

I have now the honor to enclose for your information, the copy of a Letter from the Law Officers of the Crown, expressing their opinion, that Mr. Warburton's seat in the House of Assembly, has not, by the existing Law of this Colony, become vacant, in consequence of his acceptance of a seat in the Executive Council, and that therefore I cannot legally cause a Writ to be issued for the election of a Member in his place.

You will perceive therefore, that acting in accordance with the above opinion, it is not in my power to issue the Writ in question.

I have the honor to be, Sir,  
Your most obedient servant,  
DONALD CAMPBELL,  
Lieut. Governor.

The Hon. the Speaker  
of the House of Assembly,  
&c. &c. &c.

CHARLOTTETOWN,  
January 21st, 1848.

SIR ;

We have the honor to acknowledge the receipt of your Letter of the 19th inst., enclosing us a letter from the Honorable the Speaker of the House of Assembly, to His Excellency the Lieutenant Governor, informing His Excellency "that a vacancy has happened in the Assembly, by James Warburton, Esq., one of the Members thereof, having been called to Her Majesty's Council, and reporting the same to His Excellency, in order that a new Writ for the election of a Member to fill up such vacancy, may be issued," and requesting our opinion "whether the fact of Mr. Warburton's having been appointed a Member of the Executive Council does, by Law, cause his seat in the Assembly to become vacant, and authorise His Excellency to issue a new Writ." We beg leave to report it as our opinion, for the information of His Excellency, that Mr. Warburton's seat in the House of Assembly has not, by the existing Law of the Colony, become vacant in consequence of his acceptance of a seat in the Executive Council, and that therefore His Excellency cannot legally cause a Writ to be issued for the Election of a Member in his place.

We have the honor to be, Sir  
Your most obedient servants,  
ROBERT HODGSON,  
Attorney General.  
JAMES H. PETERS,  
Solicitor General.

The Hon. T. H. Haviland,  
Colonial Secretary,  
&c. &c. &c.

Mr. J. H. Conroy moved, that the House do now resolve itself into a Committee of Privileges and Elections, to take into consideration the question of the right of the Honorables George Coles and James Warburton to seats in this House.

Mr. Rae moved, by way of amendment, that as the opinion of the Attorney and Solicitor General of this Island, published by order of the Executive, most decidedly expresses that there is no Law in this Island requiring a Member of the Assembly to vacate his seat in consequence of accepting a seat in the Executive Council, and as in the instances which did occur previous to last Session, the Assemblies then existing never declared vacant the seats of such Members, therefore the continuing to act on the erroneous interpretation made last Session, in so far as respects the seat of the Hon. George Coles, is inexpedient.

Mr. Speaker declined receiving the motion, stating as his reason, that it was a question of privilege involving the right of two Members to seats in this House, and ought to be referred to a Committee of the whole House on Privileges, according to Parliamentary usage.

An appeal being made to the House from Mr. Speaker's decision :

The House divided on the question :

For sustaining the decision :

Mr. J. H. Conroy,	Mr. H. Macdonald,
Mr. Palmer,	Mr. F. Longworth,
Mr. Haviland,	Mr. Thornton,
Mr. J. Longworth,	Mr. N. Conroy,
Mr. D. Maclean,	Mr. Montgomery.

Against it :

Mr. Rae,	Mr. Mooney,
Mr. Jardine,	Hon. Mr. Warburton,
Mr. Macintosh,	Hon. Mr. Coles,
Mr. LeLacheur,	Mr. Whelan,
Mr. D. Macdonald,	Mr. Clark.

A motion being made that the names of Mr. Coles and Mr. Warburton do not appear on the division, they being interested parties:

The House again divided:

YEAS:	
Mr. J. H. Conroy,	Mr. Haviland,
Mr. Palmer,	Mr. J. Longworth,