

Mr. MacKenzie declared duly elected.

In amendment to the original motion, Mr. Roblin, seconded by Mr. Shaver, moves, that all after the word "moves" in the original motion, be expunged and the following inserted instead thereof; "that William Lyon Mackenzie, Esquire, has been duly elected and returned to represent the County of York, at the last Election for a Member to represent the said County."

On which the yeas and nays were taken as follows:—

YEAS.—Messieurs.

Yeas 23. Burwell, Fraser, A. Macdonald, A. Randal, Campbell, Fraser, D. Macnab, Roblin, Chisholm, Hornor, McNeillidge, Samson, Clark, Howard, Merritt, Shaver, Cook, Jarvis, Morris, Vankoughnet, Duncombe, Ketchum, Perry, White,—25. Elliott,

NAYS.—Messieurs.

Nays 6. Berczy, Jones, Werden, Wilson, W.— Crooks, Thomson, 6.

The question of amendment was carried in the affirmative by a majority of nineteen.

The original question as amended was then put and carried.

Motion for not allowing Mr. Mackenzie to sit or vote in the House.

Mr. Samson, seconded by Mr. Crooks, moves, that it be resolved, That William Lyon Mackenzie, having been expelled this House, and declared unfit and unworthy to take a seat as a Member of the same during the present Parliament: this House being convinced of the propriety of such expulsion and declaration, will not allow the said William Lyon Mackenzie to take a seat, or vote as a Member of this Assembly during the present Parliament.

Amendment to foregoing.

In amendment, Mr. Perry, seconded by Mr. Howard, moves, that all after the word "moves" in the original, be expunged and the following inserted; "that it be resolved, that William Lyon Mackenzie, Esquire, having been duly elected and returned to represent the County of York, and being under no legal disqualification, is by Law and Constitution a Member of this House, and upon taking the oath required by Law, (which it is hereby declared to be the duty of the Commissioner appointed therefor to administer) will have a right to sit and vote in this House.

On which the yeas and nays were taken as follows:—

YEAS.—Messieurs.

Yeas 14. Campbell, Hornor, Merritt, Roblin, Clark, Howard, Perry, Shaver, Cook, Ketchum, Randal, White,—14. Duncombe, Macdonald, A.

NAYS.—Messieurs.

Nays 19. Berczy, Crooks, Jones, Thomson, Boulton, Elliott, Macnab, Vankoughnet, Brown, Fraser, A. McNeillidge, Werden, Burwell, Fraser, D. Morris, Wilson, W.— Chisholm, Jarvis, Samson, 19.

Amendment lost.

The question of amendment was decided in the negative, by a majority of five.

Amendment proposed to original resolution.

In amendment to the original motion, Mr. Perry, seconded by Mr. Campbell, moves, that after the word "moves" in the original, the whole be expunged and the following be inserted; "that this House, nor no other branch of the Government, without the concurrence of the other branches, has any right, or the power to pass any vote which shall have the effect of Law, or to disfranchise any Elector, or disqualify any person from being Elected and taking his seat in this House, if elected by a majority of the Electors of a County, who is under no disqualification by the Constitution and the Law to do so, any thing in any resolution or vote of this House to the contrary in any wise notwithstanding.

On which the yeas and nays were taken as follows:—

YEAS.—Messieurs.

Yeas 13. Campbell, Hornor, Macdonald, A. Roblin, Clark, Howard, Perry, Shaver, Cook, Ketchum, Randal, White,—13. Duncombe,

NAYS.—Messieurs.

Nays 19. Boulton, Elliott, Macnab, Thomson, Brown, Fraser, A. McNeillidge, Vankoughnet, Burwell, Fraser, D. Merritt, Werden, Chisholm, Jarvis, Morris, Wilson, W.— Crooks, Jones, Samson, 19.

Amendment lost.

The question of amendment was decided in the negative by a majority of six.

In amendment to the original motion, Mr. Macnab, seconded by Mr. Burwell, moves, that after the word "moves" in the original motion, the whole be expunged and the following inserted; "That as it was not intended by this House to change the state of the Representation of the Counties of York and Lincoln in the House of Assembly, or to prevent the election of a Member in the manner which has heretofore prevailed in the event of a vacancy occurring, in passing the Bill, entitled, 'An Act to alter the manner of holding the Elections for Members to represent the Counties of York and Lincoln in the House of Assembly, more equally to divide the County of York into Ridings, and to increase the Representation of the County of York;' and that this House concur in the equitable construction given by His Majesty's Attorney General to the aforesaid Statute. Be it therefore resolved, that the Speaker do issue his warrant to the Clerk of the Crown in Chancery, for the election of a Member, in the room of William Lyon Mackenzie, Esquire, expelled this House during the present Parliament.

On which debates ensued.

On motion for withdrawing the amendment made by Mr. Macnab, the yeas and nays were taken as follows:—

YEAS.—Messieurs,

Boulton, Fraser, A. Macnab, Vankoughnet, Brown, Jarvis, McNeillidge, Werden, Chisholm, Jones, Samson, Wilson, W.— Crooks, Macdonald, A. 14.

NAYS.—Messieurs,

Berczy, Elliott, Merritt, Roblin, Campbell, Fraser, D. Morris, Shaver, Clark, Hornor, Perry, Thomson, Cook, Howard, Randal, White,—18. Duncombe, Ketchum,

The question was decided in the negative by a majority of four. Question lost.

On the amendment proposed by Mr. Macnab, the yeas and nays were taken as follows:—

YEAS.—Messieurs,

Berczy, Duncombe, Jarvis, Samson, Burwell, Elliott, Jones, Werden, Chisholm, Fraser, A. Macnab, Wilson, W.— Crooks, Fraser, D. Morris, 15.

NAYS.—Messieurs,

Boulton, Hornor, Merritt, Shaver, Brown, Howard, Perry, Thomson, Campbell, Ketchum, Randal, Vankoughnet, Clark, Macdonald, A. Roblin, White,—17. Cook,

The question of amendment was decided in the negative by a majority of two. Amendment lost.

In amendment to the original motion, Mr. Perry, seconded by Mr. Campbell, moves, that after the word "moves" in the original, the whole be expunged and the following inserted; "That the message of His Excellency the Lieutenant Governor, of Saturday last, relative to the memorial of William Lyon Mackenzie, be referred to a Select Committee, with power to send for persons and papers, and directed to report to this House as early as possible, and that Messieurs Macdonald, Ketchum, Clark, Morris, and Chisholm, do compose said Committee.

On which the yeas and nays were taken as follows:—

YEAS.—Messieurs,

Campbell, Hornor, Merritt, Roblin, Clark, Howard, Perry, Shaver, Cook, Ketchum, Randal, White,—14. Duncombe, Macdonald, A.

NAYS.—Messieurs,

Berczy, Crooks, Jones, Thomson, Boulton, Elliott, Macnab, Vankoughnet, Brown, Fraser, A. McNeillidge, Werden, Burwell, Fraser, D. Morris, Wilson, W.— Chisholm, Jarvis, Samson, 19.

The question of amendment was decided in the negative, by a majority of five. Amendment lost.

In amendment to the original motion, Mr. Macnab, seconded by Mr. Burwell, moves, that the following be added; "and that the Speaker of this House do issue his warrant to the Clerk of the Crown in Chancery, for the election of a Member in the room of William Lyon Mackenzie, Esquire, expelled.

On which the yeas and nays were taken as follows:—