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THE CANADIAN

M I R R O R

OF

PARLIAMENT.

THE CANADIAN MIRROR

OF PARLIAMENT.

EDITED BY G. BEAUMONT, Esq. }
Of Lincoln's Inn, Barrister-at-Law. }

Kingston, June 16, 1841.

{ Published at the Chronicle & Gazette Office
Kingston.

HOUSE OF ASSEMBLY.

June 14, 1841.

The House met according to Proclamation.

At 12 o'clock the Hon. Levius P. Sherwood, Thomas Kirkpatrick and William Hepburne, Esquires, commissioners appointed by his Excellency the Governor General to administer the oath prescribed by the statute to the members elect, proceeded to administer the same, and the members present having been sworn in due form, the clerk of the House of Assembly then read the proclamation of his Excellency summoning the Provincial Parliament, and also the 33d section of the Act of Union, which directs that upon the assembling of the House they should proceed at once to the choice of a Speaker.

Mr. MORRIS then rose, and after a few preliminary observations proposed that Mr. A. Cuvillier be the Speaker of that house.

Mr. MERRITT seconded the nomination, and in doing so observed that it was with much satisfaction he seconded the motion of the hon. gentleman, because he believed the gentleman who had been proposed would fill the situation with dignity and ability, and would also, from his well known liberal principles and his acquaintance with the affairs of legislation, give entire satisfaction to the great body of the people of Canada; and it was with the greater pleasure that he seconded the present motion as it was the first which would appear upon their records, and having for its object the appointment of a gentleman to the most important station in that house, who was a resident of that part of Canada which was heretofore called Lower Canada, between which and this portion of the Province there had hitherto existed a broad and unnatural distinction in sentiment and feeling, and that distinction he hoped now to see entirely obliterated.

Col. PRINCE said he would also support the nomination, and he did so with great pleasure, as he believed the gentleman who had been proposed was, from his acquaintance with parliamentary practice and usages, and from his political principles, which he understood to be those of moderate reform, he believed he was a gentleman calculated in every respect to do honor to their choice, and to fill the chair with dignity and ability. He (Col. Prince) considered it a duty which they owed to that class of the constituency of Canada which had selected that hon. gentleman (Mr. Cuvillier) as their representative, and of which class that hon. gentleman himself was one, that their brethren in this portion of the province of Canada should hold out the hand of fellowship to them and to show that on our part a disposition exists to act with cordiality and good feeling. He (Col. Prince) for one would hold out this act of the appointment of Mr. Cuvillier to be their Speaker as an earnest of his intention to meet his friends from that part which was Lower Canada with confidence and friendship, with no disposition to meet in hostile encounter, but to labor together for the public good, throwing aside all party animosity and all ill feeling, for he considered that the prosperity of the country generally is the best and truest mark at which they should

aim. He (Col. Prince) was also happy if he (Mr. Price) would infinitely prefer an opportunity of paying a compliment to administration formed of Tories altogether, his own constituency, the greater proportion than one of Tories and Reformers joined, of whom were French Canadians, by supporting the nomination of the hon. gentleman. Thus much he (Col. Prince) thought necessary to say in reference to the appointment of the hon. gentleman (Mr. Cuvillier). He hoped he might be indulged before closing his remarks in paying a merited tribute of respect to the late Speaker of the house of Assembly of Upper Canada. He would merely say that if the hon. gentleman now proposed, when placed in the chair of that house, should follow the same course of conduct as that pursued by Sir Allan McNab, they would have no reason to be dissatisfied with their choice.

Mr. HINCKS said, that in order to prevent the possibility of any misunderstanding with regard to his vote, he felt it a duty which he owed to his constituents to give his reasons why he felt great pleasure in supporting the present motion. He (Mr. Hincks) had taken peculiar pains to ascertain the political views and opinions of the hon. gentleman (Mr. Cuvillier) in order to form a decision as to whether he would give him his support. He felt perfectly well assured, upon authority which he could not doubt, (and he wished the House to be put in possession of the circumstance, that he might be set right if his information upon this point were incorrect,) that the hon. gentleman (Mr. Cuvillier) disapproved of many of the articles of the Union Bill; and further, that he had no confidence whatever in the present administration. These were points in which he perfectly coincided with the hon. gentleman; and these were the grounds upon which he would, with great pleasure, support the nomination of the hon. gentleman; and he was desirous that the country should be put in possession of these facts.

Mr. CARTWRIGHT said that after the speech which had been made by the hon. member from Oxford, he should feel it his duty to move an amendment. After hearing a declaration such as that which had just been made by the hon. member, he thought that house should pause before concurring in the motion which had been made. A well merited compliment had been paid to the gentleman who had formerly filled the Speaker's chair in the House of Assembly of Upper Canada, and he believed the choice of the present house could not call upon a better man. He would therefore take the liberty of moving in amendment, that Sir Allan N. McNab be the Speaker.

Mr. JOHNSON stated that he believed there must be some misapprehension on the part of the hon. member who had moved the amendment, he believed his hon. friend from Oxford had no intention of imputing to Mr. Cuvillier a want of confidence in the administration of his Excellency the Governor General, to so large an extent as the hon. mover seemed, from his remarks, to imply.

Mr. PRICE observed that he had reason to believe that the hon. gentleman who had been proposed as Speaker is an advocate of Responsible Government, as set forth in Lord Durham's Report; for his own part,

he (Mr. Price) would infinitely prefer an opportunity of paying a compliment to administration formed of Tories altogether, his own constituency, the greater proportion than one of Tories and Reformers joined, of whom were French Canadians, by supporting the nomination of the hon. gentleman. Thus much he (Col. Prince) thought necessary to say in reference to the appointment of the hon. gentleman (Mr. Cuvillier). He hoped he might be indulged before closing his remarks in paying a merited tribute of respect to the late Speaker of the house of Assembly of Upper Canada. He would merely say that if the hon. gentleman now proposed, when placed in the chair of that house, should follow the same course of conduct as that pursued by Sir Allan McNab, they would have no reason to be dissatisfied with their choice.

Col. PRINCE desired that the hon. member would explain what a tory is, confidence in an administration of that nature.

Mr. ROBLIN said he regretted extremely, that the hon. gentleman from Oxford should have introduced the discussion of the abstract principle of Responsible Government at the present moment. Whether Mr. Cuvillier has confidence in the present administration or not, he (Mr. Roblin) had confidence in him and would support the original motion for his appointment.

Mr. THORBURN said he perfectly concurred in the language which had just fallen from the hon. gentleman from Prince Edwards. Mr. CUVILLIER is well known to the people of Canada as a gentleman of consistency as well as liberality in his political conduct, and possesses the full confidence of all who are entitled to be called Reformers. He (Mr. Thorburn) thought it would be highly inexpedient and improper to press a question of this kind at this moment. Mr. Cuvillier would, he had no doubt, fill the situation of Speaker of that House with credit to himself and to the House. He had long been a member of a Legislative body, and was well acquainted with all the duties pertaining to the office of Speaker. If ever there was a time when a place offering should be made, now is the time, (hear, hear,) and if there is any thing wrong in the administration of the Government, let it be discussed in a proper manner and at a fitting time; but let us not embarrass our proceedings at the very outset by captious and uncalled-for reprimands. The hon. gentleman should not take the House by surprize. He (Mr. Thorburn) would yield to no one in purity of intention, and whilst he admitted the truth of the maxim "to err is human," he would nevertheless not permit himself to be in any way connected with any thing which was not honorable and right, as far as he was capable of judging. He was ready to bear testimony to the upright and honorable manner in which the late Speaker discharged the duties of his office; although differing from that gentleman in political opinions, he was ready to accord him the praise of having always acted in the most honorable manner. In fact no one is better qualified than that hon. gentleman for the duties of the station; but at the same time he (Mr. Thorburn) felt it to be his duty to support the nomination of Mr. Cuvillier, and for this reason: because he would extend the right hand of fellowship to our fellow Colonists in the lower branch of the Province; and as the Parliament had been called to meet within the upper part of the Province, he would reciprocate the favor by confiding the Speakership upon a Lower Canada member.

Mr. HINCKS said, he believed the observations he had made had been entirely misinterpreted. He felt it his duty to state the reasons why he supported the nomination of

Mr. Cuvillier. He claimed as a right to express these reasons, and he believed that a large majority of the members of that House would also support Mr. Cuvillier upon the very same grounds which he himself had taken, and which he had expressed when he addressed the House in an early part of the debate.

Mr. CAMERON said he hoped the discussion was nearly at an end. He had but one single remark to make. There were many gentlemen in that house who were more familiar with the French language than they were with the English, and it would be desirable therefore that those gentlemen should be permitted to deliver their sentiments in the language which is most convenient to themselves; and as Mr. Cuvillier is equally conversant with both languages, it should be an additional reason for his appointment to the Speaker's chair. He believed that although every honorable gentleman might be actuated by different reasons for his vote, the expression of those reasons ought to be freely permitted without offence being taken, when none could possibly be intended.

Mr. HINCKS remarked that he did not consider that any explanation was necessary. He had merely exercised an undoubted right in explaining his reasons for his vote.

Sir ALLAN McNAB said he merely rose to request his hon. friend to withdraw the amendment. He felt perfectly satisfied, whatever were the motives by which hon. members were actuated, that Mr. Cuvillier was the person upon whom their choice would rest. Every hon. member had an undoubted right to explain the reasons of his vote, and it would have been as well if the hon. member from Oxford had gone a little farther, and explained what those principles of government were which he would desire to see adopted in this Province.

Mr. MERRITT replied that they were the principles of the British Constitution, which it was desirable to see established in this country.

Mr. CARTWRIGHT said he would certainly comply with the desire of his hon. friend, and withdraw his amendment, and at the same time he would disclaim all intention of doing any thing which could be considered offensive to any hon. member, and particularly the hon. gentleman who had been first proposed. He had been induced to offer the amendment in consequence of having understood from the hon. member from Oxford that he had ascertained the political sentiments of the hon. gentleman, (Mr. Cuvillier) and that they were such as he stated.

Mr. HINCKS said the hon. gentleman was perfectly correct. He (Mr. Hincks) would pledge himself to the house that he had so ascertained.

Mr. STEELE recommended the avoidance of all angry discussion. Not only the eyes of this Province, but of the whole British Empire are watching the first step to be taken by the united Parliament of Canada, (hear, hear, hear.)

Mr. AYLWIN said he agreed with those who held that a line of discussion, should no longer exist between the interests and feelings of the Upper and Lower Canada members, for he would still take leave to designate them according to their former distinctive titles, any more than that a geographical line of division should still be preserved between them. He admired the candour and good feeling of those two gentlemen who had professed themselves willing to bury all past animosities, and he had no doubt that a disposition exists on the part of Lower Canada to reciprocate that good feeling to its fullest extent. The person selected to fill the Speaker's Chair, should possess

the entire confidence of the house, and had he (Mr. Aylwin) been called upon to propose a gentleman who he believed would possess the confidence of the Lower Canada members at all events, he would without hesitation, have pointed out the Hon. member (Mr. Viger.) However (said Mr. Aylwin.) as I perceive a disposition on the part of the House to vote for Mr. Cuvillier, I am perfectly willing to coincide in that decision. If I were not intimately convinced that the hon. who has been proposed as Speaker, is opposed to the administration of the Governor General, I would oppose his election by every means in my power. We should certainly, if possible proceed with unanimity, but not such an unanimity as will endure for a short time and eventually be no unanimity at all. He (Mr. Aylwin) thought that the hon. gentleman (Mr. Cuvillier) was bound to give an explanation to the House, (hear hear,) and to state precisely what his political views are. For although the Hon. member from Wentworth (Sir Allan McNab) be called a tory he is an opponent of the present administration. He would therefore (although he entirely acquiesced in the decision of the house, if that decision should be in favour of Mr. Cuvillier,) have felt inclined to propose as Speaker of that house, that venerable martyr, that true friend of Lower Canada, the hon. Mr. Viger.

Mr. MORIN said he approved of what had fallen from the hon. gentleman who had last spoken; but at the present moment, and under the present circumstances, it would be injudicious to create vexatious dissensions. It was highly desirable that the principles of the British constitution should be carried into effect in this large Province, and he believed it had been very far from being the case in one part of the Province, at least for a long time. And if he (Mr. Morin) were called upon to say whether he had confidence in the present administration, it is probable that his vote would not differ from that of his hon. friend. We all know that this is a vote of confidence; and my hon. friend is very right in stating, that if he was not convinced of the non-approval of the hon. gentleman (Mr. Cuvillier) of the present administration, he would not vote for him. At the same time, the disclosure of his particular views and opinions might expose the House to embarrassment and confusion, which it is most desirable should be avoided. We should endeavor to act in accordance with the true interests of the country. [Hear—hear.] The reason why he (Mr. Morin) would vote for his (Mr. Cuvillier's) appointment was, because it was his belief that the opinions assigned to him were not different from the truth. [Hear—hear.]

Mr. J. S. McDONELL observed, that allusion having been made to the political views of the hon. gentleman who had been proposed, he certainly thought it incumbent on that hon. gentleman to state explicitly what those were. [No—no.] He (Mr. McDonnell) would certainly vote against his appointment unless he did so.

Mr. SMITH said he perfectly agreed with the hon. gentleman that that house was entitled to an exposition of the views and opinions entertained by the hon. gentleman, but he regretted extremely that the hon. gentleman for Oxford should have made remarks which must be considered out of place at the present period of the session. If, as an hon. member has observed, it would be imprudent for Mr. Cuvillier to express his opinions at this time, he (Mr. Smith) would take care to express his own as soon as that gentleman became the organ of the house, or at least as the Speaker's chair should

be filled. He (Mr. Smith) would freely and candidly avow that he had every confidence in the administration of his Excellency, and he believed, moreover, that if hon. members were disposed to press a question of this nature at the present juncture, a dissolution of that house would follow.

Mr. Attorney General DRAPER said he could not permit the question to be put without offering one observation, although if hon. members supposed that he would be drawn into the discussion of political questions they were mistaken, but he could not sit by in silence and hear that house threatened with a dissolution without expressing his astonishment that an idea of that kind could have taken possession of the mind of any one for a moment. He came prepared to vote for Mr. C. as a gentleman fully acquainted with the business of the station, as also with the two languages used in the house, and moreover of distinguished integrity and impartiality.

Mr. Buchanan did not think the discussion of political tenets was premature; he believed that we were to decide upon our principle of action and that the Executive would conform thereto. He believed Mr. C. would fill the chair creditably to himself and to the house.

Mr. Durand spoke on the impartiality and high character of Mr. C.

Mr. Cook recommended a conciliatory tone in the debate.

Mr. Chesley doubted whether political principles had been correctly attributed to Mr. C. by the hon. member for Oxford.

On the question being put by the Clerk, Mr. Cuvillier was declared unanimously elected.— Mr. C. was then conducted to the chair by Messrs. Morin and Merritt, and after declining the honor as usual in such cases he took his seat and returned thanks in English & French.

Sir Allan McNab then moved that the house do adjourn:

Mr. Aylwin opposed the adjournment. The choice of the Speaker was made and could not be revoked. No act had been done by the Executive in accordance with the rule of opening a Parliament or with the proclamation: until our sessions were opened in due form the house could not adjourn beyond the day. Mr. Aylwin referred to authorities.

The hon. mover said, he had no desire to press his motion: gentlemen of high legal attainments could inform the house on this matter.

Mr. Att'y Gen. Ogden had no doubt of the power of adjournment; the Speaker had been appointed conformably to 33rd section of the Act of Union. It only remained for the clerk of the house to inform his Excellency of the appointment, when the time could be fixed for his Excellency meeting the two branches of the legislature.

Mr. Aylwin read the 33rd section—it did not repeal the common law; it was silent as to the power of adjournment. Lord Coke is an authority for his (Mr. A.'s) opinion. The house cannot proceed to business nor to an adjournment until the sessions has been duly opened. If they could adjourn for an hour they could for six months.

Col. Prince.—That the house had been called by proclamation to meet the "great men," they had not met them nor knew where to find them: so the members if they did not wish to sit here until to-morrow could go home, and then comes the question of responsible government—(laughter).

Mr. Aylwin replied that it was to settle a principle not to decide an expediency.

Att'y Gen. Draper could see no greater difficulty in adjourning than in sitting here. The sessions had commenced by its first act of electing a Speaker.

Mr. Cartwright.—The house had the power ex necessitate.

Mr. VIGER, (*in French*.) What is the commencement of a Parliament? It is to be opened by the attendance of a Sovereign, or a Sovereign's representative after the two houses have been assembled by proclamation. Then the Sovereign commands the Commons to proceed to the appointment of their Speaker. If you introduce irregularities, what irregularities will you not pass over! I tremble for the consequences of such admissions.

A proposal was now made by another member, that the Clerk be sent to acquaint his Excellency.

We are called by the Governor's proclamation to meet his Excellency and the great men. We have not met these great men: so we have no power to adjourn.

There was, perhaps, force in the argument that had been used in this debate, viz: If the Governor do not come to us, we must go to him. But as to the common law on the subject having been repealed by the statute, it was a mere *ipse dixit*.

Mr. C. thought, that though the House could not acquaint the Governor, the Clerk of the House might do so.

Sir ALLAN M'NAB. My motion before the House is, that the Speaker having been elected, that the House do adjourn. The House is indebted to the honorable member for giving it more knowledge on this subject. I will withdraw my motion.

Mr. AYLWIN. I think that the honorable member should not be permitted to withdraw his motion. The proceedings have been irregular. I will not assist her majesty's legal advisers as to the course to be pursued. But if the matter be withdrawn, and if the Clerk proceed to his Excellency and acquaint him that the Commons have chosen their Speaker, may not his Excellency answer, "I am happy that they have made so good a choice,"—and so leave us here still.

Mr. ——— proposed that the motion being withdrawn; the Speaker leave the chair; upon which each member, at his discretion, can withdraw.

Mr. DRAPER, (Attorney General.) The last hon. member has made an extraordinary proposal—that the Speaker leave the chair. He cannot leave the chair until the House has adjourned. On the point before the House I have a case fresh in my recollection, from the proceedings of the English Parliament. It was, I believe, in 1837. But without dating the year, it was when Mr. Abercrombie was elected Speaker of the Commons house of the Imperial Parliament. After the Lords and Commons had been summoned to meet the Sovereign, the Commons were merely directed to proceed to the election of their Speaker. The statute for the union of these provinces has given us the power of electing the Speaker without the concurrence of the Executive. To proceed with the case of Mr. Abercrombie:—The discussion on his election lasted through that day, and until 3 or 4 o'clock the next morning. The next day the Lords and Commons attended, and received the Royal speech. The cases are similar, except that the Parliament of England have standing orders which we have not here yet. The Parliament of England had a day fixed: the Speaker was not elected on that day. The 33d section of the statute of the union of the Canadas having made it unnecessary that our choice of a Speaker should receive the sanction of Royalty, we now stand exactly in the position of the English House of Commons in the proposed case after their election of Speaker. If the position be true, that there is no Parliament until after the three estates have met, there cannot be any

meeting of the third estate until its Speaker is elected. How, then, was it with the British House of Commons on the first day of its proceeding towards electing a Speaker. The honorable member for Port Neuf has called for authorities. I have given him these facts in the mean time, while the books are sent for.

Mr. DAY, (Solicitor General.) The honorable member for Port Neuf opposes our adjournment, and says the House has no power to adjourn. He excels in the talent which he has so abundantly employed here—the perplexing his auditors with minor difficulties and legal subtleties. He has called for authorities. In the *Lex Parliamentaria*, translated into French by Mr. Perrin, and made use of by the House of Assembly for Lower Canada—(Here the hon. and learned member quoted in French, which he afterwards translated.) The House of Commons after having been called into the presence of the Sovereign or his representative, is dismissed with a command to elect their Speaker.

Two or three days after they present their Speaker, after the Speaker is acknowledged by the Crown, the Speaker having excused himself from serving that office, but being therein confirmed by the Crown, and the Speech from the throne delivered, the House adjourns for two or three days, and then proceed to business. Here two or three days may elapse before the Speaker is recognized, the House in the mean time adjourning *die en diem* without a Speaker. The hon. and learned member for Port Neuf has triumphantly referred to the common law. I will refer there also. A confirmation of my argument is to be found in Ruffhead's Reports and Smith's Commentaries. As to the facts: we do not want the royal sanction to our Speaker—he cannot be removed. We have passed the step when it would otherwise have been necessary for him to go before the Executive. As to the Imperial Parliament, they never have the address from the Crown on the first day of their meeting. In brief, they are met. Every Assembly, *ex necessitate rei*, can adjourn itself.

Mr. VIGER.—It has been said that a Session has commenced. What is the commencement of a Parliament? Why, when the King meets them; he then tells them I cannot correspond with you till you have a speaker; the Governor does not know of our existence, he has not called us together. It has been said we are an organized body. How then? is the common law set aside by a statute; but the law for assembling the Parliament has not been done away with.

Mr. MORIN, (*in French*)—We have not the power of abolishing the common law of England, by that law the King comes down to the house of Parliament, commands the commons to proceed to the choice of a Speaker. We have no need it is true of the sanction of our Speaker, but in our assuming the power of adjourning we should abridge the prerogative of the Crown; we meet upon an act of the Crown before we can constitute a Parliament.

Mr. THORBURN.—If we examine into the usages of Parliament we shall find that it is competent for you and Mr. Speaker to leave the chair, & to command the Sergeant at arms to summon us at any, even an hour's notice.

Mr. VIGER.—The present is altogether an anomalous proceeding, there is no way of expediting or extricating them. The house should have been assembled first in the Legislative Council, not here.

Mr. AYLWIN.—In the case adduced by the Attorney General, the House had attended at the Bar of the House of Lords and then received the command to go and select

their Speaker. These were in a true position not as being assembled but because there had been a commencement of the Parliament. We were to have commenced to day but we have not met "the great men of the land." It may be that the "great men" are not assembled. The Solicitor General has referred to the old Prothonotary Perrot. He has confounded the election of a speaker with the only true commencement of a Parliament by the assembling of the three Estates. They having met, the royal command issues as to the election of a Speaker, but not before the attendance of the Governor. Every constituted body has a right to adjourn because they cannot go forty eight hours without eating or drinking, if for no other reason. To meet this present difficulty, his excellency should send to meet us in the Legislative Council. If what is done is against law, all the votes of the house cannot make it law.

Her majesty's legal advisers insinuate that a clause on the Union Bill meets all the difficulty. Why do they not state the law? The 33 § of the Union Bill will not get them out: but that section was made for this purpose specially. Under some administrations the election of Speaker was not confirmed; but you, sir, are a perfect Speaker, now notwithstanding the government's negative, which does not reach you. As to the Union Bill, does that give this house power to adjourn? Then how can the Legislative Council adjourn for the other house is not in that clause of the act. Now after midnight the house must dissolve; because it would be contrary to fact to say "at a session of Parliament commenced on the 14th day of June, in the year 1841" Her majesty's legal advisers know that this is beyond our privilege to do, it is more than the prerogative can do.

Mr. HUNTER.—It is evident that we do not advance. It would be presumptuous in me to suggest a remedy. I believe that to days proceedings must be null and void. It is evident that His Excellency has been badly advised. The only way left is to prorogue the Parliament until to-morrow. Her majesty's legal advisers decline to bring forward any precedent. This Parliament has yet met: in this case the imperial parliament had met.

Mr. MORIS.—Approved of this suggestion. There has been a prorogation of the late Houses of Lower Canada for two or three days.

Mr. VIGER.—How can we prorogue a Parliament that does not exist.

Mr. PRICE.—What difficulty would there be, having met to send and tell his Excellency that we are met.

Mr. THORBURN.—My advice is this. As it requires twenty one members to make a quorum, members can leave at their discretion and when the number of the house is reduced beyond a quorum you can adjourn.

Mr. SMALL.—If we leave on the way last proposed we shall get into another dilemma. When will the house meet again and by what authority? how will we know that the Governor will meet us to-morrow?

Mr. BOSWELL.—If her majesty's three legal advisers would provide some remedy and I am astonished they do not when it seems that a difficulty is entertained by a large majority of the House. I do not approve of the suggestion of a prorogation, I doubt if we look into the 33 section of the Act of Union, we shall find a solution of the case. Up to this, all is correct. We have made a Speaker conformably to the Act. But though the Speaker be chosen Parliament has not met. I see no way unless

that his Excellency be advised to come down to us.

Mr. DURAND.—How can we be prorogued.

Mr. CAMPBELL.—Our dilemma reminds me of the fable of the Bull and the Boat. A boat went down stream with a Bull on it, but the cable was of straw, and the Bull had eaten it; so the Bull had run away with the boat, and the boat with the bull.—Are we in the same position as the House of Commons after meeting the King and choosing a Speaker? if we adjourn, for what hour to meet, the Legislative Council might tell us that.

Mr. PRINCE.—We seem to have a right to adjourn. We are met to elect a Speaker.—Now suppose we had not elected a Speaker by midnight, should we not have power to adjourn at midnight and meet again for business to-morrow.

Mr. AYLWIN.—The object was not to elect our Speaker, if we look to the proclamation: No, not to elect a Speaker, but to meet with the "great men of the land." The Speaker may be elected without the other two estates of Parliament, but the House cannot proceed further. There is no *commune concilium*, no parliament yet. If the house do anything further, it will do an unlawful act; yes, as direct a wrong as to issue a writ for the apprehension of any inhabitant of Kingston. If we were as bad off as a starved out jury after two days confinement, we cannot adjourn. If we had not elected a Speaker, the crown might direct us to adjourn and elect a Speaker, but we have not met the Executive. If the law of Parliament has been altered, her Majesty's legal advisers should show wherein it has been altered. This is not an assumption of authority, but a question of principle. A question has been raised & a decision of the House must be given.

Mr. BOSWELL.—If her Majesty's legal advisers will undertake to move an adjournment, we may adjourn.

Mr. HINCKS rose to correct a misapprehension. The Governor must have met and left the House before the election of a Speaker.—The Imperial Parliament had met the Executive.

Sir A. N. McNAB. I have heard with attention the other legal advisers of her Majesty—I should like to hear the opinion of the Solicitor General west.

Mr. JONES.—The wants of nature require an adjournment. We are not to be stayed by special pleading.

Mr. SIMPSON moved, seconded by Mr. Aylwin, that the house adjourn until two o'clock to-morrow.

Mr. DUGGAN. If the House is disposed to escape from the dilemma, we have but one way. We do not know when we are to meet his Excellency. Now under the 3d section of the Act of Union, it is provided that there shall be a Parliament of Canada, consisting of the House of Assembly and Legislative Council, and that these two houses shall make laws with the sanction of her Majesty or her Majesty's representatives.

Mr. SIMPSON rose to put the motion of adjournment.

Mr. HINCKS. Before the motion is put, her Majesty's legal advisers should acknowledge their mistake.

Mr. DORAN. Will the Attorney General take the responsibility?

Mr. DRAPER. I take the responsibility if it is desired.

Mr. VIGER was inaudible in the confusion of the house.

Mr. DERBISHIRE. Three of her Majesty's legal advisers have advocated the motion to adjourn. What want we more as to their taking the responsibility? they have not followed a bad example of members rising again

and again to speak over what they have said before.

Mr. DURAND addressed the Speaker. Before the motion be put, I want to know your opinion, Mr. Speaker. Your parliamentary experience and legal knowledge would be a great assistance to the house.

Mr. AYLWIN. The member for Bytown has called on her Majesty's legal advisers to assume the responsibility, but will the house stultify itself and refer to the authority of the Attorney General?

Mr. DERBISHIRE and Mr. DRAPER respectively explained. Mr. DUGGAN rose three times, the Speaker, though rising, giving way to him, but the cries of "question" prevailed. On a division on the motion for adjournment until 2 o'clock to-morrow, the numbers were
Yeas, 47 | Nays, 27.

House of Assembly, June 15.

The House being summoned by the Black Rod to meet his Excellency in the Legislative Council Chamber, proceeded thither.

Legislative Council.

The Members of both Houses being assembled, His Excellency delivered the following Speech from the Throne:

Honorable Gentlemen of the Legislative Council,—and Gentlemen of the House of Assembly,

I have deemed it right to assemble you at the earliest period which the circumstances of the Province, and the duties imposed upon me by the Imperial Act for the Union of the Canadas, under which this Legislature is constituted, have admitted; and it is with sincere satisfaction that I now meet you to deliberate on the great and important interests committed to our charge.

A subject of Her Majesty, an inhabitant of this Province, has been forcibly detained in the neighboring States, charged with a pretended crime. No time was lost by the Executive of this Province in remonstrating against this proceeding, and provision was made for insuring to the individual the means of defence, pending the further action of Her Majesty's Government. The Queen's Representative at Washington has since been instructed to demand his release. Of the result of that demand I am not yet apprised, but I have the Queen's commands to assure her faithful subjects in Canada of Her Majesty's fixed determination to protect them with the whole weight of Her power.

Arrangements were completed during the course of last summer by which, under the directions of the Treasury, the rates of Postage between all parts of this Colony and the United Kingdom were greatly reduced; and a more speedy and regular conveyance of letters between different parts of this Province has since been established by arrangements made by the Deputy Post Master General under my directions. A Commission has been appointed by me to enquire into and report upon the whole Post Office system of North America, and I confidently anticipate that the result of its labors will be the establishment of a plan securing improvements in the internal communication by post within the colony, equal to those which we have already obtained in the communication with the Mother Country.

Many subjects of deep importance to the future welfare of the Province demand your early attention, upon some of which I have directed Bills to be prepared, which will be submitted for your consideration.

Amongst them, first in importance at the present juncture of affairs, is the adoption of measures for developing the resources of the Province, by well considered and extensive Public works. The rapid settlement of the Country—the value of every man's property

within it—the advancement of his future fortunes are deeply affected by this question.

The improvement of the navigation from the shores of Lake Erie and Lake Huron to the ocean—the establishment of new internal communications in the inland districts, are works requiring a great outlay, but promising commensurate returns. To undertake them successfully, large funds will undoubtedly be required, and the financial condition of the Province as it stands at present would seem to forbid the attempt. But I have the satisfaction of informing you that I have received authority from Her Majesty's Government to state, that they are prepared to call on the Imperial Parliament to afford their assistance towards these important undertakings. In the full belief that peace and tranquillity will be happily re-established in this Province, under the constitution settled by Parliament, and that nothing but a relief from its most pressing difficulties is wanting to its rapid advancement to prosperity, they will propose to Parliament, by affording the guarantee of the Imperial Treasury for a loan to the extent of no less than a million and a half sterling, to aid the Province for the double purpose of diminishing the pressure of the interest on the Public Debt, and of enabling to proceed with those great public undertakings whose progress during the last few years has been arrested by the financial difficulties. I shall direct a measure to be submitted to you embracing a plan for this purpose, and I shall lay before you, for your information and that of the people of Canada, extracts from the despatches which convey to me this most gratifying assurance.

In immediate connexion with the outlay of capital upon public works is the subject of Emigration, and the disposal and settlement of public lands. There exists within the Province no means so certain of producing a healthy flow of Immigration from the Mother Country, and of ultimately establishing the Immigrant as a settler and proprietor within the Colony, as the power of affording sure employment for his labour on his first arrival. The assistance of Parliament, for the Public Works which may be undertaken here, will in a great measure provide for this; but with a view further to aid Immigration, I am authorized to declare to you that her Majesty's Government are prepared to assist in facilitating the passage of the Immigrant from the Port at which he is landed to the place where his labour may be made available, and that a vote of money for this purpose will be proposed to the Imperial Parliament. The conditions which Her Majesty's Government attach to this measure will be submitted to you, at the same time that I shall draw your attention to a scheme for the settlement and disposal of the Public Lands.

It appears highly desirable that the principles of local self government, which already prevail to some extent throughout that part of the Province which was formerly Upper Canada, should receive a more extended application there, and that the People should exercise a greater degree of power over their own local affairs. I have directed a measure upon this subject to be submitted to you, and I solicit your earnest attention to the establishment of such a form of local self government for those Districts of the Province which are unprovided with it, as may ensure satisfaction to the people, whilst it preserves inviolate the prerogative of the Crown, and maintain the administration of Justice pure from party and popular excitement.

A due provision for the education of the People is one of the first duties of the State, and in this Province especially the want of

It is grievously felt. The establishment of an efficient system by which the blessings of instruction may be placed within the reach of all, is a work of difficulty—but its overwhelming importance demands that it should be undertaken. I recommend the consideration of that subject to your best attention, and shall be most anxious to afford you in your labours all the co-operation in my power. If it should be found impossible to reconcile conflicting opinions as to obtain a measure which may meet the approbation of all, I trust that at least steps may be taken by which an advance to a more perfect system may be made, and the difficulty under which the People of this Province now labor may be greatly diminished, subject to such improvements hereafter as time and experience may point out.

Gentlemen of the House of Assembly :

The financial accounts of the Province will be immediately laid before you, and I shall direct the estimates for the public service to be submitted to you with the least possible delay. I rely upon your co-operation in the financial measures which it will be my duty to propose to you for taking advantage of the assistance which Her Majesty's Government propose to afford, and for carrying into effect the public improvements which are deemed most desirable. I shall earnestly endeavor that whatever you may appropriate for this latter purpose shall be economically employed and rendered effective.

Honorable Gentlemen and Gentlemen :

In your wisdom and prudence I confide for the regulation of the different important matters which must necessarily come before you. Canada, united under a constitution which the Imperial Legislature has framed with an earnest desire for the welfare of this portion of the British Empire, cannot fail to prosper under prudent and sage counsels. The generous aid which I have already announced to you—the determination which I am also empowered to state on the part of the Government to devote annually a large sum for the military defences of the Province—the fixed and settled determination which I have the Queen's commands to declare, that Her North American possessions shall be maintained at all hazards as part of Her Empire, are pledges of the sincerity with which the Mother Country desires to promote the prosperity of Canada, and to assist in the well working of the new institutions which it has established. The eyes of England are anxiously fixed upon the result of this great experiment. Should it succeed, the aid of Parliament in your undertakings—the confidence of British capitalists in the credit you may require from them—the security which the British people will feel in seeking your shores and establishing themselves on your fertile soil,—may carry improvement to an unexampled height. The rapid advance of trade and immigration within the last eighteen months afford ample evidence of the effects of tranquillity in restoring confidence and promoting prosperity. May no dissensions mar the flattering prospect which is open before us—may your efforts be steadily directed to the great practical improvements of which the Province stands so much in need, and under the blessing of that Providence which has hitherto preserved this portion of the British dominions, may your counsels be so guided as to ensure to the Queen attached and loyal subjects, and to United Canada a prosperous and contented people.

HOUSE OF ASSEMBLY.

ROUTINE BUSINESS.

Moved by Mr. Morris—seconded by Mr. Buchanan.

For Friday—committee on the address.

Petitions were presented and ordered to be laid on the table.

By Mr. Prince, Petition of J. W. and others.

Sir A. McNab—of Wood and others as to the partial and corrupt conduct of the returning officer for Kent.

Mr. Merritt, President & Co.—for grant towards Grinsby Harbor.

Mr. R. Baldwin—of as to undue return for Niagara.

Sir A. McNab—of Thos. Parker and others as to undue return of R. Baldwin for county of Hastings.

Small—for Monday—To revise the election law for that part of the province late called Upper Canada.

To revise the law respecting the Militia of U. Canada.

Mr. Durand—for Wednesday—To revise the Statute as to the Turnpike Trust of Gore District.

Same day—To enquire as to the disposal of 400,000 acres of land set apart for the support of Common Schools.

Mr. Simpson—To make rule for ordering the proceedings of the house having reference for that purpose to the old Laws of the late province of Upper and Lower Canada.

Mr. Roswell—amendment—That the old rules be reviewed one by one with a view to their adoption.

Sir A. McNab—As to the members of the Committee ordered to be 7—appointed by the Speaker. The Speaker appointed by 7 members.

On motion of Col. Prince it was ordered that 1,000 copies of His Excellency's speech should be printed, one half in French and one in English.

Motions for leave to bring in Bills.

Atty. Gen. Draper—Justices to make return of fines and convictions.

Mr. —to-morrow—To continue the aid heretofore extended to Agricultural Societies.

R. Baldwin—To secure the freedom of election.

Bills brought in and read a first time.

Hamilton—The fisheries of Gaspie ordered to be read a second time on Monday next.

Aylwin—To secure the independence of the judges of that part of Lower Canada moved by the Attorney General that the same be printed: expense of printing objected by Mr. Aylwin. The Attorney General replied the importance of the subject required that the proposed enactment should be known to every member. Mr. Hales, Mr. Neilson, and others spoke recommends the printing.

The Bill was ordered to be printed and read a second time on Saturday next.

Hamilton—To revise old law as to the Inferior district of Gaspie, as it existed before a late ordinance of the special Council, he explained that the necessity of travelling 80 or 90 miles, to a notary had led to the vile investing the justices with notarial powers which has been charged by the ordinance, ordered to be read a second time on Friday next.

Motions as to slavery orders.

Mr. Thorburn—That all postage on letters to members of the House of Assembly, the weight not exceeding one ounce, be paid by the clerk and charged to the contingent fund, any surplus weight to be charged to the members. But that Petitions to the house be paid for without restriction in weight.

Mr. Attorney Draper spoke on the motion—directing the course of charging to the contingent fund in accordance with the provisions of the statute of union.

Mr. Thorburn explained other matters relative to new regulations of the Post Office, the adoption of which would be satisfactory to the Colonies. That all surplus from this branch of revenue would in future be paid to the Colonies, hitherto it having been paid into the Im-

perial Treasury. He suggested the propriety of claiming from the treasury a sum amounting to £30,000 paid into the treasury for a year.

Mr. Baldwin upon the question for adjournment rose and said, he had no intention of opposing the motion, but with the permission of the house, he would explain what might perhaps be considered an inconsistency in his (Mr. Baldwin's) conduct in not declaring, during the discussion of yesterday, the principles which should govern his political conduct. He would avail himself of this the first opportunity he had had of explaining why he had left his Seat on that occasion. Having tendered his resignation of the situation which he had held under the Government, he had waited for the announcement of the acceptance of that resignation. He should not have made this announcement but for the apparent want of courtesy which might be attributed to him; or by some, perhaps, it might be considered that he was shrinking from the performance of a public duty. He thought it due to the house to explain why he had continued silent on that occasion; of course he could not speak to the question so long as he continued a member of the Government without embarrassing the Government in some degree a participation, is however, in the sentiments which he might take occasion to deliver. He could only content himself with giving his note, and that note he had given according to his conscience; and although he would not further trespass upon the time of the house at the present moment. Yet when the proper time arrived, he would be prepared to justify the course which he had taken (hear, hear, hear); he would be prepared to give to the house and the country what the house and country had a right to require from him, namely a full exposition of his political views, and in the interim, he would appeal to every hon. Member of that house, both those who had done him the honor to place some degree of confidence in his political integrity, and also those to whom he had uniformly been opposed, to suspend their judgments, and before he sat down, he would beg permission to offer one word of advice to those gentlemen, both in that house and elsewhere, who had done him the honor to express their confidence in his political integrity, and he hoped they would view it in the same light as he viewed it, as a matter of the utmost importance that they should always, henceforth be united, be firm, be moderate; and he believed if this advice should be followed, they would yet have the satisfaction of being instrumental in the regeneration of our country and of placing the administration of the affairs of Government on a firm and sure basis—on a footing of equal justice to all. (Hear, hear, hear.)

Members are respectfully requested to send into the Reporter's Box on the day of presenting them, their several motions in writing with movers and seconders name as reference to the journals of the house cannot be made in time for this publication.

PROVINCE OF CANADA.

HIS EXCELLENCY THE GOVERNOR GENERAL has been pleased to call the following Gentlemen to the Legislative Council of the Province, viz:—

**R. S. JAMESON,
HONBLE. P. DE BLAQUIERE,
PETER MCGILL,
R. B. SULLIVAN,
R. E. CARON,
WILLIAM MORRIS,
GEORGE PEMBERTON,
ALEXANDER FRASER,
BARTHELEMI JOLIETTE,
JAMES CROOKS,
JULES QUESNEL,
ADAM FERGUSSON,
JOHN FRASER,
JOHN MACAULAY,
ETIENNE MAYRAND,
JOHN HAMILTON,
F. P. BRUNEAU,
JOHN McDONALD,
ADAM FERRIE,
OLIVIER BERTHELET,
CAPT. AUGUSTUS BALDWIN,
J. B. TACHE,
H. P. KNOWLTON, and
THOMAS MCKAY,—Esquires.**

By Command,
T. W. C. MURDOCH,
Chief Secretary.

*Government House,
Kingston, the 9th June, 1841. }*

*Office of the Secretary of the Province,
Kingston, the 10th June, 1841.*

HIS EXCELLENCY THE GOVERNOR GENERAL has been pleased to make the following appointments, viz:—

ROBERT SYMPSON JAMESON, Esquire, to be Speaker of the Legislative Council of the Province of Canada.

JAMES FITZGIBBON, Esquire, to the Clerk of the Legislative Council of the Province of Canada.

WILLIAM BURNS LINDSAY, Esquire, to be Clerk of the Legislative Assembly of the Province of Canada.

F. S. JARVIS, Gentleman, to be Usher of the Black Rod of the Legislative Council of the Province of Canada.

G. CHISHOLM, Gentleman, to be Serjeant at Arms of the Legislative Assembly of the Province of Canada.

By Command,
D. DALY,
Secretary of the Province.

*Office of the Secretary of the Province,
Kingston, 10th June, 1841.*

HIS EXCELLENCY THE GOVERNOR GENERAL, has been pleased to make the following appointment, viz:

THOMAS PARKE, Esquire, to be Surveyor General of the Province of Canada.

By Command,
D. DALY,
Secretary of the Province.

THE CANADIAN MIRROR

OF PARLIAMENT.

EDITED BY G. BEAUMONT, Esq. }
Of Lincoln's Inn, Barrister-at-Law. }

Kingston, June 19, 1841.

{ PRINTED AND PUBLISHED AT THE OFFICE OF
{ "THE NEWS," cor. Grass and Johnson sts.

HOUSE OF ASSEMBLY.

WEDNESDAY, June 16.

The House met. The Minutes were read. SIR ALLAN McNAB moved that a new writ be issued for the county of Middlesex.

Mr. DURAND said he did not rise for the purpose of opposing the motion of the hon. and learned gentleman, but before proceeding with the question, he would observe that it was his intention shortly, to bring in a bill for securing the freedom of Elections. He considered it absolutely necessary that such a bill should be passed before any new Election should take place. (Hear, hear, hear.) He would nevertheless support the present motion, with the understanding that no new application of a similar nature should be made previous to the introduction of the measure which he proposed to bring forward.

Col. PRINCE said he was sorry to interrupt the hon. member, but he really thought it was altogether out of order to interrupt the passing of a measure of this description which was so intimately connected with the privileges of the house, and the rights and liberties of the subjects of this Province.

Mr. HINCKS observed that the hon. and learned gentleman was mistaken in supposing that his hon. friend was out of order. The House of Assembly had in former instances, in order to secure the freedom of elections, refused to allow an application of the kind, until a Bill had been passed providing for the security and freedom of the contemplated election. The hon. and learned and gallant Col. is himself perfectly aware, that there are several petitions to be brought into this House at its present session, complaining of undue returns, on the ground of violence, and it was his (Mr. Hincks) firm conviction that there are many places in the Province where it is impossible to hold elections free from riots. He (Mr. Hincks) had no disposition to offer a factious opposition (hear, hear.)

Col. PRINCE said that the observations of the hon. gentleman would be perfectly applicable, had not a law been passed which provides expressly, that any person upon accepting office under the government shall vacate his seat.

Mr. MORIN said he would merely mention that in England the practice was in all cases in which it was considered necessary to move that the action of the house should be suspended until proper provision were made to meet the exigency of the case. But in this instance he (Mr. M.) really thought there was no necessity for such a course. He could see no impediment whatever to issuing the writ at once. But if those acts of violence which were spoken of had really occurred, the House would not only be perfectly justified in withholding the issuing of a new writ until such a measure were passed, as the hon. gentleman had spoken of, but it would be their imperative duty so to do.

Mr. HALE said, it appeared to him that the hon. gentleman had overlooked a very material point. As to the necessity of passing such a law as would secure, if possible, the freedom of elections, there seemed to be no question. But he would ask hon. members if they were disposed to allow the county of Middlesex to remain unrepresented during the passing of the law?

Mr. PRICE said he rose not for the purpose of opposing the present motion, but for the purpose of stating that he was determined to oppose every application for the issuing of new writs until proper provision were made for securing the freedom of Elections, as long as he had the honor of a seat in the house.

Mr. BOSWELL said it was not at all surprising that there should be an universal cry for a law which should have for its object the securing to the electors of this Province full protection in the exercise of their elective franchise. A measure of that description was imperatively required.

Mr. BALDWIN concurred in the opinion that the protection of the freedom of elections was a measure which required their earnest attention. That riots of a most disgraceful character had occurred both in the upper and lower portions of the Province was perfectly well known to all. To such an alarming extent had the practice of violence and intimidation been carried that even the members of the administration, in one part of Canada at least, had been parties to them, (hear, hear.) He wished it to be understood, however, that he was far from believing that the representative of a Constitutional Sovereign had taken part in any such proceedings; and he had hoped that His Excellency in his Speech from the throne would have made some recommendation for the prevention of their recurrence. He thought the House would be fully justified in deferring the writs of election in all future cases until a Bill should be passed. But although under the peculiar circumstances by which the seat for Middlesex has become vacant it would appear that the House is bound to issue a new writ immediately, yet it does not necessarily follow that the House is bound to issue a new writ in all cases. Although the county of Middlesex was not on this occasion the scene of these riots, it was not many years ago the scene of a most disgraceful riot, (hear, hear.) By voting for the present motion he did not intend to give any pledge for his vote on future applications for the issuing of new writs of election.

ATTORNEY GENERAL DRAPER said that after the words which had fallen from the hon. and learned gentleman, there could be no doubt of the right of that House to exercise its own discretion. He would not differ from that hon. gentleman upon that point. All that he would say at the present moment was that he did not think it necessary to defer the issuing of a writ merely because there was a bare possibility that a protective measure might be required. His hon. friend had drawn very truly a distinction between cases of violence and the case of a seat having been vacated by the acceptance of office, and he (Mr. Draper) thought that the latter was a case in which the House should take care that the constituency should not be for one moment unrepresented. With reference to the members of the administration having been parties to acts of violence and undue interference in elections, it is quite clear that if the administration is to be made answerable for the riotous proceedings at elections, it will be essentially and in fact a responsible administration, (laughter,) so that the object so earnestly desired by that hon. gentleman (Mr. Baldwin) has been already attained, (hear, hear,) and this might

possibly be the grounds for the hon. gentleman's leaving us, (hear, hear.) He would add one other remark, that the hon. gentleman was better acquainted than himself with all practical questions of legislation.

The motion was adopted.

Upon an enquiry of Mr. HINCKS respecting the time for entering upon the trial of contested elections, Col. PRINCE stated that according as the law stood fourteen days were allowed to elapse before any action could be had upon any petition on contested elections.

Mr. BOSWELL having presented a petition praying for an increase of salary for a light house keeper, a discussion followed, by which it appeared that according to the rules of the Legislative Assembly of the late Province of Lower Canada, and which have been temporarily adopted by this House, no petition for a grant of money can be received by the House until it has received the sanction of His Excellency.

Sir ALLAN McNAB said he thought the question with regard to contested elections should be disposed of. He had had the honor of presenting a petition complaining of the return for the county of Kent, and he was prepared to show authorities to prove that the Clerk of the Crown in Chancery might be instructed to order the Returning Officer to amend his return. If that Returning Officer had conducted himself in the manner it had been represented to him, it would be highly improper that he should be allowed to escape punishment, (hear, hear.)

Col. PRINCE said it was not his intention to oppose the motion of the hon. and learned gentleman, but as he (Col. Prince) had a knowledge of the particulars of the case, he could not sit still and allow a prejudice to be created against the Returning Officer, whilst they had nothing before the House upon which to form their judgments except the bare assertion of the petitioners. And upon looking at the petition itself it would be found contradictory in itself, charging the Returning Officer with fraud in not making a return, and in the very next sentence declaring that he returned Mr. Woods by a majority of forty-three. He would protest against any hon. gentleman speaking warmly against the conduct of that officer upon so imperfect information as they were at present in possession of.

Mr. ROBLIN suggested that it would be proper to appoint a Select Committee, to inquire into the conduct of the Returning Officer.

Mr. HINCKS said he thought it quite competent for the House to order the return to be amended.

Mr. BOSWELL said he thought it of very great importance that in a matter of this kind they should proceed correctly.

Mr. MORRIS presented and read the petition of George C. Korner and Elizabeth his wife, praying for a divorce on the ground of incompatibility of temper.

Sir ALLAN McNAB was of opinion that a petition of that nature should not be entertained by the House. If they were to be called upon to sever the matrimonial bond, merely on account of the ill temper of the parties, they would have enough to do, (laughter.)

Mr. NEILSON suggested that it should be allowed to lie upon the table, without taking any immediate action upon the subject of the petition, that members might have an oppor-

tunity of considering the subject. The marriage contract is that essential bond of society which should not be lightly dealt with.

Mr. VIGER concurred with the hon. gentleman in saying that it was too serious and important a matter to be hastily interfered with.

Mr. SMALL said that however serious the subject of the petition might be, it was certainly a serious matter for that House to refuse to receive a petition upon any subject. They were bound to receive all petitions which were respectfully worded.

Mr. MERRITT coincided with the last speaker in thinking it would be a dangerous precedent for that House to refuse to receive the petition.

Mr. ROBLIN was opposed to receiving the petition. They ought not to hold out an inducement for a man and his wife to quarrel, (laughter.)

The petition was withdrawn.

Mr. BLACK moved that the Clerk of the House be authorized to furnish the House with the various newspapers published in Canada during the session.

Thursday, 17th June, 1841.

The Speaker informed the house that David Roblin had entered into usual recognizances as to election for Lenox & Addington.

PETITIONS RECEIVED.

Electors of Rouville,—Presented by Mr.

Hon. Mr. DUNN,—Of sundry inhabitants of the province to be naturalized.

Mr. MORM,—Of Dr. Witt.

Do,—Of Andrew Jobin.

Mr. SIMPSON,—That select committee on Rules & Regulations present their report.

J. S. MACDONALD,—seconded by Mr. Hamilton,—That committee of House on same be second of the day.

Sir A. McNAB,—seconded by Mr. Hincks,—For leave to take up that item in the order of the day relative to the Kent Election.

Same,—That said return be now referred to a committee of the whole house.

Same,—Concurrence on each of said resolutions, said return amended accordingly.

Same,—To morrow committee of House as to paying 3 Reporters.

BILLS READ FIRST TIME.

By J. S. Macdonald,—seconded by Mr. Roblin,—To renew heir and devise act, to be read 2nd time, Wednesday next.

Committees.—On Rules and Regulations. Report progress to sit again tomorrow.

Mr. Woods, for Kent, takes his seat.

MOTIONS AND NOTICE OF MOTIONS.

That the Committee report on the Rules and orders of the House.

By Mr. Moffat,—Committees.

1 Privileges, 2 Hospitals, and Charities, 3 Courts of Justice, 4 on Public accounts, 5 on Schools and Education, 6 Agriculture, 7 Roads, 8 Laws and Seigniorial rights, 9 Private Bills, 10 Accounts and imperial regulations of the House, 10, 12.

That the number in the respective committees be left blank.

Mr. MORRIS,—Committee of the whole House as to the printing for the House.

Sir A. McNAB,—To read yesterday's minutes as to the petition against County Kent.

Sir Allan McNAB desired to bring before the House the question of the contested election for the County of Kent. He considered it was not for them to sit legislating in that House whilst there is a county of the Province unrepresented, particularly as the member who was really entitled to take his seat was in attendance at the bar of the House, for the purpose of being sworn in and of taking his

seat, and of assisting in these deliberations in which the House was engaged. He thought it was highly improper that they should continue to exclude a gentleman from his seat in that house. They had no right to proceed with any business until the country is properly represented.

Sir Allan having moved that that subject be taken up, leave was granted, and the Clerk then read the return, and the House resolved itself into a committee of the whole upon it.

Mr. TASCHEREAU was called to the chair.

Sir Allan McNAB then proposed certain resolutions for the consideration of the committee, the purport of which was, that Mr. Woods having received a majority of votes at the late Election for Kent, as appeared by the return, should be permitted to take his seat in the House.

The learned gentleman then proceeded to state that there were several allegations contained in the petition with regard to the improper conduct of the Returning Officer, and if that gentleman had been guilty of such conduct as had been imputed to him, he ought to be made an example of [hear, hear.] He (Sir Allan) should desire, however, that Mr. Woods should take his seat, and that they should be furnished with a statement from himself of the circumstances connected with the election.

The resolutions were adopted by the Committee and afterwards reported to and adopted by the House.

LEGISLATIVE COUNCIL.

June 15.

Committee appointed to draft an address in answer to the Speech from the Throne.

Select Committee appointed on rules for guidance of the House.

June 16.

The Rev. William Adamson, A. B., attended under a commission from the Privy Seal as Chaplain to the House.

PETITIONS.

By Hon. Mr. MORRIS—Of Jacob Wing, formerly of Elizabethtown, of the district of Johnstown.

Of Cynpan Morgan, township of Yonge, same district.

Of Harvey Clark, same township.

By Hon. Mr. FERRIE—Of the Medical Board of Montreal.

By Hon. Mr. De BLAQUIERE—Of W. Henderson Edwards and others, being people of color of Toronto.

June 17.

The Hon. Mr. BRUNEAU, from the Select Committee, brought up the Report on the Answer to the Address.

By Hon. Mr. FERGUSON—Petition of Woodbury Card and others, of the Home district.

By Hon. Mr. De BLAQUIERE—Notice of motion for Committee for the protection of Agriculture.

June 18.

The Answer to the address was brought up and the House went into Committee.

Paragraph comprising 'for a loan to the extent of a million and half,' before loan the word 'immediate' was proposed to be inserted.—Moved by Mr.

Mr. SULLIVAN and Mr. Speaker, spoke against the amendment, it was lost.

On the paragraph relating to the extension of local self-government in Upper Canada; it was asked, why this measure was confined to Upper Canada, it was explained that in Lower Canada the provision already existed.

On the concluding paragraph of the Speech being put, the following amendment was proposed by Mr. ———

To the same the following amendment was put by Mr. Joliette.

Mr. Joliette in support of his amendment, said in French, that he hoped and expected all, from the prudent and sage counsels of the Government, but that on a measure of experiment he could not express more than a hope in support of his amendment. He expressed his opinion that the Union of the Province never could prosper, until all portions of the population were put upon an equal footing; under the act of Union he believed that this was not the case.

Mr. MORRIS asked in what particular: the hon. mover of the first resolution considered that all parts of this Province were not on an equal footing.

Mr. QUESNIL explained. He did not wish to enter fully now into the discussion; he would have the opportunity when the Union Act should be brought immediately under consideration of the Council, but hoped, that after some modification in the Act, the country would prosper from the Union. His objections are comprehended under two heads; the inequality of the representation and the suppression of the French language in public records. He could respond to the address, when the Lower part of the province are satisfied, when they have got rid of their present discontents. The Hon. Member said he had opposed the Union, when it was an open question, now it is the law of the land, he would do all in his power to make it work well, but to that end he thought some modification of the act would be found necessary.

Mr. de BLAQUIERE. If the hon. member think that the answer to the address bars us from any discussion on the details of the act of union when brought under discussion of the Council, he is in error. But I find from expressions in his Excellency's published correspondence as also from his speech from the throne, that the eyes of England are bent on this great experiment. Would it be well to question this experiment, before it has been put to a trial. When, however, that matter is made a question, the hon. member can express his opinions on it. In the mean time, it is to be hoped that the great act of legislation given under the sanction of the Imperial Parliament, will prove adequate to its end. The hon. member may differ in his opinion, but if the Legislative Council be brought to express its opinion whether it "wish" or "hope" or "think," I have no hesitation to express what my mind is: but I would not debar any from giving to the Legislature the expression of opinion on its details at the proper opportunity. Now we contend that the union is necessary for the good of the Province: I consider that if on this great deliberate measure which has received the sanction of the British Parliament and is submitted for trial, we use the expression "hope," "wish" or "think," we shall appear to have some doubts on the Act of Union. I trust that this great measure will be allowed to go forward without question and if after trial fault be found, then we must seek from the magnanimity of the Imperial Parliament such amendments as shall be necessary. For these reasons I hope the hon. member will not press his amendment to a division.

If the majority of the house wish an amendment I should prefer that of Mr. Joliette using the expression "for we think with his Excellency." We have great hopes and expectations from what has been publicly expressed by his Excellency; great credit is to be given. I am prepared to give the administration great credit, but at the same I have no objection to the expression of a contrary opinion by those who entertain them. At the present I shall divide against any amendment in the answer.

If the peace be preserved in the province, I have no doubt the union will work well. When

that act is brought forward in detail, I am not prepared to say I will go with it through thick and thin, but the amendment appears not called for at present. It seems to go ripping up all our past differences and disputes, we must forget the present or prove ungrateful for the benefit of the Imperial parliament. He hoped it would not be pressed to a division.

The *Speaker*—I should have been prepared yesterday if the objection had been pressed to admit the modification, 'we trust that such will be the result.' But now it would come as a doubt in the sage counsels of the parent government, none of the topics will be excluded when the act of union comes under consideration.

Mr. *Quesnel*—Explained.—I never intended to bring up any thing which would refer as to the past. I have reference to the present, to what is now occurring for the first time. It appears unfair that the Lower portion of Canada should not be represented in the same proportion as the other division. Next as to the language of that portion of the population which is of French origin. I cannot conceive why the public documents should not be written in both languages. Both people should be considered as one family, on a perfectly equal footing: on this account and to make the union work well I would have the enactment modified.—I do not wish to refer to the past, I speak to the Bill now before us, drawn I am persuaded in the best feelings of the Imperial Parliament, but not satisfactory it would seem to all parties.

