

Herald.

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R SALE, House, Fram KINGSTON, CANADA, TUESDAY, JULY 20, 1841.

From the St. Catharines Journal.

MR BALDWIN'S RESIGNATION. that the Tory press of Canada has lost nor haracteristic virulence and proneness to e, has lately received the most unequivo-of, in the manner in which it has emptied good, in the diameter in which it has empiried vals of its impotent wrath upon the head of Baldwin, on account of having resigned his alon in the Executive Council, and taken among the independent Reform members louse of Assembly. That a name asso-with itself the ideas of inflexibility of with itself the ideas of inflexibility of spie, sterling integrity, and irreproachableof character, should be the object of the foul sons of the exclusives, is nothing surpridistribution to the surprise of the surprise gernor General, upon his appointment to are considered in connexion with the bit-d malevolent censures which they now are

and malevolent censures which they now are a poliusely bestowing upon the same individual, it gresuming to retire at—to them—so critical tend may surprise some of our readers, and aniex others to understand. This apparent againstency, on the part of the Tories, howest, admits of a very easy explanation.

After the passage of the Union bill, by the Immail Parliament, it became indispensably nemark that the Governor General should have be used and assistance of an Executive Council, wheels him to carry out its provisions previous and and assistance of all members are maked in the carry out its provisions previous the assembling of the Legislature. The second was, in our opinion, a most judicious one, we so stated at the time, being composed of a stepul proportions of Tories and Reformers; as we believe it was his Excellency's determined to the control of the c ther, and is still, to establish a constie Council would easily admit of being which so as to secure the confidence of the below, house, be its political character what it

appointment of the Reformers; while on her hand, the Torics rightly judging that don' which they had acquired by ill-gotwer, was about to "depart from them," upon the peculiar composition of the al upon the pecunal "together with a coalition of "mode-afficiently strong to break the backbone Reform party, was to accomplish the ob-

the surpise of every body, the generality a Tory press became all of a sudden, from

mitted by a ticket of leave to work and shift for ourselves, but not to leave the island."

I will now give you a brief detail of our fare and

treatment here. In the morning we are all called up by the ringing of the bell, get our tools and are marched out to our work on the road; at eight our breakfast is brought to us, which consists of one pint of water gruel, having our bread dealt out to us before we leave the station, supposed to be two pounds of brown coarse bread, which is to last for the day; at twelve we get our dinner consisting of one pound fresh mutton or beef, half a pound of vegetables with the soup which is the only meal we get; at night when we get home to our station we get another pint of water gruel for supper, and at dusk we are all locked up in our buts for the night. Sundays we go to church in the forenoon, in the afternoon we generally have a preacher come to our station and preach to us. We have to work five and a half days per week, being exempt Saturday afternoon to wash and repair our clothes. Our clothing consists of (two suits) one leather cap, round jacket, waistcoat, and pants, two cotton shirts, and three pairs of coarse shoes, all of the poorest kind; we have no stockings, handkerchief, nor mittens; only one suit of such things as we do get is allowed us at a time, so that we are without a change. If there is christianity in this then I am no judge, but allowing me to be a judge with respect to the proceedings in Canada and the disposition of us and others, I think their proceedings are equal to that which led to the rebellion in we get; at night when we get home to our station we get another pint of water gruel for supper, and ings are equal to that which led to the rebellion in

I do think that if our cases were fully made known to the authorities in England, the way and manner in which the most or all were got into the take the thing into consideration, and if not grant us a free pardon that they would allow us the liberty of the island, that they would allow us the liberty of the island, that we might at least share in some degree some small portion of humanity.—
Therefore I hope my friends, if I have any, will make every effort in their power for our benefit; now is the time, because that it is now we stand in

APRIL 4th. 1840. Since I commenced this letter another of our un-fortunate fellow sufferers has been taken from us by the hand of death. He was a very fine man but of a weekly constitution—was taken ill when at work on the road, was taken to the hospital, where the epidemic was raging and he soon be-came infected, which proved fatal in a very few days. He has left a wife and two children re-siding in Ogdensburg, was by trade a tanner and

friends, will give themselves no unnecessary trouble on my account and that you may all hope for the best, ever trusting in the all-wise disposer of events for a happy issue out of all our troubles, and looking to him for a speedy deliverance from my present afflictions, and restore me suddenly to the bosom of my family and friends. With the greatest pleasure I subscribe myself,

Your dutiful son. ALVIN B. SWEET.

