

Report of Com-
mittee on Peti-
tion Robt. F.
Gourlay

ground than that of the injuries sustained by him from the Government of *Upper Canada*, in former times.

Your Committee, themselves, take this view of the subject, and therefore in consideration of Mr. *Gourlay's* patriotic exertions, for the benefit of this Province, and of the wrongs which he thereby incurred, recommended that an humble Address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to adopt some means of conveying to the Petitioner the opinion of this House on his case, in the terms of the Report made to the House by a Select Committee, dated 11th September 1841, and adopted by the House on the 16th of the same Month.

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that his Excellency will be pleased to adopt some means of conveying to *Robert Fleming Gourlay*, the opinion of this House on his case, in the terms of the Report, made to this House by a Select Committee, dated 11th September 1841, and adopted by the House on the sixteenth of the same month.

Ordered, That Mr. *Wakefield*, Mr. *Thorburn*, Mr. *Merritt*, and Mr. *Cameron*, do present the said Address to His Excellency the Governor General,

Chartered
Banks.

Mr. *Morris*, from the Select Committee to which was referred the Bill, to authorize the Chartered Banks of this Province, to open Books in the United Kingdom, for the transfer of their Stock, reported, that the Committee had gone through the Bill, and had made several amendments thereto, which amendments were again read at the Clerk's table.

Resolved, That the said Bill and Report be committed to a Committee of the whole House, to-morrow.

Report on Peti-
tion of Effy
McCuaig.

Mr. *Simpson* from the Select Committee to which was referred the Petition of *Effy McCuaig*, widow of the late *John McCuaig*, of the Seignior of *New Longueuil*, presented to the House the report of the said Committee, which was again read at the Clerk's table.

(For the said Report see Appendix Q. Q.)

Mr. *Simpson* moved, seconded by Mr. *McLean*, that this House doth concur with the Select Committee in the said Report.

The Question having been put upon the said motion, a division ensued, and it passed in the negative.

Mr. *Simpson* moved, seconded by Mr. *Dunlop*, that an humble Address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to cause to be laid before this House, a copy of the Report made by *Alphonso Wells*, Esquire, on the line of division between the two sections of this Province, which formerly constituted the Provinces of *Upper* and *Lower Canada*, respectively: with such information as His Excellency may think proper to communicate, with regard to the steps taken by the Provincial Government, in consequence of the said Report.

The Question having been put upon the said motion, a division ensued, and it passed in the negative.

Report on Pri-
vileges and
Elections.

The Honourable Mr. *Balwin* from the standing Committee of Privileges and Elections, presented to the House the second Report of the said Committee, which was again read at the Clerk's table, and is as followeth:—

"Your Committee have considered the Message of His Excellency, the Governor General, which was yesterday referred to them, and after a diligent search have not discovered any precedent of a Message from the Crown to Parliament, of a similar character; but they are of opinion that the fundamental, ancient, and undoubted liberty and privi-

lege of Parliament, by which the Rights and Liberties of the People of *Canada*, represented in the Legislative Assembly of the Province are guarded and maintained, establish the constitutional principle, that each of the three branches of the Legislature is thoroughly independent on the other, and that neither branch ought to notice any thing hanging before the other, but by their information or agreement: and especially that it is essential to the free action of the Assembly, that the Representative of Her Majesty, should not express to Your Honourable House any opinion either of approbation or disapprobation, upon the course to be pursued in relation to any Questions, Bills, or Measures in agitation, Debate, or Preparation, before them.

That while your Committee wholly exonerate His Excellency, the Governor General, from any intention to infringe upon the Privileges of Your Honourable House, they are of opinion that under the difficulties in which the affairs of the Province are placed, by reason of no Administration having as yet been formed, responsible to Your Honourable House, for the advice they may give to His Excellency, it will be sufficient, upon the present occasion to enter upon Your Journals, Your opinion that the Message in question shall not be drawn into Precedent."

The Honourable Mr. Attorney General *Balwin* moved, seconded by the Honourable Mr. *Boulton*, that this House doth concur with the standing Committee of Privileges and Elections in the said Report.

The question having been put upon the said motion, a division ensued, and the names being called for, they were taken down as followeth:

YEAS.

MESSIEURS ARMSTRONG, AYLWIN, BALDWIN, BARTHE, BERTHELOT, BLACK, BOULTON, BOUTILLIER, BEAUBIEN, CAMERON, CHRISTIE, DEWITT, DUNN, DURAND, GILCHRIST, HARRISON, HINCKS, LAFONTAINE, LESLIE, SIR ALLAN N. MACNAB, MERRITT, MORIN, MORRIS, MURNEY, PAPINEAU, POWELL, PRICE, PRINCE, QUENEL, ROBLIN, SIMPSON, HENRY SMITH, HARMANNUS SMITH, GEORGE SHERWOOD, STEWART, TURCOTTE, D. B. VIGER, and L. M. VIGER.—(38.)

NAYS.

MESSIEURS CHESLEY, DUNLOP, FOSTER, HALE, JOBIN, McLEAN, and STEELE.—(7.)

So it was carried in the affirmative, and *Resolved*, accordingly.

The Honourable Mr. Solicitor General *Aylwin*, from the Select Committee, to which was referred the engrossed Bill from the Legislative Council, intitled, "An Act to repeal an Ordinance of *Lower Canada*, intitled, 'An Ordinance concerning Bankrupts and the Administration and distribution of their Estates and Effects,' and to make provision for the same object throughout the Province of *Canada*," and another Reference, reported that the Committee had gone through the said Bill, and had made several amendments thereto, which amendments were again read at the Clerk's table, and agreed to by the House, and are as followeth:—

Bankrupts' Es-
tates.

Press 11, Line 8.—After "place" insert "And provided always, that no person shall be a Judge or Commissioner, as aforesaid, in this Province, unless he be a Barrister at Law, of at least five years standing."

Press 35, Line 31.—Leave out from "and" to "Act" in line 33, and insert Clause (A.)