Mr. *Fergusson*.—Because I feel our decision is to be pronounced on a most important point, because we have arrived at a period when we should if not bury them in oblivion yet repent the errors of the past, because we are at a crisis the most eventful of any. I wish now that every thing should be thrown overboard except principles; I would yield any thing but to act as sons of Britain, as a British colony. I would deprecate the offering of objections now because by so doing if it do not actually throw a stigma on the Union Bill, does so virtually: if it come to a vote I shall oppose the amendment. But I hope that the honorable member will see proper to withdraw it: not to shut the door against discussion on a point on which the honorable member feels sore: for the good of the province we ought not to divide.

Mr. *Sullivan*.—I think it will be allowed that I never rise to make a speech. I had not intended to address the council on this subject. I believe that the speech of his Excellency has realized as great a practical benefit as could have been conferred on the country. He has pledged his character as never Governor did before.

At this time at this season of distress in England, for the Province which he will govern but for a short time, he has promised us English money, English troops and fortifications.—It is a proof of the sincerity of his pledges: how far from the considerations of ambition, of fortune, from all that actuates an ordinary man! Since the Act of Union has been introduced, it cannot pass without discussion. Some honorable members have said they would not refer to the past: I do not refer to the past nor to the present, but to the future.—If any person think the government would take an unfair advantage of any portion of the people that they may think are now subjected, those persons little know the man under whom I have the honor to serve. But can it be an insult to any that he is invested with the privileges of a British subject? If any have hitherto been ignorant of his position under the Act I trust he will now understand. That will become the pride of the people of Lower Canada who have injuriously thought that the provisions of the Act of Union were intended as the imposition of penalties for past events. I deny this. It may be the opinion of some, but such

is not the principle of the Government.—The French people of Canada, are in a country inhabited by British races, I do not restrict my expression to Canada, but extend it to the great country, on which this borders. The English race have expelled all others from the soil, and happily for all to the extinction of war. All others have faded before this race, or have united in one great stream and will go down as the successors of British origin. We wish Lower Canada to be as ourselves. What as to their language. The restriction for them and for ourselves is an advantage. Have they any hopes, that here, with millions on millions, of a people, which every year, every day, are filling up this country that they can outnumber these?

Let them look forward fifty years from the present; can they compare with the British population. Let them not maintain the struggle as they would not entail on themselves or their children the reality of what they now fancy. I say if they wish well to their children they should adopt the language of the country with which they are united. Next as to the difference of amount of population, I deny the inference made. It is not an unfair apportionment, the representation should be on a principle that will endure. The present is not an ephemeral measure: it is for the future. If the difference be an actual difference as to number, to understand the position of Upper Canada, let them see the extent of its territory, its resources; let them travel through it, observe its products; then they will believe that the inequality complained of is but that of a day. Why follow the fatal course hitherto pursued, why always going back to first principles until we arrive at new resolutions. Why always debating on the executive to the neglect of all practical good in forwarding education, communication, emigration and the improvement of the country. Of what use is it that the Lower Canadians should always look at this point when they see all inequality must immediately vanish.

Why this struggle for a language which (without meaning offence) must be to their disadvantage. Its prevalence would make a real inequality if we wish to be united. Highly as I think of the French language, much as I admire it, (identifying it with that polish of mind resulting from a French education.) yet its adoption as proposed would be disadvantageous, at the same time we provide for its use in the legislature. With every proper allowance for the courtesy for which they are distinguished, and every praise which they inspire, yet we must feel agreed, that the attempt to perpetuate distinctions must end in disappointment and discomfiture. Why not give up in a spirit of amalgamation—why hold on to the vain hope! Never let them forget that they came from France, for the French name is a patent of nobility,—but let them assume the privileges of British subjects without jealousy or bad feeling. If they succeed, if they preserve their distinctions, they will be a distinct race among a large people. I appeal to them in the spirit of love and regard for them, to submit to regulations that have been introduced. The time will come, when the sincere and benevolent intentions of the British Parliament will be understood, and they will see that one language and an equal representation has resulted for the benefit of their children.

Mr. *DE BLAQUIERE*. It is painful to protract this discussion. I hope we shall not divide; but if driven to this position, I feel called on as an inhabitant of Upper Canada to say that the imputation of inequality is not put fairly; because, if you object that it has not the population which the Imperial Parliament seems to ascribe to it, how is it that the other division has the majority. Upper

Canada has not those advantages of situation and communication which belong to Lower Canada. I affirm, that it is dangerous for the honorable member to base his objection to the act of union on population, because this would turn against themselves. Give us those advantages—give us the means to come in communication with all the world—give us the means of exerting the energies of Upper Canada. On the objection of language: If it were not for the amalgamation of languages, it must be remembered the English would not have come into existence. If the French do not amalgamate, it must predominate.

Mr. *QUESNIL*. I glory in being a British subject. I value the privilege beyond all the world. But I would have all to understand the laws under which they live. Now two-thirds of the French Canadians cannot read their own language. Education must precede the adoption of a new tongue. I hope the time will come when all will speak the English language. As to representation, I complain of inequality. When Upper Canada has twenty millions to our one of population, let her have twenty to one in representation.

The *CHAIRMAN* (in French)—This discussion is premature. We think with his Excellency and should be very glad to turn an expression so as to show our opinion. What will it express when altered? Certainly our confidence in the result. But as the measure is an experiment we have to express a hope only. For these reasons I support the amendment.

Mr. ———I entirely concur with the honorable member. As a sincere friend to the French I give my advice to the honorable member who has moved an amendment. The expression of the speech, and the echo in answer, it we wish to make way with every feeling, should be adopted.

I think the greatest mistake of Pitt, was the separation of the Colonies, the sooner the better the people are united. I hope to see the most desirable events resulting from the union.

Mr. *JOLLIETTE* (in French.) Because the eyes of England are turned upon us as it is expressed in the speech, the measure is an experiment: accordingly we have to express our hope. The Union I believe is good: for that reason we should promote its working.

The first amendment (of Mr *Quesnil*) was now put and lost.

Mr. *SULLIVAN*—As to the second amendment. The alteration of an expression should have been made in committee: if made now it would seem as if we had abandoned our opinion of the Union.

Mr. *DEBLAQUIERE* explained. The chairman of the Committee had objected when the address was in Committee and had proposed an alteration by the insertion of 'hope' or 'think.'

The *CHAIRMAN* (in French.) I objected in Committee? I said the expression was too positive, I understood that it would be discussed more fully when the report was brought up.

The amendment was then put and lost.

The 14th or last paragraph was then passed. The house then resumed.

Mr. *SULLIVAN* moved that the answer to the address be engrossed to day if that could be effected. It was expedient that the answer should be presented in the same week in which the address had been delivered: also that his Excellency should be waited upon to know when he could receive the answer.

Mr. *JOLLIETTE* rose to renew his objection to the before mentioned expression in the concluding paragraph.

The CHAIRMAN—Explained that it had been the practice in Lower Canada to read Bills again paragraph by paragraph after it had passed through committee. But it was explained by another hon. member that it applied to Bills only, not to addresses. When the Bill is read a third time, to answer the hon. member Mr. Joliette could then make his objection or enter his protest.

The report of select committee on the rules and orders of the Council was then brought up with the explanation that in cases not provided for by them the usages of the imperial parliament would prevail.

HOUSE OF ASSEMBLY.

June 18, 10 A. M.

Mr. DALY moved for the issuing of a new writ for the election of a member to represent the Town of Kingston, in the place of Anthony Manahan, Esq. who has accepted the office of Collector of Customs for the Port of Toronto.

The Committee of the House (Mr. Durand in the Chair) on the Rules, reported progress.

The bill repealing an ordinance as to the inferior district of Gaspe, referred to a committee.

The Speaker read a letter from Mr. A. Manahan, vacating his seat for the town of Kingston, on his appointment by the Governor to be Collector of Customs for Toronto.

The Speaker issued his writ for a new election.

A motion by Mr. Thorburn relative to the contingencies of the last Session in U. Canada, was put and on explanation withdrawn.

By Mr. Smith for a Select Committee on the conduct of the Returning Officer for the County of Kent.

By Mr. Moffatt, pursuant to notice of yesterday—That the following Standing Committees be appointed—Of Privileges, Grievances, Education, Schools, Hospitals, Charities, Expiring Laws and Bills prepared to be engrossed, Agriculture, Private Bills, Public Accounts, Contingent Accounts, Courts of Justice, Trade, Public Accounts, Roads, Public Improvements, Public Lands, Seignioral rights.

3 P. M.

The House resolved itself into a Committee of the Whole upon the Speech of His Excellency.

Mr. MORRIS was called to the Chair of the Committee.

Mr. CAMERON rose for the purpose of presenting certain resolutions for the adoption of the Committee, upon which a reply to His Excellency's Speech should be founded. As some hon. members might desire further time to examine the resolutions, he would not press their adoption at the present moment, but would content himself with reading the same, and laying them upon the table, and leaving them for the consideration of hon. members, although he believed there would be nothing found in the resolutions which could be considered objectionable by any hon. member, as they were merely in substance an echo of the Speech. And he would now take the liberty of making a few remarks upon the present important crisis in our affairs. A new experiment is about to be made in the government of Canada, and one under the operation of which a great responsibility devolves upon the head of the government in this Province. The dry and parched soil is not more eager for the coming shower than are the people of this country for the establishment of the adminis-

tration of the government of this Province upon such a basis as will ensure its tranquillity, and consequently the extension of trade, and the happiness of all classes of Her Majesty's subjects. The announcement which His Excellency was pleased to make in his Speech from the throne, must be satisfactory to every lover of good government. It has long been expected that the officers of the government would have prepared a measure to be submitted to the House upon the very important and too much neglected subject of education.— Though there are formidable difficulties to be encountered—difficulties which have been found to be almost insurmountable in England. We need not, therefore, be surprised that these difficulties should in this Province have been overwhelming. There is as great a diversity of opinion upon the subject of education as upon religious subjects. This last, it is well known, has been the hobby which many members have amused themselves with riding in the House of Assembly for the last 20 years. He would proceed to read the resolutions, and to notice such points as were of most importance. In the commencement of His Excellency's Speech had been noticed the action of the government with respect to the case of McLeod, and he certainly thought that if we possessed a little of the patriotism of the ancient Romans, and of the simplicity of the Scotch Highlanders, a still more decisive course would have been pursued with reference to that question. There could be no difference of opinion upon the subject. Should McLeod be executed, he trusted there would be an unanimous demand for war. In the breast of Canadians—and he prided himself upon being a Canadian—he believed there existed a feeling of national pride which would not suffer an indignity to be offered to a subject of Her Majesty without demanding the fullest reparation, (hear, hear.) Another subject alluded to in His Excellency's Speech was that of an alteration in the Post Office Department, by which the postage upon letters sent by mail would be materially reduced. This is a very great boon. Since the reduction of the postage upon foreign letters had been made, he had witnessed the joy and gratification of many a poor man from the Mother Country upon receiving a letter, for which formerly he would have been obliged to pay five shillings, and the charge now being scarcely more than as many pence. Upon the subject of the loan of a million and a half from England, which His Excellency has brought under the notice of the House, many hon. members seemed disposed to treat it in a sneering manner. He (Mr. Cameron) for his own part was glad to find that our credit with England rested upon so good a footing. Men, women and money were what we need, (hear, hear,) and it is for want of these that this Province had become, as some hon. gentleman had designated it, like a girdled tree. If there were any sacrifice of principle required for the purpose of obtaining this loan, he, for one, would be against it; but he looked upon it that by obtaining the money, they should only be establishing the character of the country upon a foundation of perfect security and stability.— There was another subject which had created a great deal of anxiety, and that is the question of local self government. He (Mr. Cameron) had been given to understand that there might be a machinery put in motion by which the internal regulations of townships, regarding statute labor and other matters of consequence, may be better managed. He had no doubt such a Bill would be prepared by the House as would meet the views of hon. gentlemen. It was a subject of very considerable moment to the farmers throughout the country, and one in which they feel as deep an interest as they could possibly do upon the subject of the responsibility of the ministry.

He (Mr. Cameron) would not trouble the house with any more remarks at the present moment, having noticed the leading features of the Speech, of which the resolutions were intended to embrace what might be denominated an echo.

It was then suggested by Mr. Neilson that the committee should rise and the resolutions be allowed to be printed.

Col. PRINCE observed that as the resolutions were nothing more than a simple acquiescence in the principal points contained in the speech he thought there was very little necessity that they should be printed. The principles embraced in the resolutions were as easy to be understood as it was impossible to controvert them. It had hitherto been the practice, in courtesy to the head of the government, to reply to the speech from the Throne as expeditiously as possible. He was persuaded that every hon. member was fully prepared to give his vote in favor of the adoption of the resolutions; if not, it would be as easy to state those objections as to postpone the matter to a future day, and as they had fixed this evening for the consideration of the subject, they should come forward manfully (hear, hear,) and discuss the question, and give their votes upon it. There was no difficulty in the case—it was a mere acquiescence in the Speech, such as His Excellency had reason to expect from the House.

Mr. HINCKS said that he for one was sorry that so much delay should be considered necessary. He would have been prepared at a much earlier period to go into the discussion. He thought the more correct course would have been for the gentlemen on the Treasury benches to have been prepared with an answer to the Speech, as was invariably the case in England. As several hon. gentlemen seemed desirous that the resolutions should be laid upon the table, that hon. members might have an opportunity of examining them, he would recommend the hon. mover to adopt that course, that the House should not be taken by surprise, and forced into a vote without due consideration.

Mr. ATTORNEY GENERAL OGDEN said that the parliamentary course in England to which the hon. gentleman had adverted was for Ministers to be prepared with the address in answer to the Speech from the throne. In that the hon. gentleman was perfectly correct. He for one, as long as he had the honor of a seat in that House, would defer to the wishes of any hon. member who might desire time for consideration upon any subject; and he hoped, therefore, his hon. and learned friend from Essex (Col. Prince) would not divide the House upon the adoption of the resolutions on this day, but would permit them to lie upon the table in compliance with the wishes of hon. members.

Mr. BUCHANAN would beg to call upon the gentlemen who occupied the Treasury benches to state for the information of that House the principles upon which it was intended that the government should be carried on. Do the members of the Executive Government acknowledge their responsibility to Canadian public opinion, as expressed by a majority of this House, for the advice which they give to the head of the government, so far as not to remain connected with an administration against which a vote of want of confidence has passed in the Assembly, unless in case of an immediate dissolution of Parliament? Will the Ministry in this Province recognize the principle of retaining office when they cannot maintain a majority in the House of Assembly? In relation to the case of McLeod, to which allusion has been made, it would be better that the British government should be swamped altogether, than that they should suffer the smallest injury to be done to that individual.

Mr. ATTORNEY GENERAL DRAPER said he was very happy to have the opportunity (which was now afforded him for the first time,) of entering into an exposition of the views which would guide the conduct of himself and those whose duty it is to advise His Excellency. And in the first place he would declare for the information both of those who act with him and those who act against him, that so long only as he could give a conscientious support to those measures which the head of the government might deem it his duty to submit to that House, so long only would he continue to hold office under the government, (hear, hear.) And he desired to be understood as explaining the views in which every one of his colleagues entirely concurred. They were such as had been discussed and determined on among themselves without reference to any other parties whatever, for they had felt it to be due to themselves and the country, in the first place, to understand each other. He would now state the views which he entertained respecting the duties of His Excellency. He looked upon the Governor as having a mixed character—firstly, as being the representative of Royalty, and secondly, as being one of the Ministers of Her Majesty's government, and responsible to the Mother Country for the faithful discharge of the duties of his station; a responsibility which he cannot avoid by saying that he took the advice of this man or of that man. He looked upon it as a necessary consequence of this doctrine that where there is responsibility there shall power be also, for he could not admit the idea that one man should possess the power and another be liable to the responsibility. In a matter of this importance he trusted that hon. members would indulge him in referring to notes, that he might speak with the greater correctness. [Here the learned Attorney General read from a despatch of Lord Glenelg, dated 5th December, 1835.

Extract from Lord Glenelg's Despatch, dated Dec. 1835. Without entering on the one hand unnecessarily into a discussion of those general principles to which my attention is thus invited or digressing on the other hand into personal topics, it is enough for me to observe on the present occasion, that experience would seem to prove that the administration of public affairs in Canada is by no means exempt from the control of a sufficient practical responsibility. To His Majesty and to Parliament the Governor of U. Canada is at all times most fully responsible for his official acts. That this responsibility is not merely nominal but that His Majesty feels the most lively interest in the welfare of his Canadian subjects, and is even anxious to devote a patient and laborious attention to any representations which they may address to him, either through their representatives or as individuals, is proved not only by the whole tenor of the correspondence of my predecessors in this office but by the despatch which I am now addressing you. That the Imperial Parliament is not disposed to receive with inattention the representations of our Canadian fellow subjects is attested by the labors of the Committees which have been appointed by the House of Commons during the last few years, to enquire into matters relating to those Provinces. It is the duty of the Lieutenant Governor of Upper Canada, to vindicate to the King and to the Parliament every act of his administration. In the event of any representations being addressed to His Majesty upon the subject of your official conduct, you will have the highest possible claim to a favorable construction; but the presumptions which may be reasonably formed in your behalf will never supersede a close examination how far they coincide with the real facts of each particular case which may be brought under discussion. This responsibility to His Majesty and to Parliament

is second to none which can be imposed upon a man, and it is one which it is in the power of the House of Assembly by address or petition, to bring into immediate operation.

The learned Attorney General also read the following extracts from Lord John Russell's despatches:

"If we seek to apply such a practice to a Colony, we shall at once find ourselves at fault. The power for which a minister is responsible to England, is not his own power, but the power of the Crown, of which he is, for the time, the organ. It is obvious that the Executive Councillor of a Colony is in a situation totally different. The Governor under whom he serves, receives his orders from the Crown of England; but can the Colonial Council be the advisers of the Crown of England? Evidently not; for the Crown has other advisers for the same functions, and with superior authority."

"It may happen, therefore, that the Governor receives, at one and the same time, instructions from the Queen, and advice from his Executive Council, totally at variance with each other. If he is to obey his instructions from England, the parallel of constitutional responsibility entirely fails. If, on the other hand, he is to follow the advice of his Council, HE IS NO LONGER A SUBORDINATE OFFICER, BUT AN INDEPENDENT SOVEREIGN."

"It is now said, that internal government is alone intended. But there are some cases of internal government, in which the honor of the Crown, or the faith of Parliament, or the safety of the State, are so seriously involved, that it would not be possible for Her Majesty to DELEGATE HER AUTHORITY TO A MINISTER IN A COLONY."

"While I thus see insuperable objections to the adoption of the principle as it has been stated, I see little or none to the practical views of Colonial Government recommended by Lord Durham, as I UNDERSTAND THEM. The Queen's Government have no wish to thwart the representative Assembly of British North America in their measures of reform and improvement. They have no wish to make those Provinces the resource of patronage at Home. They are earnestly intent on giving to the talent and character of leading persons in the Colonies advantages similar to those which talent and character employed in the public service obtain in the United Kingdom. Her Majesty has no desire to maintain any system of policy among her North American subjects which opinion condemns. It is necessary for this purpose that no official misconduct should be screened by Her Majesty's Representative in the Colonies; and that no private interests should be allowed to compete with the general good."

Now, sir, these were the principles held with regard to the responsibility of the Governor, as laid down in England. Here we have a proof that the same principle has been adopted in this country. Mr. Draper here referred to a proceeding of the House of Assembly of Nova Scotia.

The next question that naturally arises in my division of the subject, is that which relates more particularly to those who are the Ministers of the Crown. Hon. gentlemen will do me the favor to bear in mind that the principle which I have laid down that responsibility and power must go hand in hand, is one which cannot be contravened, and that when a man is called upon to answer for the exercise of the power which has been entrusted to him, in a particular manner, he cannot and dare not transfer the responsibility into other hands. When I consented to become an Executive Councillor, I took upon myself the responsibility of advocating those opinions and those measures which the head of the government might think it his duty to recommend to the country; and so long as I continue a member of the government and of the House, I shall consider it my bounden duty to follow the same course; and whenever I find the head of the Government and the Minister

of the Crown desirous of propounding measures which I cannot conscientiously support, honor and duty point out but one path, and that is resignation, (hear, hear.)

[Mr. Draper quoted here a second extract from Lord Glenelg's despatch, as follows:]

2nd Extract from Lord Glenelg's despatch continuing from the passage last quoted.

I farther unreservedly acknowledge that the principle of effective responsibility should pervade every department of your Government, and for this reason if for no other I should hold that every public officer should depend on His Majesty's pleasure for the tenure of his office. If the head of any department should place himself in decided opposition to your policy, whether that opposition be avowed or latent it will be his duty to resign his office into your hands, because the system of government cannot proceed with safety in any other principle than that of the cordial co-operation of its various members in the same general plans of promoting the public good.

The inferior members of the different offices should consider neutrality on this great litigated question of provincial policy as at once their duty and their privilege.

Diligently obeying all the lawful commands of their superiors they will be exempted from censure of the course which they have been directed to pursue should it issue in any unfortunate results. Some of the members of the local government will also occasionally be representatives of the people in the assembly or will hold seats in the legislative council. As members of the local legislature they will of course act with fidelity to the public advocating and supporting no measures which upon a large view of the general interest they shall not think it incumbent on them to advance. But if any such person shall find himself compelled by his sense of duty to counteract the policy pursued by you as the head of the government, it must be distinctly understood that the immediate resignation of his office is expected of him and that failing such a resignation he must as a general rule be suspended from it.

Unless this course be pursued it would be impossible to rescue the head of the government from the imputation of insincerity, or to conduct the administration of public affairs with the necessary firmness and decision.

There are few men (continued the learned Att'y Gen.) who have long acted in a public capacity who have escaped animadversion and censure, but a man must indeed be hardened in sentiment and feeling who does not acknowledge a degree of responsibility to public opinion. The man who disregards this responsibility must be devoid of those feelings which, as a man of honor, he ought to cultivate, and has little respect for that higher tribunal which every one must reverence. But there is another important principle to be considered. The government should take on itself the preparing and bringing forward such measures as the wants of the country seem to require. It is to be desired, above all things, that between the government and the people there should be the greatest possible harmony and mutual good understanding. There can be no good government where the government is at war with the people, (hear, hear,) and in this view I will submit in a few words the conclusions to which I have arrived. It is the duty of the head of the government to preserve that harmony by all the means in its power, because it is for that officer to account to the home government. If he find that he has been led astray by incapable or dishonest advisers, he may relieve himself of them by their dismissal. This is one mode by which harmony may be restored. But it might happen that difficulties may arise which are unavoidable. It not unfrequently happens that the government has been unable to carry out

the views which they believe to be for the benefit of the public. It may happen that measures carefully digested and well calculated may be defeated by causes over which the government has no control; and this brings me to speak of another mode of restoring harmony, which is by dissolution of Parliament. (hear, hear.) And lastly, there is another course to be taken. When it occurs that harmony is broken by something emanating from the head of the government himself, the course to be taken is one which rests with royalty. (hear, hear.) This much he (Mr. Draper) had thought it necessary to say in reference to the views entertained by himself and those who act with him as the advisers of His Excellency, and he would at the same time disavow any degree of responsibility other than he expressed, (hear, hear.)

Mr. BALDWIN said he had certainly listened to the speech of the hon. gentleman with a great deal of attention, and with a good deal of pleasure, probably however that pleasure had not been altogether unalloyed. But he could not discover from the speech of the honourable and learned gentleman that a new principle has been applied with reference to the administration of affairs in which that hon. and learned gentleman had borne so conspicuous a part. A great and important principle is involved in the subject of the present discussion, one which has occupied the attention of the country for a number of years, and one on the faithful carrying out of which the continuation of the connexion with the Mother Country in a great measure depends, (hear, hear.) the question should be clearly and distinctly understood, not only by those occupying the situation which the hon. and learned gentleman does, but by the whole country. He (Mr. B.) would follow the hon. and learned gentleman in the principal points of his speech, though he did not expect that the discussion would have been entered into to day, and perhaps there might not be after all so much difference between the views of the hon. and learned gentleman and himself, if indeed there were any at all, as would be at first supposed, (hear, hear.) He would begin with the view which the hon. and learned gentleman had taken of the character and position of the head of the Government in this colony which he (Mr. B.) agreed with him in calling a mixed character: the very nature of a colonial administration required, as one acquainted with the subject must perceive, that the head of that Government should be responsible to the home government, as he is the connecting link between the colony and the parent State, it is his duty to be careful of the interests of the Sovereign whose servant he is, and careful to preserve the connexion between the colony and the Mother Country. And as for the principle of responsible Government as he (Mr. B.) had always understood it, and advocated it, instead of lessening that responsibility which he had advocated it served to increase it, as the Hon. and learned gentleman had already remarked. He agreed with him therefore that the head of the Government is of a mixed character, and that he is responsible to the Home government, for the proper administration of the Government in the Colony. He would admit that in the administration of the government, questions may arise, in which he may not be prepared to adopt the advice which may be tendered him. But if he (Mr. B.) understood the hon. and learned gentleman right, that the Council of His Excellency are to offer their advice only when it is demanded of them, and on all other occasions remain mere passive observers of the measures adopted by the government, he

would beg leave from such a system as this entirely to dissent (hear, hear). That all measures must necessarily receive the Governor's assent he would readily admit, but that those gentlemen whom he calls to his Council are never to open their lips except when he particularly and expressly calls upon them to do so was what he could never acquiesce in or approve of; in fact such a Council as that would be no Council at all: to adopt such a course would be, in his opinion, acting in direct violation of the oath which as Executive Councillors they were called on to take. They are commanded to advise his Excellency on all matters connected with the public good. [Here Mr. Baldwin read the oath prescribed to be taken by Executive Councillors.] In his (Mr. B.) understanding of this oath a Councillor is necessarily bound to bring under the notice of the head of the government those measures which in his estimation the country required. He would freely admit, that unless the representation of the sovereign should acquiesce in those measures so recommended, there would be no means by which that advice could be made practically useful, but this consideration does not for a moment relieve the members of that council from the fulfilment of an imperative duty. If that advice were accepted well and good, if not his course would be to tender his resignation.— Now the hon. and learned gentleman admits that in the event of the administration not retaining the confidence of Parliament, they should resign, (hear, hear.) if he had understood the hon. gentleman aright as intending to go to this extent, then it would seem that the difference between the views of that hon. gentleman and his own amounted only to a difference in terms, and not a difference in fact. But should those gentlemen be prepared, notwithstanding, a vote of want of confidence should be passed by that house, to retain their seats in the council, then he must say that he entirely dissented from them. He believed however that he had understood the hon. gentleman aright, and for this reason, this is not the first time that a question of this kind had been agitated, and the principle had at length been pretty generally admitted that both in this and still more fully in some of the neighbouring provinces that unless the advisers of his Excellency possessed such an extent of public confidence as to enable them to procure their returns to this house in the first place, and enjoyed also the confidence of the representatives of the country at large, so as to be able to procure the passing of those measures which they might think proper to recommend, they could not consistently continue to be members of the Government.— If the hon. gentleman had intended to be understood as going this length, then he would perfectly concur with him, and if the practical application of this principle be admitted, then there would be found to be no difference in reality between the hon. gentleman and himself. The hon. and learned gentleman had referred to a despatch of Lord Glenelg, and it was somewhat remarkable that as it announces the same principles upon which that hon. gentleman now professes to act, that so long a time should have been suffered to elapse since the publication of that despatch without any practical application of those principles having been carried out. (hear, hear, hear.) It is remarkable that no approach to the carrying out of the principle of responsible government took place until the last session of the last parliament of Upper Canada. Had he (Mr. B.) not supposed that it was the intention of his Excellency the Governor General to carry into effect the principles of re-

sponsible government as laid down in the despatch of Lord John Russell, which had been referred to by the hon. and learned gentleman, he (Mr. B.) would have been perfectly inexcusable for accepting office under the Government; but he had then believed and still continued to believe that it was practicable to carry out those principles in this province (hear, hear). He believed from what had fallen from the hon. gentleman that the same construction would be put upon the principles laid down in that despatch as he had always put upon it, and in which he was supported not only by many hon. gentlemen around him but also by some of the best friends of this country in England, and particularly by that staunch and well tried friend of this country, Mr. Hume, who he believed was now member for Kilkenny (hear, hear). That gentleman was better acquainted than he (Mr. B.) could be, and he had declared that the language of that despatch conceded the principle which the parliaments of the two provinces had for twenty years been calling upon the mother country to concede. That gentleman was too confirm a friend of this country to be capable of endeavoring to mislead us, (hear, hear), and to that gentleman he believed these provinces were deeply indebted (hear, hear, hear). Now, sir, believing that this is the true interpretation of that despatch, and that the hon. gentleman (Mr. Draper) has declared himself prepared to act upon it in the manner to which I have alluded, I am prepared to wait patiently and see whether his acts will agree with those professions, and whether he will be prepared when the time comes for giving a proof of his sincerity, to act in accordance with what he has this day declared. The hon. gentleman from Toronto says "yes." I have long had entire confidence in that gentleman, and I only wish I had equal confidence in others (hear, hear, hear). He (Mr. B.) was however perfectly willing to wait patiently and see whether those gentlemen would act upon these principles. But, one thing must be recollected, that the principle of responsible government is only a means to an end. If this responsibility is not to lead to the carrying out of what the country requires it will be a mere dead letter. He believed, however, that this much having been conceded they would be enabled to enforce upon both the provincial and the home government a due attention to the wants and wishes of the country. He would now conclude his observations with adding one remark: he could have wished that the representative of royalty in this province had inserted in the speech which had been delivered to the Legislative Council and Assembly some reference to this matter, and not have left it to the hon. member for Russell (Mr. Draper) in his place on the floor of the house merely to announce so important a circumstance to the representatives of the people. He thought it would have been a happy occasion for the announcement of so important a fact, to have introduced it in the speech from the throne. He trusted he had not misunderstood the hon. gentleman made to the house.

Mr. Attorney General DRAPER said he felt it necessary to protect himself against the possibility of a moment's misunderstanding, although he thought it was almost impossible to draw from what he had said any other deduction than that which he had intended: he would therefore read over again that part of Lord John Russell's despatch to which he had before referred. Mr. BALDWIN then said he found it necessary to put one other question to the hon. gentleman. In the event of such instruc-

tions coming from the home government as he could not coincide with, in what manner would he then act?

Mr. DRAPER replied that he would immediately resign.

Mr. MERRITT said he was really surprised at what he had heard, he had come to that house with the expectation of hearing an open avowal on the part of the members of the Executive government. Where was the object of mystifying the matter. He (Mr. M.) was perfectly convinced that the Governor General is prepared to carry out the principles of responsible Government, as laid down by Lord Durham. What was the cause of the popularity of Lord Sydenham? It is because the people have confidence in the belief that it is his intention to carry out the principles of Government as here laid down. [Here the hon. gentleman read from the Report of Lord Durham.] But there appeared a disinclination on the part of those hon. gentlemen who are the advisers of his Excellency, to advert to Lord Durham. This was not wise. It was as far removed from the course which should be adopted by those hon. gentlemen, as their principles were from those of Lord Durham. We want the Council to be responsible to the Province for the due regulation of our affairs, and every vote which he would give in that house should have reference to this object. The great difficulty is they refuse to give up the management of our internal affairs to ourselves, they don't openly avow their intention of deferring to the wishes of the people of this country. This is doing a great injury to the best interest of the country. It destroys confidence in the administration; now, we expect a complete change in this respect.— I would not impair the authority of the Crown, but if you do not preserve the confidence of the people you should resign. If those hon. Gentlemen will state clearly and fairly, that this is the system which Lord Sydenham intends carrying out in this colony, they will entitle themselves to the gratitude of the country.

Mr. CAMERON said he felt it necessary to express his opinion upon this subject, and in doing so he would not occupy a great deal of time. He felt with the hon. gentleman who had spoken last, that however clear it might be to the hon. and learned member for Hastings, it was not so clear to him that the members of Government had made any distinct avowal of the intention to act upon the principles of Responsible Government.— (Hear, hear.) If it were really their intention, it was very easily to declare it. He felt it to be an important point, because it was upon a conviction that such was to be the case, that he had taken his determination to support the administration of Lord Sydenham. (Hear, hear.) He (Mr. C.) was extremely sorry upon his arrival here and meeting with his friends, to find those with whom he had expected to act, pursuing a totally different course. And he had been extremely sorry also at finding the hon. and learned gentleman about withdrawing from the government; and he had felt it his duty to state to that gentleman that he (Mr. C.) would be precluded from acting with him, because it could not be expected that he would blindly follow any man however highly distinguished. That he (Mr. C.) was content to support the administration until it should be clearly shewn that the government had not the confidence of the country. He then reserved to himself the right of opposing that administration as strenuously as he would now give them his support.— (Hear, hear.)

Capt. STEELE said that as he was the second of the resolutions he would explain

the views which he entertained with regard to the course of policy to be pursued by the government. He (Capt. S.) had also come to that house with determination to give support to the administration of the Governor General, provided he held to the professions which had been advanced as to responsible government; but he came to that house unshackled with pledges, free to act according to the dictates of his judgment, elected by a constituency which had imposed no conditions and laid down no rule for the guidance of his conduct, other than that broad principle which all the representatives of a free people should strive to obtain, the advancement of the interests of his constituents and of the country generally. He would acknowledge that the explanation which had been given was entirely to his satisfaction, and he would come frankly forward and support the administration of the Governor General as long as the conduct of the Executive corresponded with the professions they had heard. But he would desire to see the administration supported by a frank and honest vote founded upon conviction and in honesty, and not produced by cabal and faction. He (Mr. S.) felt a serious responsibility resting upon him towards his constituents; they had confidence in him and he in them; they were composed of plain honest men, the backwoodsmen of the country; they judge accurately of the motives of men, and are not to be deceived by those who are more conversant in the windings and intrigues of politicians. He would use a just discretion, and whenever the hon. gentleman opposite brought forward any measure in which he (Capt. S.) could concur—any measure which was calculated to secure the rights and liberties of the people, he would most cheerfully co-operate with them, but he would never consent to give his support to a factious opposition. He was a man not of words but of deeds, formerly engaged in her Majesty's service fighting the battles of his country, and now ready to join heart and hand in all measures which were calculated to promote the prosperity and good government of the country. When the distinguished individual who stands at the head of the government was seen in this house delivering his speech with painful effort, owing to his declining health, was there a man present who did not say within himself, I will throw myself in the breach and prevent any faction from disturbing his nightly sleep? (Hear, hear, hear.)

Mr. THORBURN said that although the discussion had been brought up rather prematurely, as the members of the Executive Government were now in their places, and as the question was not altogether new, they might be prepared, he thought, to give a plain answer, and that answer would do more good than 100,000 bayonets would do at this moment (hear, hear.) It would set at rest the anxiety which exists in the country; it would be the commencement of a new era in the history of Canada, which has become, as an hon. gentleman has observed, like a girdled tree, instead of being as its natural advantages would seem to warrant, the most flourishing country upon the face of the earth. Look at the state of New Brunswick: a few years ago they were struggling as we have been for the same principle of responsible government, and they have now attained the accomplishment of their wishes. It was his intention not to impede the government but to assist it in every respect in which he could possibly do so, and he hoped therefore the hon. gentlemen on the treasury benches would feel it their duty at once to declare that it is their full determination to be friends of the country.— The news would be hailed with delight; it

would fly with the rapidity of lightning from one end of the province to the other; there would be bonfires and rejoicings everywhere. (Hear, hear.) He (Mr. T.) came to that house under no restraint as to his course of proceeding, and he was determined to be under none except to his creator and his sovereign. He had earnestly desired his constituents to await patiently and allow Lord Sydenham's administration to proceed.— They had true confidence in him whom they had chosen as their representative, and they were determined to extend that confidence to his Excellency the Governor General; why then will not his Excellency's advisers frankly avow to this house their determination to comply with the wishes of the country?

Mr. BOSWELL said he hoped before the Committee should rise those honorable gentlemen belonging to his Excellency's Council would be fully prepared to answer this important question in a categorical manner, for they might depend upon it the eyes of the country are upon them. He had risen not with an intention of entering into the discussion of the question of responsible government. Upon that question his opinion had been long ago made public. He was fully convinced that the government of this colony could only be carried on if conducted upon those principles which would produce harmony and good will. He merely rose however at the present moment to suggest to the committee, that if those gentlemen who occupy the treasury benches were not prepared to give an explicit reply to the question, which had been put to them at the present moment, the question might be deferred.

Mr. BALDWIN said as it seemed to be considered that he had been too easily satisfied with the declaration of the hon. gentleman he wished it to be clearly understood, that it was because he believed the principle of responsible government was to be duly carried out, and therefore it was that he had no reason to assume that the views of the hon. member for Russel (Mr. Draper) were different from the recognized principles. He would further observe that he deemed it altogether absurd to suppose any one within the walls of that house would maintain for a moment that the people of the colony were to be treated with less regard than the people of our sister Province of Nova Scotia, to whom the principle for which they were contending had been cheerfully conceded.

Mr. DRAPER said that the question having been put to him as to what course the advisers of his Excellency would take in the event of the majority of the House of Assembly opposing those measures which might be proposed by the government; he desired no mystification, the hon. gentleman who had used the term had found mystification to exist only in his own imagination, after expressing what his views were of the character and degree of responsibility resting upon the different branches of the government, he had stated that there was an absolute necessity for the preservation of harmony between the government and people, and he had pointed out several causes on the occurrence of which he would not resign, but would appeal to the country, and ascertain whether he would not be sustained by the people (hear hear). The responsibility in such cases as he had before stated would rest with the governor himself. If he find that he cannot act with his council, he may call upon them to resign (hear hear, hear.)

Mr. BOSWELL desired to be informed if he had rightly understood the hon. gentleman to mean that he would be contented to remain a minister of the government as long

as the Governor desired him to do so, whether a majority of the House of Assembly were with him or not.

Mr. DRAPER replied that he had said, so long as harmony existed between the representatives of the people and the Government—but it could not be considered that harmony exists as long as there was continual opposition maintained from different sides of the House. The distinction which he understood as having drawn was, that the responsibility rests entirely with the head of the government.

Mr. BOSWELL. The honorable gentleman has said, that he would not resign unless required to do so by the head of the government. He has not said that he entertained the slightest respect for the opinion of the representatives of the people. He desires harmony, but he wishes the whole responsibility to be thrown upon the shoulders of his Excellency. He (Mr. Boswell) could put no other interpretation upon his language.

Mr. HINCKS said, it was very much to be regretted that this important subject should have been so much mystified; at the same time he thought there should be great allowance made for the hon. and learned gentleman. He no doubt felt himself in a very awkward situation. He had come down to House and avowed principles, upon which a few years ago he said he would make "war to the knife."

Mr. DRAPER said, that what the hon. gentleman had stated was unfounded in fact. The hon. gentleman was here called to order, and

Mr. HINCKS proceeded. He was extremely happy, he said, to be corrected, if he had fallen into error.

Mr. DRAPER again requested permission to explain, which having been granted, he proceeded to observe that he was quite unwilling to remain under an unjust imputation, which might, with few words, be entirely removed—however painful it might be to enter into an explanation which might wound the feelings of those for whom he entertained a high respect. He recollected in 1836 having made a speech at an election meeting after dinner; [hear, hear] in the course of which he said that there were those filling prominent stations in the community who advocated principles of a dangerous tendency, and with a full knowledge that they were dangerous and injurious to the interests of this colony. He had also said, there were then in the ranks of the Reformers many individuals for whom he had a personal friendship; but that there were others against whom he would make war to the knife; and in the following year he had amply redeemed his pledge.—[hear—hear] There was one other remark which he would make: There were those in the House who could do him the justice to say that long before this discussion was contemplated he had drawn a distinction between those who were discontented and those who were disaffected. The complaints of the former might be remedied, but as for the others he cared not how soon they sought any country which would be more congenial to their feelings.

Mr. HINCKS said he was happy to hear the explanation of the hon. gentleman. It appeared that it was not the principle advocated by the majority of the House of Assembly, but the opinions of certain individuals against which he would make war to the knife. The principles which were then advocated by a majority of the House of Assembly were the same as those which he at present advocated—the principles of res-

ponsible government—those principles which would be found laid down in Lord Durham's report. Every hon. member of that house must be fully aware that the great mass of the country had been convinced that the head of the government had intended this to be the principle upon which the government should be conducted. The despatch of Lord John Russell appeared to him to be inconsistent with itself. The first part from which the learned Attorney General quoted was altogether at variance with the latter, which he (Mr. H.) was well assured was far more satisfactory. It recommends "non-interference on the part of the crown in our internal affairs except where the interests of the empire and the honor of the crown are deeply concerned." He (Mr. H.) agreed with his hon. friend from Haldimand (Mr Merritt) that it is time this house and the country should know distinctly whether this system of interference in our internal government is to be persevered in by the home government. It matters little who are responsible here if we are constantly to have our laws which we have passed at great trouble and expense set at nought and sent back to us annulled and void (hear hear.) The hon. and learned gentleman in order to point out, the degree of responsibility under which he considered the government as standing had quoted from documents which had been always held and acknowledged by these gentlemen with whom he acts, as going entirely against the principle for which we are contending. What the country wishes to know is whether the provincial government is to be conducted according to the principles of British constitution. These are the principles to which a majority of the people of this Province are attached.

Mr. BOSWELL said the hon. and learned gentleman must excuse him for again pressing the question, because it was of very great importance to him that it should be distinctly answered, as upon that answer would depend his future course of conduct within that house, and he would put it in such a shape as that it might be replied to by a single affirmative or negative. Does the hon. gentleman mean to say that if the government cannot command a majority of this house, so that its measures may be carried on harmoniously, if they do not find by the whole proceedings of the house that they have the confidence of a majority of its members, that then a dissolution of the house shall follow, or that they will resign? ["Yes, yes," from Mr. Draper.] Then I am satisfied. And he could only say that this being the case it was an unfortunate circumstance that the hon. gentleman could not have stated it explicitly to the house at present, and have prevented the necessity for so long a discussion.

This day, June 19.

LEGISLATIVE COUNCIL.

The Council in pursuance of an appointment made with His Excellency proceeded to the Government house, and presented their answer to the address from the Throne.

HOUSE OF ASSEMBLY.

June 19.

The house met at 10 A. M. and sat in committee on the Rules for directing the proceedings of the House.

3, P. M.

The house in Committee, Mr. Morris in the chair, resumed the Consideration of the resolutions in answer to the address.

Mr. Neilson moved that all the words after "Resolved," be omitted, and that a series of

resolutions which were read by the hon. member be substituted.

To a question from the attorney General, Ogden, Mr. Neilson explained that when one series of resolutions were considered, the house would consider both series.

Mr. Johnson and Mr. J. S. McDonald opposed the postponement of the debate: proposing that when the original resolutions were under consideration, the objections or amendments embodied in Mr. Neilson's series of resolutions might be brought forward each upon each.

The motion that the Committee report progress was carried with leave to sit till Monday.

Mr. Christie gave notice of a motion for this day week to consider, the administration of justice in the District of Gaspe.

Mr. Neilson's draft of counter resolutions was ordered to be printed at the expense and for the use of the house.

THE CANADIAN MIRROR

OF PARLIAMENT.

EDITED BY H. FOWLER, Esq. }

Kingston, June 23, 1841.

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RESOLUTIONS

Submitted by Mr. Cameron as the basis of a reply to His Excellency's Speech at the opening of the Session.

1. *Resolved*, That this House do humbly thank His Excellency for his Speech from the Throne at the opening of the present session.

2. *Resolved*, That this House duly appreciates the motives which have led His Excellency to assemble the Provincial Parliament at the earliest period which the circumstances of the Province, and the duties imposed upon him by the Imperial act for the union of the Canadas, under which the Legislature is constituted, have admitted; and is grateful to His Excellency for the expression of his satisfaction in now meeting this House, to deliberate on the great and important interests committed to the charge of the Provincial Parliament.

3. *Resolved*, That this House learns with pleasure, that no time was lost by the Executive of the Province, in remonstrating against the forcible detention of a subject of Her Majesty, an inhabitant of this Province, in the neighboring States, under charge of a pretended crime; that provision was made for securing to the individual the means of defence, pending the further action of Her Majesty's Government—and that the Queen's representative at Washington has since been instructed to demand his release.

4. *Resolved*, That this House receives with feelings of the warmest gratitude, the assurances which His Excellency has given us by the Queen's command, of Her Majesty's fixed determination to protect her faithful subjects in Canada with the whole weight of her power.

5. *Resolved*, That this House is deeply sensible of the great advantages which the Province has derived, and must derive, from the arrangements by which, under the directions of the Treasury, the rates of postage between all parts of the Colony and the United Kingdom have been greatly reduced; as well as those which have been made by the Deputy Post Master General, under His Excellency's directions, for the more speedy and regular conveyance of letters between the different parts of this Province; and it confidently anticipates, with His Excellency, that the result of the labours of the Commission he has been pleased to appoint, to enquire into and report upon the whole Post Office system of British North America, will be the better establishment of a plan, securing improvements in the internal communication (by post) within the Colony, equal to those which we have already obtained in the communication with the mother country.

6. *Resolved*, That the earliest and most serious attention shall be given by this House to the many subjects of deep importance to the future welfare of the Province which demand it; and His Excellency may rest assured, that any measures which His Excellency may submit to us, shall receive our prompt and willing consideration.

7. *Resolved*, That this House feels, that among the first of these subjects in importance, is the adoption of measures for developing the resources of the Province, by well-

considered and extensive Public Works; and that the rapid settlement of the country, the value of every man's property within it, and the advancement of his future fortunes are deeply affected by this question.

8. *Resolved*, That this House believes, that the improvement of the navigation from the shores of Lake Erie and Lake Huron to the Ocean, and the establishment of new internal communications in the inland districts, are works, which however great the outlay they may require, will produce commensurate returns. We are aware of the difficulty which would have existed in undertaking these works in the present financial condition of the Province; and we learn with gratitude and pleasure, that His Excellency has received the authority of Her Majesty's Government to state, that they are prepared to call on the Imperial Parliament to afford their assistance towards these important undertakings; and that in the full belief that peace and tranquillity will be happily established in the Province under the Constitution settled by Parliament, and that nothing but a relief from its most pressing difficulties is wanting to its rapid advancement in prosperity, they will propose to Parliament, by affording the guarantee of the Imperial Treasury for a loan to the extent of no less than a million and a half, to aid the Province, for the double purpose of diminishing the pressure on the interest of the Public Debt, and of enabling it to proceed with those great public undertakings, whose progress during the last few years has been arrested by financial difficulties.

9. *Resolved*, That in the belief thus expressed by His Excellency on the part of Her Majesty's Government, this House perfectly concurs. Any measure embracing a plan for the important purposes mentioned by His Excellency, will receive our cordial co-operation and support; and we shall be happy to receive any extracts which His Excellency may be pleased to lay before us for our information, and that of the people of Canada, from the despatches in which this gratifying assurance of the intentions of Her Majesty's Government were communicated to His Excellency.

10. *Resolved*, That emigration, and the disposal and settlement of the Public Lands, are subjects so intimately connected with the welfare of the Province, that this House cannot but take the most lively interest in all measures that may relate to them. This House cordially concurs with His Excellency, in believing that there exists within the Province no means so certain of producing a healthy flow of immigration from the mother country, and of ultimately establishing the immigrant as a settler and proprietor within the Colony—as the power of affording secure employment for his labour on his first arrival, and that the assistance of Parliament for the public works which may be undertaken here, will, in a great measure, provide for this. But we are happy to learn that yet further assistance will be afforded us in this great work; and that with a view further to aid immigration, His Excellency is authorised to declare to us, that His Majesty's government are prepared to assist in facilitating the passage of the immigrant

from the port at which he is landed, to the place where his labour may be made available—and that a vote of money for this purpose will be proposed to the Imperial Parliament. We shall be gratified to receive any communication which His Excellency may have to make to us on this subject; and we shall not fail to give our best consideration to any scheme for the settlement and disposal of the Public Lands, which His Excellency may be pleased to lay before us.

11. *Resolved*, That the earnest attention of this House shall be given to any measure which His Excellency may submit to it for then more extended application of the principles of local self-government, which already prevail to some extent throughout the Province which was formerly Upper Canada, for enabling the people to exercise a greater degree of power over their own local affairs, and for the establishment of such a form of local Self-Government for those districts of the Province which are unprovided with it, as may ensure satisfaction to the people, whilst it preserves inviolate the prerogative of the Crown, and maintains the administration of justice pure from party and popular excitement.

12. *Resolved*, That his Excellency do rest assured that this house holds the education of the people to be a subject of paramount importance, and that they grieve sincerely that the want of due provision in this behalf should have been so long felt in the Province. They are aware of the difficulty of establishing an efficient system by which the blessings of instruction may be placed within the reach of all, but they are aware also of the overwhelming importance of the subject, and it shall be the object of their best attention and their most anxious consideration. They humbly thank his Excellency for the promise of his co-operation in their labors, and they trust that with that co-operation they shall be able to obtain a measure which, if it should fail so to reconcile conflicting opinions as to meet the approbation of all, will at least serve as a step by which an advance to a more perfect system may be made, and the difficulty under which the people of the province now labor may be greatly diminished, subject to such improvements hereafter as time and experience may point out.

13. *Resolved*, That this house thanks his Excellency for having directed that the financial accounts of the province and the estimates for the public service, shall be submitted to them with the least possible delay. His Excellency may rest assured of their co-operation in the financial measures which his Excellency may lay before them, for rendering the assistance which her Majesty's Government propose to afford, advantageous to the province, and for carrying into effect the public improvements which are deemed most desirable, and they are fully persuaded that whatever they may appropriate for the latter purpose will be economically employed and rendered effective.

14. *Resolved*, That this house thanks his Excellency for the expression of his confidence in them, for the regulation of the different important matters which must necessarily come before them; they will endeavor

vor so to order their councils as that Canada, united under a constitution which the Imperial Legislature has framed with an earnest desire for the welfare of this portion of the British empire, cannot fail to prosper.

15. *Resolved*, That this house gratefully receives as pledges of the sincerity with which the mother country desires to promote the prosperity of Canada and assist in the well working of the new institutions which it has established; the generous aid which his Excellency has announced to them, the determination which his Excellency has been empowered to state on the part of the Government, to devote annually a large sum for the military defences of the province, and the fixed and settled determination which his Excellency has declared to them in her Majesty's name, that her North American possessions shall be maintained at all hazards as a part of her empire. They are aware that the eyes of England are fixed anxiously on the result of the great experiment which is now to be tried in this province. They will use their best endeavors to ensure its success, and are convinced that the aid of Parliament in their undertakings, the confidence of British capitalists in the credit they may require of them, the security which the British people will feel in seeking their shores, and establishing themselves on their fertile soil, will carry the improvement of the province to an unexampled height. The rapid advance of trade and immigration within the last eighteen months affords ample evidence of the effect of tranquillity in restoring confidence and promoting prosperity. They pray fervently that no dissensions may mar the flattering prospect which is open before them; that their efforts may be steadily directed to the great practical improvements of which the province stands so much in need; and that under the blessing of that Providence which has hitherto preserved this portion of the British dominions, their counsels may be so guided as to ensure to the Queen attached and loyal subjects, and to United Canada a prosperous and contented people.

DRAFT OF AN ADDRESS

Submitted by Mr. NEILSON, in the Legislative Assembly of Canada, in answer to the Speech of His Excellency the Governor General at the opening of the present Session.

We, Her Majesty's dutiful and loyal subjects, the Legislative Assembly of the Province of Canada, most humbly thank your Excellency for the Speech delivered from the throne at the opening of the present session.

We receive with respect your Excellency's declaration that you have assembled us at the earliest period which the circumstances of the Province and the duties imposed upon you by the Imperial Act for the Union of the Canadas, have permitted.

It is with deep concern that we have learnt from your Excellency that a subject of Her Majesty, and an inhabitant of this Province, has been forcibly detained in the neighboring States, and we acknowledge with gratitude the assurance which your Excellency has been authorized to make, that it is Her Majesty's fixed determination to afford her powerful protection to her subjects in this Province.

We feel grateful for the arrangements which your Excellency communicates, by which Her Majesty's Government has reduced the rates of postage between this Colony and the United Kingdom, and that a more speedy and regular conveyance of letters within the Province has been effected under your Excellency's direction. And we shall hail with satisfaction any improvements in the Department of the Post Office which will put us in a

condition, in that respect, equal to that which exists in the Mother Country.

We beg leave to assure your Excellency that any message from your Excellency on matters which may be of deep importance to the future welfare of the Province, will receive our most serious attention.

The improvements of the navigation and establishment of internal communications are objects essential to the general prosperity; and we feel grateful for the information which your Excellency has communicated, that Her Majesty's Government is disposed to assist in promoting them. When your Excellency shall be pleased to lay before us the despatches which convey this assurance, the whole of these subjects will receive our most respectful consideration.

We will also give our earnest consideration to the subject of emigration, and the disposal and settlement of the public lands, as connected with the outlay of capital upon public works; and we derive satisfaction from the information communicated by your Excellency, that Her Majesty's Government is disposed to assist emigrants in proceeding to those parts of the Province where their labor may be made available. Any judicious measure which may seem calculated to alleviate the sufferings of our fellow-subjects in the United Kingdom, who leave their home with a view of bettering their condition in this Province, will be readily concurred in by us.

We particularly thank your Excellency for your expressions in favor of local self-government, and that the people should exercise a greater degree of power over their local affairs. When the measure may come under our consideration, we shall not fail to respect the prerogative of the Crown, while we endeavor to secure the independent and impartial administration of justice.

We concur entirely with your Excellency in the importance of affording every facility for a general education of the people. While we are ever ready to respect the rights of all to the equal enjoyment of the blessings of instruction, we trust that our labors, for the ends for which we have your Excellency's proffered co-operation, will eventually prove successful.

It is our peculiar duty to bestow the most serious attention on the public accounts, and the estimates for the public service to be submitted to us by your Excellency, and also on any financial measures which your Excellency may lay before us affecting the revenue levied in this Province, or which may in any way tend to impose burthens on our constituents.

Your Excellency may be assured that in the discharge of our duties to Her Majesty and our constituents, it will be our constant endeavor that all our proceedings should be characterized by wisdom and prudence. In conformity to our obligations as subjects of the British Crown, and bound to fidelity by the most sacred ties, we have assembled in obedience to an Act of the Imperial Parliament and Her Majesty's writs, to advise and consent to such laws as may be deemed necessary for the peace, welfare, and good government of Canada: although we cannot but regret that the most populous portion of the Province, heretofore constituted under the Act of Parliament of 1791, as the Province of Lower Canada, has not been consulted on the Constitution of the Government which is now substituted for that which prevailed under the said Act; and that there are features in the Act now constituting the Government of Canada, which are inconsistent with justice, and the common rights of British subjects.

We shall, nevertheless, endeavor to discharge the duties which we are now called to perform, in the true spirit of British freemen, in the hope that justice may finally prevail, and restore that confidence and prosperity

which your Excellency desires, and in which we, as well as our posterity, are so deeply interested.

HOUSE OF ASSEMBLY,
Monday, June 21.

The order of the day for the Committee of the whole house upon the address in answer to the speech from the throne being moved.

Mr. BALDWIN rose and said he would take the opportunity which was now offered him of recurring to the subject of the communication which he had stated it was his intention to make to the house regarding the reasons which had led to his resignation of the office of Solicitor General, and of his seat in the Executive Council. It would be recollected by hon. members that he had said he had tendered his resignation, and that, that resignation had been excepted, and that therefore he was no longer a member of the administration in this Province. He had also stated that he was not then prepared because he did not feel himself at liberty to explain his reasons for the step, but having since applied to the proper quarter, he now felt himself at liberty to state those reasons.

Atty. Gen. OGDEN here apologised for interrupting the hon. and learned gentleman, but he thought it was highly indecorous in that house still to persist in deferring the passing of the address. They had already been a number of days in session and he really thought that no more time should be wasted.

Mr. BALDWIN said that nothing could be further from his intention than to impede for a moment the business of the Session.

The Speaker left the chair and Mr. Morris resumed the chair of Committee.

Mr. NEILSON then rose and said that perhaps it might be expected that he would explain the grounds upon which he had thought it necessary to move an amendment to the address which had been originally proposed.—It would have given him great pleasure if that address had been such a one as he could conscientiously vote for, because he did not wish for a moment to take the matter out of the hands of the hon. mover of that address. But entering as they were at the present moment upon a new career, & having been very properly recommended by his Excellency, the Governor General to proceed with prudence, and wisdom, he could not conscientiously give his support to the address of the hon. gentleman, tending as it did to pledge that House to a particular course with reference to matters which were to be brought under the consideration of this house. He (Mr. Neilson) had not the least objection to echo the speech, but it was not right to prejudice matters which were to come before them, in the course of the session, under the recommendation of his Excellency; all that was necessary to be said, was that they would take those subjects into their serious and respectful consideration. It was upon this ground that he had thought it his duty to propose a substitute for the address which had been moved by the hon. gentleman. The house was now in possession of both documents, and hon. members could decide which they would adopt. He had alluded to the course upon which we are entering. He would, however, refrain from touching upon that subject further than to say that it cannot be denied that the affairs of this Province had been managed in such a way as in no respect to correspond with the language of the Governor General at the conclusion of his speech, that the people of this country are prosperous and contented. On the contrary, it was perfectly well known to every one at all conversant with the affairs of this colony, that those affairs have been badly managed, and the people have

never been prosperous and contented. He hoped, however, that means would be taken to produce peace, prosperity and contentment throughout the country, and he (Mr. Neilson) for one, would go the full length that any hon. gentleman in that house would go in promoting so desirable an end (hear, hear). But there might be a great difference of opinion between some hon. gentlemen and himself as to the mode by which they were to arrive at that object.

He would not, at the present moment, recur to all that had been said upon this topic. They had talked about a remedy for existing evils; and that remedy, it was said, would be found in responsible government. He (Mr. Neilson) wished with all his heart that we had responsible government, but it must be very different from that which they had had up to the present time. He was well aware what responsible government should be—and he was well aware, also, that it was more easily talked of than obtained. Of all things that which is most fatal to any people, is delusion; to imagine they have got that which they have not got; for they will assuredly find themselves, at the last, worse than at the beginning. He did not think it necessary to enter fully into the details of his views of the means which seemed to be necessary to produce a more prosperous and flourishing condition in the state of the Province. In the course of the discussion he might probably be induced to enter more widely into the subject.