Provinciat Parliament.

HOUSE OF ASSEMBLY.

Tuesday, July 13.
Pursuant to the order of the day the House ent in committee upon the subject of the Low-Mr. RAYMOND was called to the chair of the

Mr. Neilson proposed his resolutions for the

1. Resolved-That all matters which shall come in question touching returns of Elections, shall be heard at the Bar of the House, either before the House on a Committee of the whole House or be referred to a Special Committee as

circumstances may require.

2. Resolved—That all Petitions complaining 2. Resolved—That all Petitions compaining of undue Elections, shall be direct and pointed in charge of complaint; whether against sitting Members, Sheriffs or Returning Officers.

3. Resolved—That the House shall determine

whether any Petition complaining of an undue Election, contains matter sufficient for the House

to proceed upon.
4. Resolved—That if the House shall deternine that a petition does not contain sufficient

matter to proceed upon, such Petition shall be ischarged.

5. Resolved—That if the House does deter-

mine that a Petition contains sufficient matter to proceed upon, a day shall be fixed upon for tryng the merits of such a Petition. 6. Resolved-That if Petitioners object to the

votes that were given or offered at the poll, they shall by themselves or agents give (in a conveni-ent time to be fixed by the House) to the sitting Members or their agents, lists of the persons to whom they are to object, giving also the differ-ent heads of the objections and distinguishing them after the names of the voters objected to; and the sitting Members shall furnish similar lists to the Petitioners or their agents.

7. Resolved—That no ex parte evidence shall be admitted; nor shall any written evidence be received where testimony can be produced viva

8. Resolved—That the parties may be heard by Counsel, and that members complained of shall be heard in their places as well on the matter of complaint as on the evidence; but they must withdraw before a division on any question. 9. Resolved—That the evidence in support of Petitions shall first be heard, and the evidence in behalf of the parties complained of shall next

10. Resolved-That after a witness shall have been examined by the parties calling him, and cross-examined by the opposite party, every member of the House may propose in writing to the Speaker, such questions as he may think proper to put, which shall be put to the witness by the Speaker, unless he thinks them not pertinent to the subject; but the sense of the House may be taken thereon, if the member proposing the ques-

tion should require it.

11. Resolved—That in case of a debate arising on the propriety of a question proposed to a witness, or any other matter or thing touching any contested election, the parties and their counsel shall be directed to withdraw while such debate is depending; and after the House has determined on the same, they shall be again called in mined on the same, they shall be again called in defect which was very likely to be given to this design, was the distranchisement of a large

15. Resolved—That if either of the parties, their counsel, or witnesses, should speak indecent language against any member of the House, or against the rules of the House, he or they may be called to order by any member rising in his place claring my miles. place claiming privilege.

Mr. Neilson in proposing these resolutions if they believe they have been aggrieved. I shall express no opinion upon the subject, I stand here as a Judge in this matter; the decision of

the house upon the first resolution will determine the question, whether the house will proceed to etermine upon the common law usage in force. ther they hold the law of above and addressed the Committee. It had been said on a former day that the adoption of such resolutions as those now submitted by the hon member from Quebec, was not necessary—that there was a certain law in force which regulates the proceedings in cases of contested elections. This proposition involves a question of law. He (Mr. Christie) had looked into the law relating to the subject, and he was prepared to state to the committee the result of the subject, and he was prepared to state to the committee the result of the subject. The most night of this term "Session," which, as was contended, a more restricted meaning was in general to be characterised as ex post facto? and they were that there have been measures equally entitled to be characterised as ex post facto? and they were accordance with the rule respecting the construction of Statutes in pari materia.

into the law relating to the subject, and he was prepared to state to the committee the result of his research, and the conclusion which he had arrived at in consequence of that research. He had found that the Contested Election Act had been originally passed in the year 1808. That Act was continued and amended by divers Acts of Parliaments until the year 1834. In that year, by a separate Act, this law was continued for two years, and from thence to the ensuing Session of the Legislature.

