

## PERRY'S INDEMNITY BILL.

Hon. Mr. SCOTT moved the second reading of the Bill from the Commons entitled "Perry's Indemnity Bill." He explained its object, which was to indemnify Stanislaus Francis Perry, for having sat and voted under the circumstances therein mentioned. He explained that though a member of the P. E. Island Legislative Assembly might send in his resignation to the Speaker, and thus resign, by what must have been an error, the Provincial Act made no provision for the resignation of the Speaker himself. Mr. Perry wishing to become a member of the House of Commons and being Speaker of the Local House himself, had no option but to send in his resignation to the administrator of the Government of the Island. Defeated at the first elections after Confederation, he succeeded in gaining a seat in the Commons at the last. He petitioned the Commons for leave to take his seat. The Committee on Privileges and Elections reported that he had been elected by a very large majority, and he had acted as far as possible in good faith, having taken every step in his power to divest himself of the position of a member of the Island Assembly, and recommended that as he was not disqualified as a candidate, an act of indemnity be passed, and he be allowed to take his seat. He (Mr. Scott) understood that the petition presented against him, and the opposition offered, was due to the private feelings, hostility of the defeated party, which should not influence this House.

Hon. Mr. MONTGOMERY seconded the motion.

Hon. Mr. HAVILAND criticised the tone of the hon mover and the style of his reference to the petitioner in this case. The hon. gentleman should have followed his own sentiment just expressed, and avoided the introduction of local politics. He thought it was in bad taste to charge the Local Legislature with malice in refusing to fill up the vacancy caused by Perry's retirement. He (Mr. H.) disclaimed any feeling of hostility or malice towards Mr. Perry who had been on the same side of politics as himself in the Island, and elected Speaker by that party. By the Island laws a Speaker had never had any authority to resign his seat during the recess, and under the principle of the British constitution no member of the British Commons could resign his seat during recess, except by accepting an office under the Crown or the Stewardship of the Children Hundreds—there was no

inherent right of resignation. The Island had never sanctioned a Speaker's resignation except when the Legislature was in session. In September last, in consequence of confederation, an election for Parliament took place, Mr. Perry having sent in his resignation to the administrator of the Government in order to stand for a constituency. The administrator was bound, within seven days, to issue a new writ. On his referring to the law of the Colony, he found that the only clause which authorized the resignation of a member was the 79th section of an act passed in her present Majesty's reign, chap. 21, declaring that any member might resign his seat by giving information to the Speaker, or during absence from the Island, or on the death of the Speaker to the Lieutenant Governor for the time being. The law did not provide for the resignation of the Speaker himself. The administrator in this case, who was also the Chief Justice, after consulting two lawyers of high standing outside of politics decided to refuse the writ, communicating the matter to the Governor General. Mr. Perry was defeated at the September elections. By the laws of the Island the speaker of Assembly was an ex-officio member of the Board of Trustees of the Lunatic Asylum, and Mr. Perry's views as to his position might be judged from the fact that he presided at a meeting of those Trustees, taking part in the business as usual after his resignation had been sent in. A dissolution took place in January, when he sent to the administrator his resignation for the second time, but in view of that gentleman's previous opinion, he did not then issue the writ. Mr. Perry also transmitted to the Clerk of the Local House of Assembly a notification of his resignation of the Speakership, but he never sent in a notice of his willingness or purpose to resign his position as a member of the House of Assembly. When the House met in March last, and the clerk read the notice of Mr. Perry's desire to resign the Speakership, there was not one word as to his desire to resign his seat as a member.

Hon. Mr. LEBELLIER—Did I understand you to say that he had sent his resignation as a member to the administrator?

Hon. Mr. HAVILAND—Yes, in two instances; but his (Mr. H.'s) contention was that there was no authority for the administrator to act on that resignation. When the resignation of the Speakership was read by the Clerk of the Local Legislature, it then become valid—the