decline supporting it.

The Hon. James MORRIS could find nothing in Mr. Viger's amendments, saving the one subject of the "important principle," involved in taxation for educational purposes—a principle which Mr. Morris distinctly maintained. He hoped the hon. member would withdraw his amendment—if not, he trusted the House would not put the country to the expense of printing the amended address.

Mr QUESNEL maintained that the resolutions and amendment were, with one mere verbal difference, identically the same—and that, in fact, it was a mere quibble on words

The Hon Mr KNOWLTON regretted that Mr. Viger should have moved his amendment, in which he could detect no difference in sentiment from the resolutions, although there might be some trifling verbal difference He cordially supported the resolutions moved by Mr Quesnel—The measures mentioned in them should have his warm support.

The Hon Mr. McGILL said a few words in favor of the proposed general amnesty for all political offences, but asked for explanation as to the grounds, upon which Parliament was invited to "concur" in it—such mercy being clearly within the prerogative of the Crown.

The Honbles Messrs LESLIE and QUESNEL explained that an Act of the Legislature was necessary to relieve the property of the attainted from effects of the attainder. After a somewhat desultory conversation, the amendment was lost without a division. The resolutions were then read *verbatim* by the Hon Speaker, passed unanimously, and on the motion of the Hon. Mr. Quesnel, the Honbles Messrs. McG'll, DeBoucherville and Quesnel, were appointed a Committee to draw up an Address to His Excellency in accordance with the terms of the resolutions—which, having been read by the Clerk of the House, was unanimously adopted, when the House adjourned.

As the Address is a mere echo of the Speech already published in the *Herald*, we think it unnecessary to occupy our unlimited space by its publication.

While cordially assenting to the general principles of the measures referred to His Excellency's speech, and to the resolutions, the Hon Mr Morris stated that, with reference to the proposed Electoral Reform, he feared the rights and interests of the Eastern Townships had not been sufficiently considered; and he regretted that the District of St Francis had not the advantage of being represented by any member in this branch of the Legislature.

The Hon. Mr. TACHE, Commissioner of the Board of Works, explained, with reference to the St. Lawrence Canals, that they have already cost £3,000,000 and that £150,000 is required to complete them—£90 0 0 of which has been already voted for that purpose by the Legislature, leaving £60,000 to be granted.

WEDNESDAY, January 24, 1849.

The House met at three o'clock, and after the presentation of petitions and the appointment of several Committees, adjourned until this afternoon.

THURSDAY, January 25, 1849.

The House met at three o'clock, and sat for a short time. Some routine business was got through, but nothing of great public interest occurred. Adjourned till this day.

FRIDAY, January 26, 1849.

The House met at three o'clock, and after prayers and reading of the minutes, the doors were thrown open to the public. A number of petitions were presented by hon members.

A Report from the Committee of Privileges, concerning the rules and orders of the house, appointed on Wednesday last, was received, read, and ordered to be taken into consideration on Monday first.

After some conversation, involving subjects of no great public importance, the rolls was called. We are informed that this will not again be done during the session.

RECIPROCITY.

Mr. Merritt postponed his motion relative to Free Trade with the United States until Tuesday, in consequence of information he had received.

BRITISH WHIG.

"Opifer per Orbem Dicor."

TUESDAY EVENING, JAN'Y. 30, 1849.

The Publisher of the *British Whig* purposes to make a Collecting Journey to Port Hope this week, passing through the towns and villages of Napanee, Shannonville, Belleville, Trent Port, Brighton, Colborne, Cobourg and Port Hope, stopping out day at each place. Being Editor as well as Publisher of a Daily Paper, he is at a loss to know how he can satisfactorily execute the duties of the away from home. Rather than send out a concise account of the present condition of each town, he may stop at, in lieu of editorial commentary, he hopes with the assistance of his Printer, to accomplish the difficult task, and like an Irish bird, be in two places at one and the same time. For the next ten days he therefore craves the indulgence of his friends.