This act having been passed by the three branches of the Legislature, was sent to England laid before the King in Council. It was disappointed.—From this declaration, I am bound to believe that no measure is requisite, because according to the new system of

Inis act having been passed by the three branches of the Legislature, was sent to England and laid before the King in Council. It was disallowed within two years from the time of its being passed. The disallowance of this act had the effect in his (Mr. Christie's) criming.

in force for two years, and from thence to the end of the next session of the Legislature. Now he believed it would be allowed that no session had taken place since 1836 until the present session taken place since 1836 until the present session of the united Legislature. It was true the Legislature had met, but no act was done which would constitute a session—no act had passed the three branches, and he believed it was perfectly understood that unless an act were passed or a judgment given, it could be no session. His own opinion was that the former law was revived, and he considered that the present House were bound to proceed upon it in the investigation of the election trials. He was ready to listen to the arguments and opinions of hon. gentleten to the arguments and opinions of hon. gentlemen who were conversant with the subject, and if he should find that he was wrong, he would if he should find that he was wrong, he would turn round, (hear, hear.) At all events he be-lieved it was incumbent on this house to enter into the investigation. It was expected by the country, and unless they did so, the country would not be satisfied, (hear, hear.) He felt some regret in differing from many of his friends on this question, but unless he heard such argu-ments as would convince him that he was wrong. ments as would convince him that he was wrong, he felt bound to act upon the views which he had taken of the matter, and vote against the resolu-

Mr. Baldwin said that as he had been one of those who, when the subject was laid before the committee, had desired that there should be a postponement of its consideration, to be enabled to examine the law upon the subject, and to consider the powerful arguments used by the hongentleman from Port Neuf, he felt it to be due to the committee on this occasion that he should take an early opportunity of expressing the result of his considerations upon the subject. It was a subject, as had been well observed by the honmember from Quebec, of grave importance. The temed with deep and important results. It is to be given to this and informed by the Speaker of the decision and resolution of the House thereon.

12. Resolved—That the parties interested in any contested elections, shall deliver to the Clerk within a reasonable time, before the day fixed for hearing the merits thereof, a list of such witnesses, appears and records as they think necessary; and the Speaker shall issue his warrant, for the producing papers and records, and attendances of witnesses, accordingly.

13. Resolved—That persons refusing to obey the Warrant of the Speaker, shall be considered guilty of a contempt of the House, and taken into custody by the Serjeant at Arms.

14. Resolved—That in all cases of contested elections referred to committees, they shall follow the Rules of the House as nearly as circumstances will permit, and such committees shall issue dissipation of the province is to be given to this decision was the disfranchisement of a large number of a large number of electors, assuming the facts which are true. And without pretending at present to prejudge those with reference to each other. Where, therefore, at term is used in a given sense in one of such statues, it is to be presumed that the legislature when they used the same term in another of that, who meant to use it in the technical language of the profession, are in pari materia, are to be construed with reference to each other. Where, therefore, a term is used in a given sense in one of such statues, it is to be presumed that the legislature when they used the same term in another of them, meant to use it in the senior, at the in the technical language of the profession, are in pari materia, are to be construed with reference to each other. Where, therefore, a term is used in a large at a large which it is to be presumed that the legislature when they used the same term is atom is to each other.

15. Resolved—That persons refusing to obey the Warrant of the Speaker, shall be considered guilty of a contempt of the House, and tak

report the evidence produced before them, and the merits of the case as it shall have appeared to them, together with their resolutions thereon. cision upon this question, it will not be over-estimating its importance when I express the deep responsibility which I feel in giving expression to my views upon the subject. It will be necessary to refer to the origin of the difficulty in which this question is involved. It is pretended that the petitioners have wantonly disregarded the law? Is it pretended that they have endeavored to evade the law? far from it; they have uniformly expressed their readiness to acquiesce