Mr. DUGGAN said, perhaps it might not be inappropriate on the present occasion to state the opinions which he held, and upon the faith of which he had been returned to Parliament. He (Mr. Duggan) was resolved to avoid every thing that would tend to keep up excitement, to bury the past in oblivion, and look only to the future. He considered the speech of his Excellency as a most important document, as affirming to this Province greater promises of good than had ever before been offered. They had the promises of that illustrious personage, Lord Sydenham—nay, they had more; he had not contented himself with mere promises: they had his acts, which were better than his words. They saw him actively taking up the subject which, for so long a time, had agitated and divided the public mind; and they also found that through his influence upon public opinion, was about to be established what had been long sought for, namely, responsible government; [hear, hear]—or, in other words, that sort of government which is calculated to harmonize with the feelings of the people. This is, and has ever been, the great desideratum in government; because it matters not how well administered the affairs of the government may be, if the people are unhappy and discontented. He (Mr. Duggan) had hoped that the debate would have terminated before, because he thought ample time had been afforded for hon. gentlemen to have examined the original resolutions; and as time was exceedingly valuable, he trusted that hon. gentlemen would at once decide the question by their adoption. His own time was peculiarly precious, but he nevertheless would not shrink from the fulfilment of his duty to his constituents—that he would faithfully discharge, though he were obliged to continue for the whole time of the existence of Parliament to neglect his own individual interests. [Hear, hear, hear.] He had hoped that the hon. member (Mr. Neilson) would have stated some good and valid reasons why they should adopt the resolutions which he had drawn up in preference to those which had been previously proposed. He should, at least, have stated wherein the

difference between them consisted, that the committee might have the benefit of the information. But the hon. gentleman had seemed to consider all explanation was unnecessary. Mr. Duggan had proceeded to compare the two series of resolutions, and observed that the former were infinitely preferable. His Excellency has declared, that it is with sincere satisfaction that he meets us to transact the affairs of the country; and he (Mr. Duggan) would recommend to hon. members of that House the propriety of meeting his Excellency in a like spirit: not with cold indifference, but with an earnestness for the public good. [Hear, hear, hear.] He (Mr. Duggan) had sufficient confidence in his Excellency to believe that he was ready fully to co-operate with that House in giving to the people those equal rights and privileges which they have so long demanded. He believed the force of public opinion was now so strong, that it could not be successfully resisted. Does the conduct of his Excellency, or does Her Majesty's Government show any disposition to continue to resist those demands? Far from it. On the contrary, they had reason to believe that the earnest endeavor of Lord Sydenham would be to render this Province happy and prosperous. [Hear, hear.]

Mr. AYLWIN said the position in which that house stood and in which the country was placed was one of exceeding interest. They were about adopting measures which would affect the interests of posterity in a very great degree, but he did not think that, as stated in the speech, the eyes of all England were upon them. He believed there was too much indifference shown in England towards this colony. (No, no.) It was certain, however, that the eyes of our fellow Colonists were upon us, and that the members of that House were responsible to their constituents and to their God for the course of conduct which they would pursue upon this occasion. He regarded the speech from the throne as a most important document, and he sincerely wished it had been one to which he could respond.—When he considered what ought to be the language of the address of his Excellency to that house, at the opening of the first session under the Union Bill, he could not but express his extreme dissatisfaction. That so far from being what he conceived to be proper, it had been exactly the reverse. There were features also in the Union Bill which it was impossible for any member of that house to approve of. He would refer to the latter part of that Act commencing with the 50th clause. The parliament of Great Britain had undertaken to make provision with respect to the appropriation of monies levied upon this colony, a proceeding which is at variance with the course pursued with regard to all other colonies except perhaps to some in Africa. That this should be the only colony which should be deprived of the disposal of its revenues, he considered to be a token of the utmost contempt toward this important branch of the Empire. That we only, among all the colonies of Her Majesty are degraded to the lowest depth of degradation, a degradation which is unexampled in the history of colonial government. His objection to the speech was that his Excellency so far from noticing this broad distinction, has affected an entire silence upon the subject. And again there was another point to which it was his duty to direct the attention of the house, and that no reference whatever had been made to the important question of responsible government. The learned Attorney General for the West had felt the importance of this question, and had entered into a long vindication of the opinions and views upon which himself and colleagues had acted, and although he seemed to have

convinced the house that the principle was recognized by the Government, yet he (Mr. Aylwin) for one must express his dissatisfaction with the explanation which had been given by that hon. and learned gentleman, and in doing so he would be unjust towards himself, were he not to say, that in all the observations which he offered to that house, he wished it to be understood that he desired to speak with the utmost deference of those gentlemen who occupied the Treasury Benches, whose conduct had on all occasions been such as to merit the warmest respect. His object was to attack not men, but measures. It would have been highly satisfactory to have heard from those hon. gentlemen that we are to have affairs conducted upon such principles as were so earnestly called for by the country at large. But notwithstanding all that had been declared to that house, they were precisely in the same condition in which they were before. What was the origin of all those evils and difficulties under which the Province had laboured? It was the composition of the two Councils, and a great and unfortunate man—unfortunate as regards himself as well as the country, in endeavoring to modify those evils instead of attacking the defective composition of the Executive Council, was so far misled as to attack that of the Legislative Council. (Hear, hear.) He felt himself bound to enter at some length into the subject: he desired however not to meddle with the affairs of Upper Canada, he did not profess to know any thing of that matter. If he was giving his own opinion—if he was venturing to give his own exposition of the law with regard to the composition of the Council, he would do so with that deference which was due to that Committee. But he had the authority of a gentleman who stood higher in the estimation of all as a man of very superior ability, and who was not less distinguished for his literary attainments—he referred to the late lamented predecessor in office of the hon. gentleman opposite, (Attorney General Ogden.) He (Mr. Aylwin) could have desired that at this day he could have seen upon these benches, either on one side or the other, that venerated head, to have heard those noble sentiments which could never have issued from any other than those lips; that gentleman was now low in the dust—his country had recently lamented his loss, and he (Mr. Aylwin) for one would always lament that the opening of this the first session of the Parliament of United Canada should have taken place under such circumstances without the presence of Andrew Stuart, (hear, hear.) Armed with this authority he feared no opposition. He would read Stuart's own words, from the last work which he had ever published, entitled a "Review of the proceedings of the Legislature of Lower Canada." He hoped he would meet the ready excuse of the House for reading four or five pages written by that eminent man, professedly touching upon the points referred to by the hon. and learned Attorney General for Upper Canada.

[Here the hon. gentleman read from the work referred to.]

His first objection to the exposition of the powers and duties of the colonial Governor, as expressed by the hon. and learned Attorney General for Upper Canada was this, that that hon. gentleman had supposed that those powers were powers which might be exercised alone, and that that responsibility was a responsibility which was to be borne by himself alone, and that the responsibility of his advisers is local, whereas that responsibility extends also to the mother country. Baron Mazeret, who had filled the office of Attorney General in Lower Canada, had also given to the world his opinions. His book deserved to be

in the hands of every one; it should be a *necessarium carmen*. The "Canadian Freeholder" is written in the form of a dialogue between an Englishman and a Canadian.

With reference to the question of responsible government, it must be observed we must have not only the theory, but the practice also. He must say he had read with much interest the proceedings of the last session of the parliament of Upper Canada, and he had hoped that we should have reform in those things in which reform is most needed, and especially in the formation of the Executive Council; but he had found that he was mistaken. If the old colonies of Great Britain had enjoyed the privilege of being governed by councils which were responsible, should we at this period be satisfied with a less degree of liberty? (hear, hear.) He could wish that the instructions which had been sent out to the Governor General should be laid before the house: upon examining the Union bill, however, he discovered that the powers of the Governor and Council were to be the same as they were in 1791. But there was another circumstance which struck his notice in the exposition of the doctrines of responsible government as laid down by the hon. and learned gentleman, and it was fortunate for us that we have an example before us of the full and successful carrying out of the principle in the province of Nova Scotia; not as it had been done here—no, quite the reverse. Here we see the same confidential servants of the crown occupying the treasury benches in this house who were the confidential servants of the crown during the old administration. In what was responsible government carried out in Nova Scotia? was it in this way? No, the Governor consulted with those who had the confidence of the country. There were no persons for whom he entertained a more profound respect individually than he did for those gentlemen who composed the council, but it had been well remarked, and nothing could be more true than the observation that the Executive Council of Canada had no character at all; and it was for this reason, he had no doubt, that his hon. and learned friend from Hastings had separated from them—(hear, hear);—it was nothing more or less than from the circumstance of their being in the position of that ministry which was so admirably ridiculed by Mr. Burke. The members of the same council did not even know each, much less did they know the political opinions of each, other. He could imagine the Attorney General for Upper Canada, with all that suavity so peculiar to him, endeavoring to find out the Attorney General of Lower Canada. Who ought the colonial ministers to be? Ought they to be ministers because they hold official situations? Ought they not rather to be those with whom the people of Canada go hand in hand? Such were the grounds upon which he (Mr. Aylwin) was dissatisfied with the exposition of the hon. and learned Attorney General for Upper Canada, as they had heard it from the mouth of that gentleman. The law of man says there should be no responsible government, but the law of God says there shall be responsible government. The honor of the Governor General required that he should have introduced this matter into his speech from the throne. When the hon. gentleman (Mr. Draper) gave his exposition of the principles of responsible government, it appeared to him (Mr. Aylwin) that he did it not with that freedom with which he would have done if he had been impressed with the correctness of the views which he had taken. Instead of coming out spontaneously and stating the matter in the broadest possible terms, it had been drawn from him as it were reluctantly, and his (Mr. Aylwin) belief was that between the ministers and the Gubernatorial chair there was a great gulph fixed which

could only be passed over by some of their proconsular friends. He would go farther and ask the hon. gentleman whether the speech is one which proceeds from their pens? If he were told that it did not, he should then consider that it proceeded from some of those proconsular friends whose advice, if it had continued to be taken, might have the tendency to compel those honorable gentlemen, after undergoing innumerable difficulties, however desirous they might be of continuing in the public service, to resign. He should now dismiss this subject with observing that he considered it the imperative duty of his Excellency in addressing the first parliament of the united legislature to have noticed this subject, and his reason for voting against this address was its silence in regard to this important question.

But there were other grounds on which he felt it to be his duty to oppose the address. The Governor General should have considered the importance of the situation which he and which this house holds. They were the largest Representative Assembly in the British dependencies. Why then should the Province of Canada be curtailed of its fair proportions, and condemned to that state, which he could not characterise otherwise than one of degradation? Why was it that ministers had not advised His Excellency to adopt a better course? If they had done so, notwithstanding all their past conduct, they would amply have redeemed their fair fame. Another reason why it was impossible for him to vote in favor of the address; it was well known that since the opening of parliament eight or ten petitions had been presented to that house complaining of violence having occurred at Elections, and as for bribery and corruption it had been stated loudly and openly to have taken place throughout the length and breadth of the land.

And he was sorry to find that the official advisers of his Excellency were in some degree implicated in these charges. Should his Excellency not have declared there is no truth in these rumors, I disclaim any connexion with such conduct. There was another subject—he proposed alterations in the timber duties. Touching a man's pocket is touching a very sensitive point, and being true of an individual it was so of a nation also. It was a measure which if it did not ruin the country would at least do an irreparable injury, so that if they should obtain a loan, not only of a million and a half, but one of fifty millions it would not retrieve the country from its embarrassment. The provincial administration must be aware it is a point of the highest importance to us. For this reason he (Mr. Aylwin) could not do otherwise than vote against the address, in the shape in which it had been prepared. He would now take up the address itself, and what were its contents. *It treats de omnibus rebus et quibusdam aliis*. He certainly must accuse his hon. friend of bad taste in the drawing up of that address. What had that house to do with the affair of McLeod's imprisonment? it certainly looked like a desire to rouse our patriotism—to induce us all to prepare for an expedition across the river to take, burn, sink and destroy all whom we might meet, until McLeod should be released. Was it not in the power of Great Britain to secure this object without the interference of that house? He for one was not disposed to consent that his attention should be diverted from those subjects which would require their consideration. Another prominent topic contained in the address was the subject of a loan of a million & a half sterling. He (Mr. Aylwin) would be as ready as any one if they had the money that it should be judiciously expended for the purposes alluded to, always provided we had it at present;

but when he considered that it all depends on the ministry at home, it amounts to a mere promise of influence, such a promise as every man in power gives to every courtier: and even suppose the money to have been obtained, they had already seen the fruits of mismanagement of public monies in the Province of Canada, that Province having fallen into debt to an amount which induced him to believe that the men who had the management of affairs were not honest men. (Hear, hear.) But perhaps the object is to borrow a million and a half to pay up the debts which have been already incurred! These were the reasons why he felt it his duty to vote against the address. He would now conclude by begging pardon of the house if he had spoken at too great length. He hoped his observations would not be considered as having been made in a narrow and sectional view: he had endeavored to view the whole subject upon the broad grounds of national benefit; and in this light he still thought that if instead of obtaining a loan of a million and a half they were freely offered the whole treasury of England, with the national debt added to it, in order to induce them to assume the Union bill in its present form, he at least for one would spurn the offer—(hear, hear.) The old and true liberties of Englishmen are not to be bartered away. In conclusion he would say that no member would be more disposed than himself to afford a fair trial to the operation of the Union bill, and to enter into all feasible plans for local improvement, but at the same time no one could convince him (Mr. Aylwin) that any one man alone could govern this large Province in the way in which it ought to be governed, unassisted by a responsible Executive Council.

Mr. BALDWIN said he would not have trespassed upon the time of the committee had it not been that he had been alluded to in the course of the debate by an hon. member. It might be of importance that he should proceed with those explanations which he had promised that house. It was perfectly well known that he had accepted office at a period when the government was administered by the present Governor General. The views which were entertained upon the subject of responsible government by the Governor General, views which were contained in the despatch to which the hon. gentleman had alluded, and which were also expressed in Lord Durham's report to which that despatch alludes: those views were in practical application from the time of his taking office up to the commencement of the present session. It would be also right to state that of which the public were aware, that having accepted office he had formed no coalition with those gentlemen who then composed the council of his Excellency; he had always acted with a party which was entirely opposed to them. When the union of the provinces having been declared he was called on to take his seat in the Executive Council, he had reiterated to those gentlemen his express reservation of his original opinions, and that he had not changed his position which he held in respect to them. At this time there was no parliament of Canada which might give expression to the confidence of the people; but when the result of the elections became known, when it was ascertained of what materials the House of Assembly was composed, it then became his duty to inform the head of the government that the administration would not possess the confidence of the House of Assembly, and to tender to the representative of his sovereign the resignation of the office which he held, having first, as according to the duties of his office he was bound to do, offered

his advice to his Excellency that the administration of the country should be reconstructed. This advice not having been adopted, my resignation followed, which was accepted. Sir, you saw a gentleman proposed to fill the Speaker's chair whose opinions with respect to the administration you heard denounced because he had no confidence in the administration, but the administration dared not propose another. Hon. gentlemen might look upon this as a trifling matter, but he (Mr. Baldwin) considered it very differently. Having given this explanation he would not trespass farther on the time of the house, but would thank them for having heard him with attention.

Col. PRINCE said, the debate had taken a very extraordinary turn. The remarks of the learned gentleman from Hastings were altogether foreign to the subject before the Committee. The speech of the hon. gentleman from Port Neuf had been delivered in the most gentlemanly tone and manner, and in replying to that gentleman he hoped he should be guided by the same spirit. But with regard to the learned Ex-Solicitor, it was really extraordinary that the committee should have been interrupted for half an hour with an explanation of the reasons for his resignation. The hon. and learned gentleman should have produced the correspondence, if any existed, upon the subject of his resignation, if he considered it of so much consequence; but he (Col. Prince) would not admit that the resignation of that hon. and learned gentleman could have been of so much consequence to the country as he seemed to imagine.

With regard to the speech of his Excellency, he for one approved of it; and there was one part of the hon. gent's (Mr. Aylwi) address to the committee which he approved of, and that was, that the speech was a momentous one; for never since Canada has had a Constitution, was there delivered so powerful a speech from the throne; and we have only to look with the eyes of one who wishes well to his country, to be convinced that it is the earnest desire of his Excellency the Governor-General, to put in practice those useful measures to which he has in his speech referred. He (Col. Prince) hoped that they would obtain the million and a half sterling, as a loan; he would not ask for it as a gift—if they did, it would be in vain. The people of England are not such fools, [a laugh] until they could establish a confidence in the credit of this country. We should remain in the same impoverished state in which we were at present.

There was one observation which had been made by the hon. and learned gentleman from Port Neuf, which was really extraordinary that gentleman is possessed of aristocratic feelings—nature has given him those feelings—education has given him those feelings—and he feels as every one of us must feel, that the honor of England has been tarnished by permitting the imprisonment of McLeod, by their not insisting on his immediate release. But we are told in the Speech from the Throne, that England will maintain her colonies at all hazards. He was astonished that the hon. and learned gentleman has also stated, that he doubts whether England does really entertain any desire for the preservation of this country. He (Col. Prince) would ask, does it show indifference, when we see England sending her fleets and armies to protect this country from an invading foe? That she has spent her resources, and continues to spend them, to preserve these Colonies; and although they may not be profitable to her, she knows that it is her duty towards those who have confided in her—who have shown their

allegiance. She has gone to an extent which was unparalleled; and therefore the hon. gentleman is extremely wrong, when he believes that England is indifferent to our welfare: no such thing. But the hon. gentleman says, that the speech of his Excellency is full of objection—and for that reason he opposes the address.—It is extremely uncourteous towards His Excellency to move counter resolutions in preference to resolutions originally introduced; it was not according to Parliamentary practice. The hon. gentleman with that *suaviter in modo* so peculiar to himself, would have you to believe that the instructions which were sent out eighty years ago to the Governor of Georgia were such as we should now follow. No, sir, the instructions to be looked at are those sent out to the Governor General. The hon. gentleman shakes his head, but I have not yet heard him shake out one sound argument to prove that the instructions to the Governor of Georgia are applicable here at the present day. One objection to the speech was stated to be a want of reference to the subject of responsible government. It certainly would have been very singular if his Excellency had alluded to it. It is thoroughly understood, and by no one is it better understood than by the hon. gentleman himself. He says also that the election riots should have been noticed; but how is his Excellency to know that riots have occurred? They always have happened, and they always will happen as long as the freedom of elections exists. Besides the common law furnishes ample means for punishing outrages of that kind, without the interference of the Executive. Such are the principal objections raised by that hon. gentleman to the speech. Whether those objections would have any weight with that committee it was not for him to say; but he did think that the committee would upon reflection discover that we cannot do better than to agree to the resolutions. He thought the committee would discover that there was much to be hoped for of those matters contained in the speech, and that his Excellency had pledged himself to do more for this colony than was ever done before, and pledged himself upon such terms, too, that he believed he would carry out what he had promised. And as he had said before, it was due to the Executive that the answer to the speech should be carried forthwith, and it was due to the country that there should be no dissensions among them. The vote upon this question would doubtless be a trial of strength, but he firmly believed the original address would be carried by a large majority, and that by doing so they would give satisfaction to the country.

Mr. HINCKS said he should not have addressed the Committee at this stage of the debate, had it not been for some observations which fell from the hon. member from Port Neuf. He really did think that hon. gentleman, had attempted to mystify still more the subject of responsible government, than the learned Atty. General himself. He thought it of the highest possible importance that no dissensions should take place. He believed there could be no difference of opinion in that house, with regard to responsible government. (Hear, hear.) This was his belief, and he regretted exceedingly that the learned Atty. General had not stated his views in such a manner as would have admitted of no misconception. He (Mr. Hincks) would by reading a few extracts from public documents show equally to the house and the country, the difference between the principle as it is now received, and that which was advocated during the administration of Sir Francis Boud Head

some years ago. The true principles of responsible government have never been carried into effect in either Province, and it as one hon. gentleman had stated, it be no new principle, it is decidedly an improvement in practice. He presumed the hon. gentlemen who were members of the government were prepared to act in accordance with the admissions they had made. He (Mr. Hincks) was perfectly satisfied with those admissions. He was sorry that the hon. gentleman from Essex, (Col. Prince) had thought it necessary to make the remarks he had with regard to the learned gentleman from Hastings. The necessity of making the explanation he had made, was imposed upon that hon. gentleman by some observations of the learned gentleman from Port Neuf. He (Mr. Hincks) believed that the learned gentleman from Hastings is fully convinced that responsible government is fully conceded; the difference between himself and his colleagues is in the application of that principle. He would now revert to that which was more particularly the subject of the present debate. He had no desire to offer any thing like a factious opposition, but he would take occasion to say, that he objected to the speech not on account of any thing contained in it, but for omission. He found no fault with the speech for alluding to the subject of McLeod's imprisonment, for he felt that it was important. He concurred with the hon. and learned member for Essex, in thinking it was not improper for the executive to assure the people of this country, of her Majesty's protection. But he would connect the speech with another document—the Union Bill, and when he found language, such as that contained in the speech from the head of the government, he thought his duty to take care that he did not sanction with his vote the details of the bill. He would keep himself unfettered upon that point.—He was convinced that a majority of that house were opposed to the provisions of the Union bill, and it is a matter of notoriety that the opinions of the people of Lower Canada were not taken upon the subject (hear, hear). The next subject to which he would briefly advert is the subject of the civil list. No reformer can think of voting for it as it stands at present, while it admits the right of the Imperial Legislature to take our money without our consent. This was a principle which no one would have the presumption to stand upon the floor of the house and attempt to justify. But the civil list is pretended to be justified by the resolutions of the last House of Assembly of Upper Canada. Nor would he consent that pensions should be granted without the consent of Parliament. An individual who had recently come to this province, and who had been amply paid for all the services which he had rendered, had nevertheless as he (Mr. Hincks) was informed, a pension of £200 a year granted to him: he certainly did not think that this was a case which justified the grant, and at all events he would not be disposed to place the power of granting pensions in the hands of the Executive under any circumstances. He could not find that such a system had been adopted in any other colony. He stood there as a Canadian, as the representative of Canadians, and he could see no reason why he should stand in an inferior situation to that of his fellow subjects inhabiting other colonies. (Hear.) He was desirous of supporting the Union bill as far as he possibly could, but he was against pledging himself to support the details of the Union bill.

Capt. STEELE desired to say a few words with regard to the alleged interference of the Executive in the elections. Armed soldiers

it is true were present in some cases, and many voters came to the polls under the assurance of their protection who would not have dared otherwise to have voted. (Hear, hear.) Here we behold the British soldier the protector of that freedom which is so precious to us all; and yet it is endeavored to throw discredit on the government for that which should rather meet our approval.

Solicitor General Day said that he should deem it his duty at this late hour to confine his remarks to as limited a space as possible. And he could not enter into the great business of the debate without expressing his sense of the manner in which the learned gentleman from Port Neuf had treated the subject of the debate, putting it upon that footing and giving it that tone which it is so particularly desirable it should assume. And that hon. gentleman would find him (Mr. Day) at all times desirous of the same interchange of courtesies which had characterized the speech of the hon. and learned gentleman. It would be proper before entering into the immediate subject of the debate to allude briefly to the explanations of the hon. and learned member for Hastings. That gentleman had failed to explain upon what grounds it was that he accepted office, and afterwards abandoned that office. He would assure that hon. gentleman that he desired to continue those courtesies which were due towards him; but at the same time upon entering into the circumstances connected with his acceptance and resignation of office, he must deal plainly with the subject, and he hoped he would be acquitted if he uttered a single expression which might sound harshly in his ears.—He who leaves the safe and obscure path of private life, who deems himself capable of taking the reins of government into his hands, must consent that his actions shall be critically judged. (Hear.) He would now proceed to give a sketch as rapidly as possible of that gentleman's political career, so far as he (Mr. Day) had been connected with it. The office which I now hold, was conferred upon me by the present Governor General, in May of 1840. Long before that period I had received a requisition from the county which I represent, to become a candidate for that county. I came out with an address which I intended should contain an expression of my political sentiments; I mention this to show that the hon. gentleman must have been aware what those sentiments were. On the fifteenth of February following, when the Governor General communicated to the hon. gentleman his intention of calling him to his Executive Council, that hon. gentleman declared that with regard to those who held office at that time—myself and three others, he could have no confidence in them (hear, hear,) that this is the first step of inconsistency, with which it appears to me the conduct of the hon. gentleman was marked.—When the offer of so high an honor as the office of Solicitor Genl, as well as Executive Councillor, was offered him it was his duty to ascertain who were his colleagues and whether he had confidence in them or not; if he had not, then I say as a public man he had no right to accept office with them. (Hear, hear.) If I had acted on the principles which the hon. gentleman seems to have adopted, and formed my judgement of his character from the public prints, I would sooner have cut off this right hand than to have held office with him. But I would not rest my judgment of his character upon those grounds: had I done so I never would have been his colleague; and the straightforward and manly course would have been for that gentleman to have refused to accept

office with those in whom he professed to have no confidence. (Hear, hear.) His colleagues afterwards went before the people, they went before respectable constituencies, notwithstanding what had been said by the hon. gentleman from Port Neuf, constituencies perfectly capable of judging in whom their confidence could be safely placed. They were returned to Parliament with the sin of being government officers upon their heads—(hear, hear)—that was the first step towards responsible government. I had the satisfaction of meeting the hon. gentleman in Montreal on business, but not a word was said by him respecting political opinions, not a step was taken towards discovering the views of his colleagues in office. The Parliament was called together under extraordinary circumstances—entering as we did upon a new era, which will be the commencement of a chain of events, the nature of which will materially depend upon the first steps which are taken. Under these circumstances, this man who had accepted office, and who had no reason to trust his colleagues when he did accept it, then told his Excellency that he must break up his administration. [Hear, hear.] Two days before the meeting of Parliament a communication is made to the Governor General that he would retire from office, in consequence of what? not that he had discovered a difference of opinion between himself and his colleagues, for he had not taken the trouble to ascertain their opinions—[hear, hear]—no; but because he had found by secret enquiry, by attending secret meetings, that he could form a party to overturn the Government. [Hear, hear, hear.] Instead of bringing his party to the support of that Government whose servant he was, he endeavors to make it the instrument of his own purposes. And I would put it to the heart and understanding of every member of this House, whether he had not placed himself in a predicament—upon the horns of a dilemma. I would ask, whether the mere facts themselves would not justify the supposition, that he had entered the administration with the intention of committing a deliberate act of perfidy! [Hear, hear, hear.] Let it not be supposed that I desire that this inference should rest upon the hon. gentleman. I do not believe he would have been actuated by a dishonorable motive; but the justifications of public men must rest on the broad face of facts. After his acceptance of office, the most remarkable circumstance of inconsistency is, his continuing to hold office without making any effort to discover what were the political views of his colleagues. The worst feature of all is, that having led the Governor General and his colleagues in office by his silence, up to the time of the meeting of Parliament, to believe that he would act in concert with the administration of the Government, after having consulted with his party, and having found that he could embarrass the administration, he then resigned his office. No explanation which he has given, or can give, will alter my opinion that his conduct was an outrage upon the representatives of the Province. It was a gross injustice also to his colleagues. I will take upon myself to say, that my opinions are as liberal as his own. [Hear, hear.] I do not believe that this Colony will be secure to the British Crown unless we go on extending those liberal plans of Government which are so anxiously desired. The opinions which I have formed have not been drawn from old books or journals, neither from the report of Lord Durham, nor from the messages to the Assembly of Nova Scotia—but they are conclusions at which he had arrived by the exercise of reason and

reflection. Although those opinions do correspond with the documents I have referred to, they are not based upon them. [Hear, hear.] I shall now take the liberty of offering a few remarks upon the immediate subject of the debate, namely—the amendments which the hon. gentleman from Quebec has proposed to the answer to the address. For my own part, after carefully examining the contents of that address, I can find nothing in it which should excite in this House any other than respectful attention to the subjects on which it treats—nothing which can in any way intrench on the rights of this House. I find in it nothing at variance with that spirit of harmony which ought by every man to be promoted in this House and in the country. I find no particular defect on the face of the address. I must say that it is utterly impossible in an address of this kind to meet the precise wishes of every individual member; but I will put it to this House, whether that address is not marked with a spirit of conciliation; and he hoped and believed it would be met in a similar spirit—and I do entreat this House not to travel beyond the matter which is now before us. A good deal has been said about the operation of the Union bill. I do not stand here to defend that bill; it is not my act; it is not the act of this house; it is that law which has been sent us in order to restore this country to that state of peace and tranquillity the absence of which has been so deplorable in its effects; and I do entreat that hon. members will cast their eyes back and reflect for one moment upon the occurrences of the past before they reject that address.

Mr. DURAND said that with regard to the hon. and learned member for Hastings, nothing which had been said or which could be said would have sufficient weight to injure the character of that gentleman. He was held in too high estimation both in this country and in England, (hear, hear.) He had long been known in this country as the champion of liberal principles of government, and he (Mr. Durand) fully believed that he could have been returned for any county in the Province, (no, no.) He believed that that gentleman deserved well of the country for having made the attempt to heal the dissensions which exist, and one who would not for the sake of office abandon his principles, (hear, hear.)

MR. MERRITT.—I fully concur in the sentiment expressed by the hon. and learned Solicitor General for Lower Canada, that we should conciliate and cultivate good feeling, but wholly dissent from the censure he has cast on the learned and hon. member for Hastings. The announcement of the resignation of that hon. and learned member will be received throughout the Province with feelings of deep regret, from his fixed and determined adherence to the principles we advocate, he has gained the confidence of the great body of the reformers who place reliance on his judgement. As a proof, when his Excellency the Governor General arrived in Toronto, although he was well known to have been the advocate of liberal principles in England; great doubts existed as to his sincerity in carrying into operation the new colonial system of Government recommended by Lord Durham—arising, be it known, not from those advocating those principles, but from his open opponents, and his pretended friends, who openly and publicly maintained that he never intended, notwithstanding the declarations made from time to time, to adhere to their proper spirit and meaning. The appointment of the learned gentleman was an evidence of his sincerity, and gave a confidence to his administration, which no other man in Canada

could at that moment have ensured, to an equal extent. The result of the Elections is the best evidence of the extent of that feeling in Upper Canada. Had the resignation of the hon. and learned gentleman taken place at any other period, it would have materially weakened that confidence—but at first I confess, I apprehended the most disastrous consequences from the resignation of the hon. and learned member—but on mature reflection, I believe it will tend more than any other measure, to establish the principle without his being subject to any imputation whatever. The hon. gentleman avows on all occasions his firm belief that his Excellency Lord Sydenham, has, and still does, intend to carry this vital principle into practical operation—and it is not his intention to embarrass the proceedings of government as at present constituted or offer them any factious opposition; and I feel assured this course will entitle him to the continued confidence of the people of United Canada. The hon. gentleman is no more liable for censure, in taking office than the present administration for acts of which they have no knowledge. He is now left to pursue his own course without embarrassment. We will judge him hereafter by his acts, and if he originates, and proposes measures which tend to promote the best interests of the country, he will retain our confidence, if not; he will not deserve it; and cannot expect it.

Mr. BUCHANAN thought that when the act position of parties is kept in view, the retirement from office of Mr. Baldwin will

be seen to be a much more important circumstance in the discussion of the address than some hon. members seem willing to allow. It could not be pretended that the address, or indeed any future measure of government, could pass this House without the assistance of the liberal members from Upper Canada. That large portion of the House, whatever might be their various views as to the propriety, under the circumstances, of Mr. Baldwin's resignation, still retain full confidence in Mr. Baldwin's political integrity, and still continue to hold that it was only on liberal principles that Colonial government can hope to succeed. Mr. Baldwin and the other liberal members from the western part of the Province carried their elections because they declared themselves supporters of the Union and in favor of the politics of the Governor General; and now that responsible government is granted, there is surely a still stronger obligation imposed on them to view with a friendly eye the acts of the Executive. But he (Mr. Buchanan) did not consider it as at all necessary to their giving an independent support to Lord Sydenham, that they must condemn or not continue to countenance the ex-Solicitor General. That hon. and learned member's taking office at first was of infinite service to government, as securing for Lord Sydenham an opportunity of developing his policy; and he (Mr. Buchanan) believed that in Mr. Baldwin's retirement from office that gentleman had done what he could to avoid any demonstration of opposition to the head of the Government.—There could be no doubt that Mr. Baldwin's resignation was mainly instrumental in bringing the present Executive Council to declare themselves as they had on what is called responsible government. In this new position of men and parties he has already

seen a fresh argument in favor of allowing Canadian public opinion, as represented by the majority of the House, to have a direct control over our local legislation, for we see that even an Executive composed of men whose past career would not command for them majorities of the Assembly as constituted, may retain office by framing their measures to suit the majority, and can retain office in no other way. Under the new system the principles of the majority become the rule of Government as far as legislation is concerned; and in fact the majority are in power even if not in place.

Upon motion that the chairman leave the chair of committee, that the House might adjourn,

Mr. HALE observed that the business before them should be proceeded with. Their constituents had not sent them to that House merely that they might eat, drink, and be merry.

Mr. JOHNSON said that he thought there should be less speech-making. Each member should be limited to five minutes. The Reporters would then have less to do, and the business of the country would be facilitated.

The committee rose, reported progress, and asked leave to sit again to-morrow.

TO SUBSCRIBERS.

Mr. BEAUMONT having been suddenly summoned to England, in consequence of a recent domestic affliction, the task of conducting the MIRROR OF PARLIAMENT has fallen upon the undersigned. It is hoped that in the interim, before an assistant Stenographer can be procured from Toronto, all omissions will be pardoned.

H. FOWLER.

THE CANADIAN MIRROR

OF PARLIAMENT.

EDITED BY H. FOWLER, Esq. }

Kingston, June 26, 1841.

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HOUSE OF ASSEMBLY.

WEDNESDAY, June 23.

The House met.

The minutes were read.

Mr. Cameron, from the committee appointed to draft a reply, founded on the resolutions adopted yesterday, to his Excellency's speech at the opening of the session, reported the draft of an address.

Mr. Neilson, seconded by Mr. Morin, moved in amendment an address which he had prepared, and which will be found elsewhere. The house divided.

For the amendment,	25
Against it,	51

Lost by a majority of	26
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A message from the Legislative Council was received, accompanied by a bill having for its object the amendment of the Heir and Devisee Act.

The house proceeded with the consideration of the address. Mr. Cameron moved that it be read and submitted to the house in separate paragraphs. The 1st, 2d, 3d, 4th, 5th, 6th and 7th were adopted. On the 8th being read—

Mr. HINCKS could not agree that that house should express its "full belief that peace and tranquillity will be happily established in the province under the constitution settled by Parliament." He wished to take the yeas and nays on the question. It was one of very great importance, and he could not consent to the use of terms which in his opinion pledged the house in support of the Union bill as it is. He alluded to some amendments proposed by Mr. Derbshire which accorded with his (Mr. Hincks) views of the subject. He moved that the words "under the constitution" be struck out.

Mr. DERBSHIRE rose and said that his amendments were of a different character. He hoped that the division to which the hon. member was about to press the house would be one of hostility to the measure of the Union or not. It was the right of the house to take into consideration the details of the bill when brought under its notice by the constitutional mode of petition: he knew no other way of making known the wishes of the people to the mother country. They should reserve to themselves a right of considering the measure again. Those who voted yesterday, in the hurry of the division, did so under the impression of a hostility to the act.

Mr. BOSWELL hoped the hon. member for Oxford would withdraw his motion. The resolution expressed only the belief of the British Government that peace and tranquillity would result from the Union. The house was not at all pledged in the adoption of the paragraph alluded to.

Mr. DURAND would not pledge himself to support the Union Bill in detail, he was in favor of the Union, because it was recommended by the late Earl of Durham as a means to our attaining that strength and importance in the mother country which would secure a just respect to our representations. He wished it distinctly understood that he was in favor of the Union.

Mr. SMALL differed from the hon. member

for Oxford in his opinion of the meaning of the words employed in the address. All that they responded to was the hope expressed by the Imperial Government that peace and tranquillity would be restored to the province, and they ought to be grateful to that government for the assurances given of its readiness to assist in that object.

Mr. MERRITT.—If we are not to have peace and prosperity under the constitution, I would like to know how else we are to obtain those blessings.

Mr. HINCKS rose in explanation. He would not detain the house, but he would put it to hon. members if in concurring in the language of the address under consideration they would not pledge themselves to the sentiment that peace and prosperity would be restored under the present constitution. He was of opinion that if the house merely echoed the speech they would be deceiving her Majesty's ministers. (Cries of 'No, no.')

Col. PRINCE was astonished that the hon. member for Oxford would attempt to discuss the question at the present moment. He (Col. Prince) was a modest member; he would admit that modesty was not the peculiar property of gentlemen of his profession, but nevertheless he must say he was a modest man. He had taken no part in the discussion of yesterday, and the hon. member should bear in mind that on that occasion the resolutions upon which the address has been founded had been amply discussed and received the sanction of the house. Why then does he seek to renew the discussion now? If the yeas and nays had been taken yesterday much time would have been saved. It was not proper, not parliamentary, to raise objections to resolutions which had passed the day previous.

Mr. JOHNSTON thought the hon. member for Oxford extremely captious. He (Mr. Johnston) thought that if he were to go to heaven and send down the angel Gabriel with laws engraven upon a plate of gold of fifty tons weight, for the administration of the government, the hon. member would view them with suspicion. But it was evidently not his object to assist, but to retard any and every measure. The hon. member was editor of the Examiner, and he (Mr. Johnston) imagined that that gentleman kept up an opposition for the benefit of his paper. He employed a reporter in the gallery to furnish one-sided reports and to give distorted views of their proceedings to his readers. He trusted discussion would be stayed: he was in favor of the Union bill as it is, but if it was found to operate in a manner prejudicial to the interests of the Lower Canadians, he would willingly lend his assistance in petitioning the throne for such alterations as might be deemed advisable.

Mr. BALDWIN did not think that the matter was one of small moment. If hon. members believed that the grounds were wrong, they should not rejoice at the delusion of her Majesty's ministers. He could not express his gratitude for a measure which he believed to be founded in error.

Sir A. McNAB thought that the introduction of British capital to the amount of one million and a half would have a great influence in recalling prosperity to the country.

The division on Mr. Hincks' motion being called for, the yeas and nays were taken as follows:—Yeas, 21, Nays, 54—and was consequently negated by a majority of 33.

On the 14th paragraph being read, Mr. ——— moved that the words "may hereafter require" be struck out, and the words "as experience may prove hereafter to require" be inserted—seconded by Mr. Merritt.

Mr. CHRISTIE thought that the terms of the amendment materially altered the sense, and he was therefore opposed to it. The resolution as adopted expressed the opinion of the house that some alteration was required in the Union act. The amendment requires its provisions to be tested before any decided objections are made.

Mr. AYLWIN alluded to the length of time which had already been occupied in idle debate: he trusted that the speech would be answered as soon as possible. (Hear, hear.)

Mr. HINCKS.—The amendment has been framed with great ingenuity. He was surprised that his hon. friend from North Lincoln (Mr. Merritt) should have seconded it, as he could not but see that it was left to experience to point out alterations. He must say that he thought it would be gravely inconsistent for those who had voted with him on the amendment of the previous evening to give their support to that now before the house.

On the division on the amendment the numbers stood thus, yeas 45, nays 31.

Col. PRINCE now rose to speak, but was called to order by the Speaker—some matter having precedence which we do not now recollect. Mr. Prince rose again, and said that in this new House he was not yet acquainted with the forms, and he trusted that the Speaker and hon. members generally would excuse him when he committed an unintentional error. He rose to explain his sentiments on the address; and in the first place he would say that in the course which he would pursue he acted as the hon. and independent member for Essex, without the hope or prospect of place or preferment.—He had heard much about the officers of government, responsible government, and of the Executive Council, but he should give his vote perfectly independent of a government of which he formed no part. He would vote for the address because he thought that the speech of his Excellency was calculated to promote the best interests of Canada. There were many inducements held out in that speech which he trusted would be realized. He looked upon education as one of the principal features, and if the government, or her Majesty's Colonial Ministers, as he must call them, will carry out the features of the speech, they would be entitled to the thanks of the country; but if they would neglect to bring forward a measure for the extension of education, he would withdraw his support from them. Alluding to the many promises held out—to the Post Office reform, emigration, &c., he thought they were all inferior to education. Emigration was well enough in its way, but he was not willing to see the poor houses of Great Britain emptied here; he did not wish to see the refuse of the Mother Country cast upon our shores; he wished wealth

and intelligence, and to inspire a sufficient confidence in the capitalist, it was requisite that that confidence should be founded in the wise conduct of the government. The emigrant required an education for his children on liberal terms, such as would have been afforded him in his native land. He trusted, further, that by their unanimity they would assist in restoring confidence. He could fancy an individual in that House opposing Government, who had been in this colony about nine years; one who had been called upon not to meet domestic rebellion, as had been the case with many in Lower Canada, but to meet a band of robbers and pirates from a neighboring shore, whose only object was to destroy our laws and institutions, sacrificing every thing in the service of his country, exposing himself and his family to peril, and succeeding in repelling that invasion—coldly received and even treated with disdain by the late Governor: he said he could fancy such an individual, heartily disgusted, opposing the government, but it was a course which no Briton and honest man would pursue, (hear, hear,) and as he believed firmly and honestly that Lord Sydenham's measures would tend for the benefit of the United Province, he trusted that local differences would be thrown aside. He earnestly hoped they would all pull together. He supported the members of the administration because having advised the speech, he believed they were ready to carry it out. He would just express an opinion on the Union Bill. He believed that bill required alterations, and he declared that had he been present when it was submitted to the Upper Canada Legislature, (from which he was obliged to be absent from domestic calamities,) he would not have voted for it in its present shape, (hear, hear.) He would assure the members from Lower Canada that he would be ready at any time to assist them in reclaiming their rights and privileges, of which he believed they had been abridged to an alarming extent, (hear, hear,) and by doing justice to them he believed they would enable Canada to stand well in the estimation of the British public.

Mr. CAMERON moved that the address be presented to his Excellency by the whole committee.

The address being adopted by paragraphs, Mr. SMALL rose, and asked if he was in order in requesting the yeas and nays to be taken on the whole address. He was not inclined to offer any factious opposition, but he desired that an opportunity should be afforded hon. members to record their votes on the whole address.

The SPEAKER decided that Mr. Small was not in order.

Mr. Attorney-General OGDEN. When the motion for engrossing is made, an opportunity will be afforded members to express their opinions on the whole address. The proper course to be pursued now is, that messengers should be appointed to wait on his Excellency and ascertain at what time his Excellency would be pleased to receive the same, and in the mean time the address might be engrossed. Unless this was done, another day would be lost, and sufficient time had already been spent.

Sir ALLAN McNAB enquired whether any further question would occur on the address. Can any action be taken? If so, it is premature to send a messenger to his Excellency.

Here a conversation followed on the rules of the late Houses of Assembly of Upper and Lower Canada: Sir Allan McNab contending that the address should be read a third time before being engrossed; and Mr. Attor. Gen. OGDEN that the resolutions having been adopt-

ed by the Committee, and submitted to and adopted by the House, as also the address founded upon them, no further action was necessary. He read an extract from the minutes of the Lower Canada Assembly to prove that such had been the practice in Lower Canada.

Mr. CAMERON (seconded by Captain Steele) moved, that his Excellency the Gov. General be waited upon by messengers, to know when he will be pleased to receive the address.

Messengers were then nominated by the Speaker.

Mr. AYLWIN objected to the nomination. He thought that the gentlemen on the treasury benches, who had advised the speech and brought forward the address, were the most proper persons to wait upon his Excellency. The hon. member here alluded to the practice in England.

Col. PRINCE would take the sense of the House, whether the Speaker had not the power of appointing a committee. The hon. member has alluded to British practices. If they adopt a part, it was his opinion they should adopt all.

Mr. DERBISHIRE. British practice is, that the House go up and present the address. [A laugh.] He was not in error. Hon. gentlemen had spoken of the manner of presenting the address to his Excellency. In the confusion which was but too prevalent in that House, hon. members really did not appear to know what they had advanced.

The SPEAKER said that under the rules of the House he had the power of nominating a deputation: he was therefore only fulfilling his duty. If the House thought proper to allow those rules, he should act in accordance.

LEGISLATIVE COUNCIL.

THURSDAY, June 24.

The Legislative Council resolved itself into a Committee of the Whole upon motion of the Hon. P. DeBlaquiere, to take into consideration the encouragement of agriculture within this Province.

The Hon. Mr. DEBLAQUIERE rose and said he had certain resolutions which he intended to propose for the consideration of hon. gentlemen of that committee, upon a subject of the utmost importance to the country; and although it was a subject which had not been introduced into the speech from the throne, yet it was one which ought not to be disregarded by that hon. House; and in the absence of any ministerial measure, and to silence the cry which seemed to prevail of the existence of faction, to promote the objects of which no doubt it would be attempted to hold up the Legislative Council to public contempt by asserting that it is an incumbrance to Legislation, or that no good could be looked for from it as at present constituted. But he (Mr. DeBlaquiere) trusted that its acts would ever prove—and it was by them alone that he would wish it to be judged)—that it would be found to be what the Constitution intended it should become—on the one hand the zealous supporter of the dignity and just prerogative of the crown, and maintaining on the other the rights of the people, whilst affording a salutary check to the overflowing of popular excitement. The subject of these resolutions he thought it incumbent upon him to bring under the notice of hon. gentlemen of the Council at the earliest possible period of the session, that no time might be lost in carrying into effect such measures as might be deemed best calculated to afford protection and encouragement to the Canadian farmer. He regretted that some hon. gentleman better qualified than himself to advocate the interests of so important a portion of the community, had not relieved him from the necessity of being the

proposer of the question. But as the task had devolved upon him, he had drawn up certain resolutions upon the subject, with a view of eliciting from hon. gentlemen who surrounded him—gentlemen of patriotic feeling and of undoubted integrity—gentlemen who possessed an extensive stake in the country—an expression of their opinions, of their views and feelings upon this important subject. And he had this further object in view: he wished the opinions and feelings of the country should be tested as to how far it would go, with those who hesitate to confide in the gracious intentions of her Majesty as expressed in the speech from the throne, because that speech does not state every thing which the imagination and wishes of individuals might lead them to suppose ought to be included. This spirit of dissatisfaction, to say the least of it, is one which comes with an extremely bad grace from any class of persons. It seemed to him like an infatuation on the part of those who indulged in such a spirit, which it was difficult satisfactorily to account for. What would that house think of the intellect of an individual who, in the act of falling down a precipice, should refuse the hand stretched out to save him until he had ascertained the colour of the coat which covered him. The House did not expect from him (Mr. DeBlaquiere,) nor would he presume to intrude upon the House an exposition of his political opinions; nor did he conceive it was of importance to know what were the political opinions of any hon. member; their opinions should be tested by those acts which should arise from the Council.—And he would apply the same argument to his Excellency the Governor General. He did not consider that he was called upon to say how far his opinions coincided with those of his Excellency, but he was willing to unite those opinions with the measures of his Excellency for the benefit of the country. And he challenged public question upon the point, if the annals of Canada could produce an instance, since its first settlement as a British possession, if any series of measures so comprehensive and so perfectly calculated to promote its prosperity, have yet appeared for public approbation, as those which have been expressed by his Excellency with her Majesty's approbation. One essential object was that in the discussion of this question, they should aim at what was practicable and attainable, and not with wild visionary discussions on what might be their rights. They should not lose the opportunity which the present circumstances offered of establishing every thing in this Province upon that footing, which its most ardent friends desired. The present moment appeared to him the most appropriate, for bringing under the consideration of that house, and through that house to the favorable notice of his Excellency, with a view to its being brought to the foot of the throne and from thence to the Imperial Parliament. A series of most beneficial and benign intentions had already been expressed by her Majesty towards this Province, great and invaluable in their nature, and he was prepared to admit to the fullest extent, their absolute importance to the well being of the province, but highly as he estimated them and greatly as they were calculated to promote its prosperity, still he would assume, that if carried into effect, they would be wholly ineffectual to the ends proposed, unless supported by the most necessary accompaniments, namely, the promotion and protection of Canadian agriculture. The subject naturally resolved itself into three considerations, first the obtaining free admittance into Great Britain, of agricultural produce the undoubted growth of Canada; secondly a protective adjustment of the question, as between the Canadian Farmer & the grower of grain in the United States; and thirdly the absolute necessity, admitting this to be accomplished,

of securing to the Canadian farmer, a certain and remunerative market. The situation of this Province, at the present juncture, might be pronounced to be upon precisely the same footing as Ireland was at the time of the Union, as regarded its claims upon the Imperial Legislature. At the time of the Union it was in a most forlorn and deplorable condition; she had but just emerged from the disastrous effects of the recent rebellion; commerce was at an end,—agriculture was abandoned—the industry and resources of the country were completely paralyzed.

And further, a question existed at that time as to whether Ireland should remain a portion of the British empire or become a French dependency. Upon the union it had been intended to incorporate and amalgamate Ireland with the British Empire; every prognostic was announced on the part of some of its warmest friends of utter ruin to the future prospects of Ireland by the anticipated union. But a great mistake had been made by the Legislature at the time of not admitting Ireland at once to an entire participation in the advantages of full and free intercourse with Great Britain. This was denied by way of trial in consequence of the late rebellion, or for the purpose of ascertaining whether the country was disposed to turn to England or France before the boon was granted. It was in his opinion this egregious fault which had been committed by not restoring Ireland to a full intercourse with Great Britain, and that a proper attention had not been bestowed upon the state of the country, which occasioned Ireland to continue during the following twenty years, and particularly towards the close of that period up to the conclusion of the Revolutionary war, in a most deplorable condition. At the period last named, he (Mr DeBlaquiere) had left Ireland and returned to it after the lapse of fourteen years, comparatively a stranger, and upon that account he could, perhaps, be considered an impartial judge of the actual state of the country. He found its agriculture improved by every possible means that were capable of being insured to it; the importation of agricultural produce into England increased to a degree that was almost incalculable; British capital had flowed into the country, and established on all its great rivers manufactories of cotton as well as improvements in those of linen. Trade and British capital had done more—it had also so far turned the state of affairs in Ireland as regarded its pecuniary engagements, that almost all, if not all, the landed property of Ireland, which in the time of its depression had been mortgaged for loans at a high rate of interest, was then at so high a valuation, and their pecuniary difficulties had been so lessened, that it was impossible by any exertion to procure a mortgage upon property at the rate of five per cent. He had dwelt at length upon this subject for the purpose of showing to that House and to the country, from undeniable facts, what were the blessed effects of agitation.

Such was the state of Ireland for a few years. Agitation was then commenced under the auspices of Mr. O'Connell, and one of his first efforts was to force a metallic currency into circulation, for the purposes of agitation. He issued his mandate for a run upon the Bank of Ireland—an establishment which had existed through all the revolutionary war, and through those disastrous times for Ireland which preceded that war. The mandate was obeyed, as a matter of course, in the South of Ireland, and the very next day after the announcement of the mandate, the agricultural produce of the South of Ireland fell thirty per cent in the market. He (Mr. DeBlaquiere) considered it the undoubted right of the country to be considered not as a British colony—not in the light of a foreign possession—but as an integral part of the British dominions—and so with

this country if it were intended to carry out the gracious intentions of her Majesty. Had agitation not existed in Ireland there would not have been a more loyal, a more contented, or a more prosperous people upon the face of the earth. Agitation is the destruction of any country. He believed it was perfectly evident to every intelligent mind that it was the gracious intention of her Majesty, and of her Majesty's Government, to make this a peaceful, happy, and prosperous country; but he firmly believed, also, that it could only be accomplished by bringing this country in close connection with the Mother Country, and in fact by making it an integral part of the British Empire. He had said before, and he would deliberately repeat, that the whole of those measures proposed by the head of the government would be equally inoperative, if the Canadian farmer is left without a certain and remunerative market for his labour. This much was all that he would take leave to say with regard to the first part of the subject under consideration: that it is essential that the country should receive at the hands of Great Britain, as a necessary addition to the boon already granted, that her productions should be admitted into the ports of Great Britain free of duty. The next subject which required their attention was that a protective duty should be established between this country and the United States. He would not take up the time of the committee with a discussion of that question. He was aware that it was viewed in various ways by those who wish for the prosperity of the Province. What he would ask, and he trusted what that House and the country would also ask, was only that which could be accomplished—what he was convinced they would obtain from the justice and liberality of the British Parliament—that they will protect the Canadian farmer, as being a constituent, incorporated part of the British Empire. It is well known to hon. gentlemen that Canada is well adapted for the growth of grain, more particularly that part formerly called Upper Canada, although, perhaps, it has disadvantages in other respects. Still hon. gentlemen cannot lose sight of the fact that there is in juxtaposition to that part of Canada, a country of greater extent, which is capable of bringing into the home market and into the Canadian market the produce of their country, at a cheaper rate than Canadians could possibly do. This arises from various causes, which he would not detain that hon. House by explaining. He could not, however, dismiss this part of the subject without remarking the overwhelming advantage which they possess in their means of communication arising from the investment of British capital. The Canadian farmer is unable to compete with the American farmer in our own market, and most assuredly not on English ground. Therefore it is necessary that we say to England, you must protect us and give us those advantages which will induce settlers to clear lands in this Province. He (Mr. DeBlaquiere) was perfectly aware that on this question he had taken grounds which might not meet the views of many well-informed and well intentioned persons in this country. They may say that if the objects I have been contending for be carried into effect by the Imperial Parliament, and we are enabled to carry our produce into the English market free from duty, there will be this danger to be apprehended from it, you will induce our people to carry out of the colony their means of subsistence. I certainly think that it is of great consequence that the produce of the growth of the United States should come into this Province unfettered by any regulations save those which are necessary for the protection of the Canadian farmer. And I may ask, in what way is this to be accomplished? By endeavoring to realize in this

country the duties which are at present existing upon the introduction of American produce into Great Britain.

The farmers of this country are and have been, I may say, not only an unhappy but a despairing people. I was told it was a country of abundance, and what did I find? In that part where I resided flour was sixteen dollars a barrel, and why? because the supply had been drained away by speculating individuals and locked up in expectation of a high price in a foreign market. This is a dangerous effect in a country like this.

But this question is involved in another which I will state when I come to the third point which I intend to bring under your consideration. However much we may desire to establish a protective duty, you are not to lose sight of the consideration that there is a feeling existing in England on this very subject which you must not tamper with. If you attempt what is not practicable you will get nothing. I am aware we have no right to expect from the Parliament of Great Britain an enactment in our favor upon a subject of this nature immediately, especially as that country is now shaken almost to its foundations upon questions closely allied to that now under our consideration.

But however serious and grave this subject may be, there is one still more serious and grave. You may obtain all you ask from Great Britain, you may obtain the free admission of your produce, and still I say the Canadian Farmer, under all these circumstances, will still remain the impoverished and despairing individual he is at present. It is not only necessary to give him a protective market, but it is necessary to give him also a remunerative market.—Therefore, I say that if the corn laws are carried out according to the measure which is proposed, it will involve the utter annihilation of the Canadian farmer. It is impossible under any advantages which may be held out, that he can compete in the English market with the markets of Europe. If that measure be once established there is an end to the hopes of the Canadian Farmer. But it is carried still further because you find upon your own shores the most successful rival to your interests. The immediate effect of the adoption of the corn laws in England, will be that you will have the farmers of the Western States pouring their wealth into the English market, through those channels of communication which have been constructed with British capital. This must be the effect, and therefore I do deprecate as the greatest misfortune which could possibly happen to his country, the passing of that measure by the Imperial Parliament. Rather than this should be the case I would say, though perhaps it may be considered bold and untenable ground—I would rather that the protective arm of Great Britain had not been held out to us at all. Without taking into consideration the three points which I have brought, however inadequately, under the notice of this House I may perhaps be met by the hon. gentleman opposite as I once was on a former occasion with this demand; what, are you going to pave the country with resolutions? Yes, we will have resolutions, if we can have nothing better. But notwithstanding my hon. friend's gentle hint, on a former occasion, I am happy to retort upon him that I find in the speech from the throne almost the identical suggestions which I then gave to this hon. house and therefore I take this as a ground for supposing that these resolutions are not altogether useless or unnecessary. I do not presume to suppose that I am not surrounded by gentlemen who are more capable than I am of doing justice to this subject, and I car-

nestly ask of this honorable Council that they will render their assistance in this matter, and I trust we shall show to the community at large that it is deeply and vitally interested in this important question, and that there is no portion of the community at large among whom the country will find more strenuous advocates for the interests of the people than are to be found in this hon. Council; and I do trust that the house will go forward with the matter, and having improved these resolutions, as I hope they will improve them, and having secured the voice of the Assembly in their favor, adopt a matured measure which will accomplish the attainment of that object which we so anxiously have in view. [The hon. gentleman here read the resolutions. See next number.]

The Hon. Mr. MORRIS observed that it was quite unusual that a matter should be discussed immediately upon its introduction. He thought the resolutions ought to be allowed to lie upon the table for the examination of hon. gentlemen of the Council, and that the discussion should be proceeded with at a future day. Whether the hon. mover dissented from or coincided with this view of the case, he (Mr. Morris) was perfectly assured that this was the parliamentary course, when a new matter is brought before the house, particularly upon a subject upon which they were not well informed. He (Mr. Morris) could not refrain from expressing his surprise that the hon. gentleman should have held the language he had with respect to the Canadian farmer—that he is an unhappy and despairing individual. What would be said of this statement placed in juxtaposition with another statement which he had lately heard that a certain number of emigrant families who came to this country a few years ago and purchased lands of the Canada Company, and were now comparatively rich, although upon coming to this country they were completely without the means of subsistence otherwise than by manual labor; and to see the hon. gentleman stand up in his place in the Council and declare that those individuals are impoverished and despairing people, was, he thought, really astonishing. He (Mr. Morris) would express no opinion at present upon the subject of the resolutions, but he deemed it proper not to let the moment pass without laying before the mind of the hon. gentleman, whose mind is exceedingly acute on all occasions, the utter inconsistency of such a statement as he had just made. He would now move that the committee rise, report progress, and ask leave to sit again on Thursday next.