Among the remarkable events of that most remarkable year 1848, is the restoration to the honors of his family, of Prince Louis Napoleon Bonaparte, the eldest nephew of the Immortal Emperor. It is a great reproach upon the present and past generation of Englishmen, Irishmen and Scotchmen, that the name of Bonaparte always inspires fear and hatred, the one deep, the other unquenchable. Although all the rest of the habitable world have long since united in forgiving that great conqueror his successes, and in regarding him, as the greatest man who ever existed; yet the inhabitants of Great Britain alone, most obstinately withstand the universal feeling, and persist in looking upon him simply as a tyrant, whose career was happily put at an end to, through their powerful intervention. When the clear-minded Sir Walter Scott could prostitute his pen to the writing of a series of atrocious libels upon the Great Napoleon, under the mask of "a History of his Life and Achievements," and that infamous work become popular for a time, it shows to what a depth of degradation, the public mind of Great Britain was reduced. Feelings extend through generations. Our fathers feared Napoleon; their sons destest him; and their grandsons will not be just to his memory. The present and the coming generation must pass away before the people of the British Isles will accord to the deceased French Emperor the full meed of his transcendant merits; before they will perceive and acknowledge the immeasurable distance between the gigantic Bonaparte and the (comparatively) pony Wellington; before the man of genius, as a soldier, and a statesman, and the mere man of routine, whose caution was his greatest merit, and whose ultimate and most prized success was almost accidental.

But to write an essay upon Napoleon the Great, is not our present business. It is to show to the people of Canada an important fact. That four fifths of the whole adult male population of France have united in elevating to the throne of the Presidency, (if such a phrase may be allowed) a man whose only known or acknowledged merit lies in his birth. How deep in the bosoms of the French People must be their reverence for Napoleon, when his nephew assumes the most important position in the universe, so triumphantly, simply by reason of being his nephew! When they could disregard the great services of General Cavaignac, a man who saved the French Republic from anarchy, from another reign of terror; "a man" as a late writer observes, "whose high position had been acquired by his personal merit; a man who but a few short months before, had been greeted with the acclamations of every person in France who had a decent coat upon his back; a man who in a time of unparalleled difficulty, had acted with unparalleled honesty of purpose, simplicity and success; a man of sincere convictions, high integrity, great talent, and proved services." Such was General Cavaignac, and yet the French Nation prefered Louis Napoleon, because he was the nephew of their beloved Emperor; whom all the English writers for the past half century have united in describing as a mere brutal bloodthirsty soldier, with no other attribute but what his sword had gained him! What a satire upon Great Britain! What a lesson to her children!

PENITENTIARY COMMISSION.

We observe that the Member for Kingston has given notice of his intention to move for a copy of the Penitentiary Commission, a document which we are sure our readers will be desirous of seeing, in order to discover whether the antics which the Feather Breeched have now, for many months, been playing, are performed by order of the Government. It is our intention, on a future occasion, to expose some of the pranks of these gentlemen, and to show the public the dignity with which their proceedings have been carried on—the courtesy with which the witnesses have been treated—the kindness they invariably showed to the Warden while conducting his defence, by insisting on the witnesses giving all the evidence they could in his favor—and lastly, by acting as counsel for him, as is done in all other well regulated courts. But all this we must defer for the present, as we have yet a word or two to say on the greatly imported state of disciplines since the Commissioners and Inspectors became "one and indivisible;" yet we can hardly say this, for one of them remains at the Hotel, scribbling away as hard as his pen will go, while the other two are every day holding a Board at the Penitentiary. Formerly, we understand, a Board consisted of a majority of the five Inspectors, but these gentlemen have a new way of doing every thing; two members now suffice for the purpose. The time of this noble pair of brothers has latterly been occupied in endeavoring to discover some acts of peculation in the Blacksmith's Shop, and