Provincial Parliament. UPPER CANADA HOUSE OF ASSEMBLY, Monday, Jan. 30.

Doet. J. Rolph's Speech on the Report of Doctor Duncombe's Petition.

(Continued from our last) But, Sir, there is still further prima facia objection to this Report. It has several times occurred during the presen But, Sir, there is still furthe serior plane become of some commission of the serior when members of the serior when they were amounteed to the location of the serior when they were amounteed to the serior when the strong and the serior when the serior when the serior when the serior when the serior of the serior of the serior when the serior when the serior of the serior when the serior when the serior of the serior when the serior of the serior of the serior when the serior when the serior when the serior of the serior of the serior when the serior of the serior of the serior of the serior of the serior when the serior of the serior of the serior when the serior of the serior when the serior of the serior of the serior of the serior when the serior of th

nine, when observing him go towards the committee room, he followed him in about ten minutes, and found him there, with Messrs. Burwell, Prince and Sherwood; upon which her. Prince immediately said, "we have adopted the Report;" that he then said to Mr. Burwell, "it must be a very short Report to go through it so quickly," to which Mr. Burwell answered, "we read it over on Sat-10 on the same morning; and that he was refused by the said committee a view of his evidence, as taken down, that he might be satisfied of its correctness, as was always allowed to witnesses. And that Mr. Norton had no knowledge of the pregaring of the a notice late on Saturday night to attend at 9 stelock, the following

the Report was adopted without his knowledge or consent, and therefore that the said Report be referred back to a select committee, and order for taking it into consideration on

This motion, Sir, was lost by the pre-

three of his fellow Jurors? It appears as if it had become known that evidence had been quietly collected with great trouble and expense, as well as unavoidable delay; that it was about to pour in from all quarters upon them with shaming and overwhelming force; and that utte discomfiture could only be averted by this hold manoeuvre; a course which no martyrdom could induce my Hon. friends to sanction. Every appeal to the honor, justice, candor and dignity of the House was made in vain. The three Honorable gentlemen I have named, were doomed to submit to the indignity; the House refused them its protection; and the Report under all these circumstances was received, and will undoubtedly be adopt

But all this is in perfect harmony with the proceedings upon the contested elec-tion for the second riding for the metropolitan County.

Mr. Mackenzie in behalf of himself and the electors of the second riding of this District, peritioned the House against the siting member (Mr. Thomson.) By our rule it is provided "that all petitions to be introduced shall be brought in immediately after the minutes are read, and that such petitions shall be read by the Clerk, after the third reading of any bills that may stand for that purpose on the order of the day; provided such petition shall have laid on the table two days.

In this rule, to suit our modification of English practice, the term presented is avoided. The petition "to be introduced" is "brought in," then "lies on the table two days," and is then "read."--These stages constitute atts presentment. Election petitions have (properly or imis not now the question) always been subjected to this rule. Hence the one to be introduced in the above instance

it is enacted - "That whenever a petition complaining of an undue election or member or members to serve in Parliament, shall be presented to the shall by the said flours of Assembly be appointed for taking the same into

LET IT BE IMPRESSED UPON YOUR MINDS—LET IT BE INSTILLED MITO TO SE THE CIVIL, POLITICAL AND RELE

VAL. V.

Perth, was Mr. Mackenzie to follow him found then wadvert to that portion of it supposing that if he regulated his proceedings by those of the Assembly he coedings by those of the Assembly he infatuation. History will record this greatest importance, viz. the accusation record the same cruelties were practically the petition fully presented till it was read, yet on the part of the petitioner it was considered as presented when it was brought in, although under a rule of the brought in, although under a rule of the location to take any steps to prevent or discourage that may justible considered as of the infatuation. History will record this greatest importance, viz. the accusation infatuation of the same cruelties were practicated; the same cruelties were practicated, not without the loss of life; plainly revealing that we had a Government in disposed to protect the people in the elective franchise.

Let me read the resolutions reported by the Grenville Committee upon these members are then nor has it determined to take any steps to prevent or discourage the same place. The same tragedy was the same place of the same place. The same tragedy was the same place. The same tragedy was the same place of the same place. The same tragedy was the same place of the same place of the same place. The same tragedy was the same place of the same place of the same place. The same tragedy was the same place of the same place of the same place of Burwell, "it must be a very short Report to footure generations.

Burwell, "it must be a very short Report to footure generations and herafly to future generations.