The Hon. Mr. SULLIVAN said he agreed with the motion of the hon. gentleman (Mr. Morris) for the postponement of the consideration of this question, although if the hon. mover of the resolutions had given notice of his intention to bring the subject forward on this day he (Mr. Sullivan) would have been quite willing to enter into its discussion. He was not afraid of the subject, or reluctant to enter into the discussion; nor did he fear that the government would lose any of its popularity by the discussion of the question. He was glad that his hon. friend had taken the precaution to correct the impression which might be made by the observation of the hon. gentleman opposite. He could only say that if the Canadian farmers be a despairing and impoverished people, they show as little marks of it as people could do; they must of necessity be a religious and uncompromising people. He would not at present enter into the discussion of the subject of the resolutions: when the subject should come up at a proper time he would express the

views which he and his colleagues in the administration entertained upon it.

The committee rose, reported progress, and asked leave to sit again on Thursday next, which was granted.

ROUTINE BUSINESS.

Monday, 14th June, 1841.

Present: the Hon. Robert Sympson Jameson, Peter Boyle de Blaquiere, Robert Baldwin Sullivan, William Morris, Alexander Fraser, Barthelemy Joliette, Jules Quesnel, Adam Ferguson, John Macaulay, John Hamilton, Francois Pierre Bruneau, John McDonald, Paul Holland Knowlton, Thomas McKay. James Sampson, Esq. appeared as Commissioner to administer the necessary Oaths required by law.

The Commissions appointing the Hon. R. S. Jameson, Vice Chancellor of the Court of Chancery, to be Speaker, and James Fitzgibbon, Esq., to be the Clerk, were then read, as also a certificate from the Clerk of the Crown in Chancery, of the names of the Legislative Councillors to whom writs of summons had been issued under the Great Seal. The Proclamations for proroguing the Legislature and for the summoning of the Parliament at present, were ordered to be entered on the Journals.

Messrs. Lindsay, Clerk of the Legislative Assembly, and Fitzgibbon, Clerk of the House, then, according to the usage of Parliament, took their oaths of office before the Speaker.

The Commission appointing Frederick Starr Jarvis, Genl., to be Gentleman Usher of the Black Rod, was then read and ordered to be inserted in the Journals. Adjourned till to-morrow, at noon.

Tuesday, 15th June.

The Hon. Messrs. Adam Ferrie and Gabriel Roy, were introduced after the usual oaths and took their seats. After a short adjournment, the house resumed on the approach of His Excellency, who after being seated on the Throne, commanded the attendance of the Assembly at the bar of the Council. After the usual announcement of the election of the Speaker, the demand and recognition of its privileges, &c., the Speech was delivered and after his Excellency's departure reported to the house.

Messrs. De Blaquiere, Sullivan, Morris, Quesnel and Bruneau, were named a Committee to draft an Address to the Governor General, in answer to his Excellency's Speech, just delivered.

Messrs. De Blaquiere, Morris, Quesnel, Macaulay and Bruneau, were named a Committee to prepare and report a code of laws for the guidance of the house, with an instruction to them in considering what rules may best preserve the privileges and facilitate the business of the house, to consult the practice of the House of Lords, as well as the rules of the Legislative Councils of the late Provinces.

The postage of the members was ordered to be charged to the contingent accounts of the house. Adjourned to 3 o'clock, Wednesday.

Wednesday, 16th June.

A Commission appointing the Rev. Wm. A. Adamson, A. B., Chaplain to the Council, was read and that gentleman admitted. After several petitions had been presented by Messrs. Morris, Ferrie and De Blaquiere, the Hon. John Fraser was admitted and having previously taken the oath, assumed his seat. Adjourned till to-morrow, at noon.

Thursday, June 17th.

Hon. Mr. Bruneau reported the draft of an address to His Excellency which was referred to a committee of the whole to-morrow.

Hon. Mr. De Blaquiere after a petition had been presented, gave notice that he would to-morrow move for a committee of the whole for the purpose of considering the measures which it may be necessary to adopt with a view to the

protection and relief of agriculture in this Province. Adjourned.

Friday, 18th June.

The House went into committee on the address, and Mr. Bruneau from that committee reported the address with some amendments, ordered to be engrossed and read a third time this day.

Hon. Mr. Morris, reported a code of rules for the guidance of the house,—after being read a second time, they were referred to a committee of the whole, Hon. R. B. Sullivan in the chair, who after some time, reported progress and obtained leave to sit again to-morrow.

The engrossed address to His Excellency was then read, and after an amendment to substitute the words "sincerely hope that the expectation of" be substituted for "think with" and the word "may" be substituted for "cannot fail to" in the 13th paragraph, had been negatived, was passed, and Messrs. Morris and Quesnel appointed a committee to wait on His Excellency to know when he would be pleased to receive the said address.

Several petitions previously laid on the table were now read and some additional presented by hon. Messrs. Hamilton and Sullivan. Adjourned to to-morrow at noon.

Saturday, 19th June.

Hon. Mr. Morris reported that His Excellency would receive the House with their address at 1 o'clock. The Council in committee (Mr. A. Fraser in the chair) resumed the consideration of their rules and adjourned for the purpose of proceeding to the Government House, and after their return His Excellency's reply being reported, again went into committee on the rules, which were gone through & reported to the House. An amendment to the motion for their being engrossed, referring them again to a committee of the whole was carried.

Hon. Mr. DeBlaquiere moved that the House do on Thursday the 24th, resolve itself into a Committee on the subject of agriculture, of which he had already given notice. After several petitions were brought up the House adjourned.

Monday, 21st June.

The House went again into Committee on the Rules, Mr. Bruneau in the chair, and reported that they recommended their being again referred to the select committee.

Mr. Neilson from the Assembly, brought up a message with a copy of the rules adopted by that body for their guidance.

Several petitions were brought up by Messrs. John Fraser, McKay and Morris, and the house adjourned for a short time and resumed.

The Hon. R. E. Caron of Quebec was announced, and after the usual oaths took his seat.

The Hon. Mr. Sullivan introduced a Bill to amend the Statutes of Upper Canada relative to Commissions for ascertaining titles to lands in cases where no patent has issued from the Crown, which was read a 1st time—2d reading to-morrow. Adjourned to to-morrow.

Tuesday, 22d June.

The Bill introduced yesterday by Mr. Sullivan was read a 2d time, referred instantly to a Committee of the whole, Mr. Morris in the chair, reported with amendments, ordered to be engrossed and to be read a 3d time to-morrow.

After several petitions had been presented and read, Mr. Morris reported the rules of the house *De novo*; they were again referred to a Committee of the whole (Mr. Sullivan in the chair) reported with amendments, and adopted, and ordered to be communicated to His Excellency and the Assembly. Adjourned.

Wednesday, 23d June.

The Heir and Devisee Commission amendment act was read a 3d time and passed. The Petitions of Walter Douglas and others praying for a Light House on the Island of Brequet in the St. Lawrence; of the President and Directors of the Bank of Montreal for an act of

Incorporation; and of the Board of Trade for a change in the Inspection laws, for the repeal of the Usury Laws, and for a regulation of the Currency and some others were brought up, and thereupon the house adjourned.

HOUSE OF ASSEMBLY.

THURSDAY, June 24.

Col. PRINCE rose and said he had a motion to make with regard to reporting the debates. He thought the constituency of hon. members were entitled to be made acquainted with what was said and done in that house. He observed that there was a little paper called "*The Mirror of Parliament*," devoted exclusively to the debates and proceedings of the Legislature, and he believed it was well calculated to convey information to the country, and therefore by way of giving it a trial, he would move that the clerk of the house be directed to subscribe for 500 copies of the *Mirror of Parliament* for one month, by which time they would be able to judge whether the paper was deserving of further patronage.

Sir ALLAN McNAB said he concurred in what had fallen from the hon. and learned member for Essex, that it was very desirable that their constituents should know what was going on in that house. But he could see no particular reason why their patronage should be confined to the *Mirror of Parliament*. He thought it would be better to refer the matter to a committee, which should inquire and inform the house as to the best mode of giving publicity to the debates and proceedings of that house.

Mr. MORIN said he thought there was another thing to be considered. A large portion of the members of that house and of their constituency would not be in the least degree benefited by the publication of the reports, unless it were also done in the French language. He had no objection to the encouragement of reporting, but means should be taken to publish the reports in both languages.

Mr. HINCKS said that with reference to confining their patronage to the *Mirror of Parliament*, he thought there were many reasons why that paper should be preferred. In the first place all other papers would have the benefit of the reports given by the *Mirror*, which from being published more frequently would bring out the debates much earlier than any other; and another consideration was, the *Mirror* was a paper entirely unconnected with politics, and contained nothing but the debates and proceedings of the Legislature. He trusted the house would concur in ordering a limited number of copies.

Mr. AYLWIN said he regretted very much that he could not concur in the motion of the hon. and learned gentleman from Essex. He felt it to be his duty to resist the motion. In this matter as in all others he was desirous of being guided by the usages of parliament and the law of the land, and there was no principle more firmly established by both houses of Parliament in England than that of the impropriety of affording patronage to, or of sanctioning the reporting of their debates, giving thereby an official character to those reports. The learned Attorney General for the west had suggested to him a circumstance which recently occurred in England. The House of Commons were involved in serious difficulty in consequence of the publication of certain proceedings which took place in that house; and there was nothing more likely than that the motion of the honourable and learned gentleman from Essex would have the tendency to bring that house into similar difficulty. He

(Mr. Aylwin) would feel exceedingly grieved that the Speaker of that House should be prosecuted in an action at law for anything which was said in that house, for there were many things said which ought not to be published. He was far from wishing that the most complete publicity should be given to the debates and proceedings of the House; as a matter of course, it was very much to be desired that it should be done; but there was no doubt that it would take place in the end, without the interference or assistance of the House itself, further than by providing accommodations for the publishers of papers to attend the House and take reports of the debates. Although he opposed the motion of the hon. and learned gentleman, it was not from any fear or dread which he entertained of the fourth estate, as the reporters had been styled—[laughter.] If they were a fourth estate in the affairs of legislation, he thought before the principle was established of giving to these reports the sanction of the House, it would be well to examine as to what was the practice in the British Parliament.

Col. PRINCE said, that for the existence of the fourth estate, if there were such an estate, the House would be indebted to the hon. and learned gentleman himself; for although he would not give them any pecuniary assistance, yet he would provide accommodations for enabling them to attend the House and procure their reports. As to the House rendering itself liable for anything reported as having been said in that House, he thought it was, to use a vulgar phrase—all nonsense. He (Col. Prince) knew of no rule of law by which the Speaker of that House, as the hon. and learned gentleman supposed, could be held answerable for anything which was said within it. The hon. and learned gentleman agrees with me, that it is desirable that our constituents should know what is said here: all must agree in that; no one can deny it for this reason, and because the "*Mirror of Parliament*" confines itself to reports of the debates and proceedings in the House. I think it but reasonable that the work should be encouraged.

Mr. CAMERON said he was somewhat surprised to hear the hon. and learned member for Port Neuf argue in the way he had done, upon questions which have been already decided in this House, and not upon the question then before them. For his own part, he was uniformly opposed to paying Reporters; he thought it would be better that each member should subscribe for a certain number of copies, as many or as few as he pleased, and pay for the same from his own private funds.

Mr. BOSWELL said he hoped the matter would be referred to a select committee.

Mr. CARTWRIGHT said that he was opposed to paying Reporters; but he believed there was a very great distinction between paying Reporters, (and thereby giving to their reports the sanction of the House,) and taking a certain number of newspapers: for the correctness of the debates in such case, the Reporter would be himself responsible.

Capt. STEELE rose and said that to him the question of facilitating the publication of the debates was of some consequence, representing as he did the backwoodsmen of the country, and he would be glad to see those hon. members of the frontier towns, to whom and to whose constituents it was of less consequence, give way to some motion which should enable those less favored than those hon. gentlemen to have the benefit of reading the proceedings and debates which occurred in that house.

Mr. JOHNSON was desirous that the ques-

tion might be postponed that they might ascertain the cost of these newspapers. He had no idea of lavishing the money of their constituents; still, a work of this kind ought to be supported.

Mr. VIGER observed that it would be an extremely dangerous precedent.

Mr. NELSON said he had read some of the debates as published in the *Mirror of Parliament*, and he noticed that they had been very fairly reported. The paper he thought should receive encouragement, but the better mode of ascertaining and deciding upon the question would be by referring the matter to a select committee. He would, however, observe that it is of far less consequence to their constituents to be informed of what they say than of what they do.

Mr. SIMPSON moved that the matter be referred to a select committee, which was ordered after some further brief discussion, in the course of which Sir Allan McNab rose and said he hoped the motion would prevail. The conveniences for admitting the public to be present at the bar of the house were very limited, and he for one was very desirous that the fullest information should be conveyed to the country of the proceedings of that house. He thought it very desirable that the motion should be entertained.

FRIDAY June 25th.

Upon the order of the day being read for the appointment of standing committees,

Atty. Gen. OGDEN moved that that item be discharged, and upon making this motion the hon. and learned member proceeded to observe, that he looked upon the appointment of standing committees as an absolute departure from the practice of which that house chose to call responsible government. (Hear.) Here Mr. OGDEN enumerated the various objects for which it had been proposed that these committees should be appointed, and remarked that with one or two exceptions these were subjects for the especial consideration of the government, and ought to be submitted to that house by the minister of the crown. Were it otherwise the responsibility attached to power would be taken out of their hands, and placed in the hands of certain members of that house to be named by the house itself. He would maintain that if they were to have the responsibility, the power must rest with them also, and consequently the power of deciding upon the nature and character of those measures of public utility which it was their peculiar duty to introduce to the house, and upon those measures the house would be entitled to pronounce judgment, and upon that division, would the standing of the advisers of his Excellency be determined. (Hear, hear, hear.) Hard indeed would be the case if they were to sit in that house as responsible servants of the crown, if the conducting the public business were to devolve on others than themselves. They were by no means desirous of taking from that house the privilege of amending all measures which came before them to that extent to which the ministers of the crown could coincide with them, and whenever they go beyond that, upon those measures of public utility which it would be the duty of ministers to introduce, then would there be a collision between that house and those ministers, and then it would become their duty to make room for others who might possess the confidence of the house. (Hear, hear, hear.) As responsibility had been asked for in that house according to the principles of the British Constitution, the house should at least be willing to allow them the privileges enjoyed by the English ministry, of proposing those measures to which he had already referred. He fel-

satisfied that the house would accede to this proposition, and not fly in the face of the established practice in this respect.—In a neighboring country, where the Government was not represented in the Legislature by its officers, he was aware that the practice is different. There, however, the advisers of the Government are placed in office for the term of four years; but here the officers of the Government may not be in office for four months. [Hear, hear.] They are liable to be removed by a breath from the majority of that House. Let us therefore have a fair trial. Let the new system be put in practice, and see how it will operate. [Hear, hear.] The sooner it is decided the better. [Hear, hear, hear.] As a humble servant of the majority, he stood prepared to carry it out. [Hear, hear, hear.]

Mr. THORBURN said he perfectly concurred in what had fallen from the hon. and learned gentleman—that as the officers of the Government were fully determined to act in accordance with the wishes of the House, and to become answerable to the crown and to the country, they should be permitted the privilege of originating those measures which, by the practice in England, ministers were entitled to introduce. The hon. and learned gentlemen who occupied the treasury benches would not find him (Mr. Thorburn) disposed to throw a single straw in their way.

Mr. DURAND said, from what had fallen from the hon. and learned gentleman, the Attorney General, he would suppose that it is his intention to monopolise the whole business of the House. If this was going to be the case, he was convinced that the system of responsible government would not work well.

Mr. JOHNSON desired to put a single question to the hon. and learned gentlemen upon the treasury benches, and it should be a reasonable one—Will those gentlemen risk their reputation upon those measures which they themselves introduce? (A laugh.)

Mr. SMALL said, he certainly concurred in what had fallen from the learned Attorney General; and he would also congratulate the country on the declaration which had been made, that responsible government is, at length, conceded to us by the Imperial Parliament, and he thought the House ought not to relieve the officers of the government from that responsibility under which they profess to be, by interfering with the management of those matters which they claim the right of introducing to the House.

Mr. ROBLIN said he was perfectly aware that difficulties would arise during the session under the new system. The hon. gentlemen on the treasury benches had undertaken more than they were able to perform; but he hoped that during the recess they would prepare those measures which were necessary against the next meeting of Parliament. For his own part, there were some particular measures which he was desirous of bringing before the House; and if those gentlemen omitted to bring them forward at a proper time, he (Mr. Roblin) would certainly not be deterred from bringing them before the House without waiting for the assistance of those hon. gentlemen. Perhaps the hon. member for Halton (Mr. Durand) might get some of his measures tripped up in this way. (A laugh.)

Mr. MORIN rose and said, that had he thought that any embarrassment would be experienced by the officers of the Government in consequence of the adoption of the motion for the appointment of standing committees, he (Mr. Morin) would certainly have opposed that motion, because he wished that a fair trial should be afforded to

those gentlemen to carry out the new system; but he did not think the committees would impede them in any way. He considered the existence of committees absolutely necessary to the proper transacting of the business of the House. Matters frequently arise which require the examination of papers and evidence which cannot conveniently be done in committee of the whole House. When the reports of such standing committees are brought before the House, and they are found not to meet the views of those hon. gentlemen who constitute the ministry, they are at liberty to move that the sense of the House be taken upon them; and they cannot, therefore, be in any way discharged from their responsibility. He could not discover any embarrassment to be apprehended in the plan proposed of establishing standing committees.

Mr. BOSWELL said he could not take the same view of the matter which the hon. gentleman who had preceded him had done. His own conviction was that the government would be exceedingly embarrassed by the appointment of those committees. With reference to the advantages to be derived from proceeding in that way he would ask, were they not perfectly safe in following the course adopted in the Imperial Parliament in matters of this description? Admitting that these committees were formed, their duty would be merely to report upon those matters which might be referred to them for consideration, well, on the other hand, all these matters have, previous to the sitting of the legislature, been considered by her Majesty's government, and the officers of that government will be prepared to submit measures to this house upon all subjects of essential importance; then here we are met by another measure proceeding from some one of the committees. But hon. gentlemen may say the measures coming from her Majesty's government may be submitted to the committee also. The answer to this is, that those measures will have been sufficiently digested if laid before her Majesty's Council previous to their being brought into this house. Sir, this system if carried out, is not a desirable one, and if we are to embrace this course, in the manner spoken of, it will lead to serious difficulties. Sir, the course adopted by the government, as I understand it, is this: certain individuals supposed to have the confidence of the country are called to the Council of the Governor General; they are then to show that they do possess the confidence of the country by obtaining seats in the house; they have then to show still more strongly that they continue to possess that confidence by carrying with them in their measures generally the voice of this house. Can there be any danger, therefore, in entrusting to their consideration all matters which are to come before this house? The hon. gentleman then proceeded to point out the course pursued in the Imperial Parliament, and continued to observe that it would be interfering with that responsibility which they were desirous of placing upon the ministers of the crown, because those hon. gentlemen would be able to avail themselves of the labors of the committees, and to throw upon them the chief burthen of responsibility.

Mr. BALDWIN then rose and said that he certainly was much gratified at hearing the remarks which had fallen from the learned Attorney General (Ogden); but he did not think that the gentlemen upon the treasury benches had yet fully explained the intentions of the government with regard to the precise policy which they intended to pursue. He (Mr. Baldwin) was averse to offering any embarrassment to those hon. gen-

tleman, but he could not understand how the appointment of these committees could interfere with them in the smallest degree.

Mr. VIGER said it appeared to him that although they had treasury benches it was doubtful whether they had a treasury at all. (Hear, hear.) As to the appointment of the committees, it would not have the effect of taking from the occupants of those treasury benches (without a treasury) the power of bringing forward any measure which might be deemed desirable to be introduced by the officers of the government. As regards embarrassment he thought that house would find itself embarrassed when petitions were presented upon various subjects which might require particular investigation and there was no committee in existence to whom those petitions might be referred. Besides those hon. gentlemen tell us that their time is taken up with public business already, why then do they wish to burthen themselves with the introduction of all bills which it might be necessary to be taken into consideration? Who had ever heard before that hon. members of that house had not the right of introducing such measures as they considered necessary for the benefit of the public. The comparison which was to be drawn between the working of the British Constitution, and of the principles of government acted upon in this colony, did not seem to him well founded. In England they have a constitutional government which is well defined and perfectly applicable to the state of that extensive empire. They have municipal government which is the school of self government: the whole machinery of government there is like a clock which requires repairing and regulating occasionally, but never ceases to move altogether. In this new country, on the contrary, the wants are innumerable; new cases continually arise for adjustment, and a great deal of mechanical art is still necessary to produce perfect harmony in the heterogeneous materials of which the machinery is composed. (Hear, hear.)

Mr. HINCKS said he regretted exceedingly that he was obliged to differ from several hon. gentlemen on this side of the house, but he felt it to be his duty to vote for the motion of the learned Attorney General. If he had entertained any doubts upon the subject those doubts would have been removed by the speech of the hon. member for Nicolet. He (Mr. Hincks) did not desire that the responsibility should be removed from those hon. gentlemen who represent the government, and he looked upon standing committees as a standing screen for the government.

The discussion was protracted to a considerable length, upon the propriety of establishing standing committees, in which the following gentlemen took part, viz: Messrs. Simpson, Childs, Williams, Moffat, Aylwin, Sol. Gen. Day, Merritt, Sir Allan McNab, and Mr. Price. The speeches will be given in our next number.

HOUSE OF ASSEMBLY.

ROUTINE BUSINESS.

Monday, 14th June, 1841.

After the members had been sworn in by the Commissioners, (the hon. L. P. Sherwood and Messrs. William Hepburn and Thomas Kirkpatrick,) the Clerk read the Proclamation of His Excellency, summoning the Legislature and the 33d section of the 3 and 4 Victoria, chap. 35.

Mr Cuvillier was proposed by A. N. Morin, Esq., and seconded by W. H. Merritt, Esq., and unanimously elected.

On motion of Mr. Simpson, the House adjourned, yeas 47 nays 27. The debate which occurred here was published in the first number.

LIST OF MEMBERS

OF THE CANADIAN HOUSE OF ASSEMBLY, WITH
THE NAMES OF PLACES REPRESENTED.

Three Rivers,	Hon. C. R. Ogden,
Megantic,	Hon. Dominick Daly.
Russell,	Hon. W. H. Draper.
Fourth Riding, York,	Hon. Robert Baldwin,
Ottawa,	Hon. Charles D. Day.
Vercheres,	Henri Desrevieres, Esq.
Beauharnois,	J. W. Dunscomb, Esq.
Vaudreuil,	John Simpson, Esq.
Richelieu,	D. B. Viger, Esq.
Bytown,	S. Derbishire, Esq.
Rouville,	A. M. DeSalaberry Esq.
St. Hyacinthe,	Dr. T. Boutillier.
Champlain,	Dr. R. J. Kimber.
L'Islet,	Dr. Etienne Tache,
Second Riding, York,	Geo. Duggan, Jun Esq.
Grenville,	Samuel Crane, Esq.
Hamilton,	Sir Allan N. Macnab.
Frontenac,	Henry Smith, Jun. Esq.
Drummond,	Robert N. Watts, Esq.
Prince Edward,	J. P. Roblin, Esq.
Sherbrooke,	John Moore, Esq.
Third Riding, York,	James E. Small, Esq.
First Riding, York,	James H. Price, Esq.
Brockville,	Geo. Sherwood, Esq.
Berthier,	D. M. Armstrong, Esq.
Leeds,	James Morris, Esq.
Lothiniere,	Dr. J. B. Noel.
Niagara,	E. C. Campbell, Esq.
Poitneuf,	T. C. Aylwin, Esq.
St. Maurice,	J. E. Turcotte, Esq.
Wentworth,	Dr. Harmanus Smith.
Yamaska,	J. G. Bathe, Esq.
Huntingdon,	Austin Cuvillier, Esq.
Glengary,	J. S. Macdonell, Esq.
Kamouraska,	Amable Berthelot, Esq.
Montreal, City,	Hon. George Moffat.
Montreal, County,	Benjamin Holmes, Esq.
Terrebonne,	Alex. M. Delisle, Esq.
Leinster,	Dr. M. McCulloch.
Toronto, City,	J. M. Raymond, Esq.
Middlesex,	Hon. John Henry Dunn.
Rimouski,	Isaac Buchanan, Esq.
Saguenay,	Thomas Parke, Esq.
Quebec, County,	Michael Borne, Esq.
Montmorency,	Etienne Parent, Esq.
Shenbrooke, Town,	John Neilson, Esq.
Chambly,	F. A. Quesnel, Esq.
Dundas,	Edward Hale, Esq.
Lenox & Addington,	John Yule, Esq.
Stormont,	John Cook, Esq.
Lincoln, North Riding,	J. S. Cartwright, Esq.
Do. South Riding,	Alex. McLean Esq.
Simcoe,	W. H. Merritt, Esq.
Halton, East Riding,	David Thorburn, Esq.
Do. West Riding,	Elmes Steele, Esq.
Prescott,	Caleb Hopkins, Esq.
Nicolet,	James Durand, Esq.
Bellechasse,	Donald McDonald, Esq.
Dorchester,	A. N. Morin, Esq.
Missisquoi,	A. G. Ruel, Esq.
Two Mountains,	A. C. Taschereau, Esq.
Carlton,	Hon. Robert Jones.
Kingston,	Colin Robertson, Esq.
Northumberland, N. R.	James Johnston, Esq.
Haldimand,	A. Manahan, Esq.
Cornwall,	Dr. John Gilchrist.
Quebec, City,	D. Thompson, Esq.
Lanark,	S. Y. Chesley, Esq.
Oxford,	David Burnet, Esq.
Norfolk,	Hon. Henry Black.
Gaspe,	Malcolm Cameron Esq.
Bonaventure,	Francis Hincks, Esq.
London,	Israel M. Powell, Esq.
Durham,	Robert Christie, Esq.
Northumberland, S. R.,	John R. Hamilton, Esq.
Essex,	Hon. H. H. Killaly.
Kent,	John T. Williams, Esq.
Huron,	G. M. Boswell, Esq.
Stanstead,	John Prince, Esq.
Sufford,	Joseph Woods, Esq.
	J. M. Strachan, Esq.
	Marcus Child, Esq.
	Dr. Sewell Foster.

Tuesday, June 15th,

A message from the Governor General, by F. S. Jarvis Esq. gentleman usher of the Black Rod, desiring the attendance of the Assembly in the Legislative Council Chamber. The house having returned, met and proceeded to business.

Hon. W. H. Draper brought in a Bill to require Justices of the peace to make returns of convictions and fines. 2nd reading this day and three weeks.

Mr. McNab presented the petition of T. Parker and others of the County of Hastings, complaining of the return of the Hon R. Baldwin for Hastings.

Mr. Speaker then reported his Excellency's Speech and on motion of Mr. Prince, 500 copies were ordered to be printed in English and French.

Mr. Morris moved to refer his Excellency's speech to a Committee of the whole on Friday.

Mr. Prince gave notice that he would on Monday, move for leave to bring in a Bill for the establishment maintenance and support of Grammar Schools, and for furthering education throughout the Province—on Tuesday for an address to his Excellency relative to the Act of last Session, (U. C.) imposing a duty on Agricultural produce and other things, imported into this Province from the United States—on Wednesday for a Bill to abolish imprisonment for debt in this Province except in case of fraud and other particular cases—and on Thursday, for a Bill to enable aliens to hold and dispose of real estate in this province, and to enjoy under certain circumstances, the rights and privileges of British Subjects.

Mr. Small presented the petition of J. W. Sharrard and Thomas Henry, Christian Ministers in the Home District, praying for an Act to allow them to celebrate marriages and to hold lands for church purposes.

Mr. Durand gave notice that on Monday, he would move for a select Committee to enquire into the present Election law, and frame a Bill for the better securing the freedom of Elections in the province, or at least so far as relates to the limits of Upper Canada—and for a select Committee, to enquire into the present Militia Law, as far as affects the limits of Upper Canada—on Friday week for a select Committee to enquire into and report on the different turnpike trusts in the Gore District, and for the better regulation of the same, and on Wednesday week for a select Committee to make enquiry of and concerning 160,000 acres of land, set apart at the early settlement of U. C. intended for the benefit of common schools therein.

Mr. Simpson moved for a Committee of seven to frame rules and regulations for the government of this House, that the rules of the two former Houses of Upper and Lower Canada, be referred to it for its guidance, with power to send for persons, papers and records and report thereon, with all convenient speed. Messrs. Simpson, Aylwin, Cameron, McNab, Neilson, Prince and Thorburn were named such committee.

Mr. Cameron gave notice that tomorrow he would move for leave to bring in a bill to continue the act heretofore afforded to agricultural societies, and otherwise to forward the objects of such associations.

On motion of Mr. Thorburn, the Clerk was directed to charge to the contingencies of the House, the postage on all letters, not exceeding an ounce in weight and on printed papers to and from members of this House during the present session, provided that when petitions to this house are enclosed, the postage thereon shall be charged without restriction to weight.

Mr. Morris gave notice of a motion for a Committee to superintend the printing of this House during the present session.

Mr. Hamilton brought in a Bill to regulate the fisheries in the District of Gaspe. 2nd reading on the 21st.

Sir A. McNab presented the petition of J. Woods and others of the Western District, complaining of the Returning Officer for the County of Kent.

Mr. Aylwin brought in a bill for better securing the independence and uprightiness of the Judges. 2nd reading on Saturday.

Mr Merritt presented the petitions of John Decow, and others in Haldimand, praying to be incorporated as the Haldimand glass manufacturing company with a capital of £20,000 and for a bounty; of Jacob Cross and Daniel High, Ministers of the Menonist church, praying for relief from Militia fines; of Alexr. Garner and others of Gainsborough, for a grant of £50 for the road to Chippewa; of John Cole of Louth, for a pension; of John Kelar of Lincoln, praying for relief for loans sustained by him for his loyalty and public services; of Adam Stall and Peter Lampman, praying for arrears of Militia pension; and of the Grimsby Harboer co. for a grant of £1500 to complete the work.

Mr. Baldwin introduced a bill the better to provide for the freedom of elections throughout the Province, and for other purposes therein mentioned. Second reading to-morrow.

Mr. Hamilton introduced a bill to amend the ordinance, 3d Victoria, relating to Notaries in Gaspe. Second reading on Friday.

Mr. Baldwin presented the petition of Robert Melville and John McBridge, of Niagara, against the return for that town.

Mr. J. S. McDonald gave notice of a bill to amend the Heir and Devisee act on Thursday.

On motion of Mr. Hale, it was resolved that pending the report of the special committee appointed to frame rules for the government of this House, the rules of Lower Canada be adopted and acted upon. And Messrs. Attorney Generals Ogden and Draper were added to that committee. Adjourned.

WEDNESDAY, JUNE 16.

Sir A. McNab moved for a new writ for Middlesex, in consequence of Mr. Parke having accepted the office of Surveyor General of the Province.

The following petitions were presented:

By Mr. Prince—Of Wm. Dunlop, against the return for the county of Huron.

By Mr. Hincks—Of the freeholders of Lenox and Addington, against the return for that county; and of Benjamin Ham, of Ernestown, to the same effect.

By Mr. Durand—Of divers freeholders of the Gore District, praying to be incorporated for the purpose of making a turnpike road.

By Mr. Morris—Of C. Morgan and Harvey Clark, of Yonge, for naturalization.

By Mr. Price—Of Robert F. Turner, of Kingston, praying to be admitted to practice as a Solicitor in Chancery and Attorney of the Queen's Bench.

Sir A. McNab moved that the Clerk of the Crown in Chancery appear to-morrow with the return for the county of Kent.

By Mr. Neilson—Of divers electors of the county of Montreal, and of James Leslie, against the return of the county of Montreal; of William Walker and others in Quebec, relating to a petition to the Queen on the subject of the timber trade. (One hundred copies to be printed.)

By Mr. Small—Of divers inhabitants of the Home District, relating to the subject of the law of dower.

By Mr. Merritt—Of G. Ryker and others, in the Niagara District, praying for a charter to a Bank at St. Catharines, with a capital of £500,000.

Mr. Durand gave notice for Tuesday week to name a select committee to enquire and report on the state of a reserved tract of land in the Wellington District commonly called the Queen's Bush, and now being settled by a great number of squatters. For Monday next, to bring in a bill to alter and amend the Registry laws of Upper Canada. For Monday week, to bring in a bill to alter and amend the law for the destruction of wolves in this Province.

Captain Steele gave notice for Friday for a bill to amend the West Gwilliamsbury road act by adding to the number of Commissioners provided by that act.

Mr. Hincks gave notice for to-morrow for a bill for the more equal distribution of the property of persons dying intestate in Upper Canada.

Mr. Small presented the petition of J. Gribb and other inhabitants of the Home District, praying for a loan of £3,500, to improve the road from Peacock's Inn, Dundas street, to the Albion road.

Mr. Price gave notice for the 24th for the appointment of a committee to investigate the riot

committed on Yonge street on the 15th October, 1830.

Mr. Merritt brought in a bill for the relief of disabled and infirm persons. Second reading Monday week.

Mr. Thompson brought up the petition of the inhabitants of the Grand River lands in the Niagara District, praying to be authorized to erect a toll bridge over the Grand River at Caledonia.

Mr. Black moved that the Clerk subscribe for the newspapers in the Province, for the purpose of being laid on the table of the Library, and to complete the files already therein, for the use of the members.

Mr. Black introduced bills for improving the administration of criminal justice: for consolidating and amending the laws relative to larceny and other offences connected therewith; for repealing various statutes relative to the benefit of clergy, and to larceny and other offences connected therewith; malicious injuries caused to property, and offences against the person, and to amend the laws relative to offences against the person, and to comprise them in one law; to amend the laws relating to malicious injuries to property, and to consolidate the same in one law. Second reading this day fortnight.

Mr. Small gave notice for Monday of an address to his Excellency for returns made by the Justices of the Peace in Upper Canada of all fines and penalties by them imposed, as asked for by an address of the late House of Assembly of Upper Canada.

Mr. Morris presented the petition of Ichabod Wing, of Chatauque, State of New York, for a law authorizing him to reverse an inquisition respecting lands he formerly held.

Mr. Aylwin, those of certain electors of Terrebonne, and of L. H. Lafontaine, Esq., in relation to the election for that county.

The House then adjourned.

Thursday, 17th June.

The Speaker stated that D. Roblin and B. Ham had entered into recognisances to contest the Election of Lenox and Addington.

Mr. Quessel presented the petitions of certain electors of Rouville, and of T. Franchere against the election for that county; Mr. Dunn that of W. H. Edwoods and other people of color, lately from the United States, praying for naturalization.

Mr. Simpson, from the committee to frame Rules and Regulations for the House, presented their report.

Mr. Morin presented the petition of Jacob Dewitt against the election for Beauharnois.

Mr. Moffatt gave notice that to-morrow he would move for a committee of seven, to prepare lists of the members of this House to form permanent committees—1st, of Privileges; 2d, of Grievances; 3d, of Courts of Justice; 4th, of Public Accounts; 5th, of Education and Schools; 6th, of Trade; 7th, of Agriculture; 8th, of Roads and Public Improvements; 9th, of Public Lands and Seigniorial Rights; 10th, of Private Bills; 11th, of Hospitals and Charitable Institutions; 12th, of Contingent Accounts and other matters relative to the interior departments of this House.

Mr. Morin presented the petition of divers electors of Vandrieuil, and of A. Jobin, against the election for that county.

Mr. McDonald introduced a bill to amend the Heir and Devisee act; second reading on Wednesday.

The report of the Select Committee on the Rules of the House was referred to a Committee of the Whole to-day, and to be the second order of the day.

Sir Allan McNab brought up the order of the day relative to the Kent election. The Clerk of the Crown in Chancery brought up the return, which was referred to a Committee of the Whole, who reported certain resolutions, which were concurred in. The re-

turn was amended by inserting that J. Woods, Esq. was duly elected.

Mr. Hincks gave notice that to-morrow he would move for a Committee of the Whole to take into consideration the propriety of granting a compensation to three Reporters, who would undertake to report in a true, faithful, and correct manner, the proceedings of this House.

The House went into committee on the Rules and Regulations of the House. Mr. Durand reported progress, and obtained leave to sit again to-morrow.

Joseph Woods, Esq. took his seat, after having subscribed the usual oaths.

Friday, 18th June.

Robert Christie, member for Gaspé, took his seat.

Mr. Morris moved for a standing committee to superintend the printing of the house during the session. Messrs. Morris, Boswell, Dunscomb, Neilson and Parent were named such committee.

Mr. Steele introduced a bill to amend the West Gwillimbury road, which was read a first time.

Mr. Cartwright presented the petition of the Rev. W. King and others, inhabitants of Bury & Lingwick, praying for aid to schools, and that copies of the bible may be furnished to the scholars attending different schools.

Mr. Prince, that of P. F. Verhoeff and others, for naturalization.

Mr. Christie, that of certain freeholders on the river Ristigouche, praying for different places of polling at any future elections in Bonaventure.—Of certain freeholders of the county of Bonaventure, complaining of the return for that county.

Mr. Moffatt, according to notice, moved for a nominating committee to name the standing committees of the house, and on motion of Mr. Thorburn the house agreed to ballot the said committee to-morrow at 11.

Mr. Smith moved for a special committee to take into consideration the return made by G. F. Wade Foott, Esq. to the writ of election for the county of Kent, and also as to his conduct in relation to that matter. Negatived.

The house went into committee on the rules and regulations, Mr. Durand in the chair, who reported progress and obtained leave to sit again to-morrow. Adjourned to

3, P. M.

The house went into committee on his Excellency's speech, Mr. Morris in the chair, who reported progress and obtained leave to sit again to-morrow afternoon.

The Speaker communicated a letter from A. Manahan, Esq. resigning his seat for the town of Kingston.

On motion of Hon. D. Daly a new writ for the town of Kingston was ordered.

The Gaspé Notaries bill was read a second time and referred to a special committee composed of Messrs. Hamilton, Black, Christie, Morin and Viger. Adjourned.

Saturday, 19th June.

The Speaker announced that Charles Willard and J. R. Forsyth had entered into the necessary recognisances to contest the Hastings election, and that James Sampson and James Bruce had done the same for contesting the Huron election.

Mr. Morris brought up the petition of divers inhabitants of Elizabethtown praying for a law to dispose of the allowance of a certain road in that township.

Mr. Holmes presented the petition of the freeholders of Rawdon, Kilkenny and Kildare, praying that the waste lands in their rear be opened to emigration and a new county formed.

Mr. Steele, that of E. M. Tyler, for naturalization.

Mr. Steele, of D. Calder of Thorah, in Simcoe, praying for possession of a certain allowance in that township.

The order of the day for balloting for members to form a nominating committee of standing committees was on motion of Mr. Ogden postponed to the 23d.

Mr. Durand reported from the committee of the whole on the rules and regulations of the government of the House, and the House concurred in the whole till they came to the 67th, when Mr. Merritt moved that the said rule be expunged, inasmuch as it imposes an unnecessary restriction, and may deter individuals from applying for an incorporation for the improvement of the country by canals, rail roads, &c., and withhold the introduction and concentration of capital for other public uses. The House divided and the amendment was lost, 24 to 34.

The remainder of the rules were then adopted, ordered to be communicated to the Legislative Council by Mr. Neilson, and to be printed, (300 copies in English and 200 in French.)

The second reading of the Judges Independence Bill was postponed till Monday.

The West Gwillimbury road Bill to be read a second time on Friday.

Mr. Moffatt presented the petition of J. A. Tailhades, of Montreal, praying for naturalization, and that he be admitted to practice as an Advocate after four years clerkship.

The House adjourned to 3 P. M.

3 o'clock, P. M.

The House went into committee on his Excellency's speech, made some progress, reported progress, and obtained leave to sit again on Monday.

Monday 21st June.

On motion of Mr. Simpson, the clerk was authorized to appoint an assistant clerk.

Mr. Cameron presented the petitions of Joseph Aimond and divers lumber merchants, praying for a law to put the trade upon a just and equitable footing.

Mr. Price that of J. C. Malcolm of York, for naturalization.

The petition of divers inhabitants of the Home District was referred to Messrs. Small, Cartwright and Boswell to report by bill or otherwise.

Mr. Moffatt presented three petitions from the Board of Trade, respectively relating to the usury laws, the inspection laws, and the currency.

The second reading of the Gaspé Fisheries bill and the Judges' Independence bill was postponed till to-morrow.

The house went into committee on the Governor's speech, reported progress and obtained leave to sit again on Tuesday.

Tuesday, 22d June.

The serjeant at arms by letter to the speaker requested leave to name a deputy for a time to enable him to attend to his private affairs.

Mr. Morris brought up the petition of divers inhabitants in Leeds, respecting damages to their lands near Victoria road.

Capt. Steele, that of the township of Innisfel, for a law respecting wheat.

Mr. Williams, that of the people denominated Bible Christians, for an act of incorporation respecting titles to lands.

THE CANADIAN MIRROR

OF PARLIAMENT.

DITED BY H. FOWLER, Esq. }

Kingston, June 30, 1841.

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{ "THE NEWS," cor. Grass and John son sts.

HOUSE OF ASSEMBLY.

CONTINUATION OF THE DEBATE UPON STANDING COMMITTEES.

Mr. MOFFATT said he had no desire to press the adoption of his motion for the appointment of these committees, if it would at all interfere with the proceedings which the hon. gentleman on the Ministerial side desired to adopt. They had in his opinion taken upon themselves a most solemn responsibility, and he for one would be most willing to afford them an open field. He apprehended, however, that the termination of the matter would be that they would be obliged to retrace their steps.

Mr. AYLWIN said if he had imagined that the proposition of the hon. gentleman from Montreal would tend in any degree to interfere with the proceedings of the officers of the Crown, in carrying on their share of the business of the session, he would certainly have been opposed to its adoption; but he thought it was rather calculated to facilitate than impede the business. As to the object which they had in view, no man could convince him that those gentlemen who occupy the Treasury benches believe in responsible government. He could plainly discern on the countenances of those gentlemen that they do not believe in it. No man in the House had less confidence in the working of the new system of responsible government than those hon. gentlemen, (hear, hear.) He had no inclination to accede to the demands of those hon. gentlemen unless it was likely to produce some good result, and that he feared could scarcely be expected in this instance. He did not think the business of the House should be directed altogether by those hon. gentlemen, while they were disinclined to carry out the principle of responsibility. He could very easily anticipate that after a little they should be told that those gentlemen were so burdened with business that they could not accomplish it all. In fact they had already heard that there was a necessity for one day's adjournment in the week—that there must be a holiday for the House, which would be no holiday for Ministers, in order to enable them to prepare Bills to be submitted to the House. He (Mr. Aylwin) was desirous of assisting them, if they were disposed to do their duty honestly, and to carry out the system of responsible government. The hon. and learned gentleman from Three Rivers has stated that as soon as he felt satisfied he did not possess the confidence of the country he would retire. That hon. gentleman must know well that he does not possess the confidence even of that part of the country where he resides. If he ever possessed their confidence, he has forfeited that confidence, (no, no.) If, therefore, that hon. gentleman and his colleagues act upon the principles of responsibility, as he has declared they would do, he (Mr. Aylwin) was perfectly convinced that they will not continue long to occupy the Treasury benches, (hear, hear,) for so far from possessing the confidence of the constituency of Lower Canada, they do not in fact represent their feelings. The people of Lower Canada will never forget the proceedings of the Special Council, and of certain Courts Martial. (Order, order, question.)

Mr. Sol. Gen. DAY then rose and said that

in the discussion of this question a good deal of irrelevant matter had been introduced. He would beg leave in the first instance to direct his attention to the apprehensions which had been expressed by some hon. members in that house, that the members of the Government are desirous of monopolizing the whole business of the house; nothing could be more unfounded than such a supposition. There was certainly no intention on their part to monopolize more than was absolutely necessary to the proper discharge of their duty.—The system hereafter to be pursued in the Government of the country, imposed upon them the duty of originating all important measures of public utility; and he would ask hon. members in what way they were to obtain the confidence of the house, if those measures were to be taken out of their hands, and brought before that house in shape and detail essentially different from that in which the government desires to bring them forward. But he would not rest his argument upon this footing, which might perhaps be considered a narrow view of the subject, but he would go further and say that the appointment of standing Committees is unconstitutional. (Hear, hear.) The house had no right to delegate the powers with which they were entrusted by their constituents of deliberating upon any subject to any particular member of their body, for the entire space of time for which they were themselves empowered to act as representatives of the people.—To say that information upon certain subjects is only to be acquired in a particular manner, by particular persons appointed by the house, before the questions arise upon which that enquiry is needed, is a practice which is not born out by Parliamentary usages. He would refer hon. gentlemen to the practice of the House of Commons. (Here Mr. Day read from a parliamentary work which he held and also from the Journals of the House of Commons.) He would admit that sessional Committees are sometimes appointed, but it was impossible for hon. Gentlemen to show that standing committees which continue for the whole parliament, is constitutional. He had also another objection to the appointment of Committees in the way proposed, and he would state it in plain terms: he would take for example the case of a committee on trade or on internal improvements, and he would suppose the members of those committees to be wisely chosen from those most conversant with the subject; from those whose minds are more closely applied to the subject to be committed to them. A question for a particular public improvement comes up from one part of the province and an application for a similar purpose from another. When the members of that committee come together they will involve the country in more projects for improvements than it will be possible for them to accomplish, because each of the hon. gentlemen would naturally favor the projects of others in order to secure the adoption of his own (hear, hear.) This is the natural result. An imputation had been thrown upon the constituency of his hon. friends, as well as his own, by the hon. gentleman from Port Neuf. He (Mr. Day) was not prepared nor was he willing to enter into personal altercation with that hon. member, which the nature of the remarks of that hon. gentleman were calculated to pro-

duce. He (Mr. Day) stood upon the floor of that house as the Representative of as respectable a constituency as any in the Province, and when that hon. gentleman (Mr. Aylwin) asserted that the people of the Province did not repose confidence in him (Mr. Day) it was an assertion which was not justified, and it was one which he believed the house itself would condemn. Although a few years ago, he (Mr. Day) had performed a painful duty in which the hon. gentleman had felt himself aggrieved—a duty performed not for remuneration but because it was his duty as a servant of the Crown—yet he would put it to the country whether in the performance of that duty he had deviated from that course of honor and benevolence which should actuate any gentleman in his situation. He did not think the hon. gentleman was justifiable in making those assertions which he had made.

Mr. MERRITT said he could not attach so much importance to this question as some hon. gentleman seemed to do. In the Parliament of Upper Canada, they had been in the practice of appointing committees upon all subjects, whenever those subjects might arise. But now they had a different system, and they had reason to expect that satisfaction would hereafter be given, because as the hon. gentlemen who are members of His Excellency's administration assert that we have now Responsible Government, he thought it the most judicious method to allow those hon. gentlemen to proceed in their own way, that they might have a fair opportunity of proving to the house that they intend to fulfil what they promise.

SIR ALLAN McNAB said he had no desire to throw the least impediment in the way of the officers of the government, but he could not for one moment consent to remain in his seat and allow those gentlemen to have the appointing of the select committees upon all matters which might come before that house. Were hon. members of that house to be told they had no right to appoint a committee?—(no, no.) He could not for one moment admit the propriety of allowing those gentlemen to have the management of all the business of the house. The first committee to be named is a committee of privilege; is that committee to be appointed by the administration?—(hear, hear.) He (Sir Allan) would give the members of the administration every assistance in his power when he believed they were in the right, but when they were wrong he would give them all the opposition which he thought they deserved. Another committee to be appointed was a committee on grievances or complaints against the administration.

Mr. BOSWELL said the hon. and learned member was altogether out of order in making the remarks he had done. He entirely misconceived the nature of the question.

SIR ALLAN continued. He knew as well as the hon. member himself whether he was in order or not. When he wanted information he knew where to apply for it; he certainly would not apply to that hon. gentleman.

With regard to appointing standing committees, although he did not think it was a good plan, yet at the same time he did not approve of leaving the appointment of committees to the administration. With regard to the question of Responsible Government,

as he (Sir Allan) understood it, he did not believe that the appointment of committees by that house would at all interfere with its operation. He believed that the head of the government was entirely in favor of carrying out the principle of responsible government in its fullest extent. This point seemed evident from the nature of the appointments made by the Governor General. Why was the late Sol. General called to the Executive Council? In fact all the recent appointments had been of persons who were known to be strenuous advocates for responsible government. A very recent instance was that of the appointment of the hon. member for Middlesex (Mr. Parke) to the office of Surveyor General. Would the hon. gentlemen who were members of the administration say that this appointment was not made with their advice and consent? (hear.) This being the case, he for one was perfectly satisfied, without further questioning the intentions of those hon. gentlemen, (hear, hear.)

Mr. PRICE said he had been exceedingly gratified at hearing the remarks which fell from the hon. and learned Attorney General for Lower Canada. He (Mr. Price) was now satisfied that they were going to have the practical working of the new system. Some hon. gentlemen seemed exceedingly anxious to originate Bills. He (Mr. Price) was one who would be perfectly satisfied that the members of the administration should originate all measures, if they chose to burthen themselves with the labour; but he did not believe that they had any such desire. In the House of Commons in England Lord Stanley's Registration Bill was heartily concurred in by Ministers—they went hand in hand with that measure, although introduced by one who was not a member of the government. The gentlemen who occupy the Treasury benches would find him ready and willing to afford them his assistance on all occasions upon which they act consistently with the course which they had declared their intention of pursuing, for he considered it would be unjust and unfair towards those gentlemen if they were to be held responsible for their acts, whilst the House claimed the privilege of controlling them, (hear, hear.) He hoped it would not be imputed to him that he was desirous of offering a factious opposition, (hear, hear.)

Mr. Atty. Gen OGDEN said he felt not a little flattered by the confiding tone of the hon. gentleman's speech; it was certainly very cheering after the vituperative language of the hon. gentleman who represents the Returning officer for the county of Port Neuf.—Now that that gentleman had come to the School of Reform, it would be well if he were disposed, to cast his eyes about occasionally for precedents. That hon. gentlemen is mistaken if he supposes that we on the treasury benches are disposed to control the whole business of this house; any hon. member can of course introduce any such measure as he thinks proper, and I shall be happy to find them forwarding as much of the business of the house as possible. But I say that all matters relating to the trade of the country—all matters contained in the speech from the throne, should be matured by us, when we meet in the closet, all that we ask and require is that we shall be permitted to conduct the business of the country for which you look to us to be responsible.

The motion of the Atty. General was then carried in the affirmative.

MONDAY, June 28th,

Mr. SMALL presented a petition praying for remuneration for the loss of a horse sustained by one of Major McGrath's Lancers while on service.

The SPEAKER observed that the petition could not be received by the house, as it was asking for a grant of money, unless the hon. member had complied with the rule which required the consent of His Excellency to be first obtained. Mr. SMALL said he had not obtained that consent, and he wished the question to be settled once for all as to whether upon presenting a petition to that house, it was necessary to obtain such consent. Because he wished most distinctly to repudiate the principle that no petition could be entertained by that house, without having first obtained the consent of the government. He was aware that by a clause in the Union Act, no grant of money for public purposes could be obtained without the consent of the Executive; but he would protest, if he should stand alone in that question—that for the presentation of a petition of this nature he would ask the permission of no human being. (Hear, hear.)

Mr. THORBURN said he believed if the hon. gentleman had consulted the statutes of this Province, he would have found the relief he seeks for. The sum of £40,000 had been appropriated for the payment of losses of this nature. As regards the right to petition, that certainly was a subject which ought to be considered.

Col. PRINCE said he entirely concurred in what had fallen from the hon. gentleman for the third riding of York as to the right of petitioning on all occasions (hear, hear). He (Col. Prince) would be the last man to admit that even the Queen herself, much less her Representative, had a right to dictate the terms upon which petitions should be received by that house. Upon consulting the Act of Union he found it was Bills for the appropriation of money which required to be originated by the government; but as to the right of petitioning, they might as well abolish *Magna Charta* at once, as to take away that right. He begged, therefore, with great humility, to differ with the opinion which had been expressed by the Speaker.

Mr. CAMERON observed that he had a few days ago presented a petition from certain gentlemen engaged in the lumber trade; but because that petition contained a suggestion that money should be expended for the improvement of the navigation of the Ottawa, he had deemed it advisable in accordance with the recommendation of the house to send to the head of the Government for its approval; on consideration however he felt convinced that it arose from a misapprehension of the provisions of the act of union.

The hon. the SPEAKER here observed that, in his opinion no petition, praying for a grant of money for any purpose whatever, could be received by that house.

Mr. Attorney General DRAPER would merely state that he was quite sure there had never been an intention on the part of the officers of the government to prevent any hon. member of that House from bringing forward petitions upon any subject. The practice was governed by a rule of the House itself, which might be rescinded at any time.

Mr. AYLWIN said that although he was free to admit the cogency of the observations of the hon. and learned member for Essex, that it was exceedingly desirable to prevent any restrictions upon the right of petitioning, yet he was bound to state that according to the parliamentary practice in England, and the rules adopted in the Lower Canada Legislature, no application for an appropriation of money could be entertained until it had received the sanction of the head of the government. The rule, he thought, should be complied with, (no, no,) and to confirm his opinion he would refer to authorities on the subject. (Mr. Aylwin then read a second extract.) He could not conceive that this was an invasion of the

privileges of the House, as it was in strict conformity with the practice in the House of Commons in England, as well as of the House of Assembly in Lower Canada. He made these observations because no one felt more forcibly than himself the importance of preserving inviolate the rights of the subject and the privileges of Parliament.

Mr. VIGER addressed some remarks to the House, but in so low a tone of voice that we could not gather the purport of them.

Mr. SMALL stated that the course which had been pursued in the Upper Canada Legislature was, that all petitions should be received as a matter of course, and laid on the table; after two days they were read, and if any thing improper was found to be contained in them, the member introducing such petition was expected to withdraw it. It would be perfectly absurd and ridiculous if a petition complaining of oppression on the part of the Executive must first be presented to the Executive and their consent obtained for its introduction to the House. If it had been the rule heretofore in Lower Canada, it was a very bad rule, and it was one which the people of Upper Canada would never submit to. The people may petition against any act of the Executive, and it would be the duty of the House to receive their petition.

Mr. BALDWIN said he certainly agreed with the hon. gentleman who had last spoken, that the people of this Province had an undoubted right to petition that House respecting any grievance under which they may labour; but it appeared to him that there was a misapprehension existing with regard to applications for a grant of money. There could be no great danger in adopting the course which had been uniformly pursued in England. It was undoubtedly true that where a party comes to that House complaining against the Executive, the House has a right to receive the petition; but where a party comes to that House asking for a vote of money, it was altogether a different affair. It is a petition of the latter character to which the objection applies. It appeared to him that as it was admitted there could be no steps taken by the House, although the petition were received, according to the provisions of the Union Act, the more decorous course towards the House itself would be, that those steps which must become necessary before any definite action of the House can take place, should be complied with previous to the presentation of the petition.

Capt. STEELE said it appeared to him that all difficulty might easily be resolved by asking the gentlemen on the Treasury benches whether they had any objection to the petition being received and acted upon.

Mr. SMALL.—I say without hesitation that I will ask no man living. (A laugh.)

Mr. MOFFATT wished to be informed whether the hon. gentlemen had any objection to receiving the petition.

Atty. Gen. DRAPER said that as to the reception of petitions, it was entirely a matter for the house itself to regulate.

Mr. MOFFATT observed that it was one thing to introduce a petition and another to take action upon it.

Mr. AYLWIN said he regretted to find the hon. and learned Atty. General pursuing the course he did. As an occupant of the ministerial benches he has an interest in upholding the rules of the house in this matter. You, Mr. Speaker, in your official capacity have already decided that no such petition ought to be received. He (Mr. Aylwin) was far from approving of the provisions of the Union Bill as regards restrictions upon matters of this nature; there was no member in that house who could possibly view with greater feelings of horror than he did, some of the provisions of the Union Bill, but *ita lex scripta*

est, and it was the business of that house to acquiesce in the law such as it exists.

Mr. VIGER argued the propriety of adhering to the rule as a matter of convenience to the house. It was a rule which prevailed in the house of Commons in England, and which had been followed in the Legislature of Lower Canada. He had no hesitation in saying that the House of Commons had pursued the practice for the convenience of the House itself.

Mr. SIMPSON stated that the hon. member was altogether incorrect regarding the practice of the house of commons in England. There no petitions are refused.

The SPEAKER said it was due to himself to explain the grounds upon which he had decided that the petition could not be received. By a rule of the house of commons no petition praying for a grant of money can be received without the consent of the King or his ministers; they had acted on this rule as late as the year 1819. [The Speaker here read the rule.]

Mr. BLACK said his views coincided with those of the hon. member for Richelieu (Mr. Viger) that the rule was one of convenience only. It was a matter of Parliamentary practice, and was a fitting subject for the consideration of the house whether they would be guided by the same practice. There could be no appropriation of the revenue, it is true, without the consent of the head of the government—that was a point which was fixed by law; but this was a case which did not come within the letter of that law, and was consequently a question for the decision of the house itself. That provision in the Union Act had been denounced as unconstitutional, and at the same time it was endeavored to bring within the same provision that to which it was never intended to apply (hear, hear). He (Mr. Black) would be exceedingly sorry to deprive the subject of the right of petitioning on all occasions; he hoped if they should finally decide against the reception of the petition, that the hon. member from the third riding of York would appeal from that decision.

Sir ALAN McNAB desired that the hon. gentleman would withdraw his motion. He hoped he would neither appeal to the house nor call upon the Speaker to make a decision.

Mr. SMALL said he was willing to consult the convenience of the house, and in order to do that he would take the sense of the house itself. He would be very sorry to appeal against the decision of the Speaker; he appreciated the motives which had influenced his decision. He (Mr. Small) did not consider that such an one as would come within the rule. It was not a petition praying for public aid, and the committee would perhaps recommend an address to his Excellency praying that his Excellency would order the man to be remunerated. His object and intention was to bring the matter under the notice of ministers in the hope that they would advise his Excellency to comply with the prayer of the petition; he would now move for leave to withdraw the petition.

Mr. MOFFATT observed that the House had recently adopted certain rules for its guidance, and having deliberately omitted the adoption of this particular rule of the House of Commons, he did not consider that the House was at all bound to follow it.