Mr. Neilson in proposing these resolutions observed that it was perfectly unnecesary for him to enter into the discussion of this dry law question. There were many hon members in that house better acquainted with subjects of this nature than himself. His sole object, and he had from the first avowed that object, was to obtain justice for the petitioners, and he was sorry to say that too much delay had already occurred.—He did not find fault with the house or with any of its members, but in a matter of this kind (said the hon. member.) I apprehend that a decision might have been had long ago. It will be observed that this is not a simple petition against the return of an individual member, but it is an address to the house generally upon the subject of alleged violence committed at the election in the District of Montreal. In consequence of the doubts which have existed respecting the law which regulates the elections in Lower Canada, petitions have been presented to this house with long ere this, have come down to this house with long the relivance of the relivance and the representative of the Sovereign himself. By turning to the Journals of the Legislature of Lower Canada it will be observed that this is not a simple petition against the return of an individual member, but it is an address to the house generally upon the subject of alleged violence committed at the election in the District of Montreal. In consequence of the doubts which have existed respecting the law which regulates the elections in Lower Canada, petitions have been presented to this house with a subject of the return of an individual member, but it is an instake, a misapprehension. It is a mistake into which not only the people of Lower Canada have fallen; but a difficulty does exist, has arisen the law. (Hear, hear.) The difficulty—as. the District of Montreal. In consequence of the doubts which have existed respecting the law which regulates the elections in Lower Canada, petitions have been presented under the supposition is justified in my humble opinion, and I believe the house will bear me out in that opinion. The Governor of the Province and the Executive Council had admitted that this is the case, an ordinance having been passed in Lower Canada with a view of remedying the defect.— This house by receiving the petitions and ordaining the mode for taking them into consideration, have also admitted that this is the case. That so large a postion of the inhabitants of this Province should be deprived of having representatives of their free choice is a deplorable circumstance.— The electors of this country should have full liberty of exercising their elective franchise, free from violence and intimidation. (Hear, hear.) Hon. gentlemen will recollect that the Throne of England has been supported on this principle, the present Royal Family occupying the throne in consequence of maintaining the freedom of elections, (hear, hear.) The constitution of Great Britain would long ago have been an expost facto law; but is it not better to dispense with a mere technical objection, rather than involve the most important rights which cas be exercised by freemen, in whose keeping, the honour of the Province has been disabled, a Bill to relieve us from this difficulty.—However it is ridiculous to take the sense of the province has been not inspect at the province has been disappointed. It is now said that if a measure were now passed it would be an expost facto law; this is the excuse under which those hon. Gentlemen shelter than involve the most important rights which cas be exercised by freemen, in so serious an embarrassment. Some of those hon. Gentlemen from the City of Toronto, (Mr. Dunn) who I preceive has shifted his place to day. (A sught) These gentlemen, I have alload that the this house has been disappointed. It is now said that if a measure wer Without this, the privilege of having a representative form of government is but a solemn mockery: it is ridiculous to take the sense of the people through their representatives when the people are not permitted freely to exercise their elective franchise. I have every confidence that this house will not refuse the petition of 150,000 electors, and that they will redress their wrongs, if they believe they have been aggrieved. I protested against them. I find that hon, gentle-man was not backward in passing an act to enable the chartered banks to suspend specie payments the chartered banks to suspend in the house.

(Mr. Draper I was would scarcely have vote (Mr. Draper, I was a like house.) And the house.) And the section would scarcely have voted against it, (order, order,) but to come to matters of more importance; I find that hon, gentleman was quite ready to assist in passing a law relating to the trial of criminal offences, committed before the passing of that act, the most high-handed measure perhaps that was ever carried into effect in a great order.

quisite, because according to the new system of government under which those gentlemen act, allowed within two years from the time of its being passed. The disallowance of this act had the effect in his (Mr. Christie's) opinion of placing the former enactment, which the disallowed act in part repealed, in the same situation as if the subsequent act had never existed—the previous act was revived.

The act of 1834 declared that it should remain in force for two years, and from thence to the end of the conclusion of ever it may grieve me to give such a vote-h ever I may mourn over the necessity of giving it. I shall nevertheless be under the necessity of giving it, Ishall nevertheless be under the necessity of giving it (hear, hear.) The hon. gentleman from Gaspe has referred to different statutes regula-

