

sequence of the order of Your Honorable House, in the place of one of the Representatives of that County, whose expulsion they had decreed, and whose Seat they had declared vacant.

Besides the manifest contradiction that this is found to exist between the one and the other determination of the Governor in Chief, who, in the instance under consideration, appears to have decided of his own accord, since he does not say that he had been guided by the legal advice which he could and ought to have obtained officially in the Province, upon a weighty occasion, when he felt himself in doubt, and labouring under all the hesitation which he expresses in his Message, Your Committee are bound to take notice how little reliance His Excellency appears to have upon the intelligence or integrity of his legal advisers in the Province, in as much as he thus came to the determination of referring to England, a question of such easy solution, whilst, if he had only asked the opinion of those whose advice he could command in the Province, he would doubtlessly, have been informed by some of them, that the House of Assembly constitutes a competent authority to decide as to what cases in which its Members shall be qualified or disqualified, to sit and vote therein; and that it is in the House alone, to the exclusion of every other authority, that decides the power of declaring the Seats of of any of its Members vacant, and to order a new Election.

The principle of the existence of such a power in the Assembly alone, has, undoubtedly, been constantly acknowledged, and whatever the reasons may be, whereupon the Governor in Chief depends for not issuing the Writ in question, Your Committee have here to observe, that on a very recent occasion, when Your Honorable House, requested from him the documents relative to the dismissal of Dr. Tessier as Health Officer, His Excellency did, in refusing the same, by his answer of the 12th of February last, acknowledge the principle which we this day invoke, which is diametrically opposed to that which forms the basis of the present Message. His Excellency then said:—"The Constitution has invested the several Branches of the Legislature with certain Prerogatives and Privileges, the free exercise of which is essential towards enabling each of them to perform its peculiar functions."

"This principle," he added, "has been recognized and acted upon by the House of Assembly in its own behalf, on more than one occasion, and without illustrating more particularly a subject of so much Constitutional delicacy, it may perhaps be sufficient to remark, that the interference of the several branches of the Legislature with each other, in matters connected with their respective Prerogatives and Privileges, must obviously tend (if persisted in,) to disturb that harmony between them which is essential to the public welfare."

It is very clear and very certain that the Constitution and the Laws of the Province require that the County of Montreal should be represented: with regard to the doubts which the Governor in Chief has expressed as to whether Your Honorable House has decided in the right or in the wrong, His Excellency has thereby usurped and exercised a discretionary power of placing obstacles in the way of the execution of the Constitution and of the Laws, which enacting such Representation, directed him to sign without delay the Writ of the Election for the County of Montreal, without enquiring either as to the merits or the demerits of the determination of Your Honorable House.

The Governor in Chief permits himself to enter into an argument with Your Honorable House, and erroneously to interpret your acts, and in virtue of that interpretation, he comes to the conclusion, that, from the moderation of the Assembly, and their desire to give to the Executive, by means of the Sanction of the Bills presented to it, both the opportunity and the merit of acting with them, and as they do, their Members ought to continue in the enjoyment of the same full and entire independence as well after as before their Election; or that if they agreed to change their relations with the Executive, after having been elected, they would submit to the legitimate controul over them of the approbation or disapprobation of their Constituents, the House had thereby renounced the direct, complete, and exclusive jurisdiction which they possess in matters of Privileges and Elections.

If instead of doubts and uncertainties, the Governor in Chief had become convinced that the House had adopted, in any manner whatsoever, wrong measures, he may appeal to the opinion of the People, for whom and by whom the Assembly is constituted, and who must, in the end, determine and judge of the merits or demerits of all Public Functionaries, or of the goodness or badness of their administrative measures.