Col. PRINCE said it was his intention to say very few words on the question before the House, but he was one of those who are so tenacious of the rights and privileges of the subject, that whenever a question of this kind arises, he would dissent from the hon. member's right to withdraw his motion until a determination could be arrived at. Sir, (said Col. Prince,) I reverence the Chair on all occasions, and with its decisions I consider the dignity of the House to some extent involved. I would not compromise that dignity by an-

nulling any necessary restrictive rule, but when you reflect that in matters of this kind its discontinuance does not in the least infringe upon the provisions of the Union Act, I say the rule should be abrogated in favor of the rights and privileges of the subject. But as regards the petition there is one consideration which hon. members seem to have overlooked; it was that which had been suggested by the hon. member for Lincoln, that it is a matter which falls within the scope of the Act which was passed in the last Upper Canada Parliament. Why that Act had not gone into effect—why commissions had not been issued, seemed certainly to him perfectly unaccountable. Why the just and natural clamor of the country had not been attended to was to him (Col. Prince,) a matter, he was going to say of disgust, but certainly of astonishment. It was, to say the least of it, an unjust, unjustifiable, and, he thought, illegal proceeding. He could not consent that the petitions should be withdrawn, for he looked upon it as a dangerous precedent.

Mr. SMALL said his only motive for withdrawing the petition was through deference to the Chair.

Atty. Gen. DRAPER said he thought that any one who was desirous of promoting the dignity of the house, would recommend further time for consideration, and not hastily come to a decision which might place the house in a false position.

Mr. BOSWELL would again take occasion to say that they could not go far astray so long as they were willing to take the parliamentary practice in England for their guidance. Hon. members who were so desirous of being considered strong advocates for the rights and privileges of the people might feel quite satisfied so long as the same degree of liberty was accorded to them and to the country as are enjoyed by our fellow subjects in England, and he believed it would be admitted that they enjoyed as great a degree of liberty as any people in the world. It was in consequence of the inclination which had been shown in both Provinces not to adhere so closely to the practice at home as they ought to have done, that the clause which had been so frequently adverted to had been introduced into the Union Bill. He (Mr. Boswell,) certainly objected to that clause upon principle, but compliance with the provisions of the Act he considered to be, for the present, imperative upon the House.

The petition was then withdrawn.

WEDNESDAY, June 30.

The select committee to whom was referred the subject of Reporting the Debates, brought up their report.

Mr. SIMPSON, the chairman of that committee, moved that the Report recommending that 500 copies of the Mirror of Parliament should be ordered to be furnished to that house for the use of members, &c. be adopted.

Mr. THORBURN suggested the propriety of going into committee of the whole house upon it, as a vote of money was recommended.

Mr. HAMILTON desired to know if the motion were in order. A few days ago an application similar to the present one was made to that House to subscribe for a certain number of copies of the Mirror of Parliament. That motion was negatived (no, no.) I maintain that the application was negatived, and I cannot in three days' time forget what took place then. He would refer to the journals of the house for the correctness of what he had stated. His principal objection against the application which had then been made was that he considered it would be an act of injustice towards all other papers published in the town of Kingston. Another objection was that the reports contained in the Mirror were partial reports [hear, hear], and words were put

in the mouths of hon. members which they never uttered [hear, hear]. It would be a perfect waste of the public money; and as the Mirror of Parliament was published only in the English language, it would be giving an undue preference to English members; they would have their speeches reported and French members would not have theirs, consequently the French portion of the House would be paying for the convenience of the English portion. The third ground of objection was that there was no necessity whatever for the measure. If hon. members desired their constituents to be made aware of what they say, they might put their hands in their pockets and pay for the reporting. This would be much better than involving that house in an expense of this kind.

Atty. Gen. OGDEN observed that the objection which had been taken against the immediate adoption of the report was perfectly correct. When an application for money was made the house ought to go into committee. He would take this opportunity of stating that he had been altogether misrepresented in the language which had been imputed to him in that paper, in stating that he had declared himself the servant of a majority of that house instead of what he actually did say, that he was the servant of her Majesty. There was certainly a very wide distinction. (Hear, hear.)

Mr. THORBURN said it was a subject for consideration whether or not the house would not, by allowing a proposition of this kind to be brought forward a second time, stultify itself.

Col. PRINCE said that as one of the committee who had made the report he felt it to be his duty to say a few words respecting it, in reply to the objections which had been urged against its adoption. It was true that a motion for subscribing to the Mirror of Parliament for one month had been made by himself, that that motion was negatived, and that immediately after the hon. member for Vaudreuil had moved that the subject be referred to a select committee, which was carried in the affirmative and resolved accordingly. He was willing to admit that according to a rule of the house when a motion had been once negatived the same identical motion could not be received, but the present report was founded upon the action of the house, and was drawn up in accordance with the views of the committee appointed to investigate the subject. Then with regard to an objection stated by the hon. member from Bonaventure, (Mr. Hamilton,) it could be no hardship upon the French population of the country, because the second part of the report goes on to say that the clerk of the house should be directed to ascertain from the proprietors of newspapers printed in the French tongue the best mode of having these debates translated and published, so that that point had not been overlooked.

Mr. JOHNSTON said he had opposed the motion the other day, and he should still do so; it was well calculated to lengthen out the session. [Hear, hear.] If he (Mr. Johnston) had five hundred copies of all the debates, he would lay them aside and not let his constituents see them at all. (Hear, hear, hear.)—They would be less likely to form an opinion that their representatives could find nothing to do but to cavil and fritter away the time of the session uselessly.

Mr. HALE could not consent that the House should concur in the Report. Those newspapers which furnished the best reports he believed would have the best patronage, and he would leave the matter entirely to the publishers. Another reason, perhaps, which influenced some hon. members, and made them so desirous that what they say should be published—there might possibly be an election at

a future day at which those hon. gentlemen would be candidates, and they were therefore desirous of creating a feeling of confidence in their favor. He would move in amendment that the Report be adopted on this day six months.

Mr. THORBURN desired to be informed by the Chair whether the original motion for the adoption of the Report was in order.

The Speaker decided that it was not in order, as it was asking for a grant of money.

Sir ALLAN McNAB said he believed the majority of the House was in favor of having the reports go to the country. He [Sir Allan] was in favor of giving publicity to their proceedings, for the very reason which had been ironically alluded to by an hon. member, that the constituents of hon. members might have an opportunity of judging of their conduct.—He believed the chairman of the select committee, however, had been premature in moving for the adoption of the Report. It would be as well to allow it to remain upon the table until to-morrow.

Mr. SIMPSON remarked that it was extremely discourteous towards the committee which have been appointed by the house to enquire into this matter and report upon it, that the house should refuse to receive their report.

Sir ALLAN McNAB.—The Speaker has already decided that the original motion is irregular, the amendment is therefore irregular also.

The motion and the amendment having been withdrawn,

Mr. SIMPSON then moved that the house go into Committee of the whole tomorrow, to take into consideration the report of the select committee.

Mr. HAMILTON said he should also oppose that motion, and in order to be very brief, he would at once move that the Report be taken into consideration this day five months, as six months hence there might be another session of parliament.

Mr. HINCKS said he hoped the house would not concur in the amendment; it was treating the committee with very little courtesy. He [Mr. Hincks] would be prepared at the proper time to discuss the question; to do so at the present was quite disorderly, although many hon. members had paid no attention to the impropriety. It was a question upon which a great deal of interest is taken by the country.

Mr. AYLWIN said he had the misfortune to differ with the hon. gentleman. He concurred in the remarks which had been made by the learned Attorney General Ogden. He was persuaded that the measure which the committee had recommended was completely at variance with every constitutional principle, and he would go farther and say it was anti-British. As one of the members of that committee he had been obliged to co-operate with that committee in procuring information, but he was opposed to the principle of the proposition which had been introduced into the Report, and he had heard nothing as yet which would induce him to alter his determination in any way. He would support the amendment.

Mr. THORBURN said he thought the house ought at all events to allow the Report to be considered in committee of the whole. It would be a direct insult upon the act of the house itself to refuse to consider that report.

Mr. BALDWIN said he certainly concurred entirely in what had fallen from the hon. gentleman who had just spoken, and dissented from the hon. member from Port Neuf. It was a subject upon which the constituency of the country take a deep interest, and he conceived it to be the duty of every hon. member to assist in affording them all the information in their power: all that was desired at present was that the plan presented by the committee should be considered by the house,

and he certainly thought that that consideration was due to the committee themselves.

Mr. HAMILTON.—Hon. members complain that the committee is treated with little courtesy, I think it is treating this house with very little courtesy to bring forward a proposition a second time which had been once rejected.

Atty Gen. OGDEN said that out of deference to the committee, he for one would be disposed that the report should be considered, but his mind was firmly made up beforehand. It is not by reporting incorrectly that information is afforded to the constituency of the country. He would rather the country should judge from the result of the session than from the reports of the debates as to the faithfulness and industry with which they carried on the public business. [Hear, hear.] He trusted hon. members would consider how important it was to preserve inviolate the privileges of the house. Were they to be told that the publication of the debates were a part of their contingencies, and consequently a part of their privileges? it was rather the destruction of their privileges. [Hear, hear, hear.]

Mr. MOFFATT was not disposed to refuse to take into consideration the report of the committee; but he begged hon. members would reflect upon this point, that although they were authorised to apply the public money in transacting the business of the house and of the country, yet he did not think their right extended so far as to allow them to subscribe for newspapers. It would be opening a dangerous precedent.

Mr. SIMPSON observed that he had been informed the House of Assembly in Upper Canada had been in the habit of paying £300 a year for reporting, and he thought if that principle were acted upon, surely the subscribing for a certain number of papers which contained the debates was far less objectionable.

Mr. COOK declared that the House of Assembly of Upper Canada had had more trouble with reporters and publishers than they had with all the business of the country. (A laugh.)

Mr. BLACK said he certainly thought that legislative bodies ought to have the control of all necessary expenditures, but it would be time enough when they saw a practice of this kind introduced into England for us to adopt it here.

Mr. DURAND said the hon. gentleman must recollect the very great difference there is between the circumstances of England and of this country. Something more than the ordinary newspaper patronage was necessary here to induce reporters to give their attention to reporting the debates of the House of Assembly.

Sir ALLAN McNAB again rose and urged upon the house the necessity of adopting some measure for the encouragement of giving the debates of that house to the public. It was the duty of hon. members to keep themselves in close correspondence with their constituents. If it were wrong to order five hundred copies it were equally wrong to order five.

The motion was adopted.

From the report of the debate which occurred in committee of the whole House, upon the answer to the Speech from the Throne, the following speeches were omitted:

Mr. MERRITT.—I have not said one word on the subject of the Speech; therefore hon. members will indulge me with an opportunity of assigning the reasons by which I shall be governed in my vote on this occa-

sion: Much time has been taken up I grant, but not in debating; the time has been wasted by adjournments. However, as this is the commencement of a new session, every member should have a full opportunity to explain his views. Allusion has been made to the last Legislature of Upper Canada, and the government has been censured for meeting us without a farther expression of opinion from the people within both Provinces, but no person has ventured to point out the remedy; or say what course could have been pursued under similar circumstances. Those who believe with me that the Union of these Provinces was the only remedy to ensure lasting peace and prosperity, will not feel disposed to censure the course which has effected the object; at all events the Executive Council was the only body in Lower, and the Legislature in Upper Canada, then existing, the members of which assumed the responsibility. If public opinion was misrepresented in Lower Canada, it was not in Upper Canada, as the recent elections prove. I will explain, in a few words, the motives which induced me, as one individual, to support the measure. It will be observed, that when the bill was proposed in the Imperial Parliament by Lord John Russell in 1839, for sending out a commission to inquire into our affairs, a clause was inserted, making it imperative on the High Commissioner to summon a council consisting of an equal number from Lower and Upper Canada, and submit to their consideration such a constitution as they should deem best adapted for the interests of the country, to be ultimately decided by the Imperial Parliament. I well remember the argument by which he supported this provision: "The people of Canada will be better pleased with a measure emanating from themselves, even should it not be as judicious as one imposed upon them by the Imperial Parliament." The wisdom of that sentiment needs no comment. This clause was expunged on the motion of Sir Robert Peel, and no opportunity has since been afforded for the inhabitants of Canada to deliberate on the constitution established by the Imperial Parliament until the present moment. I was anxious this moment should arrive at the earliest possible period to give us an opportunity to consult on that and all other measures which may promote our general interest, and therefore took every opportunity to hasten it. I voted for restrictions in 1839 which I endeavored to remove in 1840, and shall continue to aid in the removal of all further restrictions whenever opportunity offers. But, sir, as I consider the Union the only measure by which justice can be attained, and our future welfare ensured, I will not join in conveying a censure on the individual who has been instrumental in bringing it about. I would again call the attention of the reformers of Upper and Lower Canada to the past. Were they not year after year seeking good government, and were they not doomed to disappointment? Did not the close of each session confirm them more and more, that as a body they were utterly powerless? did not one and all approve of the remedy provided by Lord Durham, which conferred on the people the management of their internal affairs? If so, and they believe the principle has been fully conceded, we must feel grateful to the power which has been instrumental in bringing it about. I do not justify the means or measures pursued; neither do I approve of the Union Act as it now stands. On the contrary, I agree with the hon. member for Gaspé, that responsible government without the power of granting money by the Commons, as in the mother country, is a farce; but I do maintain that

great credit will hereafter be awarded to the distinguished individual who has effected the change in both our government and the method of conducting it hereafter. We are now commencing a new era—we are placed in the position recommended by Lord John Russell in 1837. Our first council is convened by meeting an equal number of members from each portion of the Province, and I entertain no apprehension of the result. If we continue in the spirit with which we have met, by a proper representation we will obtain such alterations as we require in the Union Act, which I have no doubt the home government will concede. It is my intention to support the resolutions which merely echo the address, in case the mover will modify them so as that we neither object nor assent to the Union bill as it now stands; if not I will vote for any amendment which makes this reservation, and if not carried will support the resolutions.

Mr. CHILD.—This debate has already been carried to a much greater length than some hon. members would seem to approve of, were I to judge by their frequent and loud cries for the question; but for myself I should like to hear the opinion of every hon. member in this house on the present very momentous subject. To prevent any misapprehension from what has fallen from my hon. friend from the town of Sherbrook, I beg leave to state that I have the honour to represent one of the electoral districts of the eastern townships, and I think the largest in that part of Canada (Stanstead).—By the census of 1831 its population was over ten thousand souls. I am happy to say they are a reform constituency, and in point of moral worth and intelligence there are none in this province, so far as I have any knowledge, their superiors. As it regards the Union of the Provinces, they agree to the principle of it and most of its provisions, but some of the details they do not consent or agree to. I shall not now take up the time of the committee in referring to them, but at a proper time I am prepared to state them, and at the same time to join with my fellow subjects in petitioning the Imperial Parliament for such modifications as will most likely give satisfaction to the great body of the people of Canada. I came here to express the wishes and interests of my constituents: I am independent of the executive, and unpledged to everything but what I deem to be their true interests, and to enable the Governor General to carry into effect his instructions respecting them.—I am responsible to them and to no other earthly power. It is with the highest respect for the feelings of hon. members that I shall, from my place in this house, declare my opinions. I came here to carry out good measures, and whoever I find opposing such measures may depend on my opposition.—I am willing to judge the administration by its acts; should they be good my support shall be given to it. The Union bill is not a measure of theirs. I am disposed to give it a fair trial, being fully persuaded that it is to our interest to do so—and maintain the connection with Britain. The Governor General has my confidence, but I am not so sanguine in my expectations of responsible government as some hon. members. I hope that the expectations of my constituents, when constitutionally made known to the head of the government, will be fully met, and on such grounds we can give our support to his Excellency's Government: if that should not be realized, discontent must follow. As it regards the Executive Council, I have not that degree of confidence in all the gentlemen who compose it that I

wish; I am willing to try it, and if its acts are good my support shall not be withheld. The hon. and learned member for Hastings is known to me by his political and general reputation—it was only when I came here that I knew him personally; he has my esteem and confidence. In voting for the address, which is a mere echo of the speech from the throne, I must be distinctly understood as not by such vote binding myself to approve of all the provisions of the Union bill. When the proper time comes, as come it must, I shall be prepared to enter my solemn protest against some of its clauses. I am highly pleased to see the candour and spirit of concession which hon. members have shown towards each other; I shall go as far as any one for the sake of peace, but not to sacrifice my principles. Sir, I hope we may be useful to the country and secure contentment and prosperity to its inhabitants.

Upon Mr. Hincks' amendment to the eighth clause of the Address in answer to his Excellency's speech, Wednesday June 23.

Mr. DERBISHIRE hoped the house would not confound the amendment which he had yesterday submitted in committee on the resolutions with that now proposed by the hon. member for Oxford (Mr. Hincks) to the house. He (Mr. D.) was fully prepared to assert the right of the house to take into its consideration any provision of the Imperial act of Union which experience might hereafter show to be defective in accomplishing the purpose intended by its framers, or which might be found prejudicial to the stable interests of the country whose prosperity was solely contemplated by the act. No apology for the Imperial Act was driven to the necessity of contending for it as a final measure. One of its clauses declared it susceptible of alteration at home within the same session in which it was passed, and several clauses give express power to the Legislature of this province to alter certain of its provisions, making the Imperial enactments merely temporary in their nature, to endure only until such time as the Provincial Parliament should have sat in deliberation upon the particular subjects in question. If there were other provisions to which the intention of the legislature had not been similarly invited, there was nothing in that act forbidding either to that house or the country the exercise of that inherent and inalienable right of British subjects, the poorest right of freemen, allowing them free scrutiny into the acts of their rulers, and leave to carry to the foot of the throne or the door of Parliament the result of their deliberations. (Hear, Hear.) As this right was not extinguished by the Union act, nor called into question by any proceeding of the Imperial Parliament or government, and still less by the head of the Government, in this Province, who made "the well understood wishes and interests" of the colonists the basis of his policy, what necessity or advantage was there in setting up the right upon this occasion as though it needed support? The speech from the throne with which the session had been opened, was full of promise and glad tidings for Canada, and the response of that Assembly should be in the cheerful language of satisfaction and confidence. (Hear.) It was in this sense only he had yesterday offered to the adoption of the committee a form of words expressing the confidence of the house in the future action of the Imperial authorities in all matters relating to the growing interest of this country. The vote now called for by the hon. member for Oxford was one of direct hostility to the act of Union, and was very differ-

ent, therefore, in its terms and object from any that he (Mr. D.) could concur in. He was glad the question had been fairly raised, for now it would be seen how many there were in that house ready to avow their confidence in the act of Union as it stood, and to give it a fair trial. The vote of last night was no criterion upon this point.

RESOLUTIONS to be submitted by Mr. NEILSON, to day, to a Committee of the Whole House, appointed to consider the Orders adopted by the late House of Assembly of Lower Canada, for regulating its proceedings in cases of contested elections in that Province.

1. Resolved, That all matters which shall come in question touching returns of Elections, shall be heard at the Bar of the House, either before the House on a Committee of the Whole House, or be referred to a Special Committee, as circumstances shall require.

2. Resolved, That all petitions complaining of undue elections, shall be direct and pointed in charge of complaint,—whether against sitting members, Sheriffs, or Returning Officers.

3. Resolved, That the House shall determine whether any petition complaining of an undue election, contains matter sufficient for the House to proceed upon.

4. Resolved, That if the House shall determine that a petition does not contain sufficient matter to proceed upon, such petition shall be discharged.

5. Resolved, That if the House does determine that a petition contains sufficient matter to proceed upon, a day shall be fixed upon for trying the merits of such petition.

6. Resolved, That if petitioners object to the votes that were given or offered at the poll, they shall by themselves or agents, give (in a convenient time to be fixed by the House) to the sitting members or their agents, lists of the persons to whom they are to object,—giving also the different heads of the objections, and distinguishing them after the names of the voters objected to; and the sitting members shall furnish similar lists to the petitioners or their agents.

7. Resolved, That no *ex parte* evidence shall be admitted; nor shall any written evidence be received where testimony can be produced *viva voce*.

8. Resolved, That the parties may be heard by Counsel, and that members complained of shall be heard in their places, as well on the matter of complaint, as on the evidence: but they must withdraw before a division on any question.

9. Resolved, That the evidence in support of petitions shall first be heard, and the evidence in behalf of the parties complained of shall next follow.

10. Resolved, That after a witness shall have been examined by the parties calling him, and cross-examined by the opposite party, every member of the House may propose in writing to the Speaker, such questions as he may think proper to put, which shall be put to the witness by the Speaker, unless he thinks them not pertinent to the subject; but the sense of the House may be taken thereon, if the member proposing the question should require it.

11. Resolved, That in case of a debate arising on the propriety of a question proposed to a witness, or any other matter or thing touching any contested election, the parties and their counsel shall be directed to withdraw whilst such debate is depending; and after the House has determined on the same, they shall be again called in and informed by the Speaker of the decision and resolution of the House thereon.

12. Resolved, That the parties interested in any contested election, shall deliver to the Clerk within a reasonable time, before the day fixed for hearing the merits thereof, a list of such witnesses, papers and records as they think necessary; and the Speaker shall issue his warrant for producing the papers and records, and attendance of witnesses accordingly.

13. Resolved, That persons refusing to obey the warrant of the Speaker, shall be considered guilty of a contempt of the House, and taken into custody by the Serjeant at Arms.

14. Resolved, That in all cases of contested elections referred to committees, they shall follow the Rules of the House as nearly as circumstances will permit; and such committees shall report the evidence produced before them, and the merits of the case as it shall have appeared to them, together with their resolutions thereon.

15. Resolved, That if either of the parties, their counsel, or witnesses, should speak indecent language against any member of the House, or against the Rules of the House, he or they may be called to order by any member rising in his place claiming privilege.

ROUTINE BUSINESS.

Tuesday, 22d June.

The House resolved to go into committee on Monday on the Usury Laws, and directed the British American Fire and Life Assurance Company to furnish the Legislature with a full statement of its affairs, shewing the amount of insurance charged upon several kinds of property, the amount insured at each rate of per centage, the amount insured in each of the principal cities and towns in U. C. and each district exclusive of those towns,—also a statement of the transactions of last year, shewing the amount of premiums charged, losses incurred and also the contingent expenses of the company.

Mr. Thompson gave notice that on the 30th he would ask why the £15000 granted to the Welland Canal Company by the 2 Vict. c. 72, promulgated on the 30th day of Jan. 1840 for a shiplock at the Dunville Dam, Grand River, had not been so expended.

The petitions of Messrs. Shanard & Henry, and of the people called "Bible Christians," were referred to Messrs. Small, Williams, Price, Hincks, and Roblin.

Mr. Small gave notice for to-morrow, of the bill to establish the vote by ballot at elections throughout this Province.

Mr. Small brought in a bill to enable members of the Assembly for places in U. C. to vacate their seats in certain cases, and for other purposes. Second reading on Monday.

Mr. Harm. Smith presented the petition of Israel Williams and others of Hamilton, for naturalization; and of the divers inhabitants of the Gore district for an alteration in the law relating to Macadamized roads.

Mr. Powell: that of divers inhabitants of Oakland, for the annexation of that township to the Talbot district.

Mr. Aylwin: that of the inhabitants of Port Neuf, praying for the repeal of certain ordinances of the Special Council of Lower Canada.

Mr. Durand: that of S. McKenzie and others in the Gore district, praying for remuneration for certain losses.

The House again went into committee on the Governor General's speech, and Mr. Morris reported to the house the resolutions, which were agreed to by the House. Messrs. Cameron, Black, Dunscomb, Merritt and Moffatt were appointed a committee to draft an address conformable thereto.

The second reading of the Gaspé Fisheries' Bill, and the Judge's Independent Bill, were postponed till to-morrow. Adjourned.

Wednesday, 23d June.

The Speaker reported that the Clerk had appointed G. B. Faubault, Esq. to be the Assistant Clerk; which appointment was concurred in by the House.

The Speaker reported that the Sergeant at Arms had appointed Mr. John Roy to act as his Deputy.

Mr. Kimber obtained leave of absence from the 24th instant.

Dr. McCulloch presented a petition from the Medical Board of Montreal for regulations in reference to the improvement of medical education.

Mr. Cameron from the Special Committee reported the draft of an address to his Excellency in answer to his speech, and the question of concurrence on each paragraph was moved for. In amendment, Mr. Neilson moved another address. The house divided on the amendment.

YEAS.—Armstrong, Aylwin, Baldwin, Barthe, Berthelot, Boutillier, Christie, Des Rivieres, Durand, Hamilton, Hincks, Hopkins, Kimber, Morin, Neilson, Noel, Parent, Price, Quesnel, Raymond, Ruel, Small, Taschereau, Turcotte and Viger—25.

NAVS.—Black, Boswell, Buchanan, Burnet, Cameron, Campbell, Cartwright, Chesley, Cooke, Crane, Daly, Day, Delisle, Derbyshire, De Salaberry, Draper, Dunn, Dunscombe, Duggan, Foster, Gilchrist, Hale, Holmes, Johnson, Jones, Killaly, Sir Allan McNab, McCulloch, McDonald Donald, McDonald John S., McLean, Merritt, Moffatt, Moore, Morris, Ogden, Powell, Prince, Robertson, Roblin, Simpson, Smith Henry, Sherwood, Steele, Strachan, Thompson, Watts, Williams, Woods, Yule—50.

[Absent.—Messrs. Borne, Child, Herm. Smith, Tache, and Thorburn—5. Seats Vacant.—Kingston & Middlesex—2. Double Return, 1; Speaker, 1—Total 84.]

The House then adopted the main motion of Mr. Cameron.

The first seven paragraphs were agreed to without a division. On the 8th being proposed, Mr. Hincks moved in amendment to leave out the words, "under the Constitution established by Parliament. On a division on the amendment, the numbers stood:

YEAS.—Armstrong, Aylwin, Baldwin, Barthe, Berthelot, Boutillier, Bhristic, Des Rivieres, Durand, Hincks, Kimber, Morin, Neilson, Noel, Parent, Price, Quesnel, Raymond, Ruel, Turcotte, Viger—21.

NAVS.—Black, Boswell, Buchanan, Burnet, Cameron, Campbell, Cartwright, Chesley, Child, Cook, Crane, Daly, Day, Delisle, Derbyshire, De Salaberry, Draper, Dunn, Dunscombe, Duggan, Foster, Gilchrist, Hale, Holmes, Johnston, Jones, Killaly, McCulloch, McDonald Donald, McDonald John S., McLean, Merritt, Moffatt, Moore, Morris, Ogden, Powell, Prince, Robertson, Roblin, Simpson, Small, Smith Henry, Smith Harmanus, Sherwood, Steele, Strachan, Thompson, Thorburn, Watts, Williams, Woods, Yule—54.

The 8th paragraph was then agreed to, as also the subsequent ones to the 13th. The 14th being then proposed, Mr. Cameron moved an amendment to leave out the words "might be required," and to substitute "that experience might hereafter point out." The House divided:

YEAS.—Black, Boswell, Buchanan, Burnet, Cameron, Cartwright, Chesley, Child, Crane, Daly, Dale, Delisle, Derbyshire, De Salaberry, Draper, Dunn, Dunscombe, Foster, Gilchrist, Hale, Hamilton, Holmes, Johnston, Killaly, McCulloch, McDonald Donald, McDonald John S., McLean, Merritt, Moffatt, Moore, Ogden, Prince, Robertson, Roblin, Simpson, Smith Henry, Steele, Strachan, Thompson, Thorburn, Watts, Williams, Woods, Yule—15.

NAVS.—Armstrong, Aylwin, Baldwin, Barthe, Boutillier, Campbell, Christie, Cook, Des Rivieres, Duggan, Durand, Hincks, Jones, Kimber, McNab, Morin, Morris, Neilson, Noel, Parent, Powell, Price, Quesnel, Raymond, Ruel, Small, Smith Harmanus, Sherwood, Taschereau, Turcotte, Viger—31.

The 13th paragraph as amended was carried by the same division, and the remainder without division. The House then concurred in the said address, ordered it to be engrossed, and Messrs. Cameron, Steele, Prince and Simpson were directed to wait on his Excellency, to know when he would receive the said answer.

A message from the Legislative Council, by J. G. Spragge, Esq. Master in Chancery, with a copy of the rules and regulations of that hon. House, and with an act to alter for a limited time the place of the sittings of the commission of the late Province of Upper Canada relative to the Heirs and Devises, and for other purposes therein mentioned. The said bill was read the first time—second reading to-morrow.

Mr. Prince presented the petition of certain freeholders of Frontenac against the return for that county. The Speaker intimated to the House that Edward Noble and Wm. Ferguson had entered into recognizances to contest the election for Frontenac.

The House resolved to form itself into Committee of the Whole to take into consideration the orders of the late House of Assembly of Lower Canada regulating proceedings in cases of contested elections in that Province.

The second reading of the Heir and Devisee amendment act, (Mr. J. S. McDonald's) was postponed to the 25th July.

The order of the day for balloting for a nominating committee was postponed till to-morrow, and then to form the first order of the day.

The Gaspie Fisheries bill was read a second time, and referred to Messrs. Hamilton, Christie, Burnet, Moffatt and Dunscomb.

The Judges' Independence Bill was read a second time, and referred to Messrs. Aylwin, Draper, Black, Baldwin, and Price.

Adjourned.

Thursday, 24th June.

Mr. Cameron, and the other messengers, reported that his Excellency would receive the House with their address this day at 3 o'clock.

Mr. Moffatt presented the petition of the minister and members of the church of England at St. Armand West, praying for aid to schools, and that the Bible be used therein.

Mr. Black presented the petition of the Canada Fire Insurance company, praying to be incorporated, which was referred to Messrs. Black, Moffatt, Viger, Baldwin and Dunscomb.

The petition of Jacob Gross and other Mennonists, presented on the 15th inst., was referred to Messrs. Merritt, McNab, Prince, Baldwin, and Boswell.

The house proceeded to Governmenthouse with their address, and on resuming, the Speaker reported his Excellency's reply.

The petition of R. J. Turner, of Kingston, was referred to Messrs. Price, Prince, Baldwin, Cartwright and Small.

The petition of the inhabitants of the Gore district, presented on the 16th inst. was referred to Messrs. Durand, Merritt, Price, Hopkins and Thorburn.

Mr. Simpson introduced a bill for the establishment of Anatomical schools and the encouragement of Anatomical science. 2d reading 1st July.

The petition of G. Rykert and others of

the Niagara District, presented on the 16th, was referred to Messrs. Merritt, Holmes, Johnston, Thorburn and Moffat.

Mr. Prince moved that the clerk be directed to subscribe for 500 copies of the Mirror of Parliament for one month for the use of members. Negatived:

Mr. Simpson moved that the subject of the subscription of the house to the public newspapers of the Province be referred to a committee of five to report thereon. After a division Messrs. Simpson, Aylwin, Parent, Prince and Hincks were named.

Sir A. McNab presented the petition of Alpheus Todd, late deputy librarian to the Legislature of U.C. praying for employment in the house or remuneration, whereupon Mr. Draper stated that he had been commanded by his Excellency the Governor General to acquaint the house that his Excellency would concur in such measures for the appropriating monies to their contingent expenses as the house may during the present session deem necessary.

Mr. MERRITT, from the Committee, on the Petitions of Jacob Gross, Daniel High, and others of the Menonist Church, reported, presented a report with a Bill to amend the Militia Law of U. Canada, which was read 1st time.

Mr. DUNSCOMB presented the petition of John Atkinson, of Hemmingford.

The House resolved to go into Committee on Wednesday, to take into consideration the laws of Lower Canada regarding the tenure of lands commonly known as Feudal Tenure; and to consider the expediency of altering or amending the same, and the best and most equitable mode of effecting the alterations that may be deemed necessary.

A Committee, consisting of Messrs. Durand, Herm. Smith, Thorburn, Macnab and Price, was named to report on the Turnpike Trusts in the Gore District.

Mr. HAMILTON moved, for the addition of one member to the Special Committee on the Gaspé Notaries Bill. Negatived.

Mr. WATTS presented the petition of divers inhabitants of Durham, in L. C., in relation to certain disputed boundary lines in that township, referred to Messrs. Watts, Killally, Child, Moffat and Moore.

Mr. CHILD presented the petition of the inhabitants of Charleston, in Hatley, (L. C.)

Sir A. McNab moved, that the ordinary routine of the daily proceedings of the House in the transaction of business should be as follows, after the reading of the minutes: bringing up petitions; third reading of bills and addresses; reading petitions; referring petitions; notices to be given; presenting reports by standing or select committees; orders of the day.

The Clerk was directed to lay on the Speaker's table every morning previous to the meeting of the House, the order of proceedings for the day, and a copy of the same hung up in the lobby for the information of members.

On motion of Mr. JOHNSTON, the consideration of the Frontenac contested election, was fixed for the 22d July.

Mr. BALDWIN moved, that the time for the petitioners against the election and return for the town of Niagara, to enter into recognizances required by law, be enlarged until the 7th July. On division the votes stood, yeas, 32; nays, 14.

Yeas—Messrs. Armstrong, Aylwin, Baldwin, Berthelot, Boutillier, Buchanan, Child, Christie, Cook, Delisle, Dunscombe, Durand, Gilchrist, Hamilton, Hincks, Holmes, Johnston, McNab, McDonald, (Donald) Merritt, Moffat, Morris, Neilson, Noel, Parent, Powell, Smith, (Harmanus) Strachan, Thompson, Thorburn, Turcotte, Williams.

Nays—Messrs. Black, Boswell, Cartwright, Day, Derbishire, Draper, Foster, Killally, Og-

den, Prince, Simpson, Smith, (Henry) Steele, Viger.

The Niagara election contest was, on motion of Mr. Baldwin, fixed for the 7th July.

The Hastings contested election was, on motion of Mr. McNab, fixed for the 7th July.

The contested election for the 2d Riding of York was, on motion of Mr. Baldwin, to be considered on the 19th July.

Mr. SMALL, on leave, brought up a Bill to authorize the voting by ballot—2d reading, Wednesday week.

FRIDAY, 25th June, 1841.

Mr. Neilson presented the petition of divers inhabitants of St. Eustache for relief, in consequence of the destruction of the Church and other buildings by the troops in 1837; and also a petition of divers inhabitants of Lower Canada, for the repeal of certain ordinances of the Special Council.

Mr. Morris laid before the House the Report of the commissioners appointed to determine the sites of the Light Houses to be erected on St. Paul's and Scatterie Islands, and to appropriate the money necessary for their maintenance.

Mr. Morris moved that the officers connected with the several chartered Banks of the Province be respectfully directed to lay before this House the statement of the affairs of the said Banks, as required by the Acts of Incorporation.

Mr. Morris, from the standing committee on the printing of the House during the session, presented its first report, recommending that the Journals should be printed in the form adopted by the late House of Assembly of Upper Canada, and that tenders for the printing of the House would be received from the Kingston printers. The Report was concurred in.

Mr. Moffat presented the petition of the members of the Montreal Ladies' Benevolent Institution, for an act of Incorporation.

Mr. De Salaberry presented the petition of divers inhabitants of Forreault, praying for indemnification for losses sustained from the invasion of brigands from the United States; also, that of Abraham Vosburg and others, of Caldwell manor, to the same effect.

Mr. Parent presented the petitions of divers militiamen and other inhabitants of the county of Saguenay, praying for the opening of the waste lands of the crown in that county, the division of the King's posts into townships, and their being offered for sale; also, of divers inhabitants of the county of Saguenay, praying for the repeal of certain Ordinances of the Special Council; and of Michel Desgagnés and other inhabitants of Saguenay, for an alteration of the place of election for that county.

Mr. Black brought up the petition of the masters and owners of British ships trading to Quebec, and of the Pilots of the River St. Lawrence, praying for a Light House on Biquet Island; and of A. Wells, Esq. complaining of the return for the County of Shefford.

Hon. J. H. Dunn, by command of his Excellency laid before the house a schedule of Government Debentures redeemed and outstanding issued under authority of acts of the Provincial Legislature, and exhibiting the public debt of United Canada. 200 copies to be printed.

According to notice, Sir A. McNab moved for a committee of seven members to enquire what assistance it will be necessary to afford the clerk, and what offices and departments it is expedient to establish for the effective and orderly conduct of the business of this house; what remuneration ought to be given to the officers and persons to be employed in the said offices and departments, and what rules and regulations it may be desirable to adopt for their government; that the said commit-

tee have power to recommend by whom the offices which they may deem necessary, should be respectively filled, and in so doing they be directed to take into consideration the claims talents and capacity of the different officers and servants of the former Houses of Assembly of Lower and Upper Canada, who may be desirous of entering into the service of this house, and to report with all convenient speed.

Sir A. McNab and Messrs. Morin, Small, Tasherau, Dunn, Durand and Black were named of the committee.

The house agreed to adjourn over from this day to Monday.

The petition of P. F. Verhoeff and others presented on the 18th was referred to Messrs. Prince, Baldwin, Ogden, Boswell and Thorburn. The petition of J. C. Malcolm was referred to the same committee.

The Clerk was directed to affix in a suitable place lists of the committees of the house as named from time to time.

Mr. Holmes presented the petition of the Montreal Auxiliary Bible Society.

The order of the day for the House proceeding to the ballot of a nominating committee to name the Permanent Committees of the House, being read, Mr. Ogden moved that the said order be discharged. On division, Yeas, 44, Nays 25.

The West Gwillimbury Road Act amendment bill was read a 2d time. Committed for Monday.

The order of the day for considering Mr. Neilson's resolutions in regard to contested elections from Lower Canada, was postponed to Monday.

The Heir and Devisee Commission amendment Act, from the Council, was passed thro' committee, reported without amendment, read a third time, passed, and ordered to the Council. Adjourned.

Saturday, 26th June.

The Speaker reported that the recognizances for the town of Niagara contested election had been entered into.

Mr. Neilson presented the petition of L. M. Viger, Esq., and of certain electors of the county of Chambly, against the return for that county.

Mr. Morris presented a petition of B. P. Smith, for an Act of naturalization. Also a petition from the Commercial Bank of Kingston, for an extension of capital.

Mr. Durand presented the petition of certain Menonists and Tunkers of the Wellington and Gore Districts, for amendments of the Militia laws.

Mr. Neilson presented the petition of L. B. Pinguet, late Clerk of Committees of the Assembly of Lower Canada, praying to be placed on the retired list. Referred to the committee on the officers of the House.

Sir A. McNab presented the petition of H. Sherwood, Esq., against the return for the city of Toronto. To be considered 15th July.

Mr. Johnston presented the petition of J. Matheson, against the return for Frontenac. To be considered 22d July.

Mr. Baldwin presented the petition of C. J. Baldwin, Esq., and of certain electors of the 2d riding of York, against the return of that county.

The petition for the Lenox and Addington election ordered to be considered on the 1st July.

Mr. Prince presented a petition from certain electors of St. Maurice, against the return for that county. The Speaker acquainted the House that the recognizances required by law had been entered into. Mr. Prince moved that in the grounds and reasons of complaint set forth in the said petition are sufficient, if true, to sustain the prayer thereof. The motion deferred to Wednesday.

Mr. Prince moved that the petition of W. McDonald and others, against the return for Bonaventure, be discharged. Deferred to Wednesday.

Mr. Black reported on the petition of the Canada Fire Insurance Company for incorporation, by Bill, which was read a first time—second reading on Thursday.

Mr. Cameron brought in a bill to regulate the inspection and measurement of timber, masts, spars, and staves, in Quebec and Montreal, and other matters concerning the same. Second reading 12th July.

Monday, 28th June.

Sir A. McNab moved that in the nomination of special committees by this house, when the committee to be named be of five members or less, the member proposing the same shall name the persons to compose the said committee, subject to changes to be made by the house, and that when the committee is to be composed of more than five members, it shall first be determined as to the number of which it shall be composed, and then each member shall write on a slip of paper the names of as many members as are requisite to form the same, and hand the same to the clerk, who will then examine the lists and report to the Speaker, for the information of the house, the names of those having the most votes in their favor; and if any difficulty arise, two or more members having an equality of votes, the opinion of the house shall be taken on the choice to be made between them. Consideration of the motion deferred.

Mr. Durand, from the committee on the petition of divers inhabitants of the Gore District, brought up a report with a bill to establish the Sydenham Mountain Road Company. 2d reading on Friday.

The petition of J. A. Tailhades, presented on the 18th, was referred to Messrs. Moffatt, Holmes, Viger, Parent and Aylwin.

The consideration of the Huron Election was fixed for the 5th July.

The order of the day for taking Mr. Neilson's resolutions relating to contested elections in Lower Canada into consideration in committee was postponed to Wednesday at 10.

The second reading of the bill for the relief of infirm and disabled persons, postponed to Wednesday.

The order for going into committee on the Usury Law, was postponed to Wednesday.

The second reading of the bill to enable members of (U. C.) to vacate their seats in certain cases was postponed to Friday.

The order for going into Committee on the West Guilhambury road act, was postponed to Wednesday.

Adjourned to Wednesday, (Tuesday being a holy day.)

LEGISLATIVE COUNCIL.

RESOLUTIONS submitted to a Committee of the whole, on motion of the Hon. P. B. DE BLAQUIERE, "to take into consideration the measures necessary to be adopted for the promotion and protection of Agriculture in this Province."

Resolved 1.—That the prosperity of this Province is essentially based on the promotion and protection of its agriculture.

Resolved 2.—That the gracious intimation in the Speech from the Throne, of Her Majesty's intention to recommend to the Imperial Parliament to afford the means necessary for guaranteeing and alleviating the burthen of the Public debt, and for the development of the Communications of this Province, both by water and by land under a wise, liberal, and prudent administration of such resources, holds out the fairest prospects and strongest inducements for the future settlement of this Province, and the enterprize of its inhabitants.

Resolved 3.—That this House is of opinion that the proposed facilities of communication, however general in their application, or in whatever degree essentially necessary to second the industry of the Province, require at the same time, in so far as the agriculturist is concerned, a certain and remunerative market, in order to realize the contemplated great benefits of such undertakings.

Resolved 4.—That this Province, but more particularly that section of it included within the limits of the former province of Upper Canada, is a vast and fertile region peculiarly adapted to the growth of wheat and other grain, affording to the clearer of the soil the most certain and prompt return for his laborious occupation.

Resolved 5.—That the most fertile part of this highly favored portion of the globe is notwithstanding in juxtaposition with an extensive territory comprising the Western portion of the United States, which, from various causes, and amongst others, the greater facilities and cheapness in clearing land, and the actual existence of extensive and well combined means of communication, effected chiefly through British capital, is enabled under existing arrangements to compete with successfully, and undersell the Canadian farmer both in the markets of this province, and in those of Great Britain.

Resolved 6.—That such a state of things requires the protective interposition of Great Britain in favor of the Canadian Farmer, not with the view of interfering with, or of restricting the introduction of grain or flour the growth of the United States into Great Britain upon such terms as the Imperial Legislature may deem proper, but for the purpose of assuring to the inhabitants of an extensive and struggling colony, whose entire prospects are involved in the issue, a certainty of finding a remuneration for their labours in the Home market, and for which inestimable boon they can offer to the Mother Country the cheering assurance of thus becoming "attached and loyal subjects of her Majesty," as well as the condition of "a prosperous and grateful people"; the consumers of British Manufactures to an indefinite and incalculable extent.

Resolved 7.—That this House is decidedly of opinion that the only mode by which so desirable an event can be consummated, and in which the interests of Great Britain and this Province are strongly identical, is by the free admission into Great Britain of agricultural produce of every description, the undoubted growth of this Province.

Resolved 8.—That this house deeply sensible of the vital importance of this concession to the prosperity of Canada, feels itself called upon to declare that the possession of this invaluable privilege or the entire fulfilment of Her Majesty's gracious and benign intentions for the establishment of the communications of the Province, will prove of little avail in promoting its prosperity, if the duties at present existing in Great Britain, upon the introduction of grain or flour, the growth of the Continent of Europe, are so far changed or modified as materially to affect the present ordinary prices of those commodities in the market of Great Britain.

Resolved 9.—That such a contemplated change cannot be viewed in this Province, but with feelings of the most intense and anxious apprehension.

Resolved 10.—That the measure in question, if carried out, must utterly annihilate the prospects and hopes of the Canadian Farmer; who, even under existing arrangements, is now unable to compete with the western portion of the United States, either within this Province, or in the Home Markets; for it is evident that such a measure will operate as a direct bounty in favor of the United States—as against this Province; it must render inoperative the passage of our waters, however improved, as the

medium for transporting western American produce to Great Britain, turning its current through the United States to New York. And further, it will raise up a formidable and successful rival in the grower of European Corn; possessed of overwhelming advantages as opposed to this Province, and who does not, nor will ever offer to the Mother Country the reciprocal advantages presented to her, both by this Province and the United States, in the progressive and indefinite consumption of her Manufactures.

Resolved 11.—That this House assumes this data, upon well authenticated and incontrovertible grounds—the table of the exports and imports of the United Kingdom; and is thus called upon to bring into conspicuous notice the exports from Great Britain into Her Majesty's North American possessions and the United States, compared with the exports of Great Britain to the Continent of Europe; whilst the subject derives vast additional importance from a view of the extensive tonnage of British Shipping engaged in such commerce, with reference to the maritime resources of Great Britain.

Resolved 12.—That for the foregoing reasons, this House is of opinion that the dearest and best interests of Great Britain and of this Province, are involved in the preservation of amicable relations with the United States; for his House only seeks as in reference to the latter Country, a protective admission for the industry of this Province, as a British possession in the Home Market, and it thinks this may be attained even by the continuance of existing regulations, provided the identity of American produce is established; and it is conceived this can be done by levying the duties now in operation as respecting such produce primarily in this country, upon such parts of such produce as may pass through this Province in transitu to Great Britain.

Resolved 13.—That this House is of opinion that the foregoing resolutions be embodied in a respectful address to Her Gracious Majesty, through the medium of His Excellency the Governor General, praying Her Majesty that She will be graciously pleased to recommend the subject to the favourable consideration of the Imperial Parliament, with a view to the adoption of such measures thereon as in their wisdom may be deemed necessary to give full and complete effect to the benign and gracious intentions of Her Majesty, as already expressed towards this Province.

Resolved 14.—In order to give greater weight to these Resolutions, it is highly desirable and expedient that the Legislative Assembly be invited to concur therein, so as to present an Address to the Throne, from the United Legislature of Canada; and for this purpose that a conference be sought with the Legislative Assembly accordingly.

THE CANADIAN MIRROR

OF PARLIAMENT.

EDITED BY H. FOWLER, Esq. }

Kingston, July 3, 1841.

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LEGISLATIVE COUNCIL.

THURSDAY, July 1.

Pursuant to the order of the day, the Council went into Committee of the Whole upon the resolutions proposed by the Hon. P. De Blaquiere, for the promotion and protection of Agriculture in this Province, Hon. J. S. McDonald in the chair.

Hon. Mr. SULLIVAN rose and addressed the committee.

Hon. Gentlemen—My hon. friend who moved these resolutions appealed so directly to me in the course of his long and eloquent address to this House upon the introduction of the resolution now before us, that I feel myself called upon to reply; and if, in entering upon the discussion of this subject, I should feel considerably embarrassed, it is because all my habits of life and study have been directed in a channel so different from any thing connected with subjects of this nature, that I feel myself totally disqualified for doing that justice to the subject which its importance demands. Another reason why I should feel embarrassed is, that the hon. gentleman has addressed himself to a feeling which is naturally strong throughout the country; and knowing how much I have at stake in entering into a discussion in which I may seem to be opposed to views which are exceedingly popular, hon. gentlemen will readily admit that I have some reason for embarrassment. Having made this explanation, I shall now proceed to discuss the several points embraced in the resolutions before the committee.

It is very easy for any person holding a position out of the government, and seeking only to obtain the good will of the populace,—it is very easy for such a one to accomplish his object, by telling the country that they have certain rights and claims which ought to be allowed by the government; and if those fancied rights and claims are withheld a great injustice is done them. I will not impute any other than honorable motives to the hon. gentleman: it cannot enter into my heart to conceive that the hon. gentleman would endeavor to represent that, of the truth of which he is not perfectly convinced: I will assume that he is only following out his own honest, just, and high-minded intentions; but, hon. gentlemen, I shall, in the course of this debate, endeavor to show, that the expectations of that hon. gentleman are altogether unreasonable. The hon. gentleman in the speech which he made to this House upon introducing his resolutions, professed, in distinct terms, that he had an objection, and a very great objection to create any expectation on the part of the people which was not just, practicable, and attainable. Now, I shall divide the subject into two branches on this very principle;

In the first place, a claim is set up by the hon. gentleman which I think is far from being reasonable; and I will go still farther and say—that if that claim were acceded to by Great Britain, a very great injury to this country would ensue. These, then, are the

two divisions of the subject: first, we are asking what is unreasonable, and what we have no right to dictate or demand; and in the next place we are asking that which, if obtained, will do us an injury. I shall endeavor to demonstrate my first proposition: The hon. gentleman says, that we should demand from the government of Great Britain that our agricultural produce should be admitted into England free of duty. This proposition is combined with another—that all foreign produce shall be taxed upon coming into that country. Now let us look at the several interests that are combined in opposition to this demand. In the first place, we find the manufacturers of England asserting that they have to bear their part, and a very considerable part in the expenses of the government—that they contribute largely towards the payment of the interest of the national debt, and the current expenses for the defence of their own country and her colonies—that all this is a tax upon her industry. That in consequence of the adoption of the measure proposed in these resolutions, the price of the very bread they eat is raised upon them; and that the pittance which they get for their labor is insufficient for their support. The hon. gentleman says all this may be very true; but we are great consumers of British manufactures, and that we cannot have a profitable British market without the exclusion of foreign grain. Now let us look at the proposition: it amounts to this: that the manufacturer of Great Britain is to purchase our produce in preference to all other, and at a higher rate; in return for which we afford him the benefit of the Canadian market for his manufactures at the lowest rate of remuneration. What is he the better for our purchasing his manufactures, unless we can pay him more than he can obtain elsewhere?

Let us now look at another interest—I mean the landed interest of Great Britain. What will they say? We are in a country whose taxes are burthensome: these taxes bear heavily upon us. Our agriculture has been carried on with an immense investment of capital; and if you introduce either colonial or foreign produce into this country to compete with us, you ruin us.

Then comes another of the hon. gentleman's propositions: "But you must admit all our produce free from duty." The landholders in England may turn round and say, why, what have you done towards paying the national debt, or towards defraying the current expenses of the government? And by what right or reason can you ask that so great a privilege should be granted you? The hon. gentleman will take note of this point, because it is his own argument. There is also another interest involved in the consideration of this question—that of the ship-owners. This, however, is an interest which is in our favor, but it is one which the people of England themselves will judge of. It is of very great consequence to them that the shipping interest should be promoted; it is of great importance that England should keep a very large fleet upon the ocean in case she may have to contend for her national independence against the invasions of foreign powers. But I would ask, is it becoming in

a Colonial Legislature to force upon the parent State, which has been so mindful of our interests hitherto, and as I trust she always will be, the consideration of a question of this description? Is it becoming that we should come forward with our little Colonial interests, and set them in opposition to the interests of a great nation? (hear, hear.)

Then there is another interest to be considered—that of the Ministers of the Crown. They will tell you that the support of the revenue is necessary, and that each branch must be looked to in order that it may not press unnecessarily upon the people. I do not say the British Ministry will not help us—I trust they will. The British Minister is the man of all others who sees the necessity of supporting a mercantile fleet, not only for the benefit of the home country, but to promote the prosperity of the Colonies; and I say again, with all the interests of a great nation before him, I do not think we are in a condition to advise him as to the best method of promoting the interests of that nation and her Colonial possessions. I cannot imagine that any representations brought forward by us will have any weight.

Now, honorable gentlemen, if these interests which I have spoken of could be brought to unite, so as to procure for us the introduction of our produce into Great Britain free of duty, it would be what I should hail with delight, and what we would have reason to be grateful for; but it is not for this country to claim it as a matter of right.

But let us come to the second part of the hon. gentleman's proposition, which is, that for the sake of the export trade of this colony, all other grain shall be taxed. Now, hon. gentlemen, let us look at the modesty of this proposition—let us consider for a moment how it will be viewed by all classes in England—by the nobility—by the trading class—by the manufacturers—by the peasantry. How is it possible that the interests of all these, backed by all their weight and influence, can for a moment be superseded by those of a petty Colony! There are more people in one city in England than the whole population of this combined colony. And what proportion does the grain that is raised in Canada bear to the supply in the English market? would it afford a single breakfast to the people of London? And are we to tell the people of England, that this colony will not be controlled unless you grant us this privilege. I feel assured the hon. gentleman could never have meant it; he could not have been aware of the force and effect of the proposition which he has made—placing conditions upon the allegiance of the people of this country, and making those conditions such as it is impossible that the government of Great Britain could comply with. Really any one who views the matter as I do, must declare that the proposition of the hon. gentleman, is highly objectionable—nay it is almost criminal. To demand a sacrifice of the interest of the whole British nation, for the sake of one of her colonies, and to tell the mother country that our attachment to that country depends upon her compliance with this demand, why, the proposition is horrible to think of. It cannot have any ill effect in England certainly,

that the proposition should be made, because it can only be regarded as an over anxiety for our own peculiar interests—but the evil is, telling the people of this country that certain benefits would accrue to them, by obtaining a compliance with these demands, and when they come to find the result of such an application to be its rejection, they will naturally turn round and say, did you not tell us the other day that we would be a despairing and unhappy people unless this could be obtained? Did you not tell us it were better that we should have been abandoned in the hour of danger? (hear, hear,) better that we should have sacrificed all that we have been taught to hold dear (hear, hear.)—better to sacrifice an allegiance to our Sovereign? (Hear, hear.) How, after that, could you say to the people of Canada, you should be a contented people?

It would not perhaps be unreasonable to ask England to give the preference to Canadian produce over that of foreigners, but I think I have shown to this hon. house the distinction which should be taken between making a simple request of this nature, and interfering in a great national question, in which all the interests of England are concerned, and demanding that those interests be martyred for the sake of this colony. But I will go further and I will say, that whether the duties upon foreign produce be increased or diminished, it does not seem to me that it will affect our interests materially, but this belongs to a different branch of the subject.

I think I have said sufficient upon this point to show that although it may be of advantage to us that our produce should be admitted free of duty, yet that we have no right to demand it. I therefore would most earnestly advise this house to refrain from the expression of opinions which may be looked upon in another quarter with aversion and perhaps with ridicule.

I come now to another branch of the subject, and I repeat what I have already stated at the commencement, that there are some things which, if practicable and attainable, would nevertheless be of no service to us if attained, but on the contrary a great disadvantage. What I mean is, that distinction which is attempted to be drawn between American produce in *transitu* through this country and our own. Now let us take up the propositions of the hon. gentleman, and we find, first, that this is a country peculiarly adapted to the growth of agricultural produce, and in the next breath he tells you that notwithstanding all the advantages of this country, we are still inferior to the United States. I will leave the question to those hon. gentlemen who have been engaged in the trade, who have purchased wheat at three York shillings per bushel while we were getting twice as much—I will leave it to them to say whether the farmers in the United States have a remunerative price—whether they have, in fact, so much advantage over us as the hon. gentleman would have you suppose—where a farmer's whole crop will hardly pay his taxes. Is it because we have seen them driven to dispose of their surplus produce at any price, however far below its cost, that we are to be told they have the advantage over us, and can raise grain at a cheaper rate than we can? I would be glad to see the hon. gentleman himself make trial of that country which he recommends as having the advantage over us. No—I would not wish him so ill as to see him drinking the prairie water of the Western States—to see him obliged to convey the fuel for his fire a three days' journey, and experiencing all the miseries attendant upon a life in those favoured regions, for the sake of all the advantages he talks of.

The grain which they are obliged to sell at ruinous prices, we take up and grind, and from every barrel of flour so ground we have more profit than the very man by whose labour it was grown. The wealth which they have failed to get by the sweat of the brow, we have obtained by bargain and sale. We cover our waters with ships, we build up our cities by this very means, which the hon. gentleman considers so advantageous to the farmer of the United States. Look at our Island City, at which centres the exports of the Canadian and American farmer—a city which is destined at no distant day to be one of the finest cities on the American continent—look at the shipping which daily arrive and depart, and is this immense trade what the hon. gentleman would like to see stopped?

[Here the arrival of the Governor General, who came down to the Council to give his assent to a Bill which had been passed, interrupted the hon. gentleman's speech. After the departure of his Excellency, Mr. Sullivan continued:]

I was endeavoring to show to this House that the passing through this Province of American grain could not injure the farming interests of this country in the slightest degree; nor would we be benefitted if the hon. gentleman's resolutions were carried, and not only carried but adopted by the government, and not only adopted by the government but by the Imperial Parliament also. The price of our grain will be regulated not by the price in the United States; it will be in proportion to the price in England, and that is regulated by the quantity in the market. Admitting that the exclusion of foreign grain from the British market would make any difference in the price there, how can it make any difference here whether we permit foreign grain to pass in *transitu* through this Province or not? If it be brought into this Province we have the privilege of grinding it, and the profits arising therefrom; but if the Western merchant procures it abroad, it may cost him a little more,—but does it raise the price of our flour in England because he has been at greater expense, and because he has to pay a duty upon it? Not at all, because it is the quantity in the English market which regulates the price. Of what advantage is it, therefore, that we should discriminate between Canadian and American produce in *transitu* through this Province? Let hon. gentlemen look back to former times, and see what was the state of the grain market. I have been in this Province twenty-two years, and at the period of my coming here the price of flour in this Province was two dollars and a half a barrel, but the price in England was the same as it is now; there were no ships to convey it, there was no money to buy it, the merchants of Montreal were engaged in other ways, consequently it was sold for whatever any body chose to give, and the grain grower in this country who was obliged to sell his flour was consequently a loser. And what was the reason? Because we had not a sufficient quantity in the market to induce a competition in the trade; it was an odious monopoly; what did our farmers do? They were not in that dismal and despairing state, which the hon. gentleman represents them as being in at present, although even at the lowest rate, cash could not be obtained for flour; even at that time which might be considered so black—which new comers might imagine was a hell upon earth; at that time prosperity was forcing its way, and men were not disheartened. And will the hon. gentleman declare that farmers cannot do as well now as they could then! If those who come to this country with the expecta-

tion of ease and freedom from labour do not find their expectations realized, it does not prove that the industrious and hard working Farmer—the man who can contend with difficulties, cannot obtain a remuneration for his labour, aye, and an ample remuneration. Having had occasion recently to visit a remote settlement, I found there a man in a completely isolated position, who had by his own exertions surrounded himself with comforts; he had neither the advantage of roads nor markets, and yet he maintained his family of five children in comfort; and not only fed and clothed them, but found means of educating them also. When I witness success such as this attending individual industry, I never shall admit the assertion—that because men cannot make fortunes as rapidly as they wish, the country is to sink into a state of poverty and destitution, nor that our farmers will ever become “an impoverished and despairing people.” But you talk of protecting the farmer: I say the farmer is the person who is most independent. He feels no want: he is not in the situation of the tradesman.—Take away his trade, and he wants money to buy those very things which the farmer produces for himself from the soil. And I assert, not by way of reasoning, but as an incontrovertible fact, that if the country has flourished notwithstanding the want of markets and roads, how much more then will it flourish when those shall be provided for her to the extent of her wants.