Gaspe has referred to different statutes regulating contested elections; the hon. gentleman must be aware that the provisions of these statutes are contained in the Act of Union. I have listened to the arguments stated on a former occasion by the hon. and learned gentleman from Port Neuf, but they do not afford me sufficient grounds for concluding that the law of 1834 is not in force. The question is, what is the effect of the disallowance of the latter statute, of course if the effect was a repeal of that statute, it would leave the former one in force. The hon. and learned gentleman then entered into the legal construction to be applied to the operation of the disallowance of the act, in contradistinction to disallowance of the act, in contradistinction to the repeal of a statute. It appeared to Mr. Bald-

the repeal of a statute. It appeared to Mr. Baldwin that the intention was to reserve to the crown a negative on all acts of the Provincial Legislature, (hear, hear,) if therefore the construction put upon it by the hon. and learned gentleman from Port Neuf would interfere with this object, it appeared to him (Mr. Baldwin) it would hardly be a fair construction to put upon the act. While therefore he (Mr. Baldwin) did not by any means admit that the view taken by his hon. and learned friends from Port Neuf (Mr. Aylwin) and Montmorency (Mr. Quesnel, was one which and learned friends from Port Neuf (Mr. Aylwin) and Montmorency (Mr. Quesnel, was one which could be so easily disposed of as seemed to be imagined by some hon. gentlemen the other day, he had felt it due to his hon. friends and to that house to state the reasons why he was not prepared to adopt that view as the ground upon which to vote upon the present occasion. There was, however, another view of the subject to which he (Mr. Baldwin) would beg leave to call the attention of hon. gentlemen: it was a well unthe attention of hon-gentlemen: it was a well un-derstood and established rule in the construction of statutes that all such acts as relate to the same subject, or in the technical language of the pro-fession, are in pari materia, are to be construed with reference to each other. Where, therefore,

the correctiveness of the distinction contended for the other day by the hon. and learned member from the city of Quebec (Mr. Black,) between a mere meeting, a convention, and a session of Parliament, the legislature of Lower Canada had in this instance at all events, by the very terms they used, distinctly provided that petitions com-plaining of undue elections should be presented within 14 days after the first meeting of the Legis-lature, whether such meeting should ultimately prove a session (in actual sense) or not; and it was obvious from the reason of the thing as well

"session"—and this he had no doubt would be concurred in by all who heard him. He (Mr. Baldwin) would now direct the attention of hon. gentlemen to the concluding part of the same section, and they would find it provided "that when ever the matters contained in such petition can-not be fully heard, tried, and adjudged at the same session of Assembly in which the same were begun, that the same may be continued and taken up, heard, and adjudged upon at the next meeting of the House of Assembly, in the same manner as if no propognation, had taken place." He (Mr. if no prorogation had taken place." He (Mr. Baldwin) took it for granted that it would be admitted that the term "Session" in the provision must be held to refer to any mob "Meeting of the Legislature" as is speken of in the calling of the Legislature" as is spoken of in the earlier part of the clause, as, if not, it would manifestly leave the clause, as, if not, it would manifestly leave parties without remedy in the very cases most requiring the protection of such a provision—as where petitions had been presented during a short and abortive Meeting of the Legislature, when there had not been time to dispose of them, and which would, in effect, place it in the power cash. Executive Covariant by the exercise of and which would, in effect, place it in the power of the Executive Government by the exercise of the prorogation to preclude inquiry altogether. He (Mr. Baldwin) thought, therefore, that he had established (at least to the satisfaction of his own mind he had done so) that the Legislature had in the Act of Parliament, which was the basis of the whole code for the trial of their contested Elections used the term of the contested Elections. tions, used the term "meeting of the Legislature"; to meeting of such Legislature, and that "Session" to any such Meeting, applied the term therefore in this instance had chosen to make the referred, be presumed that in the subsequen Statutes upon the same subject, they had made use of the term in the same sense—he was there fore justified in holding that the term "Session

in the 4 Wm. 4 c. 9 was meant to impart any such "Meeting of the Legislature" as the same term used in the provision to the 1 sec. of the 48 Geo. 3 C. 21 clearly does—and as, therefore, there had been two such Meetings after the 1st May, 1836, the day referred to in 4 Wm. 4 C. 9, and prior to the Imperial Act of 1 & 2 Vic. C. 9, he held that the 48 Geo. 3 c. 21, and the other Acts continuing and amending it had expired with the tarminstion. and amending it had expired with the termination of the first of those Meetings of the Legislature, whether it was or was not a "Session" in the rewhether it was or was not a "Session" in the re-stricted sense of the term, or with respect to other temporary acts—such at least was his view of the subject, and unless he should be shaken in it in the course of the debate, upon that view he was at present prepared to vote for the resolu-tions of his hon friend from the County of Que-bec, being of opinion that the Acts of the Provin-cial Parliament of Lower Canada for the regula-Mr. Boswell expressed his firm desire that

