

Ordered.

Mr. Samson, seconded by Mr. Wm. Wilson, moves that the Message of His Excellency the Lieutenant Governor, with the accompanying Documents, respecting the expediency of forming into a separate County the Townships of the London District, comprehended in the Huron Tract, be referred to a Committee, to be composed of Messrs. Elliott and McNeillidge, with power to send for persons and papers, and to report thereon by bill or otherwise.

Ordered.

Mr. Samson, seconded by Mr. Boulton, moves that the Committee appointed to take into consideration the Message of His Excellency the Lieutenant Governor, with the accompanying Documents, communicated to this House on Saturday last, on the subject of the proposed Canal through Long Point, as also the survey of the Canal to connect the waters of the Bay of Quinte with Presque Isle Harbour, be discharged from that part of their duty which relates to the proposed Canal through Long Point, and that Messrs. McNeillidge, William Wilson and Burwell, be a Committee, with power to send for persons and papers, and to report thereon by bill or otherwise.

Ordered.

Mr. Thomson, seconded by Mr. D. Fraser, moves for leave to bring in a bill to explain certain doubts which exist with respect to the provisions of a bill passed during the last Session of Parliament, 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 said County of York, and that the forty-first rule of this House be dispensed with, so far as relates to the said bill.

In amendment, Mr. Perry, seconded by Mr. Roblin, moves that after the word "moves" in the the original motion, the whole be expunged and the following inserted: "That the elective franchise (whereby the subject has the right to choose one branch of the government, viz. the Commons,) is secured to His Majesty's subjects in England by Magna Charta, or in other words, by the British Constitution, and has always been esteemed as the dearest right, in fact the birth-right of Britons; a right by which the subject, by his representative, either assents to or dissents from every law or measure that may affect him or his fellow subjects, which right still remains unmolested, notwithstanding the many attempts to circumscribe or disannul it, which right is secured to His Majesty's subjects in Upper Canada, by the 31st of the King, which no doubt was intended and has often been declared to be a transcript of the British Constitution.

That His Majesty's subjects in Upper Canada are as capable of appreciating and exercising the said right as any other class of His Majesty's subjects, and that to tamper with, abridge, or disannul it, is not only unjust, but impolitic and unconstitutional.

That our form of Government is a mixed one, viz. the Executive, which is composed of the Governor, Lieutenant Governor, or person administering the Government for the time being, together with his Council, who hold their office during pleasure: The Legislative Council, who hold their office for life, (many of whom are Executive Councillors.) The Commons House of Assembly, elected by the freeholders of the County: And the Constitution has wisely provided, and it has always been a settled principle, that no Act, vote or proceeding of any one branch of the said Government, without the concurrence of the other branches, should have the effect of law, or be binding on, or be taken or construed, so as to affect the person, rights, liberties or interest of His Majesty's subjects, secured to them either by the constitution or the law of the land; and that for any one branch of the said Government to assume the power or presume to exercise the right of passing any vote or having any proceeding which in express terms or by implication shall have the effect of either disfranchising any elector, or disqualifying or declaring any person ineligible to be a candidate, or to take a seat in the Assembly when elected by the people, who is under no legal disqualification to exercise such right, is not only illegal and unconstitutional, but subversive of the dearest and most sacred rights of the people, and a stretch of power that must be viewed with horror and disgust, and execrated by all lovers of freedom, good order and constitutional liberty.

That William Lyon Mackenzie was duly elected and returned a Knight, Representative of the County of York, at the last election for a member to represent the said County, by the Freeholders of said County, who by the law of the land and the constitution, have a right to say who shall be their Representative, whom they have confidence in, and whom they wish to watch over their dearest rights and interests, whom they wish in their name, to give his assent to, or dissent from, such mea-

asures as may come before, and occupy the attention of the Legislature.

On the subject of W. L. MacKenzie and constitutional rights.