Honorable Gentlemen—I say let us pursue the trade which we have at present; let us make money and ships plenty; let us convert our towns into cities, and our cities into large capitals, and do not let us cut off the means by which this can be done.

Honorable Gentlemen—I shall go no farther; I have detained you too long, and talked too much.

Hon. Mr. Morris rose and said: I have no intention of entering into the discussion of this question, and I rise now only for the purpose of putting an end to the debate. This important subject was laid before this House a few days ago, accompanied by a very luminous speech from the hon. mover. That hon. gentleman has stated, that he desired the resolutions should be considered by a joint committee of both houses; and I think that after the speech which we have heard from the hon. gentleman who has just concluded, it is necessary that we should pause before any action be taken upon the resolutions. I certainly think the hon. gentleman has gone too far, in stating that the farmers of Canada are a despairing class. I could mention an hundred instances where persons in destitute circumstances have come to this Province—settled upon lands to which they had no claim; and have, in a very few years, become possessed of sufficient means to enable them to purchase those lands upon which they at first placed themselves without any title whatever. They are now in comfortable circumstances, and I am happy to say they are far from the country to which I belong—the land of the blue mountains. I would ask the hon. gentleman to look at the London district. If it be so difficult for farmers to live where they have every advantage of good roads, fertile soil, and good markets, how is it possible for a poor emigrant who penetrates into the wilderness to find himself a dwelling, to acquire means to purchase lands.

Under the circumstances I think it is wrong to allow such an assertion as that made by the hon. gentleman to go abroad uncontradicted, that in this country the farming interest is in so very depressed a state that we ought to characterize that class of

persons as an impoverished and despairing race. It would have an exceedingly bad tendency, and I was exceedingly sorry to see sentiments similar to those I have alluded to embodied in the resolutions before the House. I think it would be improper to proceed with the subject at this time, more especially as it is probable that the Legislative Assembly, who represent the farming interest of the country, will very shortly be engaged in the consideration of a similar nature to the one before this House.—Therefore, it will be as well to arrest the progress of this debate here, and submit the matter to a joint committee, that they may have an opportunity of receiving evidence and information upon the subject in the committee room; and after the report of that committee has been made, the discussion will arise as a matter of course, which has been rather prematurely commenced here. I will therefore move that it be resolved that it is expedient to communicate the resolutions for the promotion and protection of agriculture, to the Legislative Assembly, to the end that this important question be submitted to a joint committee of both Houses.

I shall not express any opinion upon the principles contained in the resolutions which have been laid before this House by the hon. gentleman, (Mr. DeBlaquiere.) I do not profess to be familiar with the subject—indeed I have a distrust of my knowledge upon the subject. I will reserve the expression of any opinion in the mean time. I think it is due to the Legislative Assembly that the matter should be laid before them. They certainly may suppose that we have taken out of their hands a subject on which they feel a deep interest.

Hon. Mr. SULLIVAN said he felt bound to oppose the motion. The appointment of a committee was in some degree an admission that the subject was one which ought to be considered by this Legislature. Besides he (Mr. Sullivan) did not consider there was any necessity for the suggestion of that hon. Council to induce the Legislative Assembly to take up the consideration of the subject. To use a vulgar adage, it is like spurring a willing horse. He (Mr. Sullivan) should certainly have no objection, if the matter originated in the Legislative Assembly, that it should be taken up and discussed, but he could see no necessity for inviting their attention to it.

The motion of the Hon. Mr. MORRIS was here put and negatived.

Hon. Mr. DEBLAQUIERE then rose and said:—I certainly feel somewhat embarrassed in the course of proceeding which has been adopted by hon. gentlemen, who seem desirous of putting an extinguisher on the question, and so getting rid of it altogether. Under these circumstances I should but badly fulfil the duty which I considered at first impelled me to bring the subject under the consideration of this hon. house, if I should silently acquiesce in its abandonment. It is to me, and, I may say, to the country at large, a matter of considerable interest that the subject should be taken up; and I should be exceedingly sorry that its consideration should be brought to a close in the supposition that I have been convinced by anything which has been said by the hon. gentleman who is the organ of her Majesty's Government. On the contrary I am the more convinced by the arguments which have been so ably brought forward by the hon. gentleman, that the resolutions before this committee are absolutely necessary. I do not say that I can contend, before this hon. committee, on equal terms with that hon. gentleman who has put forth in glowing language, and with apparent strength of argument, his rea-

sons for the hostility which he does not hesitate to avow towards this measure; but although I have not been able to bring to bear upon the discussion of this question that acumen which that hon. gentleman so eminently possesses, and which a long experience in public life has rendered familiar to him, and although from that long experience in the conducting of business of a public nature he possesses an advantage which I am not prepared to contend with: yet I am far from being convinced by his arguments, and I shall be perfectly satisfied to allow the question to rest upon those very arguments which he has so forcibly advanced in opposition to it, and the public shall decide between us; and I am perfectly satisfied that when the arguments of the hon. gentleman come to be maturely considered, however good a logician he may be, it will be found that they do not contain one convincing proof against the utility of the measure contemplated by the resolutions which I have had the honor of proposing for the adoption of this hon. committee. Nevertheless, I think it is necessary that some of the arguments of the hon. gentleman should be at once met—that it should not go abroad that they are irresistible. I do not wish that the hon. gentleman should, by his superior skill in giving a plausible coloring to his arguments, place me in the situation of a certain friend of mine, who having taken his champagne too freely before dinner, was incapacitated for enjoying the more substantial fare when the other guests arrived. So would the hon. gentleman at this early period drive me from the calm and careful and dispassionate consideration of this question by holding up to me the terrors of the displeasure of her Majesty's government. The hon. gentleman certainly makes a strong accusation against me, and calls down the ire of this hon. house and the government for having said that the Canadian farmer is an impoverished and despairing individual. I am glad to see the hon. gentleman smile; I hail that smile as an omen that he is not in earnest when he declares that expression to be so very heinous.

The hon. gentleman opposite (Mr. Morris) in a statement which he recently brought forward, has described the Canadian farmer as being the opposite of what I have asserted. The difference between the opinions of that hon. gentleman and his own arose from the fact that the Canada Company, on whose behalf that sentiment was put forth, are sellers of land—I am not. I do not mean to charge the Company with intentionally misrepresenting facts, but what I mean to say is, that the public will naturally receive with great caution any opinion expressed by the Canada Company, or by my hon. friend, on that subject. Isolated instances are not to be taken as a criterion in forming our judgments of the whole body of Canadian farmers.

Now, I will just advert to a few of the arguments which have been made use of by the hon. gentleman, the organ of her Majesty's Government. He says if we obtain what we ask, it will be injurious to us—that we shall be taxing Great Britain for the benefit of Canada. I again say it is not dealing fairly with my proposition to treat it in this light. The honorable gentleman will recollect that what I am desirous of impressing upon the House and the country at large is, that Canada cannot be considered in the light of a foreign country, claiming immunities from Great Britain; but I base my proposition upon this, that this country has a right to demand that she shall be considered an integral part of the British Empire, and be put upon a footing of equal pri-

vileges with regard to her trade. This is my answer to the argument of my hon. friend. We have heard from the throne at the commencement of this session of the Legislature that it is her Majesty's determination to support this province in the position in which it ought to stand with reference to the mother country. In this declaration I think we have a sufficient assurance that this country can no longer be viewed in the light of a foreign possession. I am sure the hon. gentleman must exonerate me from the charge of being desirous of promoting the private interests of any portion of the community; no, it is a principle I am contending for, a principle which involves the very existence of the British Empire. Therefore it is that I exclaim, with perhaps too much emphasis, that this country has a right to claim that she shall be considered an integral part of the empire of Great Britain; and have felt it to be my duty to bring under the notice of this hon. house the subject embraced in the Resolutions.

The honourable gentleman in his argument assumes that I have been asking for a new state of things: I would ask hon. gentlemen to reflect a little; I am not asking for the imposition of a tax upon the British Empire for the sake of an insulated Province. The hon. gentleman asks what part we have borne in the taxation of Great Britain? I am surprized at that hon. gentleman, coming from the country which he does come from, and glorying in the fact of his being a native of that country. He will find the claims of his own countrymen who have made this country their adopted homes, he will find the claims of all Canadians loudly proclaimed by the blood which they have shed in defence of British America. For such reasons as these it is, that I say Canada is entitled to be favorably considered by Great Britain.

The hon. gentleman has strongly alluded to the support which this measure would receive from ship-owners. He does not admit that any other class of persons would have an interest in its success. The hon. gentlemen, I am inclined to think, is a better lawyer than he is a farmer. I wish for all our sakes that he was a better farmer; but as his inclination seems opposed to being so, neither will I wish him so much trouble anxiety and labor as the occupation of a farmer entails upon all who pursue that mode of life.

If the hon. gentleman would take the trouble to examine the table of the imports and exports of Great Britain, he would find that the exports to the continent of Europe are latterly as nothing in comparison with those to this Province, therefore I will take the hon. gentleman on his own showing, that it is more the interest of all classes in England to preserve the trade of this country than that of the continent. This is no trifling question; it is a question of overwhelming importance. It is not that of a small community seeking its own advantages, but it is a question of deep interest to the Empire of which we form a part; therefore I am not prepared to admit the reasonings or the conclusions of the hon. gentleman on this point, nor do I think the country will admit them either.

But the hon. gentleman says we are asking a change of the corn laws—we are wanting to interrupt the policy of England—we are presuming to give an opinion to the British Empire with regard to those interests which she knows so well how to manage. Hon. Gentlemen—I am not going to trespass on your patience, by entering at large into these subjects, or of discussing what are the rights and privileges of this country;

but I do maintain they are legitimate subjects for our consideration, and that we have a perfect right to represent to the Home Government that the situation of this country is such, that no modification of the corn laws can take place without inflicting an essential injury upon us. I maintain this position, although it has alarmed the hon. gentleman.

I have stated deliberately, and again repeat it, that if the Canadian farmer does not find that some consideration is extended to this subject, and that a certain remunerative market is provided for him,—I say it were better to have left the country in the state of destitution in which it was four years ago, and not to have held out prospects which were never to be realized.

I will not go further into the subject; probably I have already wearied your patience; but I do entreat hon. gentlemen to refrain from hastily dismissing the subject; and I trust, whatever may be the result of this discussion, that enough has been elicited in this House, not only from what I have said, (which is not, I must confess, entitled to much indulgence,) but from what has been advanced by the hon. gentleman who is the organ of her Majesty's government, to show to the country, and to those who are said to be the national protectors of the farmers' interests, that there is no subject which can fall under their consideration which so well deserves their careful attention.

Hon. Mr. SULLIVAN said he wished it to be understood that he had no desire to put an extinguisher upon the subject, as the hon. gentleman had asserted; nor did he wish that the hon. gentleman should designate him as an organ: he had no desire to be played upon.

Hon. Mr. DEBLAQUIERE said as the hon. gentlemen were not inclined to enter into the discussion of the subject, he would move that the committee rise report progress and ask leave to sit again.

Hon. Mr. MCKAY said he would prefer that the committee should rise and report, and that the consideration should be deferred, because he believed that in the course of a few days a proposition of a similar nature would be introduced into the other branch of the Legislature.

Accordingly the committee rose reported progress, and asked leave to sit again on Thursday next.

HOUSE OF ASSEMBLY. ROUTINE BUSINESS.

Wednesday, June 30.

The following petitions were brought up: By Mr. Cook, that of the Rev. Mr. Straits of Williamsburgh, to be naturalized. By Mr. Small, of W. W. Baldwin and others, praying for an investigation into the riots which occurred at the several elections for the ridings of York and Toronto. By Mr. Christie, those of Mungo Murray and others of Stroolbred, and Norman McLeod and others, praying for aid to a road from Cross Point to Carleton. By Mr. Buchanan, those of the Bank of Upper Canada, praying for an increase of its capital to £500,000, and that its charter may be so modified as not to require it to be held at the seat of government. By Mr. Roblin, those of A. V. K. Pruyn, and of Ahira Blake of Picton, for naturalization. By Mr. Holmes, that of the Directors of the Montreal Bank to have their charter extended, their corporate powers extended throughout the Province, and their capital increased. By Mr. Steele, that of A. Laidlow and others in Mono for aid to a road.

The petition of the Gore District, presented on the 22d, was referred to the committee on the Gore Turnpike Trust.

The petition of D. Calder of Thorah was

referred to Messrs. Steele, McNab, Williams, Dunn and Killaly.

The petition of Alpheus Todd was referred to the committee on the officers of the house.

Mr. Moffatt moved that the house go into committee on the 14th July to take into consideration the expediency of allowing the exportation from the Province of flour and meal, pot and pearl ashes, beef and pork, without inspection; and of amending and consolidating the laws now in force in the Province in relation to the inspection of those commodities.

Mr. Simpson reported from the committee on the subscription of the house to newspapers, to be considered to-morrow. The committee recommend that 500 copies of the Mirror of Parliament be taken by the house.

Mr. Morris, from the printing committee, reported in favor of the tenders of Messrs. Desbarats & Cary—consideration to-morrow.

Mr. Prince, from the committee on R. J. Turner's petition, reported favorably by a bill to permit Robert John Turner to practice as a Solicitor in the Court of Chancery. Second reading to-morrow.

The bill the better to provide for the freedom of elections and for other purposes therein mentioned, to be read second time this day week. 200 copies to be printed.

Mr. Campbell obtained leave of absence for a week.

Mr. Hamilton moved an address to his Excellency for a statement of the net amount of duties collected at the several ports in the district of Gaspe since 1835, inclusively, also a detached statement of the amount of public money appropriated for and expended in the said district since 1835, inclusively.

Mr. Holmes moved for a select committee to inquire into and report upon such measures as will most readily equalize the rates of exchange, and assimilate the currency through this Province; to consist of Messrs. Dunn, Dunscombe, Burnet, Cameron, Cartwright, Morris, Moffatt, and Hincks; to whom were afterwards added, on motion of Mr. Johnston, the names of Messrs. Aylwin and Neilson.

Mr. Simpson moved that the house should to-morrow go into committee to consider the expediency of repealing the act of U. C. (6 Wm. 4, c. 27) relating to the currency. After some discussion, the previous question was put, and the motion of Mr. Simpson did not prevail.

Mr. Draper moved that to-morrow the house go into committee to take into consideration the state of the law relating to Courts of Requests in U. C.

Mr. Steele, for the house to go into committee to-morrow to consider the expediency of authorizing an additional loan to complete the Court House and Gaol of the district of Simcoe.

The Speaker intimated that he had received a letter from his Excellency's Secretary intimating his Excellency's intention to come down to-morrow at ½ past 2 to assent to the Heir and Devisee Act.

The house went into committee on the resolutions of Mr. Neilson on the L. C. controverted elections, Mr. Raymond in the chair, who reported progress and obtained leave to sit again to-morrow.

The second reading of the five bills introduced by Mr. Black for the amendment of the Criminal laws was severally postponed to Monday.

The bill for the relief of disabled and infirm persons was read a second time and committed for Monday.

The House went into committee on the west Gwillimbury Road act, reported the same without amendment, to be engrossed.

The order of the day for the consideration of Mr. Prince's motion of Monday relating to the St. Maurice election was postponed to Tuesday, and that relating to the Bonaventure election to to-morrow. The House then adjourned.

Thursday, July 1st.

Mr. Delisle brought up the petitions of Loop Odell and other loyal inhabitants of Acadie for indemnity for losses sustained during the rebellion of 1838, and of Iron L. Caron to the same effect; By Mr. Small that of the inhabitants of Whitty harbour; By Mr. Hale, that of the Trustees of the Sherbrooke Academy for a continuance of the public aid heretofore granted and for another grant for the purchase of Philosophical apparatus; By Mr. Dunscombe that of the City Bank of Montreal, for an extension of its capital and renewal of its charter; By Mr. Roblin that of certain land surveyors to be authorised in certain cases to administer oaths to witnesses and to persons acquainted with ancient boundaries and landmarks; By Mr. Small, that of Mrs. Bell, late housekeeper to the Assembly of U. C. for remuneration, that of the Inhabitants of Markham for aid to open a road between the 7th and 9th concessions thereof; and that of David Elder for relief for losses sustained during the Rebellion; By Mr. Boswell, that of certain persons in the Newcastle District calling themselves "Christians" praying for the privilege of holding lands for churches &c. By Mr. Merritt, the petition of Rebecca McIntee, widow of a Militiaman killed during the last war for relief, and of R. M. Boyle and other contractors for the payment of their accounts as contractors on the Queenston and Grimsby Macadamized road; By Dr. Gilchrist, that of the inhabitants of Asphodel and Dummer, for aid in opening a road; By Mr. Turcotte that of Moses Hart and others for an incorporation to Harts Bank at Three Rivers.

On motion of Mr. Merritt, the petition of Astull and Lampman, of J. Decon and others and John Kalor, presented on the 15th were referred.

The petition of the inhabitants of the Grand River lands presented on the 15th June was also referred.

Mr. Speaker informed the House that he had received a return from the clerk of the Crown in chancery, with the name of the Hon. S. B. Harrison as member for the town of Kingston. That gentleman was then introduced and took his seat.

Mr. Derbshire moved an address to the Governor General for a return, to be laid on the table of the House, stating the amount of duties levied at Bytown on timber floated down the river Ottawa, for the last five years, specifying the annual amounts and the descriptions of timber, and also stating whether any and what portion of such duties had been expended in improving the navigation of that river above Bytown, and if any, what improvements had been so effected.

[Mr. Hamilton said he had been obliged to give notice of an address for a return, and he did not know whether hon. member for Bytown should be excluded from observing the same formality.]

Mr. Derbshire said he had the consent of the Executive officers of the Government in that House, and as notice was only an act of courtesy and convenience to those who might have an interest in opposing such a motion, it was not necessary in this instance. This was a motion for the information of the House, and if the head of the government had no objection that such information should be given from the public Departments under the control of the Executive, the House itself could scarcely interpose against the motion. An address accordingly was ordered.]

Mr. Derbshire gave notice that on Monday next he would move that it be a standing order of the House that the orders of the day, and notices of motions for each day, together with the minutes of the preceding day, be printed and delivered every morning at the residence of each member.

THE CANADIAN MIRROR

OF PARLIAMENT.

EDITED BY H. FOWLER, Esq. }

Kingston, July 7, 1841.

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HOUSE OF ASSEMBLY.

MONDAY, July 5.

The House proceeded to ballot for a committee for the trial of the controverted election for the county of Huron.

Mr. HAMILTON said there were certain formalities which must be complied with, one of which was, that before any petition against the return of a member could be acted upon, recognizances must be entered into by the party complaining, for the payment of all costs attending the trial. The statute was plain and positive upon this point, and no two constructions could be put upon it. There was another thing pointed out by the statute, which was that no member petitioned against could be a member of a committee for the trial of a controverted election. He did not think, however, that the objection could apply to those who were petitioned against upon slight and insufficient grounds. The hon. member for Chambly, who had been nominated, he believed was fully competent to make one of the committee.

Mr. SMALL pointed out the words of the statute which declares that no person petitioned against shall serve upon a committee for the trial of any controverted election. The speaker of that hon. house had decided the other day that no person so situated could serve upon a committee of that description, and the only mode by which the hon. gentleman could test the question would be by appealing to the house from that decision.

Mr. JOHNSON desired to know whether it was by the statute of Upper or Lower Canada that that provision was enacted.

The SPEAKER stated that he had founded his decision upon the Upper Canada Statute. As long as a petition was depending against any hon. member that member was incompetent to serve upon a committee.

The following gentlemen were selected and sworn to serve upon the committee:—Messrs. Steele, Neilson, Robertson, Christie, Burnett, Holmes, Raymond, Morris, Moore. The nominee on the part of the petitioning candidate Col. Prince. The nominee of the sitting member, Mr. Sberwood.

Mr. THORBURN moved that a committee on contingent expenses be appointed in order to confer with a committee of the Legislative Council.

Mr. AYLWIN said it would be remarked as a singular circumstance in the history of this Parliament, that no committee of privilege, or committee of good correspondence with the other branch of the legislature had as yet been appointed. He was sorry the hon. gentleman had brought forward this motion at a moment when the treasury benches were deserted. All the measures which had as yet been proposed to that house had originated with private individuals, whereas the house had been led to expect that ministers were prepared to bring forward all necessary measures. He perceived that complaints had been made in some of the newspapers against that house for procrastination, and he was inclined to think that if they were to wait until ministers were ready to bring forward their promised measures that those complaints would be fully justified. (Hear, hear.) It was a disgrace to that house that no committee of good cor-

respondence with the other branch of the Legislature had been appointed. He hoped that another day would not be allowed to pass without the appointment of such a committee.

Mr. THORBURN observed that such had not been the practice in Upper Canada. As regards a committee of privilege, he believed there had been no complaints of breach of privilege. There was no doubt that a great many things had been left undone which they ought to have done, and the appointment of a committee upon the contingencies of that house he considered to be one of those things which ought not to be any longer delayed.

Sol. Gen. DAY said that as reference had been made to the members of the administration by the hon. member from Port Neuf, it might perhaps be proper that he (Mr. Day) should make a few observations in reply. The first charge made by the hon. member against the officers of government was, that the business of the house had been delayed by awaiting the introduction of those measures which they were expected to bring forward. He could only say, that although himself and his colleagues had assumed certain duties for the performance of which they held themselves accountable, yet as far as relates to the ordinary business of the house, it was as much the duty of the hon. gentleman from Port Neuf himself as it was their duty, to forward all ordinary measures. The hon. member from Port Neuf seemed desirous of forcing upon the members of the administration a responsibility somewhat greater than it could reasonably be expected that they should assume. With respect to the absence of any government measure, he could only say that the attention of the officers of the government had been given with great assiduity to the preparing and maturing such measures as were necessary to be brought before the house; and he would put it to the good sense of the house whether under the peculiar circumstances, placed as they were in a position altogether novel, they could be expected to be prepared at once: besides, it must be recollected that questions of no small consequence had already been discussed, questions which required the attendance of the members of the administration in their places in that house. He was, however, happy to be able to inform the house that in the course of the ensuing week some of those all important measures would be brought forward, and he trusted that all reproach on the score of delay would be entirely removed.

Mr. VIGER addressed the house for a considerable time, but in so low a tone that it was impossible to do more than catch the general tenor of the hon. gentleman's observations. He animadverted upon the conduct of the gentlemen who occupy the treasury benches, for having on a recent occasion vigorously opposed the appointment of committees for various purposes, without having at that time or since proposed in any manner to supply the place of those committees.

Sir ALLAN McNAB said he was not prepared to vote for the resolutions of the hon. gentleman from Lincoln immediately. He did not know what the Legislative Council could have to do with the contingencies of the House of Assembly. They could appoint a committee with regard to their own. The course proposed by the hon. gentleman had never been in use in Upper Canada, and he

(Sir Allan) did not consider it advisable to adopt it now. He was glad to hear from the hon. gentleman, one of the officers of the government, (Mr. Day,) that those great measures which were expected from Ministers were in a state of forwardness, and would soon be submitted to the House. The country was looking anxiously for those measures, and that House was looking anxiously for them; and he thought they had every reason to expect that there would be no delay in bringing them forward, as there were a double number of law officers of the Crown, a double number of Secretaries, &c.

Sir ALLAN McNAB.—As there were two election committees to be struck on Wednesday next, he would move that there be a call of the House on that day.

Mr. JOHNSON said he could see no necessity for a call of the House.

Mr. DURAND was of the opinion that there should be a call of the House, otherwise it would be difficult to procure a sufficient number of members to be present, especially as two election committees were already sitting.

Mr. MERRITT was opposed to the motion, because he had never known any good result from it.

Mr. VIGER remarked that a call of the House should only take place in cases of urgent necessity, and upon questions of the utmost importance, (hear, hear,) and when put in practice the attendance of members should be enforced.

Mr. AYLWIN said he believed it was a matter of absolute necessity that a call of the House should take place, lest the House should be left without a quorum.

Mr. CAMERON accorded with the hon. gentleman, (Mr. Aylwin,) that there should be a call.

Mr. CHILDE observed that the language of the motion should be somewhat different—it should be a call of the whole House.

Mr. MERRITT said it must clearly be understood that a call of the House meant a call of the whole House. He thought, however, that calls of the House should be avoided on all occasions where it was possible to avoid them. It was utterly useless unless the call were enforced, and the attempt to enforce a call was sometimes attended with disagreeable consequences. On one occasion in Upper Canada certain members were brought to the bar of the House, and required to make an apology for their absence. They did so, but in a way which was not very creditable to themselves or the House.

Mr. BLACK remarked that a call was rarely made in the House of Commons, and when made a remote period was invariably fixed for the call to take place; for upon a call being ordered it becomes the duty of the Speaker to cause the proper officer to notify absent members. He did not consider that the business of Wednesday next was of that importance that a call of the House would be required; it should only take place upon the determination of some great Constitutional question.—The hon. mover of this proposition had no right to assume that members would be guilty of a dereliction of duty in the present case.

Col. PRINCE said he was sorry to differ from the hon. gentleman who had just spoken. He (Col. Prince) would support the motion,

because he thought it all important that a full attendance of Members of that house should be had on Wednesday next. He could not concur in the view which was taken by the hon. gentleman from Quebec, (Mr. Black) that there was any necessity for sending to Montreal, Quebec or Sandwich for absent members when a call of the house takes place. Members were presumed to be during the continuance of the session in attendance at the place where the Parliament is summoned to be holden. The intention of a call was to secure the attendance of those who were within a reasonable distance, and not of those who had obtained leave of absence. He certainly thought that a call should take place to prevent the possibility of the business of the house being delayed, of which complaint had already arisen; and while upon this subject he would take occasion to advert to a letter which he noticed in one of the newspapers, published in this Town, containing insulting language towards that house, for which the publisher should be brought to the bar. He would support the motion of the hon. and gallant gentleman from the Town of Hamilton.

Mr. CHESLEY said he certainly apprehended that this very protracted debate, would not have a tendency to remove, or to silence the complaints which were going abroad of the procrastination of the real business of the house, and of the country. Would it not be better that the speaker should direct the proper officer to wait upon the different members who are in Town and request their attendance; he thought that a call of the house should only be resorted to on the most momentous occasions; he would not vote against the motion.

Mr. AYLWIN.—Hon. Gentlemen seem very much alarmed at the idea of having a call of the house. The hon. gentleman (Mr. Chesley) would only have a call take place upon momentous occasions; is this not a momentous occasion? Unjust charges have been preferred that members of that house were willing to protract the business of the country. It certainly appeared to him (Mr. Aylwin) that there was a most urgent necessity for the adoption of the resolution.

The motion was granted.

TUESDAY, July 6.

Sir ALLAN McNAB desired to know from one of the gentlemen on the treasury benches, the gentleman who had charge of the Board of Works, whether it was the intention of the government to recommend to the house the passage of any measure relating to the Burlington Bay Canal.

Mr. HAMILTON brought up the Report of the select committee on the fisheries of Gaspé.

Mr. CHRISTIE objected to the report being received. He had not been consulted on the subject, although he was one of the select committee to whom the matter had been referred.

Mr. HAMILTON said it was the report of a majority of the committee unanimously agreed to, and he trusted the house would not reject the report in consequence of the objection of a single individual.

Mr. VIGER said he thought it was understood, when the hon. member had withdrawn the report yesterday, it was with the understanding that the report should be re-committed.

Mr. CAMERON said it appeared, rather unfortunately for the house, that there was a misunderstanding between the two hon. members from adjacent counties. He believed the house understood, and common sense dictated, that the report should have been re-committed, that the committee would again have met, and have given notice to the hon. gentleman from Gaspé to attend the meeting of the com-

mittee. By the proceeding of this committee, however, he thought one important feature was pointed out, which was, that in appointing select committees the rules of that house should not be departed from; that no person who was known to be hostile to the subject submitted should be named to serve upon the committee.

Mr. SHERWOOD was of opinion that the intention had been that the report should lie upon the table until to-day that the hon. member from Gaspé might have an opportunity of examining it, and he would have ample opportunity of expressing his dissent when the house went into committee of the whole upon the report.

Mr. JOHNSON said his understanding of the matter was that the report was to be re-committed.

The motion for receiving the report was negatived.

Mr. MORRIS moved that the order of the day for receiving the report of the select committee to whom had been referred the subject of the printing of the house, which had been lost by the adjournment on Friday last, be revived, and that the report be received.

In making this motion he was aware, he said, that he should be opposed by the hon. member for Lincoln. The committee had given notice to all the printers in town to attend and give information before the committee; they all stated that the price which had been determined on was a reasonable one; but he believed that an individual from the city of Toronto had since stated that he would be willing to do the work for less; hence the opposition of the hon. member.

Mr. THORBURN said he should oppose the motion as the hon. gentleman had very correctly supposed; but his opposition did not rest exactly on the ground predicated by the hon. gentleman. His objection had arisen before he saw the person alluded to by the hon. member. It had come to his knowledge that a combination had taken place among the printers of this town: there had been a meeting of all the trade, at which meeting it was agreed that one only should put in a tender for doing the work, with the understanding that it should be divided amongst them. He (Mr. Thorburn) was well aware that the work could be done at a saving to that house of at least three thousand dollars; it became therefore an important consideration whether the house would allow a band of individuals to conspire together, and to obtain from the house a large sum of money over and above what the work was really worth. He thought it should be thrown open to competition, and that tenders should be received anew. Another point was, that as the paper was furnished by the house, he thought it would be as well that it should be paper manufactured in this Province. He desired that it might be referred back to the committee, with instructions to receive new tenders.

Mr. MORRIS said he would move for leave to withdraw the motion which he had made. And it was withdrawn accordingly.

Mr. HINCKS moved that the order of the day for reading the report of the committee to whom had been referred the subject of subscribing to the different newspapers published in this Province, and which was lost by the adjournment on Friday last, be revived, and that the said report be now received.

Upon this motion a division occurred—yeas 26, nays 21.

Mr. HINCKS then moved that the said report be concurred in.

Mr. HAMILTON said he should oppose the motion; not that he thought their constituents ought not to be made acquainted with the proceedings of that House, but he thought the

mode proposed was altogether unconstitutional. He thought it would be abusing the confidence of the government which had placed money in their hands for the purpose of defraying the contingent expenses of the House, to expend that money in the way proposed. He would not now urge the same reason which he did on a former occasion, that it was not in accordance with the practice in England; he would set aside that argument, and oppose it upon the ground that it was unconstitutional—that they had no right to apply the money to such a purpose. If they had a right to apply this money for the payment of subscriptions to a newspaper, they had an equal right to apply it to the payment of their own expenses. Such a practice had been resorted to on one or two occasions in Lower Canada, but that was no reason why they should in that House adopt a similar proceeding.

Sir ALLAN McNAB said he would, before the question was put, take the liberty of saying a few words upon it. He did not view it in the light of paying Reporters; it was merely facilitating the publication of the debates of that house, in order that the constituents of hon. members might the better understand what was said there. It was well known to every one in that house that a vast majority of the public newspapers were decidedly in favour of one particular party; and the speeches of hon. members who were favorable to that party would doubtless be well reported in those papers; while those of others would be wholly omitted or imperfectly given. But here was a paper entirely unconnected with party politics, which professed to give, and he had no doubt would give, an impartial, unbiased and correct reports; he thought therefore, it should be encouraged; he thought it was due to the constituency which sent them to that house, that they should not reject the only means in their power for giving them correct information. The British house of commons although they did not pay Reporters, nevertheless tolerated the practice of Reporting; and why did they do so? It was that the public might be put in possession of that knowledge which it was so desirable they should possess, namely, of the conduct and proceedings of their representatives. He would not for a moment admit the truth of the proposition, that it was a misapplication of money, or that they had no right to apply the money for this purpose. The same objection would apply to the ordering of 5 newspapers as five hundred. It is precisely the same in principle.

It was very well known that the country looked for information at their hands, and in what way would that information be given them, if it were left to those party newspapers? (hear, hear.) The amount required to be expended was a mere trifle, and he thought if it were supposed that the vote would be unconstitutional, they would find before the end of the Session a great many unconstitutional grants of money, and of larger sums than the one now proposed to be voted.

Mr. JOHNSTON said he felt it his duty to vote against this motion, having hitherto been opposed to the proposal of the committee upon principle. If it were not paying for reporting directly it was doing so indirectly, and he thought there was very little difference. He found besides that it was not one paper alone which they were going to support by this vote but two or three; in the Chronicle & Gazette appeared a long report purporting to have been made by H. Fowler Esq. who is also the publisher of the Mirror of Parliament. If he furnishes other papers besides his own, it is but reasonable to suppose that he receives *quid pro quo* from those papers, and he (Mr. J.) thought therefore the vote proposed, would be a useless expenditure of money. He did not

see the propriety of voting away five hundred dollars a month to so little purpose. Besides he did not altogether believe in the correctness of the report contained in the "Mirror," he would mention an instance when exactly the reverse of what he (Mr. Johnston) had said was stated; he was represented to have demanded from the gentlemen on the treasury benches, whether they would rest their popularity upon those measures which they themselves introduced; now what he had asked of them was whether they would rest their popularity on such measures as the hon. member for West Halton (Mr. Durand) might introduce.

Mr. DURAND said it appeared from the hon. gentleman's observations, that he feared other papers would benefit by the labors of the publisher of the Mirror of Parliament. He (Mr. Durand) hoped it would be the case; it was the very thing which was most desirable; the more they could diffuse information the better, and as the vote they were about to give would have the effect of placing all newspapers in the possession of the reports, he thought there could be no reasonable objection offered to it on that score. It was expected that very shortly the Budget would be opened, and there would then be abundant materials both for the employment of hon. members in that House, and also for those whose business it would be to furnish to the country information of the proceedings of the House. He thought the arguments of the hon. member tended to strengthen the proposition. He would cheerfully support the motion.

Col. PRINCE said he merely rose for the purpose of cautioning hon. members against consuming the time of the House unnecessarily by again going into a debate upon this subject. The resolutions had been already carried by a considerable majority in committee of the whole House on a former occasion.

Mr. CHESLEY said he observed on the part of hon. gentlemen who were in favor of the proposition a great fear of entering into any further discussion upon the subject. For his own part he had heard subjects of far less consequence discussed, and he was particularly desirous of hearing and understanding the full merits of the case. He (Mr. Chesley) was perfectly aware that there are among the constituents of hon. members many who would be extremely glad to obtain information without expense to themselves; but he would not to gratify the selfishness of any one, consent to vote so large a sum of money.

The yeas and nays were then taken upon the question, and stood as follows: yeas 35, nays 31.

The division upon this question will be found in our next number.

Mr. Aylwin, Col. Prince, Mr. ——— and Mr. Turcotte, a select committee appointed to wait upon his Excellency the Governor General with an address, reported that his Excellency would transmit his answer by message.

Mr. HARRISON rose and stated that the answer to that address had been placed under his charge, and with permission of the House he would now read the same. But before doing so perhaps he would be allowed to make one observation. There would be no necessity on future occasions for messengers from the House to wait upon his Excellency in cases where information or papers were asked for. All that would be necessary would be that twenty-four hours notice be given of the intention of the House to apply for such information, or for the production of any particular document. Then when the address is passed the proper officer will be prepared in his place in the House to furnish the reply. This method he believed would greatly facilitate the business of the House. Mr. Harrison then read the answer to the address.

Mr. VIGER objected to this mode of pro-

ceeding. It was out of all form of parliamentary practice. They had no right to receive this as an answer to their address.

Attorney General OGDEN said, perhaps it might be new to the hon. gentleman, but nevertheless he considered it perfectly objectionable. It was not necessary that his Excellency should give the answer to the messengers. A gentleman holding a high office comes into the House and says: here is the answer of his Excellency. He (Mr. Ogden) could see nothing irregular or improper in this method of communicating with the House. Here the channel of communication is direct between the Governor General and the House of Assembly, and all the House required to know was that the gentleman presenting the answer of his Excellency was an officer of the government.

Mr. VIGER.—Really if this mode of proceeding be adopted to-day, how are we to know what innovation may be attempted next. His Excellency informed the messengers of the House that he would communicate to the House his answer by message. Now let any hon. member read this communication which has been produced by the hon. gentleman opposite, who is a member of his Excellency's administration, and see whether it can be called a message such as this House is entitled to expect. A message to this House should be signed by his Excellency—this is not. He thought it was treating that House with very little consideration.

Mr. SIMPSON said with all due deference to the hon. and learned member who had just spoken, he conceived that hon. Gentleman, was out of order in making the observations he had made. What could be the difference whether the hon. gentleman—the secretary to his Excellency appeared at the bar of the house and there delivered the message of his Excellency, or whether he delivered it in his place in the house. The new practice arises from the new system which is now to be put in operation, and he (Mr. Simpson) was not inclined to quarrel with it.

Mr. VIGER said he did not object to the message being brought by the hon. gentleman who had brought it, he only wished that the message itself should be such as it ought to be.

Mr. CAMERON said if he understood the meaning of the hon. gentleman (Mr. Viger) he certainly thought he would be borne out by authorities. The message should have been addressed to the Legislative Assembly, and should have been signed by his Excellency the Governor General. He (Mr. Cameron) concurred with the hon. gentleman in thinking that the practice should correspond with that pursued in England with regard to messages communicated from the head of the Government to the House of Commons.

Mr. HARRISON said there seemed to be a slight misapprehension on the minds of hon. members with regard to the intention of the officers of the government in adopting this course. The communication which he (Mr. Harrison) had made to the house was the answer which the Governor General communicates through him (Mr. Harrison) to those gentlemen who were the bearers of the address.

Mr. VIGER said if it were possible to view it in that light, he certainly had no objection.

Mr. HINCKS moved that a select committee be appointed to enquire into the operation of the existing usury laws &c. and in making the motion he observed that he had long been persuaded in his own mind that the usury law as at present in force, was productive of very serious injury to the true interests of the country. It was a question of very great importance, and he desired that the Subject should be fully discussed; and to this end he

would move for the appointment of a committee who were favourable to the measure in order that a report might be made and the subject be brought under the consideration of the house.

Mr. JOHNSTON said he would oppose this motion upon this principle, that the committee named by the hon. gentleman, consisted of the very last persons who ought to be appointed upon it, besides in order that a committee should be named by the hon. member it was necessary that a rule of the house should be rescinded and if a precedent were once set for dispensing with the rules of the house, they might expect that it would be followed up on all occasions. It was just as well that the Committee should be balloted for.

Mr. HARRISON said that on this subject he thought it necessary to inform the house that the Government had it in contemplation to submit a general measure to that house, which should embrace the subjects of Banking; of the regulation of the currency and of usury, (hear, hear,) these subjects were so closely connected that it was considered advisable to include the whole in one act. (Hear.) He had no wish to interfere with the motion of the hon. gentleman otherwise than by informing the house of the intention of the government.

Mr. HINCKS said he could only say he had heard with great satisfaction the announcement which the hon. and learned gentleman had made, and he would with much pleasure, with the permission of the house, withdraw his motion.

The motion was withdrawn accordingly.

Mr. NEILSON said he had had the honor of presenting to the house a petition, a few days ago, upon the proposed alteration of the timber duties in Great Britain. A press of other matters had prevented him, from moving the adoption of any proceedings relating to the subject. It was now time that they should bestow some attention upon the subject, and he would therefore move that the house resolve itself into a committee of the whole on Friday next, that the sense of the house might be taken upon the question. He had named Friday because he perceived there was no item of importance upon the order for that day.

Another subject to which he wished to draw their attention, was with reference to Election contests for that part of the Province heretofore called Lower Canada. In a matter which so nearly concerned the privileges, the honor and character of the house, it was certainly unbecoming that so much delay should take place. There had been a difference of opinion as to whether the law of Lower Canada relating to trial of controverted elections was still in force. He did not think it necessary to enter into any discussion upon the subject, he would merely move that the proceedings in cases of contested Elections in that part of Canada, heretofore constituting the province of Lower Canada be conducted according to the provisions of the Statute 4 Geo. 4 chap. 31.

ROUTINE BUSINESS.

Thursday, July 1.

Mr. Cook got leave of absence to the 12th inst.

The house then adjourned to 2 o'clock, when they were sent for to attend his Excellency the Governor General at the Legislative Council Chamber, and to hear the royal assent given to the Heir and Devisee Commission Amendment Act.

The house then, according to appointment, entered upon the consideration of the Lenox & Addington contested election. The names of twenty-three members were drawn from a complete list of the members, which, by stri-

king out on the part of the petitioner and sitting member, were reduced to nine, who were immediately sworn in to try the election.

The Canada Fire Insurance Company Incorporation Act was read a second time, and committed for Wednesday.

The second reading of R. J. Turner's bill was postponed till to-morrow.

The Anatomical school bill was read a second time, and referred to a special committee.

The order of the day for the consideration of Mr. Neilson's resolutions on elections was postponed to to-morrow.

The Speaker was directed to issue summonses to the witnesses required before the committee on the Leuox & Addington election.

The house went into committee on the report on Printing, and concurred therein—to be considered by the house to-morrow.

Adjourned.

Friday, 2d July.

Mr. Viger presented the petition of certain inhabitants of the county of Chambly, complaining of the manner in which the trustees have marked out the Turnpike road from Longueuil to the little river Montreal, under the Ord. 4 Vic. c. 16. Mr. DeSalaberry brought up the petitions of J. B. Hertel de Rouville, and of S. & T. Andre, praying for an indemnity for losses sustained by the rebellion in 1837 and '38. Mr. Cameron presented the petition of W. Bell and others, relating to the Tay navigation. Mr. Burnet, that of certain electors of Quebec, praying to be restored to their constitutional rights, of which they have been debarred by his Excellency's proclamation, prescribing the limits of the cities. Mr. Steele, that of the magistrates of Simcoe, in reference to their Gaol and Court House. Mr. Moore, that of A. Rea, in reference to the Sherbrooke railroad, praying for an amendment in the act of incorporation, and for a grant of money to make surveys.

The West Gwillimbury Road Bill was read a third time and passed.

The petition relating to the Whitby Harbor Company was referred to a committee of 3.

The Speaker laid before the house a return from the Midland District Bank.

Mr. Roblin moved for a committee on banking, but afterwards his motion was altered by moving that the petition of the Bank of Upper Canada be referred to a committee composed of Messrs. Dunn, Cartwright, Holmes, Hincks, Merritt, Buchanan, Morris, Dunscombe; and that the 77th rule of the house be suspended in reference to this motion. Carried; yeas 42, nays 23. The petitions of the Montreal Bank, City Bank, and Midland District, were referred to the committee. Yeas 48, nays 18.

Mr. Small gave notice that on the 8th he would move that the house go into committee to consider the propriety of repealing certain parts of the law of U. C. relating to the wages of members of the Assembly; and on the 7th he would move to read the journals of U. C. in reference to the petitions of J. F. Taylor and C. C. Small, on the subject of their claims for services at special Sessions of Oyer and Terminer for trials of high treason in 1838.

Sir A. McNab gave notice that on the 5th he would move that in future when motions are made to bring up petitions and for second reading of bills on any future day, or for adjournments of the house, except it be special, such motion to be verbal.

Mr. Burnet gave notice for the 5th of a motion for an address to his Excellency, praying for a statement of the money expended on the Chambly canal, and the present state of that work.

Mr. Steele moved to revive on Thursday the order of the day on the Simcoe Gaol Bill.

Mr. Prince moved that the house go into committee on Tuesday to consider the expedi-

ency of amending the act of U. C. relating to losses sustained by the rebellion, by enlarging the time of the sitting of the commissioners to be appointed under and by virtue of that act; and also moved that the house on Tuesday go into committee to consider the expediency of amending the Game Act by altering the time of shooting woodcock from the 1st September to 15th July.

Mr. Day moved that the house go into committee on Tuesday to consider the expediency of repealing the ordinance of L. C. relating to a Board of Works, and for making provision for the establishment of a Board of Works for the Province; and on Wednesday to consider the expediency of an address to his Excellency, praying his Excellency to appoint a commission for the purpose of revising the statutes and ordinances of L. C.

Sir A. McNab, from the committee on the officers of the house, obtained leave to report from time to time, and made the first report, which recommended a certain number of clerks and their salaries—to be considered on Monday, and be the first order of the day.

Mr. Parent, from the committee on J. A. Tailhades' petition, reported a bill to naturalize that gentleman. Second reading on Wednesday.

The house agreed to adjourn over to Monday.

Mr. Merritt, from the committee on the petition of G. Rykert and others, reported a bill to incorporate the Bank of Niagara. Second reading Wednesday.

Mr. Draper moved that the order of the day for considering the laws in force in Upper Canada relating to Courts of Request, lost by the adjournment last Monday, be revived, and become the first order for Tuesday.

Mr. Prince moved that W. Dunlop, Esq., and J. M. Q. Strachan, Esq., exchange lists of witnesses to be examined in reference to the Huron election.

Mr. Simpson was added to the committee on the currency.

Messrs. Tache and Berthelot were added to the committee on the Gaspé Notaries Bill.

Mr. Thorburn moved for a committee of five on the contingent accounts of the House.

Mr. Killaly laid before the House the report of the Chambly Canal Commissioners.

Mr. Merritt moved for a committee of seven to examine into the prices paid and the method adopted for the transport of products on the different communications within this Province.

The Sydenham Road Bill to be read second time on Tuesday, and the Bill to allow members to vacate their seats was postponed to same day.

The Bill to enable R. J. Turner to practice as an Attorney and Solicitor, was read a second time. An amendment moved by Mr. Baldwin and carried, yeas 35, nays 15, and ordered to be engrossed, yeas 30, nays 13.

The House then adjourned.

Monday, July 5.

The Speaker laid before the House a statement of the affairs of the City Bank, Bank of British North America, Quebec, and of the Champlain and St. Lawrence rail road.

Messrs. Steele, Neilson, Robertson, Christie, Burnet, Holmes, Raymond, Morris and Moore, were named and appointed to try the Huron contested election. They were sworn in, as also Mr. Sherwood, nominee for the sitting member, and Mr. Prince for the petitioner. Commissioners were named to receive evidence within the county; they were Messrs. John H. Haggerty, A. Ferguson and George Boonar, with power to sit at various places. The Speaker was directed to issue summonses to the witnesses.

The following petitions were presented:—By Mr. Robertson, those of certain inhabitants of Two Mountains and Terrebonne, for alter-

tions in the Mutual Insurance Act. Mr. Viger, one from the counties of Vercheres and Richelieu, to the same effect. Neilson, from the Common Council of Quebec, to be made elective by the inhabitants, or to confirm the powers of imposing new taxes. Mr. Thorburn, that of David Secord, of St. Davids, for remuneration for past services during the last war; also, of J. Oswald, T. Oswald, and U. Harvey, for naturalization. Mr. Armstrong, from the proprietors of Berthier, and Mr. De Salaberry, from Rouville, for changes in the Mutual Assurance Act. Mr. Merritt, of R. Collier, for naturalization. Mr. Delisle, from the inhabitants of Huntingdon, for a change in the Mutual Insurance Act. By Mr. Holmes, that of the Natural History Society, for a geological survey of the Province. By Mr. Cartwright, of certain inhabitants of Masanche and its vicinity, on the subject of education. Mr. Burnet, three from River du Leup, Beauharnois, and Melbourne, to the same purpose. Mr. Morris, from Leeds and Lansdowne, for a bridge over the Gananoque. By Mr. Powell, from Bayham to be united to the county of Norfolk; the same from Walpole, and another from the District of Talbot, for an enlargement of that District. By Mr. Dunscombe, of certain inhabitants of Beauharnois for indemnity for losses sustained in the rebellion of 1838. Mr. Bonthelot, from St. Hyacinth, for a change in the Mutual Insurance Act. Mr. Cartwright, of the Eastern and Ottawa District, for improvement of the post route from Cornwall to L'Orignal. Sir A. McNab, from the magistrates of the Wellington District, relative to the debt of that District. Mr. Durand, another on the same subject. Mr. DeSalaberry, from the censeitaires of Foucault & Noyau, for commutation of tenure.

R. Turner's relief Bill was read a third time, and on Mr. Prince's motion that it do pass, Sir A. McNab moved in amendment to strike out a part of the preamble—negatived, yeas 17, nays 37. Mr. Cartwright moved another amendment, to pass the bill this day six months—negatived. The Bill then passed.

The petition of Jacob Glen and others, relating to the Chambly and Longueuil turnpike road was referred to Messrs. Viger, Killaly, and DeSalaberry.

The petition of S. McKenzie and others, in the Gore District, relating to a deficiency of survey of their lands, was referred to Messrs. Holmes, Neilson, Quesnel, Merritt, and Killaly.

The petition of the Board of Trade of Montreal, relating to the currency, was referred to the currency committee, who received authority to report from time to time.

The Natural History Society petition was referred to Messrs. Holmes, Neilson, Quesnel, Merritt and Killaly.

The Saguenay petition relating to winter vehicles—that of the electors of Quebec relating to their disfranchisement—of John Athenson of Hemmingford for relief—that of the inhabitants of Port Neuf, and of other inhabitants of Lower Canada, relating to the Special Council.

Sir A. McNab moved a call of the House for Wednesday at 2 o'clock. Mr. Hamilton in amendment moved for the orders of the day—negatived, yeas 23, nays 18. The main motion was then carried.

The five Bills for ameliorating the criminal law were then read a second time and referred to Messrs. Black, Baldwin, Aylwin, Cartwright and Day.

The order for going into committee on the warehousing system, was postponed to to-morrow, as was also the orders for going into committee on the consolidation of the duties levied in the Province, and on the first report of the committee on the officers of the House. Adjourned.

THE CANADIAN MIRROR

OF PARLIAMENT.

EDITED BY H. FOWLER, Esq. }

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HOUSE OF ASSEMBLY.

TUESDAY, July 6.

On Mr. CHRISTIE's motion that a committee be appointed to inquire into the abuses in the administration of justice in the district of Gaspé—

Mr. Atty. Gen. DRAPER rose and said it appeared to him that the hon. gentleman who had made this motion had not duly considered its effect. He believed the hon. gentleman would find no precedent which would justify him in proposing that the house should take on itself an inquiry of this nature. At all events he would find that in all cases where a special committee was moved for to investigate a subject of this important description, the hon. member moving for such committee was at least bound to explain the grounds for such a proceeding. The adoption of a resolution of this kind by the house is to a certain extent an acknowledgment that abuses do exist; it would be in a manner prejudging the case. Although the appointment of a committee pledges the house to no particular course, yet it certainly did imply to the country at large that some grounds exist for going into an inquiry; and he thought the more regular course for the hon. mover would be now to state to the house the grounds upon which he conceives the inquiry necessary, and why it is that he believes the only source of redress for any complaints which may exist, is from a committee of this house. But to ask for a committee without giving the house any information as to whether the law was in itself defective, whether individuals were guilty of malversation in office, was, in his opinion, asking what was altogether unreasonable. Before a committee is granted the hon. gentleman should put the house in possession of all the facts.

Mr. CAMERON would ask the hon. gentleman also whether there had been any petitions presented to the house complaining of the ill administration of justice in that district. If there were not, he doubted whether the house would be justified in adopting any such proceeding.

Mr. CHRISTIE said he was anxious to avoid entering into the subject at this moment, as it related more particularly to the character of an individual who presides over the District Court in the district of Gaspé. He had been desirous that the case should not be prejudged by reason of anything which he (Mr. Christie) might say previous to the production of those proofs which he was prepared to lay before the committee. But as he had been called upon to state the reasons why he desired that a committee should be appointed, he would do so. From one end of the district to the other there is one shout of disapprobation of the conduct of that individual who presides over the administration of justice in that district. He is pronounced to be a man who is totally unfit and incapable to fill that important station; he is one of those who are called the family compact in Upper Canada. (Hear, hear.) If the committee were appointed he would be prepared to lay before them proofs of the most flagrant dereliction of duty—proofs of the most flagrant abuses in the execution of the import-

ant duties which devolve upon him as judge—cases where the jurisdiction of the court had been unwarrantably exceeded—cases of costs having been taxed to an enormous amount, unparalleled in any other part of Majesty's dominions: these were facts which he was prepared to prove, and if he failed to prove them, he was willing that the committee should visit him with their severest censure. He had been anxious to avoid entering into these statements until the proper time arrived for producing to the committee the proofs; but as he had been forced into making them before the house, he would not hesitate to declare, and he would assume all the responsibility of making such a declaration, that the individual holding the office of judge in the district of Gaspé was one who by his habits of life was totally unfit for the situation; he was a man habituated to habits of intoxication and drunkenness. By searching the journals of the House of Assembly of Lower Canada it would be found that articles of impeachment had been entered against him; how he had been absolved God only knows: he came back, however, and resumed the administration, not of justice, but of injustice. Depositions in his favor were gathered with the utmost assiduity from door to door, and he had understood that one gentleman had asserted that he had never seen the judge drunk; however, when the particulars came out, it appeared that he had seen him only three times in ten years!

Mr. AYLWIN here called the hon. member to order: he could not consent that detraction of this kind should be indulged in before an investigation of the facts could take place. The character of a high public functionary was at stake; he was a gentleman with whom he (Mr. Aylwin) had had the honor of studying his profession (hear, hear); and although he (Mr. Aylwin) would not presume that the hon. member from Gaspé would make assertions in that house which he was unable to prove, yet he did hope that at least such statements would be deferred until after an investigation had taken place.

Mr. CHRISTIE replied that the house would bear in mind that he had avoided alluding to the character of that individual until forced to do so. He (Mr. Christie) entertained no personal animosity against him, and it was with great reluctance that he felt himself compelled to take this course, that the complaints which exist within that district might be redressed. He (Mr. Christie) resided at a distance of seventy-five miles from the residence of the individual referred to, and he had no communication or connection with the court over which he presides, and it was only in compliance with the positive injunctions of his constituents that he now brought the subject under the notice of the house. In order to give that house a specimen of the way in which it was attempted to gloss over the character of this individual, he would mention a circumstance which occurred in that district. A packed jury, the foreman of which was a clerk in a mercantile establishment, drew up a statement expressing their satisfaction with the manner in which the business of the court was conducted.

Mr. HAMILTON.—It is not true. (Order.)

Mr. BOSWELL said he hoped that an end would be put to observations of this nature. He did not know how far the hon. member for Gaspé could be considered in order in making the observations he had made, but he was quite sure the hon. member for Bonaventure was not in order. Such language as he had used was disgraceful to the house.

Mr. HARRISON said he could not refrain from making one observation. It is well known that the individual alluded to is a public functionary, acting under the appointment of the Executive; the Executive is, therefore, bound to take cognizance of all complaints which may be made against him. He (Mr. Harrison) did not consider that it was a case which formed a proper subject for the investigation of a select committee of that house; it should first be shown that there were no other means of redress. He maintained that there were ample means, without bringing the matter before that house at all: he thought it quite unnecessary to appoint a committee, the effect of which would be to cast an imputation upon the character of that gentleman.

Mr. THORBURN said he believed the hon. gentleman had taken an improper course in bringing the matter before the House of Assembly. If the individual alluded to behaves in an improper manner, it is the business of the grand jury for the district to make a representation of his conduct. The hon. gentleman had spoken of a grand jury the foreman of which was a person in humble station: the reason of that was obvious; he believed it was a matter of notoriety that in that part of the province the population consists of a few merchants and fishermen: as a matter of necessity, therefore, the grand jury must be composed of that class of persons who are most intelligent, and he believed that if the grand jury such as they were had acquitted the judge of all blame, he must stand exonerated until proved guilty by some higher authority. He did not think that house ought to entertain the motion; it was contrary to all precedent.

Mr. Atty. Gen. OGDEN wished to be informed whether the hon. gentleman, in the application which he had made to that house, was fortified with any petitions from the inhabitants of that district.

Mr. CHRISTIE said he was of opinion that it was competent for any member to ask that house to enter into an inquiry respecting any grievance which he might allege to exist.

Mr. Atty. Gen. OGDEN.—Then I am to understand there are no petitions.

Mr. CHRISTIE.—It was not until redress had been refused by the Executive government that he had determined to make application to that house.

Mr. BLACK.—The question now submitted to this house is one of more importance than at first may be conceived. An inquiry into the official conduct of a public functionary is by no means a matter of course, and on no occasion to be considered a trifling subject. The hon. gentleman from Gaspé has stated that he was not actuated by any vindictive motive; he has asserted that he has brought the question forward at the urgent request of the body of his constituents; the hon. gentleman has declared that no redress

could be obtained from the executive government; but he has not condescended to inform the house whether there were any petitions proceeding from the great body of the people of that district, or whether the complaint proceeded from an individual. I think, from the facts within my own knowledge, I could point out the individual from whom the complaint proceeded.

Mr. CHRISTIE.—I am that individual.