MR. Boswell expressed his firm desire that the house, if it had or could have the power to inquire into these petitions, should proceed to the investigation. His hon. friend the member for Hastings had endeavored to impress the house with the idea that the legislature of Lowre Canada when it passed the law and introduced the word "session" had not in his mind such a session as the law implies. He joined issue with his hon friend on this point, for he believed that there were found in that Assembly, as there that there were found in that Assembly, as there were in the present one, some of the brightest ornaments of their profession, who would give to the word its natural and legal signification, and that which the good sense of all men would pronounce to be the proper one. It was not meant indeed that it should be a session in which no act was passed beging "conficction." which no act was passed bearing dignification, but it was meant that some actual business should be transacted, some law passed or revised, and that this act should continue till such a ses-sion was held. He would not allude to the other parts of his hon. friend's arguments, because, although the speaker was entitled to great credit for ingenuity, he had taken excellent care to show that he was not prepared to sustain the position taken by the member for Port Neuf. position taken by the member for Port Neuf. He would not come to the point under discussion. His hon friend from Hastings had said that the law was not in force. He (Mr. Boswell) should distrust his own good sense and legal knowledge if he did not come to a contrary determination, and assert that the law was in force. The question then was, the act having passed, was it competent in them, as one branch of the legislature, to overrule this law and proceed to the consideration of these petitions? No man was more willing than himself to uphold the constitutional privileges which had been stated to be so great as He would not come to the point under discussion. His hon friend from Hastings had said that the law was not in force. He (Mr. Boswell) should distrust his own good sense and legal knowledge if he did not come to a contrary determination, and assert that the law was in force. The question then was, the act having passed, was it competent in them, as one branch of the legislature, to overrule this law and proceed to the consideration of these petitions? No man was more willing than himself to uphold the constitutional privileges which had been stated to be so great as not to be defined, and ought not, therefore, to be carelessly interfered with; but on this subject there could be no difficulty at all, and he was bound to say that the Act of Parliament must have a much greater force than single privileges of that house. For what, he would ask, did those privileges amount to, except to the right to enquire into all acts relating to their own elections? The House of Commons in England had found great difficulty in carrying out these privileges, and it had been found under the old laws that these contests were made mere party struggles, and which in reality interfered with the course of Justice. The hon, member referenced to what was the state of things before the passing of Grenville's act, which was introduced to overcome these difficulties. This act encountered great opposition, and at the time it was complained and concurred in, that its intro-

duction was a breach of the privileges of the house, which had no longer the same extensive powers it had before to inquire into contested elections. It was, however, a compromise; what the house lost on the one hand it regained in the solemnity given to its proceedings, which were henceforward to be conducted in the same they used, distinctly provided that petitions complaining of undue elections should be presented within 14 days after the first meeting of the Legislature, whether such meeting should ultimately prove a session (in actual sense) or not; and it was obvious from the reason of the thing as well as from the words used by the statute that such was the real intention of the legislature; unless indeed hon members were prepared to contend that the terms "meeting of the Legislature" which he had quoted from the act, were to be confined to such meeting only as should become regular sessions. The consequence of which construction would necessarily be that although there might be a meeting of Parliament, lasting 20 or 30 days, and affording, therefore, ample time for the receiving all complaints of undue elections, unless a bill was passed, or judgment pronounced, so as to convert such meeting into a session in the technical sense of the term, it would be equally open to parties to petition against elections and returns within the first 14 days of a subsequent proposal for the provided at all—a conclusion to which he (Mr. Baldwin) presumed hon, members were not expel any member who could be proved to had his seat in consequence of such practice; but if been held at all—a conclusion to which he (Mr. Baldwin) presumed hon, members were not expel and the regular courts of justice. He thought therefore that the position he took was a correct one—the house had given up some of the powers it possessed before in order to obtain more perfect machinery. But it was a correct one—the house had given up some of the powers it possessed before in order to obtain more perfect machinery. But it was a correct one—the house had given up some of the powers it possessed before in order to obtain more perfect machinery. But it was a correct one—the house had given up some of the powers it possessed before in order to obtain more perfect machinery. But it was a the the house till possessed the power to obtain more perfect machinery. But it was nical sense of the term, it would be equally open to parties to petition agains. Peritions and returns within the first 14 days of a subsequent. The substitutions are substituted by the statute of the such first meeting of Parliament had never to expel any member who could be proved to hold its seed in consequence of such practice; but if the matter were merely a minor one, in that the matter were merely a minor one, in that case he had no difficulty in saying that the peritions to be made, without reference to whether it should or should not assume the character of a "session"—and this he had no doubt would be members were they to entertain their petitions. members were they to entertain their petitions. An attempt had been made to prove that this delay arose from ignorance on the part of the petitioners, but there was one of those petitions in which it was difficult to suppose that the gentleman concerned could have been ignorant of the law, he referred to Mr. Lafontaine.

