tone and language adopted by the House of Assembly, in which they presume to dictate to the King's representative the occasion and the period at which, in their opinion, he ought to exercise the Royal prerogative of dissolution, and hold forth the menace of ceasing to communicate with him "until he should have made reparation for a breach of their rights and privileges." My present purpose is to express the sentiments of the King's Government, as to the assumption by the House of Assembly of "rights and privileges" wholly repugnant to the practice and principle of Parliament, and incompatible with the maintenance of the British constitution. Such an assumption I have no hesitation in declaring the claim, on the part of the Assembly, to vacate the seat of Mr. Mondelet, in pursuance of a forced construction of a resolution of their own House, notwithstanding the "surprise," which they express "that your Excellency should not have known that your signature to a writ of election was simply and purely a ministerial act."

That your Lordship would not, except upon weighty considerations, desire to limit the authority of the House of Assembly over its own members, is sufficiently apparent, from your not having hesitated to sign the warrant for a new writ upon the expulsion of Mr. Christie; a proceeding upon the merits of which I am not called upon and feel no desire to express my opinion. Assuming that the powers of the House of Assembly are in all respects not only analogous, but equal to those of the British House of Commons, I deem it not only difficult, but unsafe, to attempt to prescribe the bounds within which such a body should exercise the right of restraining and punishing their own members; and to the discretion of the House of Commons it has been well and wisely left, by the practice of the constitution, to decide upon the degree of criminality in a member which should call for the highest degree of punishment in their power to inflict, the disgrace of expulsion, as unworthy to belong to their body. But as the prudence of the House of Commons has rarely, if ever, permitted them to carry to a faulty extreme this power, thus wisely left indefinite, so their knowledge of the British constitution and of what was due to the privileges of the other branches of the Legislature, has preserved them from the fatal error of arrogating to themselves the monstrous right of giving to their resolutions the force of law. The House of Commons undoubtedly possesses and exercises every day the right of interpreting and expounding, by resolutions of its own, the laws which regulate the rights of candidates and electors in certain cases and according to certain forms, which themselves are regulated, not by resolutions, but by Act of Parliament; but it neither possesses, nor has ever claimed to possess, any right, authority or power, without the consent of the Crown and the House of Peers, to make laws relating either to the qualification or disqualification of electors or of candidates, or rather to effect their objects by resolutions only. Examples are numerous, and of recent date, in which restrictions analogous to those sought for by the House of Assembly, have been imposed by the authority of Parliament; but they have always been by Bill, and never have been even sought to be obtained by resolutions of the House of Commons. That so extravagant an assumption should be made by a body like the House of Commons, well acquainted with its own rights, and equally acquainted with the rights of others, is not to be contemplated; but I believe I am warranted in saying that if the Speaker, in the exercise of his ministerial capacity, should be called upon to issue a warrant for a new election, in consequence of a member being unseated or an illegal resolution, the duty would devolve upon the Lord Chancellor to take notice of the cause of vacancy as recited in the warrant, and, on the ground of illegality, to refuse to affix the great seal to the new writ, as your Lordship has in this case very properly declined to give your sanction to the issuing of the warrant. The House of Assembly, indeed, appear, from the course which they have adopted on former occasions, to have considered the right which they claimed to be at least doubtful; and although I have assumed throughout this despatch, that the case of Mr. Mondelet fell strictly within the terms of their resolution, I cannot but say that the instance, so far as I collect the case from the documents furnished to me by your Lordship, appears to have been most unfortunately selected for the first experiment of their right.

Your Lordship will understand me as separating altogether the justice of the general principle, that persons accepting offices of emolument under the Crown should be subjected to the judgment of their constituents, from the claim set up by the Assembly to effect this object by their own resolution; and while I am happy to express my complete approbation of your Lordship's refusal to sanction a claim so subversive of the balance of the constitution, and ultimately so dangerous to the liberty of the subject, I shall defer until a future occasion the expression of any opinion as to the propriety of assenting to any Act which may be passed by the Legislature of Lower Canada for carrying into effect the object of subjecting members accepting offices under the Crown to a new election.

It is with great regret that I perceive, in the terms of the Supply Bill recently sent up by the House of Assembly, and rejected by the Legislative Council, a similar manifestation on the part of the former body of a desire to monopolize to themselves the whole power and authority of the government. The conditions annexed to the grant of many of the items in the Supply Bill, are altogether unprecedented in point of form, and without any precedent in substance. Conditional grants are not infrequent in Acts of Assembly, but the terms in which money is voted, have been invariably embodied in distinct and substantive enactments, instead of being attached in the shape of notes to successive items, as in the present case. This distinction is not without real importance, because, by adhering to the more usual form, the Legislature would have admitted, or rather invited, under each head a distinct consideration, first in Committee of Supply, and then in successive stages of the Bill, of the grant itself, and of the condition to which it was subjected.

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