Mr. BLACK.—I am glad that the few observations which I have made have drawn forth this confession. The house may now be able to decidé how far that hon. member has proceeded in the disinterested manner which he professes. In point of fact, a complaint proceeding from him was submitted to the executive, and the answer was not so satisfactory as the hon. gentleman desired. It seemed certainly like a want of candor (to use the mildest term) on the part of that hon. gentleman not to state that the complaint had proceeded from himself, that he had not obtained the redress which he considered he was entitled to, and that therefore he now brought his complaint to that house. It would have been more manly if he had done so. But I think enough has fallen from the hon. gentleman to satisfy every person in this house that the application which he has now made ought not to be entertained. I am one of those who think that when the character not only of a public officer, but of any individual is impeached, some means should be afforded to the individual accused of answering the charges which are brought against him, and of establishing his innocence. But it will be borne in mind that the hon. gentleman has stated to us that the subject has already been investigated by a former House of Assembly. He has brought forward no new charges. If hon. members will refer to the Journals of the House of Assembly of Lower Canada, they will find that the charges referred to were then investigated. If this gentleman has been once tried, the public should not be put to the expense and inconvenience of a second trial, nor should the individual himself be subjected to the necessity of being tried a second time for the same offence. It will be competent for the hon. gentleman to move an address to the Governor praying that the proceedings which took place upon the complaint which was made by the hon. gentleman to the Executive should be laid before the House, and they would then be enabled to determine whether it was a case which required their interference.

Mr. HAMILTON.—If on the present occasion I rise it is as representing the larger portion of the district of Gaspe, and I think it my duty on the present occasion to deny the statements which have been made by the hon. gentleman opposite. The hon. gentleman states that shouts of dissatisfaction have arisen from one end of the district to the other, and that the conduct of the judge of that district had been characterised as an administration, not of justice, but of injustice. I am sorry, Mr. Speaker, to be under the necessity of contradicting the statement altogether. Such is not the case. I am sorry on this occasion to be under the necessity of rising, as I stated before, as the representative of the larger portion of the district, to deny the fact. The hon. gentleman seems to forget what occurred only yesterday, that he himself when a candidate for the representation of Gaspe, in his address to the electors, dared to touch upon the subject of the administration of justice. [Cries of order, order.] I wish to shew to this House that he does not come forward as a disinterested friend of justice, but in order to gratify his own vindictive feelings. [Order, order, order.] We

were told that the foreman of a grand jury had drawn up an address in favor of the judge of that district. Now I am compelled to state what that address was. A certain petition in the handwriting of the hon. member (Mr. C.) was circulated in the district of Gaspe to obtain signatures; when he found he could obtain none, he signed it himself and sent it to the head of the government. (Hear, hear, hear.) That petition, Mr. Speaker, was presented to the grand jury; what was the consequence? the foreman of the jury returned that the individual who had drawn up the petition was guilty of a gross libel upon the character of the judge. Was this a burst of indignation from one end of the district to the other? It was a burst of indignation against that hon. gentleman himself. (Order, order.) We have been told to refer to the journals of the House of Assembly, and what do we find? Petitions for the redress of grievances in the district of Gaspe, but no complaints against the judge of that district. What further do we find? That the court over which that hon. member presided, the Quarter Sessions, was complained of; and yet we are told by that hon. gentleman that his court alone was pure—that there only could people obtain justice. The hon. member has, moreover, thought proper to state, that the judge of that district is a notorious drunkard. I have known that gentleman for 25 years, and during all that time I have never once seen him intoxicated. Affidavits innumerable have been sent up to meet the ex parte statements of the disappointed individual, the unfortunate barrister who took so much pains to prefer his complaint. The hon. gentleman tells us he himself was the individual who complained. What was the result of that complaint? Immediately upon its being made, his Excellency considered he was bound to call upon the Judge for his defence. The Judge might well have said, already has my answer been submitted, already have I been exonerated; but that was not the course he followed—I am accused of certain crimes and misdemeanors; I will again prepare my answer; I will again justify my conduct, and I will shew the individual who brings this accusation against me in his true colors, (hear, hear.) I do not wish to enter at large into this subject—it is not necessary; but the fact that the very individual of whom the hon. gentleman has complained from day to day, and from year to year, the very individual whom that hon. gentleman would desire to see at the bottom of the sea, that very individual has been returned as a member of this House by the largest portion of the District, (order, order, order.) It is perfectly immaterial what the result may be, whether the motion is adopted or not, but I shall say this, it seems to me that by consenting to this motion the House admits that there are grounds for entering into the investigation of the charges preferred by the hon. member. He would refrain from entering more at large into this subject at the present moment.

Mr. SMALL said he thought it was very much to be regretted that this debate had occurred: it would not appear very creditable to that house, which was the highest tribunal in the land. Such grave charges as the hon. member for Gaspe had made against a high functionary, were worthy of investigation certainly, but he believed the better course would be to move for an address to the Executive praying for the production of all papers relating to the matter, and the case would then come more clearly and properly before them.

Mr. VIGER.—The hon. gentleman I conceive, has acted with the greatest delicacy in this matter; he says I am ready to make

out a case whenever it will please the house to afford me an opportunity. We cannot at present say that the charges are untrue.—We are not to presume that an hon. member would rise in his place and be guilty of uttering a calumny upon any individual.—There is no man in the house who ought to say so. The responsibility of sustaining those charges—and they are enormous I admit—must rest with the hon. gentleman who makes them. Was it not possible that the Executive had been led into error in refusing the address which the hon. gentleman sought? if so, he deserved to be applauded rather than censured for persevering in bringing the matter under the notice of that house. He (Mr. Viger) could mention many instances where people were deterred from bringing forward their complaints—where they were afraid of coming to her Majesty's government for justice. Instead of blaming the hon. gentleman, therefore, he should be applauded for his courage: every hon. member sitting in that house knew full well that it was to men of courage and determination that they owed the liberties & the privileges which they enjoyed, of sitting and legislating in parliament.

Atty. Gen. OGDEN said that with respect to what had fallen from the hon. gentleman (Mr. Viger) in asserting that it was the privilege of any member rising in his place to ruin the character of a public functionary—

Mr. CHRISTIE deprecated the expatiating upon matters which were not properly before them for discussion. The question was would there be an inquiry granted or not.

Atty. Gen. OGDEN.—The question is rather, whether the hon. gentleman is fortified with any petitions to support his application. The hon. gentleman states that the responsibility of taking the step he proposes will rest with him; sir, the responsibility will rest with all of us. Sir, I will not take the word of any hon. member, however responsible he may be, as authority for granting an application of this kind; I require more than the mere *ipse dixit* of any hon. Gentleman in such a case as the present, when an individual standing in the high character of a Judge is accused. The hon. Gentleman from Richelieu may laugh, and no doubt he is sincere when he states that it is the right of any hon. member to move for the appointment of a committee to investigate the conduct of any individual. There is no doubt the power exists, but it is dangerous to exercise that power on all occasions. What will be the consequence of such a proceeding, the committee will be appointed—witnesses will be examined—a report will be made—the house as a matter of course will concur in it, and resolutions will follow for an address to the crown for his removal; and all this without affording the individual accused the opportunity of exculpating himself. It is a course of proceeding which I can never consent to; its inconvenience has been felt in England; and I should be very glad that the day should arrive, and I trust it is not far distant, when we shall have an act similar to the one in England, that when a party is arraigned for trial before the House of Commons, he shall appear at the bar, and have an opportunity of cross-examining the witnesses who are brought against him. I allude to the case of Sir Jonah Barrington. A list of witnesses, as in the case of a contested election, was given to him, and he was permitted to enter into his defence in the same manner as in a court of law. This is what I call justice. If an opposite course from this has hitherto been pursued from necessity, for God's sake let us discontinue it. Although the house has the power of pro-

ceeding in this arbitrary manner, the expediency of the thing has not been made manifest. I should have been better satisfied if the hon. gentleman had produced petitions which would justify us in taking upon ourselves so important a step.

Mr. HICKS said he concurred almost entirely in what had been advanced by the hon. gentleman the Secretary of his Excellency, and the hon. gentleman who had just spoken. He believed the proper course was to apply in the first instance to the executive; but when he heard the hon. gentleman from Gaspé stand up and declare that he had repeatedly applied to the executive government, and that he had received only insult, he felt that there was some explanation necessary from the hon. gentlemen on the treasury benches. Hon. gentlemen must recollect that the system of government has been altered, and consequently they would now be entitled to expect more ready access to the head of the government with all matters of complaint, and a more speedy and certain redress of all abuses. Upon these grounds he would be very much inclined to recommend that the hon. gentleman from Gaspé should withdraw his motion and take the course which had been suggested by the hon. gentleman from the third riding of the county of York, and move for an address to his Excellency for the production of all papers connected with the case. The hon. gentleman would then come before the house better prepared to suggest such further steps as might be found necessary to be taken. If the papers are forthcoming, hon. gentlemen will have an opportunity of arriving at a correct judgment before entering upon so important a step as that proposed by the hon. gentleman. With regard to the observations made by the hon. gentleman from Bonaventure, it is to be recollected that that gentleman is connected with the individual against whom these accusations are made. There has been a good deal of recrimination indulged in, and I hope it will now be at an end. I cannot at present vote for the motion.

Mr. BALDWIN said he certainly thought a great deal which had fallen from the hon. gentleman opposite (Mr. Ogden) deserved attention. Many observations which he (Mr. Baldwin) had intended to make had been anticipated by the hon. gentleman from Oxford. But instead of withdrawing the motion he thought the house would agree with him in postponing the consideration of the question until Friday next. It appeared the matter had been under the consideration of a former Governor and a former council; and without intending to pay a very great compliment to the hon. gentlemen opposite who form part of the present council, he would say this, that he would be better satisfied that the matter should come before them; for he would not hesitate to say, that he was not entirely satisfied with the manner in which the affairs of the executive department of the government had been administered on former occasions. (Hear, hear.) With regard to the necessity for petitions being brought before the house, he would observe that this is not the first complaint which they had heard respecting the administration of justice in the district of Gaspé; there had been petitions before the House of Assembly of Lower Canada that he conceived was quite sufficient. They could not, however, proceed too carefully, and he trusted, therefore, the consideration of the subject would be postponed.

Mr. DALY observed that he believed the hon. gentleman from Gaspé himself was in possession of all the documents relating to the case.

Mr. BOSWELL.—My own opinion is that the sooner the House takes action upon the matter the better, and I am utterly opposed to any postponement. Sir, I am willing to admit that questions of this kind must arise, and that it sometimes becomes necessary that a body having the high power which this hon. body is invested with, should enquire into the course of the administration of justice; but I trust that on all occasions the House will exercise their power with becoming dignity; and I do not hesitate to say that it would be exceedingly undignified to enter into the consideration of this subject upon a motion such as that which had been made. The hon. gentleman from Gaspé comes down to the House and tells us the administration of justice in the district which he represents is exceedingly bad; that an eminent Judge who presides in that District is in the habit of going into the Court in a state of intoxication, and that the people of that District are indignant to an extent almost impossible to express. How is he borne out in this assertion? Have the people sent a single petition? Without imputing to the hon. gentleman any thing improper, I would ask where is our information upon which to found a proceeding which would contribute to bring the administration of justice into disrepute? The more grave and serious the accusation, the more necessary is it that the House should be well informed before they take the first step in the matter. I shall decidedly vote against the motion.

Mr. CHRISTIE said the house must certainly acquit him of any intention of forcing upon the house the consideration of the subject. His object was now in part accomplished by having drawn the attention of the gentlemen of his Excellency's Council to the matter. He would therefore readily move for leave to withdraw his motion.

Mr. MERRITT said he thought the hon. gentleman was correct in withdrawing his motion. He had made a grave accusation, which that house could not reject as destitute of foundation, as it must be supposed that the hon. gentleman has the confidence of the county which he represents. But the question was now brought under the notice of the administration, whose bounden duty it was to inquire into all abuses in the administration of justice, (hear, hear.) and he thought it should be left in their hands. This he thought was the correct course to be pursued.

Attorney General DRAPER said, if he understood the hon. gentleman, the mover of the resolution, that there was no new complaint, since the old one had been fairly answered, he did not consider that the question, therefore, was fairly before them, and he thought that they were not bound to take notice of it.

The motion was withdrawn.

Pursuant to the order of the day, the house resolved itself into a committee of the whole, for considering the laws in force in Upper Canada relating to Courts of Request.

Mr. Atty. Gen. DRAPER rose and said he had given notice at any early part of the session, that he should bring under the consideration of the house, the laws now in force in that part of Canada heretofore called Upper Canada, relating to the Courts of Request; and he was impelled to this step in consequence of the reiterated complaints which had been made against those courts, (and which had come under his (Mr. Draper's) notice in the performance of his official and professional duties,) that they had failed to attain those ends which the Legislature

had in view when the act was passed for their establishment.

It was not his intention, at present, to occupy the time of the committee with an exposition of the details of the measure which he proposed to substitute, in the place of the law now in existence. If the house should concur with him in thinking that some amendment was necessary, the consideration of those details would naturally arise at a future day; all that he was desirous of doing at present was to establish the position that those courts were capable of improvement. He would first mention that this question had been brought under the notice of the Government two or three years ago, in consequence of an hundred complaints from different sections of the country. The hon. and learned gentleman opposite (Mr. Baldwin) could bear witness to this particular; he would go further back than the period of that hon. gentleman's connection with the Government extends, and he (Mr. Draper) had had at that early period of the establishment of the court, as many as thirty applications submitted to him at one time for relief from the improper decisions which had taken place in that court.

In some cases the Commissioners had acted in the teeth of the statute; sometimes contrary to every principle of justice; sometimes taking on themselves to decide points which courts of a higher jurisdiction would hesitate to decide upon. They constituted themselves a sort of general court for legislation, and not for the administration of the law. Such was the nature of the complaints which the country preferred against the operation of Courts of Request. He would not do the Commissioners of that court, the injustice to suppose that those complaints were in all cases well founded; he would be sorry to have it supposed that he would, at once, endorse all complaints. They were all well aware that an unsuccessful suitor is very apt to find cause of complaint, not in the weakness of his own case, but in the (as he may imagine) wrong decision of the courts. But at the same time it would be right to observe that when the very constitution of the court is considered, and the great number of persons who must necessarily be engaged in them, it was almost impossible to expect that the government could find persons in all the remote sections of the Province, who were perfectly qualified for presiding over courts of that description, to whom the Government could entrust, even so limited a jurisdiction. In the year 1838 there were one hundred and seventy three courts, and one thousand and sixty eight Commissioners.—He believed that hon. gentleman would agree with him that it would be a difficult matter to find nearly eleven hundred persons who might properly be entrusted with the administration of justice in those courts.—Reasoning upon general principles, even were there to be a large number of vacancies at this moment, the filling them up would be found to be a matter of serious difficulty, and one involving a serious responsibility. It had been a matter of considerable difficulty to find persons to fill the situation of Judges of the District Courts, though fewer in number, and where the Judge is not permitted to indulge discretionary powers, but is bound down by positive rules of law. He believed the experience of hon. gentlemen, speaking as a matter of general reflection, would bear him out in saying that in some cases these appointments have not been successful. We are now acting under a law which was passed at a period when it was more difficult to find persons of experience and ability to pre- side over the courts; and let hon. gentlemen reflect how many thousand cases there are

in which people go into those courts to seek for justice, and there is nothing more likely to create a discontented feeling than when people find that in a tribunal into which they are obliged to go for justice, there are not persons qualified to transact the business of the courts.

One of the arguments in favor of these courts has always been, and I admit it is one which has much weight, that while they afford an expeditious remedy in cases of trifling debts, they are at the same time attended with little expense. But it must be recollected that it is not simply the cheapness and expedition of obtaining judgment that is to be regarded, but you should be well assured that the judgment is a proper one, and that you have such a decision as may be relied upon. If, therefore, I can establish that the complaints against these Commissioners have been well founded, I shall then have made out my case. I will state one or two leading features of these complaints. I recollect one case, and rather an amusing one. There had been committed one of those breaches of moral and social rights which sometimes occur to the disgrace of those who are concerned in them—a case of seduction. One would have supposed that this was one of those cases which could not be tried under the head of debt or contract. The commissioners of the court, however, thought differently. They tried the case in two shapes—one on behalf of the Doctor for his bill, and the other on the part of the father for the loss of the daughter's services. And I will mention another case, where a man had lost certain property under such circumstances as would naturally give rise to an action of Trover. The commissioners of the court, however, in their wisdom, determined that it was a case which came under their jurisdiction, and they gave judgment accordingly. Besides all this it was strongly contended that the Court of Requests might hold jurisdiction in cases of tythes. I could multiply cases upon cases, did I not know that there are many hon. gentlemen in this house of the legal profession, who can bear testimony to the extraordinary proceedings of some of the commissioners of these courts. I do not wish to be understood as charging upon them a desire of doing wrong; and I would not do justice to my own feelings were I not to add that there are many cases also, where the gentlemen presiding over those courts have given great satisfaction. I could mention many instances (were it not invidious to do so) such as I have last alluded to. The reasons of this is, that in such cases the government have been fortunate in finding persons of uprightness and intelligence, which it is impossible should be the case, to a very great extent, in a system of jurisprudence, which requires a thousand or more commissioners; this is what we should first strike at. Do away with the necessity of employing so large a number; and we shall have the matter more tangible, and more within our reach; but where you find a Court of Request, with three or four commissioners presiding, there is a division of responsibility which very often amounts to no responsibility at all. Unless they subject themselves to an action in such a manner as is tangible, however improperly they may act, however ruinous may be their judgement, unfortunately it must stand, the evil is incurable, there are no means of redress. I have known another instance of flagrant abuse where a merchant in extensive business was appointed a commissioner of a Court of Request; he had a vast number of debts which came within the jurisdiction of the court, the first step he took was to ob-

tain notes from all persons who owed him; so far all was right, the next thing he did was to transfer all these notes to his own clerk, and then to employ a bailiff at a percentage, to serve the parties with summonses; and he himself gave judgement upon them. (Hear, hear, hear.) But it is only necessary to show that such cases can occur, to convince this house that the matter requires amendment.

When this circumstance became known, he was of course promptly removed. It would be out of place if I were now to enter into the details of the measure which I trust the committee will at a future day give me an opportunity of bringing under their notice. I will now call the attention of the committee to the only remaining point which I desire to bring under their notice, at the present moment; and whatever the other alterations may be, this is one to which my attention has been particularly drawn, namely, the payment of the officer presiding, not by fees, but by fixed salary, favour would not, then, be shown to those who brought most cases into court, as has been too frequently the case heretofore. I do not think any system more false, and more prejudicial to the pure and faithful administration of justice, than the payment of the services of a judge by fees. A change in this respect is one of those reforms which, of all others, is most to be desired. Now so far from proposing an increase of expenditure I believe that the adoption of the amendments which I shall propose will have the effect of lessening it. In order to show to this committee the amount of costs accruing upon business in those courts, I will state, from returns which I am in possession of, for the year 1838 the costs exceeded £10,000. The remedy I would propose is to establish a graduated scale of fees according to the amount of the demand sued for; let these fees be paid in the first instance into the hands of a public officer, to be placed in the treasury of the District, let the Judge who shall be appointed to preside in each court be paid a fixed salary from the treasury and let it be such as to induce a Barrister or some other person equally competent to undertake the office. I have now endeavoured as briefly as possible, to explain to this committee the reasons which induced me to make this motion. I have abstained from entering into particulars, and only ask the committee to declare whether they concur with me in saying that it is proper there should be some amendment in the present law upon the subject.

Mr. MERRITT said the hon. gentleman had made out a strong case, but he calls upon this committee to do what he (Mr. Merritt) thought required mature consideration, viz. to pay the Judges of the Court of Requests by salaries out of the District Treasury. He (Mr. M.) would certainly be opposed to any resolution of this nature. In his part of the country the operation of the law which regulates Courts of Request was universally approved of. There were no complaints. It was called the poor man's court. Complaints might justly be made against the courts of a higher jurisdiction, for in them the costs were excessive. He could mention a case where upon collecting £50, £150 of fees had been demanded and paid, (hear, hear. Who was the defendant?) It was not myself. I was fixed in another case in which I was bail for a contractor upon the Welland Canal. The case I here referred to was not my own. He (Mr. Merritt) had paid particular attention to the operations of the system upon which the Courts of Request were founded as early as the year 1832, upon their first establishment. He

had also taken pains to ascertain the operation of similar courts in the United States. [The hon. gentleman here read extracts from letters which he had received upon the subject.] He did not think it right that the system should be condemned hastily. It was a cheap method of obtaining justice, and he (Mr. Merritt) believed there were no well founded complaints which were sufficient to justify that house in making any material alteration in the law. The hon. and learned gentleman states that persons cannot be selected who are fit to be entrusted with the management of matters which come within the jurisdiction of their court. He (Mr. Merritt) would repudiate such an idea—he would not admit it for a moment. It was an imputation which that hon. and learned gentleman was not justified in casting upon the Commissioners of the court. Instead of confining the jurisdiction of the court to £10 he would extend it to £50. If the hon. and learned gentleman would propose a plan for amalgamating the District Court with the Court of Requests, he would readily give it his support. He (Mr. Merritt) felt every disposition to go with the hon. and learned gentleman in establishing any tribunal whatever, provided the costs were not increased and provided the salaries of the officers of the Court were in all cases paid by fees. Otherwise those fees would never be collected; they would be like militia fines, insufficient to reimburse the Treasury for the expense of the Courts Martial which sit to determine those fines. If people choose to go to law it is right that they should pay law expenses, and those Courts whose expenses were least were in all cases to be preferred.

Mr. JOHNSON said he was desirous that the Court of Requests Law should be amended, but he could not agree with the hon. gentleman who had last spoken, that it was desirable to have cheap law. He believed that the paltry costs of that Court had been the cause of creating a hundred suits where under other circumstances not one would have been instituted. He (Mr. Johnson) would desire that the costs should be more than they are at present. He had been in the habit of attending these Courts and he could mention some amusing decisions. [Here the hon. gentleman related the particulars of several trials which had occurred under his observation.]

Mr. ROBLIN.—I certainly must say the hon. gentleman who has just sat down has paid a high compliment to his constituents. I certainly did expect that the hon. and learned Atty. Gen^l. would have shown us that some glaring abuses existed in the Courts of Request; now it is well known, that no persons go to law unless there is a disagreement between them, and very often both parties are dissatisfied with the decision: it is not surprising therefore that complaints should be made; but the hon. and learned gentleman states as an objection that there are such a vast number of judges in these Courts. It must be recollected that the commissioners of those Courts are not only judges but juries also. I believe that the Courts generally speaking give satisfaction; indeed I am convinced that this is the case. The hon. and learned gentleman has produced but two cases where improper judgments have been given, and those cases arose rather from misunderstanding than from any ill intentions on the part of the commissioners. I am only astonished that out of so great an amount of business as those Courts have before them, so few grounds of complaint should have arisen.

After some further debate the hon. gentleman obtained leave to bring in his bill.

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HOUSE OF ASSEMBLY.

WEDNESDAY, July 7.

The House proceeded to strike a committee on the Niagara contested election.

On the name of Mr. Viger being called, Col. PRINCE rose and said, an objection had been made by a learned counsel on another committee as to its legality, because the act required that any member demanding to be excused from serving on a committee, should make oath that he was above sixty years of age. He (Col. Prince) did not wish the oath to be taken, but he mentioned the circumstance to prevent difficulty.

Sir ALLAN McNAB said a sense of duty demanded of him to require that the oath should be taken.

Mr. GEORGE SHERWOOD referred to the act, and thought the objection good.

On the name of Mr. Harrison being called—

Hon. Mr. HARRISON begged leave to remark to the house, that though he had not the slightest wish to be excused from serving on committees, he would beg leave to submit to them whether, he being a public servant whose whole time was dedicated to his public duties, the public service would not be accelerated by excusing his attendance on committees. He merely mentioned this in justification to himself, and with a view to the public convenience.

Sir ALLAN McNAB said the hon. gentleman was a most efficient member, and thought it highly desirable that he should attend committees.

Mr. SMALL would take the sense of the house upon the question, and he hoped hon. members would weigh well the subject.—The members filling official situations were now in a very different situation from what they formerly were, and he thought they ought to be excused from attending committees.

Captain STEELE said he would second the motion.

Hon. Mr. HARRISON read the clause of the act, by which it appeared that the house possessed the power to excuse his attendance if they were so disposed.

Mr. WOOD thought that no valid excuse had been offered, and that, moreover, the act peremptorily required that an oath be taken to verify any facts which may be adduced as a cause for being excused.

Mr. SIMPSON said the house must recollect that seven members would be excused.

Mr. HINCKS wished to know if her Majesty's Ministers at home were exempt.

Sir ALLAN McNAB said the hon. gentleman was possessed of high legal attainments, and his loss would be severely felt.

Mr. SMALL said he did not wish that the hon. member should be excused without the cause being verified on oath.

The subject dropped, and it was understood that Mr. HARRISON was expected to sit on committee.

A long argument arose as to a point of order on the subject of the choice of nominees.

The House then proceeded to strike a committee on the Hastings contested elec-

tion; when there not being a sufficient number of members present, the House adjourned at six o'clock.

FRIDAY, 9th June.

The house met at 2 o'clock, and proceeded immediately to ballot for a committee on the Hon. Mr. Baldwin's election.

A very long discussion took place on the question, *whether or not members were legally allowed to be appointed to sit on two election committees?* when on the name of Mr. Holmes being called, he being already a member of a committee, but willing for the sake of expediting the business of the country to sit on two committees.

Mr. Aylwin moved, seconded by Mr. Cartwright, that Mr. Holmes, being already a member of an election committee, is incompetent to act, which led to a very long and discursive argument; most of the lawyers of the house, including Mr. Draper and Mr. Harrison, were of opinion that Mr. Holmes was ineligible; while a large majority of the hon. members were of a contrary opinion; their opinion was supported by Mr. Black, an eminent counsel from Lower Canada. The motion was at length put from the Chair, when the numbers, that Mr. Holmes was ineligible, were yeas 33, nays 29—majority 4.

On counting the number of eligible members, there were only 18 instead of 23, the number required, and the house, after agreeing to a call of the house the next day at two o'clock, was adjourned by the Speaker, according to the statute.

LEGISLATIVE COUNCIL.

THURSDAY, July 8.

The council went again into committee of the whole to take into consideration Mr. DeBlaquiere's resolutions relating to the promotion and protection of agriculture in this Province.

The first resolution having been read, Hon. Mr. DEBLAQUIERE rose and said he was very anxious that upon the further consideration by that hon. house of this important subject, at all events before he (Mr. DeBlaquiere,) entered into a further discussion upon the question, he should have the benefit and advantage of the presence of the hon. gentleman who had taken so conspicuous a part in the debate. He felt reluctant in the absence of that hon. and learned gentleman (Mr. Sullivan) to put forward those reasons which he was prepared to urge in support of the resolutions which he had had the honor of bringing under the consideration of that hon. committee. There was one important circumstance which he thought should be distinctly stated, and it was, that in bringing this subject under the consideration of the Legislative Council, he had no desire to embarrass, in the smallest degree, the measures of his Excellency; but on the contrary, he would endeavor to assist to the full extent of his limited power and ability, in furthering the objects and views expressed by the representative of her Majesty. Deeply as he remained impressed with the importance of the subject embraced in the resolutions, if the bringing them forward at this moment would have the effect of embarrassing the Executive in the

slightest degree, he was perfectly willing that their consideration should be postponed to a future day. Whether the resolutions which he had submitted to that hon. house be considered at the present or a future day, the subject was one which would demand the attention of that hon. house. He believed that that hon. house would bear him out in saying that his object in bringing forward these resolutions at this early period of the session was that the subject might be brought under the consideration not only of that hon. house, but also of the Legislative Assembly. He was not desirous that any immediate action should be taken upon it. A subject of such magnitude required the full and deliberate consideration of both branches of the Legislature. He was fortified in this opinion from what had already passed since the resolutions had been under consideration; and he now lamented that they had not in the first instance been submitted to a committee of joint conference. But there was this advantage gained, that while other important subjects had been under consideration, it might have been considered premature to press the consideration of this subject; and without incurring the imputation of being officiously anxious to be beforehand with the Legislative Assembly in bringing it forward, he had nevertheless so far attained his object. He would here close this part of his remarks, were it not that some observations had been made which might be productive of the greatest mischief upon the public mind, were they to remain unexplained, and to go abroad with the full impression which they were likely to attain in public estimation, from the manner in which the subject had been treated by the hon. gentleman who was not now in his place. It was peculiarly to be regretted that the hon. gentleman was absent, as he (Mr. DeBlaquiere) stood in a peculiarly embarrassing position, inasmuch as he was looked upon as the champion of the proposition contained in the resolutions, and not only so, but as it were the bottle-holder of the champion. He had hoped, and did still hope, that some person more competent than himself might take up the discussion of the question, for he was convinced that any one who would take the trouble to weigh the subject deliberately as it deserved, must be convinced that it was one of paramount importance to all others. The hon. gentleman who had expressed so strong an opposition to the resolutions (Mr. Sullivan,) had taken altogether untenable grounds; he had assumed as the basis of his argument that the proposition which he (Mr. DeBlaquiere) had had the honor to submit was not only wrong in itself, but if successful would be productive of injury to the interests of this country. The hon. gentleman had fastened upon him (Mr. DeBlaquiere) the assumption that he was desirous of pressing upon the house the conviction that the commercial interests of this country should give way to agricultural; and the hon. gentleman would lead this house to the conclusion that he (Mr. DeBlaquiere) was opposed to the interests which the hon. gentleman himself advocates. He was desirous that the hon. gentleman should have an opportunity of retracting this statement, which he was certain that the hon. gentleman would do, as he must be perfectly convinced that it was far from being the case. He (Mr. DeBlaquiere) had stated, and he

would repeat it again, that however much he estimated the importance of the commercial interests of this community, still he would maintain that they were but secondary in importance to those of the agricultural portion of the community. He did not say those interests were to be disregarded, far from it, but he did say they were but secondary to those of agriculture; and he believed he should be able to satisfy the hon. gentleman that he was right. The hon. gentleman had assumed that, because he (Mr. DeBlaquiere) required a protective adjustment for the admission of the grain and flour of the United States, passing through this country, *in transitu* to Great Britain, that he was attempting to undermine the commerce of this country; and to build up the agricultural interest upon its destruction. That he was willing to forego all the benefits to be derived from the passage of American produce through this country, and of its being ground in this country, that he was not only prepared to sacrifice all those advantages; but that he was also endeavoring to force upon the Imperial Legislature that which was not only highly objectionable but actually impossible. That in fact the very proposal was almost tantamount to treason! That he had demanded from Great Britain, that she should overturn her established and well regulated policy, and that in case of refusal this Province would not remain attached to the British Empire. And that all this was demanded from Great Britain in order to promote the petty interest of a colony! The hon. gentleman had stated that he (Mr. DeBlaquiere) was for destroying the beautiful figures and visions which the hon. gentleman with so much eloquence and art, brought under the notice of that hon. Council—for annihilating those fleets which the hon. gentleman was placing, in imagination, before them; that he was preventing the development and growth of those cities which were soon to become the finest cities in the world!

Now it happens very unfortunately for that hon. gentleman, while he is making such a declaration as this, that by establishing this traffic through the Province all these great objects would be accomplished—at the very moment that he is making this declaration we have the fact staring us in the face that in the markets of Cleveland wheat is 110 cents per bushel. Now I say, if this be the case, then there is an end to the imaginary expectations of the hon. gentleman, upon which he founds his belief that the prosperity of the country is to go so rapidly forward. Therefore, I say there are no sufficient grounds for supposing that the prosperity of the country is based upon commercial enterprize in preference to agriculture. I do still maintain as a position which cannot be controverted, and one which I am prepared to substantiate with proofs, that since the year 1836 the agricultural interests of the country have been in a state of the greatest depression, and I maintain that this distress has arisen mainly from operations which have been carried on in the United States. The Canadian farmer is not in a condition to store up his grain so as to take advantage of the best market; he does not possess capital sufficient to enable him to do so. Here is the fallacy of the hon. gentleman's argument; he says if you adopt this proposition you ruin the merchant. I meet this proposition of the hon. gentleman by saying, the merchant is a bird of passage. He carries on his operations in any country only so long as it is his interest; and no longer.—The same inducement which brings him into this country to-day, may lead him to change to another to-morrow. This is precisely the situation in which he stands; the capital with which he carries on his business is liable to be withdrawn from the country at a mo-

ment; whereas that which supports agricultural operations is fixed and permanent, and constitutes the real wealth of the country. I contend that the Canadian farmer, in order to be placed upon a footing of equal advantage with the American farmer, requires protection and support; he is not able in the present situation of affairs to procure that accommodation which is at the command of the American farmer, and which enables him to hold out for an improved state of the market.—This I maintain, is the present position of our agriculturists.

The hon. gentleman has paid me a compliment which I feel that I am not in any way entitled to. But he has omitted that which I could have wished he had imputed to me—it is a quality which has been to me a reproach through life—that I have an indomitable obstinacy on any point until I am satisfied that I am wrong; and the hon. gentleman will find that declamation such as that he has employed will not serve to convince me. He will find me ready to come back to the charge and to persist until the object which I have in view is attained. And in this determination I am fortified, not because as the hon. gentleman has assumed, I have taken the isolated instance of an individual, who, accustomed to ease and comfort at home, comes to this country with the expectations of realizing a fortune by farming operations—but because I am satisfied it is in accordance with the well defined wishes of the country at large. In order to show the hon. gentleman that it is upon broad national grounds that I view this question, and that I have reason to come to this conclusion and say that in this Province—not in the particular district in which I live, but I will take the whole range of the Province—and I will say that the farmer has not been placed in a situation to realize the product of the labour of his hands. To prove that I fully understand the minds and wishes of the people of the Province upon the proposition that agricultural distress prevails, I will take leave to read a part of a document proceeding from a gentleman well acquainted with the subject. [Mr. De Blaquiere then read several extracts bearing on the question.]

I am glad to perceive that the hon. gentleman has now come into his place, and I will beg leave to recapitulate a few of the points to which I wish to draw the attention of the hon. gentleman. [After having done so, the hon. Mr. DeBlaquiere proceeded:] The hon. gentleman jocularly remarked that he was not an organ, and that he had no desire to be played upon. Now it happens that I wish to make use of this acknowledgement—that he is not the organ of her Majesty's government. Although I am will to admit that there may be some analogy between that hon. gentleman and that noble instrument, yet I certainly think in this instance the diapason was not harmonious. His language was not in accordance with the philanthropic views which I heard from the lips of the hon. gentleman last year. The hon. gentleman has claimed the indulgence of the house, on account of his imperfect knowledge and acquaintance with farming operations. He is, he says, no farmer. He shall have the full benefit of this indulgence, and he shall also be acquitted of being the organ of her Majesty's government.

I will now particularly draw the attention of the hon. gentleman to that very District which the hon. gentleman has taken as the focus of his vivid imagination, the creations of which I very much fear will not soon be realized in the way proposed by the hon. gentleman, at all events. A paper was placed in my hands this morning, (and I am certainly delighted to shelter myself against the talents of the hon. and learned gentleman, by authorities such as this) which expresses infinitely better than I could have done; the

very views which I have been endeavouring to establish before this honorable committee. It is a report which was read at a meeting of the Montreal District agricultural society.—(Here the Hon. Mr. DeBlaquiere read the Report.) I am delighted to find that the subject has already been canvassed in England, because the hon. Gentleman has endeavoured to make it appear as being almost treasonable on my part to bring forward the proposition at all. I have drawn the attention of this hon. committee to this for the purpose of inducing the hon. gentleman to pause before he allows it to go before the country, that there is anything presumptuous, ridiculous, or preposterous, in bringing this subject under the notice of the Legislature. And I will venture to predict that before the termination of this session of the Legislature the hon. gentleman will find that this subject so far from being viewed with indifference, will become the most interesting topic which the two branches of the Legislature will have for their consideration, and that the question will assume that position to which it is so eminently entitled.

Hon. Mr. SULLIVAN said he had no desire to make that house an arena for speech-making. He (Mr. Sullivan) would forbear entering into the discussion of this question until he was enabled to do so effectively. It was one of those questions upon which they, as colonists, possessed no discretionary powers. With regard to being the organ of her Majesty's government, he (Mr. Sullivan) had merely in a joking manner adverted to the phrase used by the hon. gentleman as not being very usual as applied to a person representing the views of the government; but he would now observe that there was a broad distinction between standing there as representing the views of the government in this Province, and of presuming to appear in that house as representing the views of her Majesty's government on questions upon which the Ministry in England are alone responsible. It was a matter which must be decided in England, and according to English policy. The want of success which the hon. gentleman will assuredly meet with, cannot, by any possibility, involve the position which any individual holds in this colony. It was not a question upon which their advice would be taken in England; it was one of those questions which was withheld from their consideration. If in this sense the hon. gentleman had understood him (Mr. Sullivan) of not standing in the position of the organ of government, so far he would be perfectly correct.

As to the possibility of his views upon this subject being changed, he could assure the hon. gentleman there was not the remotest possibility of any thing of the kind. He was not ashamed or afraid to go through the whole matter with the hon. gentleman, and lawyer as he was, he was not so destitute of the knowledge of calculation—for the whole question resolved itself into one of figures—as to be unable to show clearly and explicitly that the hon. gentleman could not make out his case. The hon. gentleman altogether misunderstood his intention if he supposed that he (Mr. Sullivan) was averse to procuring free admission into England for our agricultural produce.—What he contended for was that they could not ask it as a right. He never intended to insist that it would not be highly advantageous to the Province, but that we should not set up our interests in opposition to those of Great Britain; neither have we any right to speculate on what would best promote the interests of Great Britain. It would be looked upon as an unwarrantable presumption.

Upon the other point, namely, that of a discriminating duty upon American produce passing through this country, upon the supposition that it lowers the price of Canadian

wheat in England; upon this I say the best success which could attend the proposition of the hon. gentleman would be the greatest misfortune to the country. These are the points which I wish to keep distinct, and which will be distinctly shown when the question comes up in a different shape for discussion.

Hon. Mr. MORRIS would merely say he thought the discussion extremely irregular.—The hon. gentleman who introduced the resolutions had been replying at considerable length to the speech which the hon. gentleman who represents the views of the government, had delivered on a former occasion.—Such a course was not only irregular but unparliamentary. He (Mr. Morris) did not intend this remark as a reproof to the hon. gentleman; of whose talents, abilities and understanding, he (Mr. Morris) entertained a very high opinion; but the hon. gentleman himself must see the impropriety of drawing the hon. and learned gentleman—the organ of the government—into a defence of the position he had assumed in opposition to the proposition of the hon. gentleman, thus repeatedly.—There should be a distinct question proposed for the adoption of that house; and then the matter would come before them in a tangible shape, & might be fully and finally discussed.

Hon. Mr. DEBLAQUIERE.—The hon. gentleman has forgotten that the question must remain suspended, as it were, for the present; and it was a matter of essential consequence that the statements of the hon. and learned gentleman should not be permitted to go forth unexplained and uncontradicted. He was willing to admit that the proceeding was somewhat irregular, but unparliamentary was rather a strong term to be applied to it. He would now move that the committee rise, report progress and ask leave to sit again on Thursday next, which was accordingly granted.

FRIDAY, July 9.

On the reading of Mr. Turner's bill, to be allowed to practice as a Solicitor in the Court of Chancery,

The Hon. Mr. DEBLAQUIERE wished that it be referred to a select committee, with power to send for persons and papers.

Hon. Mr. SULLIVAN opposed it, and thought the hon. member should state his reasons for wishing that a select committee should be named.

Hon. Mr. DEBLAQUIERE rose and said he felt himself placed in a more painful situation now than he had ever before experienced. He was called on to do that which was contrary to the habits of his whole life, namely, to speak against the character of an individual whose person he did not even know, and whom he was not aware he had ever seen. He objected first to the preamble of this bill, which as he understood it, went to assert that the Court of Chancery, the Vice Chancellor, with all its officers, were exclusively indebted to Mr. Turner for its constitution and a knowledge of its practice. It was only a few days ago that he had first heard of this individual, whose name had been used in another place. He had heard the moral character of the person was deeply implicated, and he thought it highly important for the sake of his present credit and future peace of mind that such imputations should be removed; and the more especially because the statute by which the admission to practice in Courts of Justice require that strict attention be paid to the moral character of the applicant. He was not called on to say why or under what circumstances such a statute was passed, but the Act in p. 13, chap. 26 particularly requires that the moral character must be brought in question. It has been stated, as he understood, in another place, that the individual in question had

applied to the Vice Chancellor to practice in his court, and that the learned gentleman had thought proper to refuse the application on the ground of moral character: this had been publicly stated, and, so far as he knew, remained uncontradicted. Now, to admit such a person to practice would be contrary to the words of the statute already referred to. It had been said that this house has no jurisdiction over moral character; he could not admit this; and to do so was an anomaly which he could not reconcile to the statute he had read. He had learned that this person had applied to the other house to be appointed a law clerk to that house under another name, and that the application was rejected on the ground of moral character; and with these facts before his eyes, could he now as an independent member of that house feel justified in giving his consent to the bill in question without an explanation of the circumstances alluded to. But there were other circumstances to which he very unwillingly alluded. It has been publicly stated that the individual alluded to had come to this country under the name of Lloyd Richardson, and a married man and his wife living; that he married under a feigned name, and that when a discovery of the fact transpired, the person whom he had married was taken by her friends from him, and that subsequently she had again returned to his house. Now, if this were true, he hesitated not to assert that he was not qualified either according to the statute, or in propriety, to be admitted into the profession of the law. He (Mr. DeB.) also asserted that the individual himself had a claim upon the house to afford him an opportunity of proving that the accusations made against him are not true. He had been called upon to state his reasons for wishing that a committee should be granted—he had been forced into it, and he felt it due to the character of the house, as well as to the individual concerned, that such an investigation should take place. He (Mr. DeB.) was anxious as much as possible to assimilate the proceedings of this house to that of the House of Lords, and to refer the subject to a committee with power to send for persons and papers, and, if necessary, to call persons to the bar of the house.

Hon. Mr. SULLIVAN said his hon. friend was quite mistaken in the scope of the bill now under the consideration of the house. He has brought forward a number of charges against the person alluded to, and amongst the number is a charge of felony. He (Mr. S.) objected to the course proposed on constitutional grounds: he objected to put a man upon his trial upon a charge upon which the proper course would be an indictment: the course recommended might take up years of duration. The hon. gentleman little knows the dance he would have to lead: if the person alluded to has been guilty of the crimes alleged against him, why has he not been arraigned or proceeded against by a legal process? The presumption would necessarily be that the reports were unfounded, or if good ground existed for such a charge why had not the Crown officers interfered? Are we to believe every flying report, whether true or false, and be guided in our course of legislation by such reports—or would the hon. gentleman send to England for persons to prove these charges? He (Mr. S.) was satisfied the house would do no such thing: it was contrary to his habit of mind to use the power of Parliament to injure and perhaps to crush an individual. Are not the laws strong enough? If they have been transgressed, let the transgressor be tried in the ordinary way: he had always felt an aversion to such modes of procedure. The person alluded to was almost a stranger to him—he had no acquaintance with him except professionally, and that very slightly; and he from habit as well as from inclination

had always shut his ears to reports prejudicial to the character of individuals. He would merely put it to his hon. friend whether he would persist in entering on an investigation which must prove a complete failure, and he would earnestly desire him to pause before he entered on such a course. No good could arise out of referring this bill to a select committee. He had no objection that it should be so done if the object was merely to take into consideration what appeared on the face of the bill; but if it is for the purpose of examining into the conduct of the individual, I do object to it most strongly on all accounts, and for none other more than for the sake of the house itself.

Hon. Mr. MORRIS in voting that the Bill be referred to a Committee would not go the length of his hon. friend.

The motion was then put that the bill be referred to a select committee, which was lost.

Hon. Mr. SULLIVAN then moved that the bill be referred to a committee of the whole House, which was carried, and the Hon. Mr. ——— called to the chair.

Hon. Mr. SULLIVAN again rose and moved the adoption of the principle of the bill: as he had before said he had no acquaintance with the subject of it, but he had reason to know that during the time he had known him, his conduct was marked by assiduity, and his character had been irreproachable, he was not one of those who would listen to any accusation which could be brought against a person. The gentleman in question had been unmolested five or six years, and in his mind the probability was, that these reports were untrue, and he would not consent to drive a man to despair, poverty and misery, upon vague and uncertain reports, who was four or five thousand miles from the place where one of his vindication could be attained, to expose him to obloquy and by our privilege of parliament, to cast off all hopes of future prosperity, to reduce his mind to a dark and black void, to enable him to rise above obloquy.—He (Mr. Sullivan) would consent to sacrifice many other feelings.

The VICE CHANCELLOR said he felt it due to himself and the hon. members of that house, to set them right as to the fact of the case which had been alluded to as respects himself. It had been asserted that Mr. Turner had applied to him for his permission to practice in the Court of Chancery, and that he had refused the application on the ground of moral character; no such application had ever been made, and consequently no refusal could have been given. It had indeed been mentioned that an intention of applying existed, and he had of course said that it would be his duty to enquire as to moral character, it was certainly true that he had heard rumours prejudicial to that character; but he felt it his duty to state, that so far as he had seen of the professional character of Mr. Turner it was highly creditable to him.

Hon. Mr. MORRIS said he could well understand the motives of his hon. friend Mr. DeBlaquiere in moving for a select committee. He was, from his knowledge of that hon. gentleman, quite sure that he would be the last man in the world to prevent any individual from rising in the world by any voluntary act of his. He was well persuaded that he had far too much of the milk of human kindness in his nature to do so. Reports had certainly been freely circulated, and it was not denied that the person alluded to had appeared before the Legislature under two names, which would indicate that there was something not exactly correct, and he thought the house entitled to such an enquiry as would disabuse the minds of hon. members as to the cause of that circumstance. This would not be creating an inquisitorial tribunal. A person whose character had been grossly and unjustly assailed

would be glad of an opportunity of coming before a committee to establish his reputation; and he did think that the fact of his having applied in two names required explanation. Has he received the Queen's patent to change his name? Without that something should be stated to disabuse the minds of the committee. He would suggest to his hon. friend that it would be a proper course that the committee rise for the purpose of satisfying the house upon this point. It may possibly be explained by circumstances of embarrassment, which, though unfortunate, may not be disreputable. He would not create an inquisitorial investigation, but would afford an opportunity to the party to satisfy the house that there was some reasonable cause assigned for appearing before them with two names.

Hon. Mr. FERRIE said he had reason to believe the cause was attributable to some pecuniary embarrassment.

The question was then put, and on a division the numbers stood:

YEAS—Messrs. Sullivan, Vice Chancellor, Fraser, Ferrie, Joliette, McDonald, Fraser—7.

NAVS—Messrs. DeBlaquiere, Bruneau, Hamilton, Macaulay, Morris—5.

HOUSE OF ASSEMBLY.

ROUTINE BUSINESS.

Tuesday, July 6th.

The Speaker laid before the House statements of the affairs of the Quebec Bank, Gore Bank, and the Branch of the Bank of North America in Toronto. He also announced that recognizances had been entered into to contest the Niagara election.

The following petitions were presented:—

By Mr. Black, those of the Quebec Bank in relation to their charter, and of the inhabitants of St. Gabriel for aid to a Bridge. By Captain Steele, of A. Lewis and others in Caledon and adjoining townships, for aid to roads. By Mr. Christie, of certain inhabitants on the Kempt road for aid to a schoolmaster on that road, and of certain inhabitants of the upper parts of Gaspé for aid.—By Mr. Chesley, of the inhabitants of Cornwall for relief from county assessment. By Mr. Boswell, of the Board of the Upper Canada Academy, for incorporation as the Victoria College and for aid. By Mr. Atty. Gen. Ogden, of the Hon. M. Bell and 10,000 others against the dismemberment of the district of Three Rivers. By Mr. Hopkins, of the inhabitants of Trafalgar for aid to roads. By Mr. Foster, of certain inhabitants of Shefford in reference to education.

Mr. Hamilton reported on the Gaspé Fisheries Bill, but the house refused to receive the report.

The Gore District Committee were permitted to report from time to time.

The order of the day for going into committee on the report relating to the printing of the House, lost by the adjournment of Friday, was discharged and the report recommitted to the same special committee.

Mr. Hincks moved to revive instanter the order of the day for considering the report of the committee on the subject of reporting—lost by the adjournment of Tuesday. Yeas 26. Nays 21. The House went into committee, Mr. Armstrong in the chair, who reported its concurrence with the special committee recommending that 500 copies of the *Mirror* be taken for one month at 5s. On the question of concurrence therein by the House. Mr. Hamilton moved that the concurrence therein be put this day 6 months. Negatived—yeas 30, nays 34. The main motion was then put—

YEAS—Messrs. Armstrong, Baldwin, Barthe, Berthelot, Boswell, Bouthillier, Buchanan, Cameron, Child, Dunn, Durand, Hincks, Holmes,

Hopkins, Killaly, Macnab, Merritt, Morris, Parent, Powell, Price, Prince, Quesnel, Raymond, Roblin, Ruel, Smith, of *Frontenac*, Smith, of *Wentworth*, Steele, Tache, Thorburn, Turcotte, Viger, Woods.—35.

NAVS—Messrs. Black, Burnett, Chesley, Christie, Crane, Daly Day, Delisle, DeSalaberry, Draper, Dunscomb, Foster, Hale, Hamilton, Harrison, Johnston, Jones, McDonnell of *Prescott*, McLean, Moore, Noel, Ogden, Robertson, Sherwood, Simpson, Small, Strachan, Thompson, Watts, Williams, Yule.—31.

Mr. Harrison laid before the house a message from his Excellency the Governor General, announcing her Majesty's assent to the reserved bill of U. C. for the purchase of the private stock in the Welland Canal.

Mr. Aylwin and the other messengers reported that they waited on his Excellency the Governor General with their address of the 30th relative to correspondence on the timber duties, and had received for answer that his Excellency had received no communication upon the proposed change of duties upon the importation of colonial and foreign timber, but that he would transmit for the information of the house a copy of a despatch which he addressed to the Secretary of State on that subject in April last.

Mr. Aylwin also reported his Excellency's answer to the address in relation to the Toronto election riot, to the effect that he had not yet received any report from the gentlemen he had appointed to make strict inquiry into certain proceedings at Toronto, but when he had received and considered that report, he had little doubt but that he would be enabled to comply with the desire of the Assembly, in submitting to them a copy of that report.

Mr. Morris moved an address to his Excellency to inform the house if he had received any answer from her Majesty to an address of the late House of U. C. in favor of Christopher Leggo of Brockville.

The Hastings contested election was delayed to 4 p.m. to-morrow for consideration.

On motion of Mr. Neilson the house agreed to go into committee on Friday on the subject of the petition from Quebec relative to the timber duties.

On motion of the same the house agreed to resume on Thursday the consideration of the resolutions by him proposed on the Lower Canada resolutions.

The house went into committee on the subject of the Courts of Requests in U. C. Mr. McLean reported a resolution from the committee, which was concurred in, and in conformity thereto Mr. Draper introduced a bill to repeal the existing laws relating to Courts of Requests in U. C. and make other dispositions on the subject. 2d reading on Tuesday. 500 copies to be printed.

The Bill to oblige magistrates to make returns of fines and forfeitures was read a second time and referred to Messrs. Draper, Prince, Baldwin, Merritt and Boswell.

The order of the day for the second reading of the Sydenham Mountain Road act being called, Mr. Smith moved to dispense with the 71st rule requiring a deposit of £20—negatived.

The second reading of the vacating of seats Bill was deferred to tomorrow.

The consideration of Mr. Prince's motion in relation to the St. Maurice elections was postponed to Thursday.

The house went into committee to consider the expediency of amending the act relative to losses by invasion or rebellion, by prolonging the time of the sittings of the Commissioners. Mr. Delisle reported a resolution, which was concurred in, and in consequence Mr. Prince introduced a Bill to that effect. Second reading Tuesday.

The consideration of Mr. Prince's motion

in relation to Woodcock shooting was postponed to Tuesday.

The house went into committee on the law of L. C. relating to a Board of works, and to establish such a Board for the whole Province. Mr. Derbshire reported a resolution which was concurred in. Yeas 27, Nays 7, and Mr. Day introduced a Bill accordingly. Second reading Wednesday.

The house then adjourned for want of a quorum.

Wednesday, July 7.

Agreeably to the order of the day the house was called over at two o'clock. Absent—Messrs. Borne, (not yet taken his seat,) Cook, (on leave,) Des Rivieres, Duggan, (sick,) Johnston, (on leave,) J. S. McDonald, (sick,) Moffat, (on leave,) Morin, H. Smith.

The hour having arrived for striking the committee for the Niagara election, (J. H. Cameron, Esq., appearing for the petitioner, Mr. Campbell for himself, and exchanging lists of witnesses,) after the usual formalities had been observed, the following were names drawn: Messrs. Quesnel, Woods, Durand, Derbshire, Powell, Hale, McNab, Johnston, Barthe, Ruel, Armstrong, D. McDonald, Hincks, Jones, Chesley, Watts, Gilchrist, Day, Hopkins, Williams, Merritt, Harrison, and Thompson. Twenty-eight names were laid aside, of whom 14 have their elections contested, 13 serving on other election committees, 1 over 60 years, and 6 absent. Mr. Small named for the petitioner, and Mr. Thorburn for the sitting member. The parties having retired, returned with the following names struck as the committee: Messrs. Quesnel, Woods, Powell, Hale, D. McDonald, Chesley, Gilchrist, Hopkins, and Williams, with the nominees, who were sworn in, and ordered to meet to-morrow at 9.

The hour having arrived for striking a similar committee for the Hastings election, after the usual formalities had been observed, J. H. Cameron, Esq. appeared for the petitioner, John Ross, Esq., for the sitting member, and exchanging lists of witnesses, and the following names were drawn: Messrs. Barthe, Durand, Johnston, Watts, Jones, Taschereau, McLean, Merritt, Armstrong, Derbshire, Killaly, Hincks, Dr. Smith, Price, Day, Thompson, Ruel, Parent, Harrison—19. The name of Sir A. McNab was drawn, but laid aside as nominee for the petitioner, and Mr. Boswell for the sitting member. There not being a sufficient number of members to complete the 23, as required by the 5th section of 4 Geo. IV., c. 4, the house was adjourned.

Thursday 8th July.

The house again proceeded to strike a committee to try the Hastings election. Messrs. Cameron and Ross appeared as yesterday. The following names were drawn: Messrs. Watts, Merritt, Taschereau, DeRivieres, Thompson, Derbshire, Black, Morin, Durand, Armstrong, Killaly, Johnston, Yule, Dr. Smith, Barthe, Hincks, Cameron, Day, McLean, Parent and Harrison—21.

NOTICE.

The Editor of the *MIRROR OF PARLIAMENT* has now made arrangements which will enable him to bring out the debates of each day, in both houses, on the following evening.

The subscription for the second month, commencing on the 17th inst., will be five shillings, invariably in advance.

Those who desire the files from the beginning, can be supplied by remitting 10s. for the first and second months.

A remittance of five dollars will entitle the person who sends the same, to six copies of the *Mirror* for one month. \$10 to 13 copies.

Kingston, July 12th, 1841.

Editors of Newspapers throughout the Province who will insert the above and forward their respective papers to this Office, will be entitled to receive a copy of the *MIRROR*.

THE CANADIAN MIRROR OF PARLIAMENT.

EDITED BY H. FOWLER, Esq. }

Kingston, July 13, 1841.

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LEGISLATIVE COUNCIL.

MONDAY, July 12.

The Legislative Council went into Committee of the whole upon the Bill to enable Robt. John Turner to be admitted to practice in the Court of Chancery, in this Province. Hon. Mr. McKay in the chair.

Hon. Mr. DEBLAQUIERE moved to strike out from the preamble certain words to the effect that R. J. Turner was of essential service in the establishment of the Court of Chancery.

Hon. Mr. SULLIVAN rose and said that had he (Mr. Sullivan) drafted the Bill, or had any thing to do with bringing it forward; or if it were proceeding from that hon. Council, he should certainly object to the insertion of a laudatory clause, such as that which the hon. gentleman had made the subject of his motion. But he (Mr. Sullivan) would not consent to do an act of discourtesy towards the other branch of the Legislature, merely for the sake of correcting an unimportant passage. It might certainly be considered by some derogatory to the Officers of the Court of Chancery to state that a Chancery Solicitor—however eminent he might be—was of essential service in the formation of that Court. But (continued the hon. gentleman) I do not see that it is necessary that this House should hypercriticise upon Bills proceeding from the Lower House, and send them back for no better reason than the unimportant one in the present case; endangering the passage of the measure by our captiousness upon mere phraseology. If it were a Bill which was proper in itself to be passed, I would not ruin the Bill for the sake of a form of words which are so utterly indifferent as to any operative consequence. There is truly a very strong objection to its being considered a matter of right, for any person whatever, who sets out to be a Solicitor in the Courts in England, to come to this Province and claim to be permitted to practice, without showing to the satisfaction of the Courts here that his qualifications are unquestionable; and also exhibiting testimonials as to uprightness of conduct. I believe it was considered necessary, in this case, to set out something more than that Mr. Turner was a Chancery Solicitor, and had been permitted to practice in England—which would naturally imply a sort of recognized right on the part of that gentleman to practice in the Courts of this Province—it was thought necessary that something should be set forth, showing why this gentleman was entitled to special privileges. For my own part, I do not consider it derogatory to the in Canada to say that an eminent Solicitor, who had been in extensive practice in the old country, was of essential service in the formation of the Court of Chancery in this Province. It is not to be supposed that members of the legal profession are so familiar with Chancery practice as some who have made it the study of their lives; and besides, gentlemen of the legal profession in the Province of Upper Canada were sufficiently occupied in their own Courts, without turning their attention to Chancery practice.

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branch of the Legislature, for fear of incurring the displeasure of that branch, or of endangering the passing of any measure, he (Mr. Morris) was obliged to dissent from such arguments altogether. He (Mr. Morris) would at all times propose or support such amendments as he thought necessary, without reference to the other branch of the Legislature. It was of no consequence whether they would reject the Bill or not, he would not be deterred from offering amendments. If the Bill ought to pass, he hoped it would pass—let justice be done at all events. The system of introducing laudatory clauses into acts of Parliament was not entirely new; it had been practised long ago an English Attorney had petitioned the Legislature of Upper Canada to be admitted to practice in the law courts in this Province, and the principal reason urged in the petition for his admission was that he had done his duty to his country during the late rebellion. A singular reason why a gentleman should be called to the Bar, to say that he had done his duty as a soldier!