Burwell answered, "we read it over on Saturday," of which meeting Mr. Woodruff had no notice; but that had be received any intimation that the committee were about to prepare a Report he would certainly have attended. This Mr. Parke has also stated attended. This Mr. Parke has also stated to the proparing of the said Report, nor any the preparing of the said Report, nor any secondary to form the preparing of the said Report nor any secondary. He remained that the considered as presented when it was the further rights and histories of the peacet when it was heraldry to future generations.

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Burwell, "it must be a very short Report to the considered as presented when it was heraldry to future generations.

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But the Greenille Committee upon the constituents of the people he governed; in the first trial the considered as presented when it was in almost bleading people and the future freshom to five people in the constituents of the propose and the first that the consistency of the said the future from the constituents of the peop the preparing of the said Report, nor any opportunity of examining or knowing the contents thereof; that he received a notice, late on Saturday night, to steam displayed and the excitements and prevent the freedom of elucion, and prevent the freedom of elucion and prevent the freedom of elucion, and prevent the freedom of elucion, and prevent the freedom of elucion, and prevent the freedom of elucion and sharp practice, too, under our unjust construction of the law, for the improper affords a ground of suspicion which the Had they extended to them every facility purpose of stifling inquiry. Calculating explanation can do away.

The fourteen days for Mr. Mackenzie.

The the reading of the petition, when the House themselves acted on it, and it was unfolded and its contents disclosed the above petition, and the pertinations. Sir Francis, on the contrary, is mentioned and those by the responsibility of themselves acted to them the sudden arrest of all proceedings upon and corrupt exercise of Executive power? allowed to witnesses. And that Mr. Norton had stated in his place, as a member of the said committee, that he attended every meeting of the said committee although to his mind conducted unsatisfactorily, of which he there exists any notice, which did not exceed the pretains on the consideration off the pretains, not having been informed of any notice, which did not exceed the petition into consideration off the order of the day; and, as it were, signed any notice, that he received no notice and had no knowledge of the pretains of the petition into consideration off the received no knowledge of the pretains of the petition into consideration that he whole of the day; and, as it were, signed any notice, which the petition into consideration off the order of the day; and, as it were, signed and knowledge of the pretains of the pretains of the petition into consideration that the mode of the pretains of the pretains

> the petitioner of the day appointed for taking it into consideration. The law in force heid is apopy of that in force in Eagland, and are we not as much bound by it as they are in Eagland? The only of the they are in Eagland? The only of the people, and yet the day of the people and yet the force of the people and yet the force of the people and yet the same that a petition has here to lie. by it as they are in Fagurad? The only difference is that a petition has here to lie associate judges? Would they have by in detail. And perhaps the Select two days upon the table before being read and acted upon, but when acted upon, notice should be forthwith sent to the during the late elections? Let the people is, to scrutinize the thing to the utmost,

party petitioning.
Mr. Mackenzie, too, was fairly entitled But in order to deal out to him the most substitute for a complete investigation. scanty and niggardly measure of justice, It was forced upon us, when a far better we refused to give him the holydays was at command. It has compelled us to which we sumptuously bestowed upon accept the judgment of the judges and the ourselves. On the 22nd of December, testimony of the witnesses upon their one to be introduced in the above instance of Mr. Mackenzie was "brought in" on the 20th December, laid on the table two days and on the 22nd was read.

By the Provincial Act 4th Geo. chap. 4

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It is enacted—"That whenever a petition or complaining of an undue election or compla paigne, you could not rationally be estable insocent.

When he assumed the Government of When he assumed the Government of With these facts before us, is it matter this country, Orange violence was bold in

ST. THOMAS, U. C. THURSDAY ORNING, MARCH 9, 1837.

thereof in written by the Speaksen by the Speakpetitionees, and
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of respect. for the honest, worthy and
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being given forthwith on the 22nd was ment seat, and others as unceremoniously gift as well try to grasp and examine omitted till the 30th of December. The taken their place and duties without have clobules of quicksilver scattered on the regligence of the Speaker is the negligence of ourselves. Every member and scanned the deportment, appearance rious disappearance of Morgan among the must impute to himself parliamentary and very physiognomy of the witnesses? laches; we are individually convicted of Would not all have followed the industri- most exact, laborious and protracted invosabridging the notice which would other ous and punctual example of the Hop. ignations were instituted, but all fruitless wise have put Mr. Mackenzie and his and learned members for Wentworth and and his fate up to this hour is wrant in attorney on their guard. Having been Brockville (Messrs Sherwood & McNab) conjecture and painful surmise. To dethus guilty of laches ourselves, ought we who respectively sat 12 and 14 days, clare, therefore, that the late elections rigidly to have held the petitioner unex- while others sat 2, 3, 4 and 5 days?