[Mr. Aylwin denied that Mr. Lafontaine laboured under ignorance here with the law.]

boured under ignorance : he knew that the law If it was contended that he knew that the law did not exist, and was prepared to sustain a doubt on a matter on which he (Mr. Boswell) contended there was no doubt at all, he certainly was not entitled to ask for indulgence at their

(Mr Aylwin—He asks for no indulgence.)
He (Mr. Boswell) put it to the house whether the matter had not been put as an indulgence.)
(Cries of "yes," "no.") That we had not been put as an indulgence.)
(Cries of "yes," "no.") That we had not of argument that had been at well, though some had gone further and said that justice required that effect should be given to the prayer of those petitions. Now he was prepared to meet this cry of Justice. What was its nature? Was it just in that Assembly, the first legal body in the country, to depart from law? Was it just to other members whose elections were not contested to depart from law? He would suppose a case in which a party owed a sum of money, had allowed the time settled by the statute limitations to run out without proceeding for payment; could this person, when before the Judge avoid binuself of the plea that he was ignorant of discover arguments to a heese petitions, ut that he had failed to find them. If they passed were resolutions, they might as well go further and extend the time for putting in recognizances at once. For himself, he had no doubt but the a stone. (Mr AyLWIN-He asks for no indulgence.) extend the time for putting in recognizances at once. For himself, he had no doubt but that the aw was in force; and he did not feel himself in

tified in departing from it.

Mr. Durand referred to the question as one Mr. DURAND referred to the question as one involved in legal doubts and subtleties, and was therefore inclined, as in all other cases of a like nature, to give these doubts in favor of the petitioner, and vote for the resolutions. Justice, he was satisfied, must be done, and in order to arrive at that an opportunity must be afforded of investigation. The petitioners trust to the generosity of the house to afford them justice, and a mere quibble ought not to interfere with their privileges.

privileges.

Capt. Steete was convinced there was but one course for the house to follow. If the law existed they might abide by it, and they could not introduce any measure to relieve the house from the difficulty it was in. If hon, gentlemen would only divest themselves of all the

would only divest themselves of all those argu-ments which only serve to "make worse the bet-ter reason," they must arrive at the same con-clusion he did, and vote accordingly.

Mr. Johnstou would say a few words on the subject, though not many, as those on both sides must be now pretty well prepared, after all they had heard, to proceed to work like several medi-cal men on the same patient, one to destry are had heard, to proceed to work like several medi-cal men on the same patient—one to doctor, one to physic, one to bleed. (A Laugh.) He heard several gentlemen talk of justice, and that was all that he wanted, though justice was sometimes principal; but, was it justice to interfere with the seats of sitting Members, when the time had elapsed in which it was considered lawful to do so? He considered that the law was in force, and all that he had heard from his neighbours had not enlightened him more than what he had had not enlightened him more than what he had himself read on the subject. The petitioners said that it was doubtful, and if this was their opinion, it was more incumbent on them to be cautions and place themselves in a safe position, He viewed the attempt as a mere stratagem to embarrass the government, and should therefore set his face against it, and he was sure that his constituents would say that was the honest

Mr. Morin denied that there was any desire to Mr. MORIN denied that there was any desire to embarrass the government, but the question was whether the House was at present properly constituted. His opinion was that the law was not in force, and the unanimous consent of the government went to that point. The law of Parliament and the power of the House had been abridged by the previous law and it was imporabridged by the previous law, and it was imper-ative on them to assert their privileges.

Mr. Sherwood as one who had proposed the

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eleared, and it in of Loboroug ance of ten m excellent road, to Mr. J. Wa

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