

**FIFTH REPORT**

OF THE

**STANDING COMMITTEE OF PRIVILEGES**

AND

**ELECTIONS.**

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Your Committee having again taken into consideration the Instruction given to them by Your Honorable House, of the second instant, "to enquire whether the Writ of Election for the County of Montreal has issued, and if it has not, to enquire into the circumstances which have retarded the execution of the Warrant of this House, directing the Election of a Representative for the said County;" and after having, at the same time, taken into consideration the "Message of His Excellency the Governor in Chief, of the eighth instant, relating to that Writ of Election"; do make the following Report, which has been agreed to by your Committee, by a majority of four to one of the Members composing the same.

Your Committee, convinced that Your Honorable House is the sole Judge respecting the Election of their Members, or of their disqualification, or of the vacation of their Seats, have observed with extreme surprise, that His Excellency the Governor in Chief does not know that his signature to a Writ of Election, was purely and simply a Ministerial act, which ought not to have aroused in his mind, the perplexity which appears to have occupied it, nor have induced him to make those researches which he thought he ought to do, respecting the Resolutions and proceedings which Your Honorable House have deemed it proper to adopt since several years, in order to secure yourselves against the danger of seeing the Executive make use of undue means, for obtaining an influence over the Representation of the Country, with the view of lessening the Independence of Your Honorable House, and to change, after their Election, the relations and the ties between the Representatives and their Constituents.

✕ It is not to be allowed that a high Public Functionary accepting an office of such importance and responsibility, as that of Governor in Chief of British America, should be ignorant of the first elements, and fundamental maxims of the Public and Constitutional Law of Great Britain. Had the Governor in Chief bestowed his attention upon the principle so clearly defined by Blackstone, that, "The whole Law and custom of Parliament has its original from this one maxim—that whatever matter arises concerning either House of Parliament, ought to be examined, discussed, and adjudged in that House—and not elsewhere." His Excellency would doubtless have felt that he had no discretionary power that authorized him to pass any judgment upon, to suspend, or to revise, a Resolution of the House, who, acting for the people, and constitutionally, on their behalf, declared the Seat of one of their Members vacant.

Your Committee cannot but feel astonished that such a question should be referred to the consideration of the Colonial Office, at a time so closely following that when Your Honorable House had declared, that the intervention of that authority in a similar matter constituted a breach of your Privileges, and when the Governor in Chief had not hesitated to perform a purely ministerial duty, that of signing a Writ of Election for the County of Gaspé, issued in consequence

✕ By whom, or what authority, is it not to be allowed, that a high Public Functionary &c?