

House accepted the only resignation before them, that of the Speakerhip, but for the illegal vacancy in the membership no writ has yet been issued. The House of Assembly by a resolution declared they had not sufficient legal evidence before them to declare the seat vacant and to order a new writ of election to be issued. The hon gentleman proceeded to argue that this was a novel or exceptional bill and that if Mr Perry's right to be elected to the House of Commons was so clear as alleged, and his resignation legal, it was a great pity this Parliament should be exposed to trouble and loss of valuable time to pass a bill of indemnity. But this bill went even further than was usual in such cases, as it declared null and void any proceedings pending decision, as to the validity or invalidity of this election, in the Courts of the Dominion. He contended that the action proposed by the bill would be retrospective, and opposed to sound principles of legislation and jurisprudence. He again asked if Mr. Perry had acted legally why did he want this Act? and concluded by insisting that its passage would constitute a bad precedent in indemnifying parties who had rendered themselves amenable to penalties, thus encouraging further breaches of the law.

Hon. Mr. MONTGOMERY said the law was as the honorable gentleman had stated, but he understood that Mr. Perry had resigned to himself first, his position of membership. If he could resign as Speaker he could have no longer a seat as member. He (Mr. P.) had always been under the impression he had done as much as could possibly have been expected of him in the matter of resigning. He had been elected to the Commons afterwards by a very large majority. In spite of this he had been followed here by a writ from the Island, charging him with sitting illegally, which offence, could it be proved, would entail upon him a fine of \$2,000 a day. It was the opinion of qualified lawyers and able men in the Commons that his resignation was perfectly legal.

Hon. Mr. HAVILAND—Why pass this Bill then?

Hon. Mr. MONTGOMERY said it was believed that no prosecution should reach him; still it was argued, if there was any doubt on the question he was entitled to the benefit of it, with which object this Bill was introduced. The question, so far as the Island people were concerned, as to whether a new writ should be issued or not had been made a party one. To refuse the Bill, and allow judgment

against Mr. Perry, for illegally occupying his seat would be a most harsh and unjust proceeding. Far better to send him to prison for the rest of his days than exact a penalty of \$2,000 a day for the time he had filled the seat. He considered the present proceedings against him nothing less than a piece of persecution. He trusted the House would condemn it, and approve of the Bill. (Hear, hear.)

Hon. Mr. MILLER regretted the opposition of the hon. member from Charlottetown, (Mr. Haviland), and trusted there would be no division on the bill. He argued at considerable length in favor of it. He thought that this was a question peculiarly relating to the other branch of the legislature, as it only affected the seat of one of its own members and that such questions were constitutionally for the consideration of the Chamber interested. The subject had been considered by a committee representing both sides of politics in the Commons, and comprising some of the leading lawyers of that body, who had unanimously reported in favor of a bill of indemnity to Mr. Perry. The bill had passed in the other House without a division. After such action in the Commons in regard to one of its own members, the Senate should not frustrate their rights or wishes. The hon. member (Mr. Haviland) had gone back to the common law which had been superseded in this country by their statute law. It was true, the Act of the colony of Prince Edward Island did not make provision for the case of Mr. Perry, but that was clearly an omission or mistake. It was plain from the reading and spirit of that Act, it never had been the intention of the legislature to prevent a speaker from resigning his seat. Mr. Perry had done every thing in his power to rid himself of his disqualification; he had left nothing undone towards the accomplishment of that object in good faith. Would it, then, be fair to punish him for what was not his fault, but a plain, obvious fault or omission in the law? He denied that the bill had no precedent, and instanced the case of the late member for Lunenburg and other members of the late House of Commons, in favor of whom a similar law had been passed by the Parliament of Canada. The latter law had been rendered necessary from circumstances attending the formation of the Union, and the present bill grew out of a precisely similar condition of things—the admission of P. E. Island into the Union. He could not see any force in the argument that the bill was to have a retroactive operation; if