

The Speaker of the House of Assembly, in session at York, in Upper Canada, this twenty-second day of March in the year of our Lord one thousand eight hundred and twenty-eight.

TO THE SHERIFF OF THE HOME DISTRICT, OR GAOLER THEREOF.

Whereas James Givens has been apprehended and brought to the bar of the said House of Assembly, to answer for his contempt and breach of privilege, by neglecting and refusing to attend and give evidence before the Select Committee to whom was referred the petition of William Forsyth, with power to send for persons and papers, although duly summoned so to do; and the said House of Assembly having resolved that the said James Givens has been guilty of the aforesaid contempt and breach of privilege, and also that he be therefor committed to the Gaol at York, in the Home District, during the residue of this session: This is therefore to command you to take the said James Givens, Esquire, into your custody, and him safely keep during the residue of the session of this Parliament. Given under my hand and seal at York, in the Home District, this twenty-second day of March in the year of our Lord one thousand eight hundred and twenty-eight.

*John Willson, Speaker.*

The Speaker then put the warrants into the hands of the Serjeant at Arms, with orders to see the same carried into execution.

Mr. Beardsley from the Committee, to which was referred the petition of Robert Randal, Esquire, informed the House that the Committee had agreed to a Report, which he was directed to submit whenever the House would please receive the same.

The Report was ordered to be received.

Adjourned.

Mr. Secretary Hillier brought down from his Excellency the Lieutenant-governor a message, and having presented the same to the Speaker, retired.

The Speaker then read the same, as follows:

P. MAITLAND.

The Lieutenant-governor acquaints the House of Assembly that the Adjutant-general of Militia, and Colonel Givens, superintendent of Indian affairs, acting as the head of that department in this province, have reported to him that they are in custody under a warrant of the Speaker of the House of Assembly, for a contempt in disobeying the summons of a Select Committee appointed to report upon a petition of William Forsyth.

The Lieutenant-governor will always view with extreme regret any circumstance likely to produce a misunderstanding between any of the branches of the Legislature; and notwithstanding the protection which he justly owes to all officers serving under his Government, and acting as they conceive in the due discharge of their duty, he has forborne to interrupt the proceedings of the session by hastening the intended period of prorogation, indulging a hope that some measures useful to the country might be matured before the Legislature separated.

It is of importance, however, to the several branches of the Legislature—to the people of the province—and no less to the members of the House of Assembly individually, when, by the expiration of this Parliament, they shall have returned to their stations in society, that the extent of the privilege the House has asserted, the regular mode of exercising it, and the power of enforcing it, should be distinctly understood.

The departure of the Assembly from the usage prevailing in this colony, and as far as the Lieutenant-governor can learn, in other governments, could not be acquiesced in by him without that conviction of its propriety which he does not now entertain.

For his future guidance, under similar circumstances, he will solicit the direction of His Majesty's Government: if the power claimed by the House of Assembly has been constitutionally assumed and exercised, the House has discharged its duty in asserting it; if otherwise, the Lieutenant-governor, in withholding his permission, had a duty to fulfil from which he could not properly recede; and of this the Assembly may be assured, that if the propriety of its proceedings shall be confirmed by His Majesty, no one will be more ready than himself to recognize the privilege in question on all future occasions, and to enforce its observance by all whom it is his duty to control.

Government House, 24 March 1828.