too? We ought to have allowed, him upon the whole elections of the country not specifically and personally proved, is fourteen days from the time the Speaker in fourteen days with as few witnesses, not more unreasonable or untrue than to actually gave the notice in fulfilment of except themselves and half a dozen other steny the prevalence of a peculiar condi-So rigidly do they adhere to the members? Would they have drawn up tion of atmosphere in the cholera seasons at places where they were not so well restatute in England that they immediately this Report by piecemeal as the evidence of 1832 and 1834 because the chemis upon reading the potition give notice to was given? Would they have offered sould not exhibit it in his laboratory.

answer the questions. It is therefore, one of my objections, and the same Orange Lodges long existto fourteen business days of this House. Sir, to this Report, that it is an inferior od, and carried their machinations to such Majesty's principal Colonial Secretary of But in order to deal out to him the most substitute for a complete investigation. In extent as to endanger the liberties of State, for his celebrated Despatch, and, the day the petition was read and a time parliamentary honor, instead of their nough came to light justly to alarm the appointed for taking it into consideration, onth. The uncharitable world will say, nation. Such, and far worse, is our situwe adjourned till the 2nd of January in order to eat roast beef and plum pudding. deeds were evil. We appear to have without an adequate inclination to investi-Amidst all the feasting and convivialities evaded the truth as an enemy, with whom taste on the part of those who have the hating Earl Ripon for his liberality, made of the season, Mr. Speaker and all forgot we dare not grapple in his strength sewer. The minority cannot, and the a violent attack upon the Chairman, drag-

MOREN, THAT THE LIBERTY OF THE PERSS IS THE PALEADIUM OF ALL MINETS OF AN ENGLISHMAN.

order of the day; and, as it were, signed judgment; although it was notorious that the petitioner was at the bar envious to avert that course, and give the required security, and prosecute his complaint.

In a calculated to excite a district of the power and justice of this House, and a belief of their fear to allow the alleged conjugations at the late general elections.

In a figure mount hands and unconstitutional means against the e and we let them go; they were in the cities and we required the security, and prosecute his complaint.

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The allegation may for the sake of arther than a proceedings, and we require the proceedings and we required. By the required conduct we lost an opportunity of taking the charges against the late general elections.

corruptions at the late general elections the evidence, affecting the charges against Orange influence is more easily felto undergo a fair and full investigation. An inquiry involving the character and constitution of this Assembly, the conduct This motion, cir. was passion; the Hon. member for constitution of this Assembly, the conduct admits of no other explanations of the Executive Government and the freedom of the elective franchise, ought of the day.

Admitting that these proceedings will be a convenient two fold interpretation of the convenient two fold interpretation of the same of the conduct admits of no other explanation; in the opinion of the faithful and upright distributed and beyond freedom of the elective franchise, ought not to be arrested by captious objections, and the conduct admits of no other explanation; it involves a difficulty, which is susceptible of no other satisfactory solution. The very secrecy of these charge of their duties. It would have been a tribunal acting under the solemnity them this character. Nine persons out of in the said County of Leeds under the Report; which represents him as the be "perfectly satisfactory" in Downing Street, will they be so to the British House of Commons, or the British mation, or the Canadian people? Would a verdict be received by a Judge, unless as corrupt as a Scroggs or a Jeffreys, when rendered by a foreman without the knowledge of Tommons of the country. But to put your by a foreman without the knowledge of Tommons I find that it is their practice in such cases to introduce and read the petition immediately, and appoint a day for taking it info consideration, notice of which is forthwith given to the petitioner. This notice instead of the petitioner. This notice instead of the petitioner in the petitioner in the petitioner in the petitioner. The notice instead of the petitioner in the petition in the petition

were not pervaded by an Orange influ-

ould have failed. In England and frethe people and the stability of the Throne; and when the British House of Commons instituted a searching inquiry, it is evident

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to be beyond their control, and that the of the first magnitude. He was asked by supporters of Messrs: Buell and Matliew the Reformers to redress it. He refused! M. Howard Esquires, candidates at the said election, were deterred and prevent.

Upon the second trial I find the follow-

" Resolved. That in the opinion of the committee, violence, riet, and intimidation ange associations receive, than this per-were carried on at the late election for the emptory refusal to prevent them? What County of Leeds to so great on extent as

ont the voice of the electors of the Countingeman himself.

present excited feelings of a portion of the habitants of the said County, and under the present law for holding elections, and and patron. therefore, the committee dam it proper to elections, and enable peacenns and quiet elections of the said County to elective franchise in peace and saiety."