That the latter clause of the Resolution, adopted by the House of Assembly in the second Session of this Parliament, the seventh day of January, viz.: "that the said William Lyon Mackenzie, is unworthy and unfit to hold a seat therein during the present Parliament," cannot be construed into a legal disqualification, or prevent him from being a Candidate, or the Freeholders of the County of York from voting for him at any Election, or his taking a seat in the Assembly if elected, provided no other direct vote of expulsion should be had relative thereto.

That the Resolution adopted by this House in the last Session, the ninth day of February, viz.: "That William Lyon Mackenzie, returned to serve in this Assembly, as Knight Representative for the County of York, is the same William Lyon Mackenzie mentioned in the said entries, and thrice expelled this House, and declared unworthy and unfit to hold a seat therein during the present Parliament; that by reason thereof, the said William Lyon Mackenzie, cannot sit or vote in this House as a Member thereof," does not contain any express terms of expulsion, that would expel any Member of this House, but is merely a repetition of the former vote, by reason of which it declares he cannot sit or vote in the House as a Member, and therefore the doctrine that has been advanced, viz.: that he was thereby expelled, either by private or public men, the Executive branch of the Government, or any other branch, is erroneous, and cannot be defended on any other principle than that he was disqualified by a former vote, for the Resolution does not assume any other ground, no new offence is charged, it merely rests on a former declaration, viz., by reason whereof (it declares) he cannot sit or vote in this House as a Member, which doctrine is most subversive of, and a deadly blow aimed at the Constitutional Rights and Liberties; that the Members of the Assembly who contended against the illegal and constitutional grounds alleged in the Resolution for the expulsion, viz., by reason of a former vote, (in the absence of any new crime) and who voted against the motion for the expulsion, would have shewn a want of consistency and candour, had they turned round afterwards and voted for the issuing a Writ for the election of a Member to supply the place of one who they contended was not expelled by the terms of the Resolution: furthermore, the same majority which carried a motion expelling a member, could have carried a motion to issue a new Writ, if they were desirous that the County should have its proper representation. That if, by the present Law, an Election cannot take place until the General Election, no good could by possibility have resulted from the issuing a new Writ at the close of the last Session. That the head of the Executive Government does not derive any authority from the Constitution or the Law of the land to animadvert or to call in question the sentiments or votes of any individual Member or Members of the Assembly, and to do so, is nothing more nor less than an assumption of power, dangerous to the rights of an independent Representation, an infringement upon the right of free and full discussion, and expression of opinion, and utterly at variance with the spirit and genius of our constitution. That it is quite sufficient for the head of the Government (when occasion requires) to speak of the House, and of its measures, as the Acts of the House, without descending to notice the sentiments expressed, or votes given by any individual Member or Members; and that an humble address be presented to His Excellency the Lieutenant Governor, setting forth the substance of the foregoing Resolution, and requesting that His Excellency will be pleased to lay before this House, for its information, copies of the correspondence that has passed between the Government of this Colony and the Colonial Office, respecting the removal from office of Messrs. Boulton and Hagerman, and their reinstatement in confidential situations under the Crown, together with a copy of the Despatch from Lord Goderich, on the question of Mr. Mackenzie's repeated expulsion, of his Memorial, and the opinion of the Attorney General thereon, in full, referred to by His Excellency in his message of Saturday last.

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

Division on amendment

YEAS.—Messieurs.

Campbell,	Hornor,	Macdonald, A. Roblin,	Yeas 12.
Cook,	Howard,	Perry, Shaver,	
Duncombe,	Ketchum,	Randal, White,—12.	

NAYS.—Messieurs.

Berczy,	Elliott,	McNeillidge,	Thomson,	Nays 17.
Boulton,	Frazer, A.	Merritt,	Vankoughnet,	
Brown,	Fraser, D.	Morris,	Werden,	
Burwell,	Jones,	Samson,	Wilson, W.—	
Crooks,			17.	

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

Message and documents relative to forming new County in London District referred.

Committee appointed on the subject of cut through Long Point.

Motion for bringing in Bill to remove doubts as to the provisions of the York and Lincoln Election Bill.

Proposed amendment to foregoing motion.

On the subject of W. L. MacKenzie and constitutional right.