An arduous duty devolved upon the late that duty with a wisdom and firmness late House of Assembly, which ought to endear their memory to their respective addresses. all the electors of the country. by the evidence produced at the trials; that the inhabitants of the County of Leeds could not, without some ramedy against the perpetration of this violence, obtain a fair representation, they passed bill which provided for the conduct of the election at, I believe, four different fectual discouragement of Orange Lodg places; by which arrangement, the Caes, and generally of all political Societies nadian Deputy Grand Master of Orangeism found his forces weakened by subdi-sism found his forces weakened by subdi-sisms, and obliged to array themselves acting by means of associated branches." visions, and obliged to array themselves ceised or so safe in their operations, as at far famed Beverly.

At Parmersville, too, in the vicinity of Beverly, a riot not less shameful and outrageous had taken place. The far mers were peaceably assembled at a publie meeting, for the purpose simply of vo-ting their thanks to Earl Ripon, then His generally, for his benevolent deportment towards the people of the Province, for his generous consideration of their wants that much remained unrevealed though e- and wishes; and for his constitutional respect to the infatit-institutions of the country through which he appeared desirous, We have the same latent evil as far as possible, to administer their pub-The Tories and Orangemen.

was thus abundantly established; and it paigne, you could not rationally be so indescent.

With these facts before us, is it matter this country, Orange violence was bold in sombly to exercise their constitutional Granted. But the epicurcan philosophy of a Roman age should breathe generosity been presented against returns? What towards others amidst self enjoyment. Suitor would institute a law suit in a court in Leeds, affords a painful testimony, upprofessed the character of a Reformer. became the duty of the late House of As-

Suspicion was, indeed justly awakened by his evasively alleging to the late Assembly that "he had better steadily look forward to the future, float he cherved in occupying himself solely in re-considering the occurrences of the prat; and that although the latter occupation was not useless, yet that to attend to both was impossible." This language showed but little disposition to learn from the history of the Celony its existing condition; and if he shart he eyes to the events of the

justify myself to the country, if I vote for ed from exercising the elective franchise the adoption of this report, which acquits in peace and safety, and voting at the said Sir Francis Head of directly or idnirectly the adoption of this report, which acquits countenancing the Orange combinations brought to bear against the people at the Late elections? Impossible!

What better encouragement could Or-

to dater reaceashe and quist said to the Lake, a rectant support that said election, and to materially interfere this refused to the freedom of election, and to proty from being taken, and that therefore the initiated. He was conscious, under the return of Robert S. Jameson Esq and this appeal for their suppression, of ten-Ogie R. Gowan Esquit represent the said der sympathy for his own fraternity. County be declared void. enemy of Orangeism, when he has thus

I am aware of the apology offered for recommend to your Hon Pouse that no him. He was not at that time apprised writ for a new election be ordered until of a similar request from the British steps are taken to secure the freedom of House of Commons to his most gracious elections, and enable peaceable and quiet Majesty, and His Majesty's most gracious electors of the said County to electors o In the first place I observe a singular coincidence of wisdom and patriotism House of Assembly, and they discharged between the House of Commons, and the late House of Assembly. Compare, Sir,

> The House of Commons on the 24th of February, 1836, Resolved, That an humble Address be presented to ITs Majesty, praying that His Majesty will be graciously pleased to take such measures as to His Majesty may seem advisable, for the efexcluding members of a different religious. This singularly comports with the Ad-

> dress of the late Assembly. Each, careful and anxious for the public tranquility, appeals to the throne, his the againmen the same; the King is requested to do it, while his Depresentative is simply asked if he intends to do it. Each was engaged nearly at the same time in attempting to secure the same redress of the same grievance in the same manner, and nearly in the same terms. This fact alone confers

distinction upon the late House of Assembly, which history will record and perpetuate. The man who has fraduced them, and seduced a guileless people unworthily to desert them, indeed, upon the same historical page; but it will be in the contract of a light and shade, which will for ever strikingly exhibit each extreme. Compare, Sir, in the next place, the respective answers of His Majesty and his Representative,

His Majesty. Sir R. B. Roed.

"I willingly assent to: "The Government the prayer of my faithful if the Province has Commons, thet I would wither taken, nor has oo pleased to discouragelit determined to take firm determination to dis- mation or courage all such secretance of cach Societies in my domini-lies ons, and I rely confident-

ly on the fidelity of my loyal subjects to support me in this determination