The gentleman in question, a Mr. Ainslie, had practiced in one of the British colonies abroad, and his application was repeatedly rejected, until he told the Legislature that he had turned out and borne arms in defence of the Province in the late rebellion—a duty which every one owed his country—and he was then admitted without further demur—every obstacle was at once removed. He (Mr. Morris) was of opinion that every Bill should stand or fall upon its own intrinsic merits, and not rest upon extraneous matter casually introduced by way of bolstering up a defective measure. He did not mean to say that in the present case the Bill required any thing of the sort to render it entitled to the concurrence of the Council. He thought the words should be struck out.

Hon. Mr. DEBLAQUIERE said the hon. and learned gentleman opposite (Mr. Sullivan) need not be under such extraordinary alarms about the safety of the measure, provided the objectionable clause were struck out, for that (Mr. DeBlaquiere) spoke advisedly when he said that he believed it was in the contemplation of certain hon. members of the other branch of the Legislature that such a clause should be introduced. The hon. and learned gentleman has not, surely, to learn now for the first time that there are such things as *feelers*. It does not follow that there may not be other reasons which operated upon the hon. members in the other branch in the introduction of this laudatory passage. I am not going to chop logic with the hon. gentleman. Perhaps without that clause it might have appeared to be naked, and to possess so little claim to the attention of the Council that it would not have been noticed at all. He (Mr. DeBlaquiere) certainly thought it implied a very severe rebuke upon those gentlemen who belonged to the profession.

Hon. Mr. SULLIVAN said he thought it necessary to explain more fully the reasons for his opposition to the hon. gentleman's motion; as both the hon. mover and his hon. friend (Mr. Morris) had imputed to him a reluctance to alter any thing which proceeded from the

other branch of the Legislature. What I mean to say, is, (said Mr. Sullivan) that I would not alter a Bill for the sake of non-essentials. I would not hypercriticise and seek out its defects in form so long as I was satisfied with the substance. Honorable gentlemen have construed this into a fear of making any alterations, lest the measure itself should be lost through that means. With regard to what has fallen from the hon. mover, I would ask whether what he has said can be considered strictly Parliamentary—whether an hon. gentleman should come into this House and say he has reason to know that hon. Members in another branch of the Legislature have sent a Bill into this House by way of feeler—to say the least of it, it is not very complimentary to this House, nor do I think it is strictly parliamentary.

It was probably considered necessary in that House to introduce some especial reason why the gentleman making this application should be admitted to the privileges contemplated by the Bill, by inserting what amounts to a sort of legal protestando. And I certainly think it is very necessary that a circumstance so important, if within the knowledge of any hon. member, that this gentleman rendered material assistance in the formation of a Court of Chancery, should be stated. But let this be as it may, I would say again, I would not seek for verbal faults, nor do I think it would be courteous towards the other branch of the Legislature to do so.

Hon. Mr. DEBLAQUIERE said he thought the hon. and learned gentleman had very unfairly and unjustly attacked him on this occasion. If he (Mr. DeBlaquiere) were in error he had the example of a defective at all events followed the example of the hon. and learned gentleman himself.

The motion was then put and carried, and

The Hon. Mr. DEBLAQUIERE proceeded to comment upon the merits of the Bill. He believed the first enacting clause was now before the Committee for adoption, and he would take this opportunity of again repeating his strong and unchangeable objection to any enactment of this kind taking place. He had stated his reasons fully on a former occasion, and it was unnecessary to take up their time by repeating what he had then said. But he was more and more convinced that in every point of view in which the subject could be considered, such a measure was highly objectionable. He (Mr. DeBlaquiere) looked upon the Legislature as being the guardian of the public morals; and he could not conceive any thing more preposterous, or more contrary to the spirit of sound legislation, than the admission of such a principle as would be established by the adoption of this Bill—namely to remove from the individual in question the ordeal to which he would be subject in case no such enactment had taken place. He (Mr. DeBlaquiere) certainly thought enough had been said to satisfy that hon. Committee that they ought to pause before adopting a Bill of this kind. He felt it to be his duty to resist the Bill.

Hon. Mr. SULLIVAN said, he was not disposed to take up time by arguing the matter over again, but he must say that the hon. gentleman was entirely mistaken if he supposed that this Bill would have the effect

of relieving the gentleman named in it from the ordeal to which he would be subjected, in case no such Bill were passed. His honor the Vice Chancellor would hear him out in saying that it was perfectly competent for the Committee to reject the application for admission, notwithstanding fifty Acts of Parliament. He did not think therefore the House should act upon the suggestion of the hon. gentleman.

The hon. the SPEAKER concurred in the observation of the hon. and learned member, that the act of Parliament would not divest the Committee of its power to refuse admission to the gentleman applying for it. It leaves the matter entirely discretionary as before.

Hon. Mr. DEBLAQUIERE expressed himself perfectly satisfied with the explanation given, and withdrew his objection to the passage of the Bill. He was glad that the observations he had made had elicited the explanation.

The Committee rose and reported the Bill as amended.

The Council was put in committee of the whole upon the bill to amend the act establishing a Court of Chancery in this Province.

Hon. Mr. DEBLAQUIERE in the chair.

Upon the question being put for the adoption of the principle of the bill,

Hon. Mr. MORRIS suggested that the hon. gentleman who had brought forward the bill should at least state the nature of the amendments and alterations intended to be effected in the Court of Chancery by the passage of this measure.

Hon. Mr. SULLIVAN rose and said he believed the bill contained its own argument. The preamble of the bill states that certain doubts have arisen with regard to the construction to be placed upon the former Act, in relation to certain points of practice. If the hon. gentleman has no doubts upon the subject, he will of course consider the present bill as wholly unnecessary; but for my own part I have doubts, and therefore I shall support this bill in order to have them removed.

The Hon. the SPEAKER said many of those doubts had arisen in the course of his own experience, and if it were required he would be happy to explain, as each clause was read, the nature of these doubts and difficulties. He (the Vice Chancellor) desired that the burthen of resolving these doubts should not rest with himself alone, but that the legislature would afford him its assistance.

Hon. Mr. MORRIS said it was not for the mere purpose of hearing a speech—for they were favored with quite enough of them—that he had suggested the propriety of some explanation being given regarding the provisions of the bill. Parliamentary writers had laid it down that the second reading of a bill is the proper time for its discussion, and he thought it was justly incumbent upon the mover of any measure whatever to enter into an explanation of its provisions for the information of the house.

Hon. Mr. MACAULAY desired to ask if the hon. mover were perfectly certain that all the different acts referred to in this bill were correctly quoted, because otherwise it would be necessary that it should be referred to a select committee.

The Hon. the SPEAKER said he had gone over the bill carefully and examined it. With regard to the printed copy there seemed to have been an effort on the part of the printer to render it unintelligible, but the manuscript copy he believed was correct.

The preamble of the bill having been adopted,

Hon. Mr. MORRIS moved that the commit-

tee rise and recommend to the house the appointment of a select committee to examine and report upon the bill.

The Hon. the SPEAKER said he entirely concurred in the proposition of the hon. gentleman; the bill could not be considered too carefully.

The motion was adopted; the committee rose and reported the adoption of the preamble of the bill, with a recommendation that it be referred to a select committee, and Hon. Mr. MORRIS then named Hon. Mr. DeBlaquiere and Hon. Mr. Sullivan to compose the committee. Concurred in.

HOUSE OF ASSEMBLY.

MONDAY, July 12.

Mr. BLACK moved that the time for taking into consideration the contested Election for the City of Toronto be extended to next Monday fortnight.

Mr. DUNN objected to the postponement.

Sir ALLAN McNAB said that unless the time were extended, it would be impossible that a Committee could be obtained.

Mr. THORBURN remarked that only fourteen days were allowed for a petition against a return to lie upon the table without any action of the House being had upon it. The fourteen days expire to-day, and if no intimation has been given of the intention of the petitioners to follow up the matter, he did not think that the motion should be made at all.

Mr. SMALL observed that one of the Committees now sitting, would probably finish their labours, and report, in the course of the week. This matter should not therefore be put off too long.

The motion was then adopted.

Mr. BLACK moved a similar motion with regard to the contest for the Second Riding of the County of York.

Mr. HALE hoped the hon. gentleman would name a different day. They had been caught in that sort of trap once already.—Two Committees having been moved for on the same day,

Mr. HINCKS recommended that a different day would be appointed in order to avoid all difficulty.

The day was altered to the 27th inst., and the motion was adopted.

Mr. BALDWIN moved that the sitting Member for the Town of Niagara, and the petitioning candidate be directed to exchange lists of the names of those voters whom they intend to object to, upon the trial of the contested Election for that Town.

Mr. THORBURN said he was not altogether certain that the House was at liberty to make such an order. The sitting Member might not be prepared to furnish such list. He felt in duty bound, upon this ground, to oppose the motion.

Mr. CAMPBELL said, if the hon. and learned gentleman had given him any intimation of his intention to make such a motion, he would have been prepared to furnish the list; but under the circumstances he would object to the motion of the hon. gentleman.

If at the beginning of the Session it had been made a standing rule, that all parties should give in a list of voters objected to, he would have been prepared to comply with it, but instead of this being the case, he had not even until this moment heard it suggested that such a proceeding would be required. It was an *ex post facto* resolution, and was entirely contrary to all precedent. Another objection as regarded his own particular case was, that he was a long distance from the town which he represented, and it would be utterly impossible to procure the required lists,

within the time specified by the hon. gentleman in his motion.

There was another reason why he would object to the motion—the Returning Officer for the Town of Niagara had been complained of, and that complaint was still pending; a Committee should be appointed to determine upon that complaint, before any other proceedings were had on the matter. The proposition of the hon. and learned gentleman was altogether unprecedented, and he would vote against the motion.

Mr. HINCKS said he was really astonished to hear the hon. and learned gentleman say that the motion was unprecedented. It was precisely the course which had been followed in the case of the Huron Election. It was evidently a reasonable proposition. How could the parties go into the evidence at all, unless the votes objected to were known?

Att'y. Gen. DRAPER said, it appeared to him that even if the motion were adopted, it would be wholly inoperative as far as regards the expediting the receiving of testimony by the Commission which must necessarily be appointed. By what authority were they to restrain the commissioners from taking evidence in such manner as they pleased; they would not be confined to the lists furnished them. He merely threw out these hints for the consideration of the House.

Mr. BALDWIN said with respect to that the resolution was only directory. The committee would not of course be restrained by it, but would be at liberty to receive evidence as fully as they might consider necessary. With regard to the remarks which had been made by the hon. gentleman, the sitting member for Niagara, he was not precisely aware of the object of them. If the hon. gentleman had intended to impute to him (Mr. Baldwin) any desire to take him by surprize, he could assure the hon. gentleman that he had no such desire. That hon. gentleman was perfectly well aware that a petition had been presented against his return, and that it was intended to be proceeded upon. With respect to the time for delivering the list he (Mr. Baldwin) was perfectly willing to name a more distant day that might be convenient to the hon. gentleman himself. But if the objection of the hon. gentleman is to delivering the list at all, what would be the consequence? The whole election would have to be gone over again. Every voter upon the polls would have to be brought up, and his qualification enquired into. He (Mr. Baldwin) was certain that the hon. gentleman was not supported in the position he had taken by any precedents, because it is obvious there must be a large number against whose votes there can be no objection. With regard to precedents the hon. gentleman would find that all precedents were in favor of the motion he had made. There could be no doubt the ends of justice would be best attained by the delivery of such a list as his motion required. Such time might be set as would suit the hon. gentleman's convenience, but to say that lists should not be delivered at all, certainly appeared very much like an attempt to embarrass the proceedings of the house.

The motion was adopted.

Col. PRINCE moved that in future the house meet at 3 o'clock instead of 2.

Mr. SIMPSON remarked that it was his intention to move that the rules of the house be referred again to a committee for revision.

The motion was adopted.

Col. PRINCE then rose and said that as he observed every hon. member of the Executive Council who had seats in that house were present, he would give notice that he would on Thursday next put the following question to them, namely, whether it was the intention

of her Majesty's Government to introduce any measure for the relief and pardon of certain persons charged with political offences alleged to have been committed within the last four years. Col. Prince said that many worthy men had been entrapped into the traitorous schemes of artful and cowardly leaders, and undeserved banishment from their country and homes had been the consequence. He was not at this moment prepared to say where the line of mercy and forgiveness should be drawn, but he sincerely hoped that it would be speedily chalked out, and as speedily established, and that very many of the exiles from the soil would be very soon recalled. The important changes about to take place in the Imperial Cabinet, if reports be true, render some prompt action upon this interesting subject necessary; and he sincerely hoped that the last act (would that it had been the first act) of a liberal government would be to restore to their families and homes many, very many, of those misguided persons who had been temporarily seduced from their allegiance and loyalty by traitors and designing and dishonest knaves, but who, if suffered to return, would, as he (Col. Prince) verily believed, prove good and faithful subjects for the entire remainder of their lives, (hear, hear.)

Mr. MERRITT said he would take this opportunity to call upon the Secretary of State to declare whether he was prepared to furnish to the house a statement of the receipts and expenditures of the Province.

Mr. HARRISON in reply said he would take the liberty of stating that in a very few days, four or five at the farthest, the statement would be laid before the house.

Sir ALLAN McNAB rose and said he had given notice a few days since to the hon. gentleman at the head of the Board of Works, that he would ask whether it was the intention of the government to bring forward any measure respecting the Burlington Bay Canal. That work is going rapidly to decay. It is a work of great importance, and one which should not be suffered to be lost.

Mr. KILLALY replied that a measure was under consideration respecting that canal, and would shortly be submitted to the house.

Mr. McLEAN would ask of the hon. gentlemen on the Treasury benches, if they had any objection to state whether the improvement of the St. Lawrence was to go on.

Col. PRINCE said he would also like to be informed whether the Great Western Rail Road was to be undertaken or not, (a laugh.)

Mr. McLEAN said he had given notice some days ago of his intention to ask the Receiver General whether a sum of money which had been laid out in the construction of a public road in the Eastern part of the Province by commissioners appointed for that purpose, was likely to be paid from the Treasury.

Mr. DUNN said he would state the circumstances under which the money was granted: the act granted £50,000 from the unappropriated funds in the Treasurer's hands. Since the passing of the act there have been no unappropriated funds (a laugh.) One dollar in the pound was advanced, and the commissioners went on to construct the work. Subsequently five shillings in the pound more was paid, but where the remainder was to come from was more than he (Mr. Dunn) was able to say.

Col. PRINCE said in consequence of what had fallen from the hon. gentleman he would give notice that he would on Monday next, move an address to his Excellency the Governor General, for information upon the subject. Some hon. members might be disposed to

treat the subject with levity, but he (Col. Prince) considered that the government was pledged to make good the monies which had been expended by the Commissioners.—He was led to believe that there was now no chance of its being paid—so much for government credit.

Mr. THORBURN moved that an address be presented to his Excellency, praying that his Excellency would place in the hands of the Speaker £5000 to defray the contingent expenses of the last session of the late House of Assembly of Upper Canada, and towards the payment of the contingent expenses of the present house.

Mr. MOFFATT suggested that the proper course would be to introduce a bill of the payment for those expenses.

Mr. BLACK said he doubted whether the expenses of the House of Assembly of Upper Canada could have any connexion with the contingent expenses of this house.

Mr. NELSON said the hon. gentleman had given notice of this motion several days ago, and although it is true that the contingent expenses of the late House of Assembly of Upper Canada formed no part of the current expenses of this house, yet as the funds of this province were now in common, he thought that all arrearages should be paid; it was wrong that the servants of the public should be deprived of their salaries.

Mr. THORBURN said he had repeatedly endeavoured to bring the matter before the house, and he had repeatedly found various obstacles presented themselves. He believed there were some of the servants of that house who had not the means of subsistence, and were living in the daily hope of receiving aid from the house, the accounts were all ready to be placed before the committee, there could be no irregularity in adopting the course he had proposed, it had been the usual practice in Upper Canada.

Mr. AYLWIN said he was exceedingly unwilling to oppose the motion of the hon. gentleman, and if he rose to speak upon this question, it was not to throw any obstacles in the way of the motion, but he could not refrain from declaring that he heartily concurred in the remarks which had fallen from the hon. member for Quebec, that the servants of the house of Upper Canada are not the servants of this House; there seemed to be an attempt to place in the category of the contingent expenses of this house, expenses which were incurred before the existence of this house. There was no one who felt more than he did, that the honour of the government was compromised when the wages of public servants are allowed to fall into arrears. It must be recollected that a new system has been introduced, and if public servants had not been paid, those who ought to bear the blame were those hon. gentlemen on the Treasury Benches; a representation coming from them he (Mr. Aylwin) would listen to with respect.

The motion was granted.

Mr. BALGWIN rose and said he felt it necessary in consequence of the hon. gentlemen on the treasury Benches not being ready to introduce a bill to provide for the freedom of elections, to bring forward a measure for that purpose; he had waited a considerable time in expectation of such a bill from the officers of the government. He did not think it was consistent with the duty which they owed the country, to postpone this measure.

Mr. HARRISON said he felt it necessary to make one or two remarks upon this subject. It must have been in the knowledge of the hon. gentleman himself, that it was a subject which it had been in the intention of the government to take up; delays occurred greater

than were expected, though not so great but they might be reasonably accounted for.—Probably in another week the bill would be prepared.

Mr. CAMERON moved for the appointment of a committee upon the subject of timber duties.

Mr. AYLWIN said there was not one more anxious than himself, that some modification of a Legislative character should take place, but this was one of those subjects on which it is difficult to proceed correctly. He must express his dissatisfaction with the departure from the rules of the house, which the hon. gentleman had committed in naming the committee.

Mr. CAMERON.—The rules of the house have been departed from already, and he noticed an inconsistency, that by not observing this rule, they were unable to fulfil the other rules of the house, in appointing a committee upon any subject; those members should be selected who are favourable to the measures submitted. This could not be done if the committee were chosen by ballot.

Mr. NELSON.—Every one is in favour of a given measure, unless he declares himself opposed to it.

Mr. HINCKS said he should support the motion of the hon. member. He believed the rule which prohibited the naming of the committee, by the moving of a resolution, was one which should be abrogated.

Mr. VIGER said that in his opinion the rule was a very good one; it was not right that a person bringing a measure into that house should name the committee to whom the measure should be referred. The object of appointing a committee is that the subject should be discussed, and information elicited. But if all the members of the committee are favourable to the measure, that full and thorough investigation which the house requires could not be obtained, he thought the rule should be adhered to: it would then be in the power of certain hon. members to command the house.

The question was put and carried in the affirmative.

TUESDAY, July 13.

Mr. AYLWIN rose and said if he was in order he would desire to give notice to the hon. gentlemen on the Treasury benches, that he would apply for a copy of the commission under which Sir James Stuart was appointed as Deputy Governor of this Province. He perceived by the public prints that such appointment had taken place.

Attorney General OGDEN replied that he would save the hon. gentleman the trouble of making any motion upon this subject. A commission had been issued under the great seal of the Province; and upon application at the Secretary's office the hon. gentleman can be furnished, if he desire it, with a copy of that commission.

Mr. AYLWIN said he presumed that as a member of that house, representing a part of the constituency of this Province, he had an undoubted right to ask for information upon any subject, and that he would not be obliged to apply to any public office for such information, but that it would be furnished to this house upon motion by command of his Excellency. He believed that he was perfectly in order to call upon the officers of the government to lay before the house copies of all documents required by the house. The reason of his giving the motion was this: there was nothing more dangerous than an union of the Judicial and Executive powers, and although there was no one whom he (Mr. Aylwin) would be more willing to trust with the exercise of

those powers than the Chief Justice of Lower Canada—

The SPEAKER here interrupted the hon. member, and remarked that he was perfectly out of order.

Mr. AYLWIN replied that he would bow with deference to the chair, and sat down.

Capt. STEELE said he rose for the purpose of calling upon hon. members to abstain from the practice of putting questions in this abrupt manner to the gentlemen on the treasury benches.

Mr. THORBURN moved that the order for taking into consideration the petition of Henry Sherwood, Esq., respecting the Toronto contested Election be discharged. And on making this motion Mr. Thorburn said that as the petitioners had shown no disposition, the proceed with this contest, it was quite as well that the matter should be set at rest. They had quite enough to occupy their attention.

The public mind was not yet settled with regard to the present administration—the eyes of an intelligent public are upon them, and if they stray to the right hand or to the left, they will be checked at once. The Electors of Middlesex had shown that they confide in the administration, and he (Mr. Thorburn) firmly believed that we now have better prospects before us; that such a policy would be hereafter pursued, as would reach the poor as well as the rich, and that all should receive proper protection—(hear, hear.)

Mr. AYLWIN said he was perfectly prepared to vote in favor of the resolutions of the hon. gentleman, but he confessed he was utterly at a loss to conceive on what principle it was, that the hon. gentleman had thought it necessary to favour the House with such a homily as he had done. He thought the motion which the hon. gentleman had made was called for—but not the observations. He hoped, however, the House would profit by the lecture.

Mr. BLACK stated that he had been under the impression, and he believed the whole House had been under a like impression, that the proceedings in this case, up to this time, had been regular; upon reference to the proper officer, however, it was found that no security had been given by the petitioners.

The motion was granted.

ROUTINE BUSINESS.

Thursday, 8th July.

Sir A. McNab and Mr. Boswell were laid aside as nominees, in the same mode as yesterday.

Mr. Small moved that there be a call of the house 10 minutes to 1 P. M.

Negatived, Yeas 19, Nays 40. The House

then adjourned for want of a necessary number of members.

The Speaker laid before the house the return of the British American Life Assurance Company ordered on the 22d ult.

Friday, 9th July.

The Speaker laid before the House a statement of the affairs of the Bank of Upper Canada.

The Speaker stated that the recognisances for contesting the Election of Mr. Duggan for the 2nd Riding of York, had been entered into.

Mr. Christie from the Huron Election committee, on account of sickness would in consequence probably be absent some days.

Hon. Mr. Harrison laid before the House the public accounts of Upper Canada for 1839 and 1840.

A message from the Legislative Council was received with the West Guilimbury Road Bill without amendment.

The House again proceeded to strike a Committee to try the Hastings election; Mr. Cameron and Ross appeared as yesterday.—

The following names were drawn. Messrs. Johnston, Hincks, Cameron, Des Rivieres, McLean, Barthe, Ta-chereau, Ruel, Thompson, Dr. Smith, Killaly, Armstrong, Black, Merritt, Parent, Watts, Morin and Durand.—18.

The name of Mr. Holmes being called, Mr. Aylwin moved that inasmuch as Mr. Holmes was on the Huron election Committee, he was incompetent to serve on the present committee. Yeas 33, Nays 29. Messrs. McNab and Boswell were set aside as nominees, as previously.

Mr. Hincks moved that the names of the members now in Kingston, be called over tomorrow at 2 P. M.—Yeas 43, Nays 15.

Mr. Hincks moved that all members who shall be then absent, be placed in the custody of the Serjeant-at-Arms, or his deputy.—Yeas 45, Nays 16.

The house then adjourned for want of the necessary quorum of members liable to serve on such committee.

MONDAY, July 12.

Mr. Speaker acquainted the House that the petitioners against the election and return of Henry Smith, Esquire, for the County of Frontenac, had entered into the usual recognisances.

According to order, the House was called over, and the following members were absent:

Messrs. Borne, (not yet taken his seat),
Buchanan,
Cook, (with leave)
Hamilton,
Hopkins (sick)
Kimber (with leave)

McCulloch,
Morris, (sick)
Price (sickness in his family)
Steele, (sick)
Turcotte.

The House then proceeded to the appointment of a committee to try and determine the merits of the petition of Thomas Parker and others, complaining of the undue election and return of Robert Baldwin, Esquire, for the County of Hastings. (Messrs. Ruel, Parent, Jones, Watts, Thompson, Merritt, Killaly, Cameron and Derbishire compose the committee.)

On motion of Sir Allan N. Macnab, it was ordered, that the said committee do meet in the Committee Room of this House tomorrow, at one o'clock in the afternoon.

On motion of Mr. Small, it was ordered that a commission for the examination of witnesses in the case of the contested election for the town of Niagara, be issued according to law; and that John Shuter Smith, Jacob Keefer, junr. and Edward McManon, Esquires, be appointed commissioners for this purpose, to sit at Niagara on Tuesday next, the 20th inst. with John Shuter Smith, Esq. as chairman of the said commission.

On motion of Mr. Hale, the committee appointed to try the merits of the petition complaining of the undue election and return of Edward C. Campbell, Esquire, for the town of Niagara, was adjourned to the 26th inst.

Mr. Hale then presented a Report from the said committee, representing that on the 9th, 10th, and 12th instant, they were obliged to adjourn in consequence of the absence of some of the members.

Mr. Christie, from the committee on the County of Huron contested election, reported the absence of some of its members on the 8th, 9th, 10th and 12th July.

On motion of Mr. Prince, Mr. Haggerty, one of the commissioners on the said contested election, was appointed chairman of the said commission; and the Speaker was directed to order the Clerk of the Crown in Chancery to transmit to the said chairman a certified copy of the poll book taken at the said election.

On motion of Mr. Prince, the said committee obtained leave to adjourn from this day until the 17th August next, then to meet in the committee room of this house, at 11 o'clock, A. M.

On motion of Mr. Black, it was Resolved, That the time fixed by the order of this house of the 28th June last, for taking into consideration the petition complaining of the undue election of the Hon. John H. Dunn, and Isaac Buchanan, Esquires, for the city of Toronto, be extended till next Monday fortnight.

THE CANADIAN MIRROR

OF PARLIAMENT.

EDITED BY H. FOWLER, Esq. }

Kingston, July 11, 1841.

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HOUSE OF ASSEMBLY.

TUESDAY, July 13.

Pursuant to the order of the day the House went into committee upon the subject of the Lower Canada contested election.

Mr. RAYMOND was called to the chair of the committee.

Mr. NELSON proposed his resolutions for the adoption of the committee. [See MIRROR of June 30.]

Mr. NELSON in proposing these resolutions observed that it was perfectly unnecessary for him to enter into the discussion of this dry law question. There were many hon. members in that house better acquainted with subjects of this nature than himself. His sole object, and he had from the first avowed that object, was to obtain justice for the petitioners, and he was sorry to say that too much delay had already occurred. He did not find fault with the house or with any of its members, but in a matter of this kind (said the hon. member,) I apprehend that a decision might have been had long ago. It will be observed that this is not a simple petition against the return of an individual member, but it is an address to the house generally upon the subject of alleged violence committed at the election in the district of Montreal. In consequence of the doubts which have existed respecting the law which regulates the elections in Lower Canada, petitions have been presented to this house, and those petitions have been presented under the supposition that that law was not in force. This supposition is justified in my humble opinion, and I believe the house will bear me out in that opinion. The Governor of the Province and the Executive Council had admitted that this is the case, an ordinance having been passed in Lower Canada with a view of remedying the defect. This house by receiving the petitions and ordaining the mode for taking them into consideration, have also admitted that this is the case. That so large a portion of the inhabitants of this Province should be deprived of having representatives of their free choice is a deplorable circumstance. The electors of this country should have full liberty of exercising their elective franchise, free from violence and intimidation. (Hear, hear.) Hon. gentlemen will recollect that the Throne of England has been supported on this principle, the present Royal Family occupy the throne in consequence of maintaining the freedom of elections, (hear, hear.) The constitution of Great Britain would long ago have been annihilated had not the freedom of elections been preserved. Without this, the privilege of having a representative form of government is but a solemn mockery: it is ridiculous to pretend to take the sense of the people through their representatives when the people are not permitted freely to exercise their elective franchise. I have every confidence that this house will not refuse the petition of 150,000 electors, and that they will redress their wrongs, if they believe they have been aggrieved. I shall express no opinion upon the subject, I stand here as a Judge in this matter; the decision of the house upon the first resolution will determine the ques-

tion, whether the house will proceed to determine upon the common law usages or whether they hold the law of elections to be in force.

Mr. CHRISTIE rose and addressed the Committee. It had been said on a former day that the adoption of such resolutions as those now submitted by the hon. Member from Quebec, was not necessary—that there was a certain law in force which regulates the proceedings in cases of contested Elections. This proposition involves a question of law. He (Mr. Christie) had looked into the law relating to the subject, and he was prepared to state to the Committee the result of his research, and the conclusion which he had arrived at in consequence of that research. He had found that the contested Election Act had been originally passed in the year 1808. That Act was continued and amended by divers Acts of Parliament until the year 1834. In that year, by a separate Act, this law was continued for two years, and from thence to the end of the ensuing Session of the Legislature.

This act having been passed by the three branches of the Legislature, was sent to England and laid before the King in Council. It was disallowed within two years from the time of its being passed. The disallowance of this act had the effect in his (Mr. Christie's) opinion of placing the former enactment, which the disallowed act in part repealed, in the same situation as if the subsequent act had never existed—the previous act was revived.

The act of 1834 declared that it should remain in force for two years, and from thence to the end of the next session of the Legislature. Now he believed it would be allowed that no session had taken place since 1836 until the present session of the united Legislature. It was true the Legislature had met, but no act was done which would constitute a session—no act had passed the three branches, and he believed it was perfectly understood that unless an act were passed or a judgment given, it could be no session. His own opinion was that the former law was revived, and he considered that the present House were bound to proceed upon it in the investigation of the election trials. He was ready to listen to the arguments and opinions of hon. gentlemen who were conversant with the subject, and if he should find that he was wrong, he would turn round, (hear, hear.) At all events he believed it was incumbent on this house to enter into the investigation. It was expected by the country, and unless they did so the country would not be satisfied, (hear, hear.) He felt some regret in differing from many of his friends on this question, but unless he heard such arguments as would convince him that he was wrong, he felt bound to act upon the views which he had taken of the matter, and vote against the resolutions.

Mr. BALDWIN said that as he had been one of those who, when the subject was laid before the committee, had desired that there should be a postponement of its consideration, to be enabled to examine the law upon the subject, and to consider the powerful arguments used by the hon. gentleman from

Port Neuf, he felt it to be due to the committee on this occasion that he should take an early opportunity of expressing the result of his considerations upon the subject. It was a subject, as had been well observed by the hon. member from Quebec, of grave importance. The consideration whether the law in question was in operation or not, was one which would be attended with deep and important results. One effect which was likely to be given to this decision was the disfranchisement of a large number of electors, assuming the facts which were set forth in the petition to be true. And without pretending at present to prejudge those facts, which he would be as far from doing as any hon. member of that house, he believed they were bound to consider that the facts are true, as far as this question was concerned. The result therefore of the views of some hon. gentlemen would be the virtual disfranchisement of 150,000 of the electors of this Province, upwards of one fifth of the population. The decision of the present question is to determine whether this large portion of the Province is to be not only unrepresented but misrepresented. (Hear, hear.) It is precisely as if the Parliament of England were to enter into the question of the disfranchisement of five millions of the subjects of Great Britain. The proceeding would be precisely similar. When such are the consequences of a decision upon this question, it will not be over-estimating its importance when I express the deep responsibility which I feel in giving expression to my views upon the subject. It will be necessary to refer to the origin of the difficulty in which this question is involved. Is it pretended that the petitioners have wontonly disregarded the law? Is it pretended that they have endeavored to evade the law? far from it; they have uniformly expressed their readiness to acquiesce in the law. (Hear, hear.) The difficulty—assuming that a difficulty does exist, has arisen from a mistake, a misapprehension. It is a mistake into which not only the people of Lower Canada have fallen; but also both houses of the legislature; and the representative of the Sovereign himself. By turning to the Journals of the Legislature of Lower Canada it will be perceived, that the meeting of that legislature in 1836 was called a session by both houses, and also by the representative of the Sovereign. Therefore if it be a mistake, it is one to which all are parties; and considering that this is the nature of the mistake, certainly had hoped as I ventured to express on a former occasion that those hon. gentlemen, in whose keeping, the honour of the Province has been placed, would long ere this, have come down to this house with a Bill to relieve us from this difficulty.—However little confidence I have in some of those hon. gentlemen, I have at least some confidence in others among them, and I certainly think that I had—that this house had—that the country had, good reason to expect this from those hon. Gentlemen. I allude more particularly to the hon. gentleman from the City of Toronto, (Mr. Dunn,) who I perceive has shifted his place to-day. (A laugh.) These gentlemen one and a

of them owe it to the house and to the representative of that Sovereign whose servants they are and to the country, and they owe it to themselves, that they should have prepared such a measure. I have expected it at their hands; but I have been disappointed; this house has been disappointed. It is now said that if a measure were now passed it would be an *ex post facto* law; this is the excuse under which those hon. Gentlemen shelter themselves. There is no denying that it would have been an *ex post facto* law; but is it not better to dispense with a mere technical objection, rather than involve the most important rights which can be exercised by freemen, in so serious an embarrassment. Some of those hon. gentlemen who are so tenacious respecting the adoption of an *ex post facto* measure have not always been so scrupulous. If we look at the records of Parliament of Upper Canada as well as of Lower Canada, we shall find cases of *ex post facto* laws having been passed, and I do not think the hon. and learned gentleman from Russell can demonstrate to this house, that on any occasion he protested against them. I find that hon. gentleman was not backward in passing an act to enable the chartered banks to suspend specie payments. (Mr. Draper. I was not then in the house.) The hon. gentleman would scarcely have voted against it, (order, order,) but to come to matters of more importance; I find that hon. gentleman was quite ready to assist in passing a law relating to the trial of criminal offences, committed before the passing of that act, the most high-handed measure perhaps that was ever carried into effect in any colony. I am not attributing this as a crime to the hon. gentleman; I only say that there have been measures equally entitled to be characterised as *ex post facto*? and they were certainly of greater moment as regards the principles of *ex post facto* legislation, than the one which I now claim at their hands. It we turn to that august body the Special Council we shall find that it has not been one whit behind. (Hear, hear.) Here Mr. Baldwin pointed out several of the ordinances of the Special Council.

The hon. and learned gentleman the Attorney General for Lower Canada has told us that it is not the intention of the government to bring in any measure for the purpose required, and I confess that I am disappointed.—From this declaration, I am bound to believe that no measure is requisite, because according to the new system of government under which those gentlemen act, we must suppose they have the confidence of this house and the country. Educated as I have been both professionally and politically with a deep reverence for the laws of my country, it is out of my power to say that is law which I do not believe to be law. Therefore, if I come to the conclusion that in point of fact the act of parliament to which I have alluded is the law of the land, however it may grieve me to give such a vote—however I may mourn over the necessity of giving it, I shall nevertheless be under the necessity of giving it (hear, hear). The hon. gentleman from Gaspe has referred to different statutes regulating contested elections; the hon. gentleman must be aware that the provisions of these statutes are contained in the Act of Union. I have listened to the arguments stated on a former occasion by the hon. and learned gentleman from Port Neuf, but they do not afford me sufficient grounds for concluding that the law of 1834 is not in force. The question is, what is the effect of the disallowance of the latter statute, of course if the effect was a repeal of that statute, it would leave the former one in force. The hon. and learned gentleman then entered into

the legal construction to be applied to the operation of the disallowance of the act, in contradistinction to the repeal of a statute. It appeared to him (Mr. Baldwin) that the intention was to reserve to the crown a negative on all acts of the Provincial Legislature, (hear, hear,) if therefore the construction put upon it by the hon. and learned gentleman from Port Neuf would interfere with this object, it appeared to him (Mr. Baldwin) it would hardly be a fair construction to put upon the act.

While therefore he (Mr. Baldwin) did not by any means admit that the view taken by his hon. and learned friends from Port Neuf (Mr. Aylwin) and Montmorency (Mr. Quessel) was one which could be so easily disposed of as seemed to be imagined by some hon. gentlemen the other day, he had felt it due to his hon. friends and to that house to state the reasons why he was not prepared to adopt that view as the ground upon which to vote upon the present occasion. There was, however, another view of the subject to which he (Mr. Baldwin) would beg leave to call the attention of hon. gentlemen: it was a well understood and established rule in the construction of statutes that all such acts as relate to the same subject, or in the technical language of the profession, are *pari materia*, are to be construed with reference to each other. Where, therefore, a term is used in a given sense in one of such statutes, it is to be presumed that the legislature when they used the same term in another of them, meant to use it in the same sense. That the 48 Geo. 3d, c. 21, the first and principal of the acts which it is contended were in force at the time of the suspension of the constitution of Lower Canada by the Imperial act of 1 & 2 Vic. c. 9, and which still then in force is clearly continued by the Union act to this day, enacts in its first section, "That no petition complaining of an undue election or return of any member shall be receivable unless the same be presented to the house within 14 days after the first meeting of the legislature ensuing the election and return complained of." Assuming then for the present purpose the correctness of the distinction contended for the other day by the hon. and learned member from the city of Quebec (Mr. Black), between a mere meeting, a convention, and a session of Parliament, the legislature of Lower Canada had in this instance at all events, by the very terms they used, distinctly provided that petitions complaining of undue elections should be presented within 14 days after the first meeting of the legislature, whether such meeting should ultimately prove a session (in actual sense) or not; and it was obvious from the reason of the thing as well as from the words used by the statute 1836, the day referred to in 4 Wm. 4 C. 9, that such was the real intention of the legislature; unless indeed hon. members were prepared to contend that the terms "*meeting of the Legislature*" which he had quoted from the act, were to be confined to such meetings only as should become regular sessions. The consequence of which construction would necessarily be that although there might be a meeting of Parliament lasting 20 or 30 days, and affording, therefore, ample time for the receiving all complaints of undue elections, unless a bill was passed, judgment pronounced, so as to convert such meeting into a session in the technical sense of the term, it would be equally open to parties to petition against elections and returns within the first 14 days of a subsequent meeting as if such first meeting of Parliament had never been held at all—a conclusion to which he (Mr. Baldwin) presumed hon. members were not prepared to come. He therefore felt justified in interpreting the words "*meeting of the Parliament*" in the

first part of that section of the act to mean any coming together of the Legislature which would afford an opportunity for such complaints to be made, without reference to whether it should or should not assume the character of a "session"—and this he had no doubt would be concurred in by all who heard him. He (Mr. Baldwin) would now direct the attention of hon. gentlemen to the concluding part of the same section, and they would find it provided "that whenever the matters contained in such petition cannot be fully heard, tried, and adjudged at the same session of Assembly in which the same were begun, that the same may be continued and taken up, heard, and adjudged upon at the next meeting of the House of Assembly, in the same manner as if no prorogation had taken place." He (Mr. Baldwin) took it for granted that it would be admitted that the term "Session" in the proviso must be held to refer to any mob "Meeting of the Legislature" as is spoken of in the earlier part of the clause, as, if not, it would manifestly leave parties without remedy in the very cases most requiring the protection of such a provision—as where petitions had been presented during a short and abortive Meeting of the Legislature, when there had not been time to dispose of them, and which would, in effect, place it in the power of the Executive Government by the exercise of the prerogative of prorogation to preclude inquiry altogether. He (Mr. Baldwin) thought, therefore, that he had established (at least to the satisfaction of his own mind he had done so) that the Legislature had in the Act of Parliament, which was the basis of the whole code for the trial of their contested Elections, used the term "*Meeting of the Legislature*" to mean any Meeting of such Legislature, and that they had also in the same Act applied the term "*Session*" to any such Meeting. The Legislature therefore in this instance had chosen to make use of this term "*Session*," which, as was contended, a more restricted meaning was in general to be applied as descriptive of a mere "*Meeting of the Legislature*." It must therefore be contended in accordance with the rule respecting the construction of Statutes *in pari materia*, to which he had referred, be presumed that in the subsequent Statutes upon the same subject, they had made use of the term in the same sense—he was therefore justified in holding that the term "*Session*" in the 4 Wm. 4 c. 9 was meant to impart any such "*Meeting of the Legislature*" as the same term used in the proviso to the 1 sec. of the 48 Geo. 3 C. 21 clearly does—and as, therefore, there had been two such Meetings after the 1st May, 1836, the day referred to in 4 Wm. 4 C. 9, and prior to the Imperial Act of 1 & 2 Vic. C. 9, he held that the 48 Geo. 3 c. 21, and the other Acts continuing and amending it had expired with the termination of the first of those Meetings of the Legislature, whether it was or was not a "*Session*" in the restricted sense of the term, or with respect to other temporary acts—such at least was his view of the subject, and unless he should be shaken in it in the course of the debate, upon that view he was at present prepared to vote for the resolutions of his hon. friend from the County of Quebec, being of opinion that the Acts of the Provincial Parliament of Lower Canada for the regulation of the trial of contested Elections are not now in force. Mr. BOSWELL expressed his firm desire that the house, if it had or could have the power to inquire into these petitions, should proceed to the investigation. His hon. friend the member for Hastings had endeavored to impress the house with the idea that the Legislature of Lower Canada when it passed

the law and introduced the word "session" had not in its mind such a session as the law implies. He joined issue with his hon. friend on this point, for he believed that there were found in that Assembly, as there were in the present one, some of the brightest ornaments of their profession, who would give to the word its natural and legal significance, and that which the good sense of all men would pronounce to be the proper one. It was not meant indeed that it should be a session in which no act was passed bearing any significance, but it was meant that some actual business should be transacted, some law passed or revised, and that this act should continue till such a session was held. He would not allude to the other parts of his hon. friend's arguments, because, although the speaker was entitled to great credit for ingenuity, he had taken excellent care to show that he was not prepared to sustain the position taken by the member for Port Neuf. He would now come to the point under discussion. His hon. friend from Hastings had said that the law was not in force. He (Mr. Boswell) should distrust his own good sense and legal knowledge if he did not come to a contrary determination, and assert that the law was in force. The question then was, the act having passed, was it competent in them, as one branch of the legislature, to overrule this law and proceed to the consideration of these petitions? No man was more willing than himself to uphold the constitutional privileges of that body: those privileges had been stated to be so great as not to be defined, and ought not, therefore, to be carelessly interfered with; but on this subject there could be no difficulty at all, and he was bound to say that the Act of Parliament must have a much greater force than single privileges of that house. For what, he would ask, did those privileges amount to, except to the right to inquire into all acts relating to their own elections? The House of Commons in England had found great difficulty in carrying out these privileges, and it had been found under the old laws that these contests were made mere party struggles, and which in reality interfered with the course of justice. The hon. member referred to what was the state of things before the passing of Grenville's act, which was introduced to overcome these difficulties. This act encountered great opposition, and at the time it was complained and concurred in, that its introduction was a breach of the privileges of the house, which had no longer the same extensive powers it had before to inquire into contested elections. It was, however, a compromise: what the house lost on the one hand it regained in the solemnity given to its proceedings, which were henceforward to be conducted in the same manner as before the regular courts of justice. He thought therefore that the position he took was a correct one—the house had given up some of the powers it possessed before in order to obtain more perfect machinery. But it was said that the house still possessed the power to inquire into its own elections. He did not deny it, but the question was, whether in the exercise of this privilege they would not be affording a precedent which might be dangerous hereafter. He who stood by the privileges was a truer friend of the people than he who sought to use power simply because they had it, and in opposition to the law itself. The hon. member then referred to the allegations contained in the petitions. He understood that it was then stated that the executive government had been by itself and agents interfered with the election. He did not deny the right of the House to enquire into such accusations, and even to

expel any member who could be proved to hold his seat in consequence of such practice: but if the matter were merely a minor one, in that case he had no difficulty in saying that the petitioners were precluded by the statute when they required that certain recognizances should be entered into, and which had not been complied with. He said, therefore, that they were not in a situation to claim the protection of that house, and that, having allowed the time to pass by, it would be an act of injustice to the sitting members were they to entertain their petitions. An attempt had been made to prove that this delay arose from ignorance on the part of the petitioners, but there was one of those petitions in which it was difficult to suppose that the gentleman concerned could have been ignorant of the law, he referred to Mr. Lafontaine.

[Mr. Aylwin denied that Mr. Lafontaine laboured under ignorance: he knew that the law did not exist.]

If it was contended that he knew that the law did not exist, and was prepared to sustain a doubt on a matter on which he (Mr. Boswell) contended there was no doubt at all, he certainly was not entitled to ask for indulgence at their hands.

(Mr. AYLWIN—He asks for no indulgence.) He (Mr. Boswell) put it to the house whether the matter had not been put as an indulgence. (Cries of "yes," "no.") That was the line of argument that had been adopted, though some had gone further and said that justice required that effect should be given to the prayer of those petitions. Now he was prepared to meet this cry of justice. What was the justice asked—what was its nature? Was it just in that Assembly, the first legal body in the country, to depart from the law? Was it just to other members whose elections were not contested to depart from the law? He would suppose a case in which a party owed a sum of money, had allowed the time settled by the statute of limitations to run out without proceeding for payment; could this person, when before the Judge, avail himself of the plea that he was ignorant of the law? He declared that he had sought to discover arguments for these petitions, but that he had failed to find them. If they passed these resolutions, they might as well go further and extend the time for putting in recognizances at once. For himself, he had no doubt but that the law was in force, and he did not feel himself justified in departing from it.

Mr. DEBAND referred to the question as one involved in legal doubts and subtleties, and was therefore inclined, as in all other cases of a like nature, to give these doubts in favor of the petitioner, and vote for the resolutions. Justice, he was satisfied, must be done, and in order to arrive at that an opportunity must be afforded of investigation. The petitioners trust to the generosity of the house to afford them justice, and a mere quibble ought not to interfere with their privileges.

Capt. STEELE was convinced there was but one course for the house to follow. If the law existed they must abide by it, and they could not introduce any measure to relieve the house from the difficulty it was in. If hon. gentlemen would only divest themselves of all those arguments which only serve to "make worse the better reason," they must arrive at the same conclusion he did, and vote accordingly.

Mr. JOHNSTON would say a few words on the subject, though not many, as those on both sides must be now pretty well prepared, after all that they had heard, to proceed to work like several medical men on the same patient—one to doctor, one to physic, one to

bleed. (A Laugh.) He heard several gentlemen talk of justice, and that was all that he wanted, though justice was sometimes principal; but, was it justice to interfere with the seats of sitting Members, when the time had elapsed in which it was considered lawful to do so? He considered that the law was in force, and all that he had heard from his neighbours had not enlightened him more than what he had himself read on the subject. The petitioners said that it was doubtful, and if this was their opinion, it was more incumbent on them to be cautious and place themselves in a safe position. He viewed the attempt as a mere stratagem to embarrass the government, and should therefore set his face against it, and he was sure that his constituents would say that was the honest course.

Mr. MORIN denied that there was any desire to embarrass the government, but the question was whether the House was at present properly constituted. His opinion was that the law was not in force, and the unanimous consent of the government went to that point. The law of Parliament and the power of the House had been abridged by the previous law, and it was imperative on them to assert their privileges.

Mr. SHERWOOD as one who had proposed the delay of this question, thought it necessary to state the opinion he had come to upon it. He had at the time referred to great doubts as to whether the law existed or not, and, had a decision been come to then, should certainly have voted for the resolutions. He had considered the matter well since, and after hearing the arguments on both sides, had come to the conclusion that the law as to Elections in Lower Canada was in force. Still he was willing, as one of the Members of that House, that an investigation should take place into the merits of the petitions, and not all that had been said about *ex post facto* laws would deter him from giving every assistance to this enquiry. If a petition for this object was presented to the House, it should receive his most cordial support.

Mr. SMALL expressed his opinion that by the disallowance of the law, the Act which, not expiring in 1836, was continued to the end of the next Session, was revived, and that no Session had been since held. Although he had come to this conclusion, he was not sure that the truth of these petitions should not be enquired into by the House: he thought, on the contrary, that they ought to be, and if, when the present question was disposed of, no one else would bring forward a resolution for a Committee to enquire into these petitions, he would do so himself.

The Speeches of Messrs. Aylwin, Day, Draper, and Ogden are unavoidably postponed until tomorrow.

Mr. HINCKS said that to him this was a very embarrassing question—he had stated so on a former occasion—it was one too, that was not to be summed up in the clause of a Statute. The mere reading of that would not do. The question presented a different, and more important aspect; one of serious consideration, viz., that, by the vote of this House, 150,000 souls were to be virtually disfranchised. The character of the government—the character of this House has involved, and although not a Member of the profession, to decide with legal subtlety on the matter, he was well convinced, he knew, that to do such a thing as this, was wrong. In the lower part of the Province, the general impression was, that the Act was not in force—the question as it was now presented was a stratagem; to get quit of a grave and important matter, but he (Mr. Hincks) would

put it to the House, if there were not good grounds for investigation. He, for one, doubted if the Election took place at all. Hostile armies (so to speak) met to fight instead of electing a Member of Parliament. Although opposed to the gallant Knight (Sir A. McNab) in politics, he (Mr. H.) was glad that that gentleman had come so manfully forward in support of so great a number of her Majesty's subjects; and he felt deep regret and mortification to observe that Members elected as reformers, endeavoured to stifle investigation. As for himself, he asked no indulgence, but simple justice, to satisfy the very general feeling that prevailed on the subject. He had a high respect for many of the hon. gentlemen petitioned against; and should be extremely sorry to see the allegations sustained, but a sense of duty to his country compelled him to vote in favor of the resolutions. A deal had been said by the hon. Member for (Portneuf,) and enough to cause government to court investigation. It had been publicly stated that violence had been done. (Cries of name, name.) He (Mr. Hincks) was not afraid to name—Mr. Driscoll, Queen's Counsel for Montreal. If hon. gentlemen opposite were not afraid of investigation, why not come forward with a law, which would settle the difficulty at once, and forward the ends of justice; but if the government was in opposition, how could a law be got through the other House—(uproar and cries of order, order.)—Messrs. Johnston, Hale, and Moffatt, rose to order. He (Mr. Hincks) thought he was quite in order, and he would reiterate the opinion, that without the support of government, such a measure could not be carried.

With regard to the amount of confidence in her Majesty's government, he for one was not sorry for any thing he had said on a former occasion, when he gave the grounds why he could not support the honorable gentlemen opposite. Hon. gentlemen say that he (Mr. H.) was mistaken, because they were very liberal; now was the time to show that liberality—now was the time to bring forward a measure to test their sincerity, satisfy the country of it, and relieve this House of an embarrassing question—one, that whatever might be the letter of the law—the necessity and justice of investigation is apparent.

Mr. DUNSCOMBE had listened to Mr. Hincks with great attention. That gentleman had asked it he (Mr. Dunscombe) did not not court investigation in regard to his election. He did not court it, but the petition against him was a tissue of lies. It was said many people were killed; was this not a well known falsehood? Again, it was said his election was gained by the efforts of her Majesty's army; was this not equally false? He (Mr. Dunscombe) would invite the attention of the house to such statements. He fancied it would be found out that the dead men were like the Kilkenny cats—there was nothing left of them but their tails, (tales!) (laughter.)

Mr. HARRISON could not sit still and hear this called a dry question of law. He (Mr. Harrison) expressed no opinion as regards the truth or falsehood of the allegations against the sitting member, but he must repudiate the idea expressed by the hon. member for Oxford, that the government wished to stifle enquiry, or that this was a test question to try the amount of its liberality. He (Mr. Harrison) thought it would be extraordinary to test this by an act of injustice, which would at all events be the effect of an *ex post facto* law.

Col. PRINCE was of opinion that the law was in existence. When it was said that 150,000 persons were without representation,

this was an argument to arouse our feelings as Britons. But could it be said that the six or eight members who had now the honor to sit in this House, were without a voice in the representation? Had no votes been cast for them? This was a strange and mistaken mode of arguing the question. The petitioners had been charged with ignorance, but he would ask if it could be possible that the gentleman who contended the seat for Terrebonne could be so charged? Many thought that gentleman second to none in the Province, and he (Mr. Prince) thought it was absurd to charge him with ignorance of the law. If injustice had been done, he would not be one to stand forward and countenance it. But he had yet to learn that 150,000 persons were not represented. If hon. gentleman would show proof of this, he would go any length to have so monstrous an evil rectified. There may have been rows, but he would ask if this was not always so? (Cries of no, no—election for Kingston—roars of laughter.) If individuals had taken proper care and diligence, he (Mr. Prince) thought all these complaints might have been avoided.

The hon. member for Gaspé in fifteen minutes threw more light on the subject than all that had been said since. He had listened attentively to the hon. member for Portneuf, but he thought he only enveloped the matter in a gossamer veil, which when drawn from it hon. members would look in vain for truth. Seven hours and a half had been spent in discussing the law of a simple question. He (Mr. Prince) could not believe that the hon. member for Portneuf would stake his reputation as a lawyer on the affirmation of this question. Before sitting down he must remark that he could not take the course of the hon. member for Hastings in believing the allegations true, but must believe those charges are innocent until proved guilty.

Mr. MORRIS said the question was, had the members whose seats were contested been actually chosen? He thought not, and that they did not represent one tenth part of the constituency. Mr. Lafontaine from violence could not present himself. From the place the poll was situated there could be no election. It was placed at the most northern part of the county, and to get to it a large forest had to be gone through, and he would ask the house if there had been an honest intention would this have been done? Most certainly not.

Sir A. McNAB would vote against the resolution, but nevertheless he hoped the house would do all the justice in its power. In fact, he believed they could not hesitate in doing so, and instigating a full, free and impartial investigation. For this purpose he would move an adjournment; and if this does not take place justice could not be done. (Cries of "No, no.") Without doubt the petitioners had misconceived the law, but a remedy could easily be found. He expected some of the members opposite would have introduced a bill; but as they had not he would do so himself, as it was a matter of vast importance absolutely requiring investigation.

Mr. MERRITT entertained doubts and would give the petitioners the benefit of these doubts. He (Mr. Merritt) could not divest his mind of the fact that there must be a large majority in that house in favor of investigation. He thought it right to guard against consequences, and if the other house refused their sanction to a bill, it was the more necessary to do so. The Parliament might yet be dissolved on this very question, if he had any prejudice at all it was in favor of the sitting members. He thought the

government ought to bring in a bill to do justice to the petitioners; if they did not, and give the subject the go-by, what would the people of Canada say? what could be inferred but that undue executive influence had been brought to bear on these elections.

ROUTINE BUSINESS.

Monday, July 12.

On motion of Mr. Black the consideration of the 2d Riding York election was postponed to the 27th inst.

Mr. Jones obtained leave to absent himself from the sittings of the Hastings election committee on account of ill health.

Ordered, that the lists of voters objected to at the Niagara election be exchanged before Thursday at 11.

The hour of meeting of the house was changed from two to three for the future.

The following petitions were presented:—

By Mr. Jones, that of the clergy and members of the church of England in the Eastern townships, praying for aid to education. By Mr. Armstrong, that of J. Mousseau and others, proprietors of Berthier, for aid to build a bridge over the river Bayonne. By Mr. Moffatt, that of the Medical Faculty of McGill college, for aid to their medical school; of the Montreal Ladies Benevolent Society for £1500 as an aid to build a proper institution for their asylum; of R. Armour and other merchants of Montreal, for the incorporation of their Board of Trade; and of the Board of Trade for a grant of money to improve the channel of Lake St. Peter. By Mr. Hincks, of J. Carroll and other residents of the District of Brock, for the enlargement of the District town. By Hon. Mr. Dunn, of the Bishop of Toronto, clergy, and inhabitants of Toronto, for an aid of £1000 to the House of Industry. By Mr. Morin, of Jacques Viger, of Quebec, 49 years in the Legislative Council office, for a pension; of C. M. Lebrun and other electors of Beauharnois, and of J. S. Lewis, and other electors of the same, against the return of J. Dunscombe. By Mr. Woods, that of Wm. McCrae, and other inhabitants of the Western District, for aid to complete the Tecumseh road, and of M. Traxlar and other inhabitants of Chatham and vicinity in the Western District, to set aside the deeds of the Boundary line commissioners of Chatham; By Mr. Foster of the President and Directors of the Sherriford Academy for aid; By Mr. Delisle, of J. Odell and others, censitaires of La Colle, for the abolition of the feudal tenures; and of R. J. W. Rurezyn and other grocers of Montreal for the repeal of the ordinance 4 Vic. c. 42 relating to their licences; By Mr. Small of Eneas Bell of Toronto, for a situation in the House; And of J. B. Warren and others in Whitby, for an act of incorporation to construct a harbour; By Hon. Mr. Killaly, of Asa Schofield and others in the London and Brock districts, for aid to a road. By Mr. Thompson, of the Gore Bank, for an increase of capital. By Mr. Merritt, of D. Quackenbush, of Queenston, for naturalization. By Mr. Watts, of J. Millar and other inhabitants of the county of Drummond, to be united to the Mutual Insurance Company of Sherbrooke and Stanstead. By Mr. Christie, of F. Dugas and others of Carleton and Maria, complaining of the elections being held at New Carlisle only; of F. Dugas and others in the Bay des Chaleurs, for a road between Carleton and Ristigouche; and of J. Meagher and others in Carleton, Bonaventure, for aid to Education. By Mr. Campbell, of Alexander Davidson, of Niagara, for a copyright in favor of his lately published spelling book. By Mr. Roblin, of J. F. Lexmoth, of Kingston, for naturalization. By Mr. Burnet, of the Protestant Female Orphan Asylum of Quebec, for aid. By Mr. Baldwin, of J. O. Carroll, of Belleville, for losses.

THE CANADIAN MIRROR OF PARLIAMENT.

EDITED BY H. FOWLER, Esq. }

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HOUSE OF ASSEMBLY.

CONTINUATION OF THE DEBATE ON MR. NEILSON'S RESOLUTIONS.

TUESDAY, July 13.

Mr. Sol. Gen. DAY rose and said he really thought the hon. Gentleman from Port Neuf should extend some slight indulgence to the officers of the government in that house, and not censure them so severely as he had done for a supposed unwillingness on their part to enter into a discussion of this question. If they had refrained from taking part in the debate at an earlier period it was that they might profit by the light which that hon. gentleman (Mr. Aylwin) was expected to throw upon the subject. But he (Mr. Day) was sorry to find that his expectations upon this point had not been fulfilled; that after the long harangue with which they had been favored by that hon. gentleman, they were as unenlightened as before; and that his arguments had proved to be a complete failure—so complete a failure that he (Mr. Day) was absolutely astonished, (hear, hear.) The question before the committee was a question of law, but it had been encumbered with extraneous matter. They had been told by the hon. gentleman from Quebec (Mr. Neilson) that it is a question in which the exercise of an important franchise is concerned. He (Mr. Day) would readily admit with that hon. gentleman that the rights of electors are not to be trifled with. It was the duty of that house and of every hon. member within it, to watch over the right of the electors with a jealousy as vigilant, as a man would watch over his own honour. The facts connected with the case before them was however of a very simple nature. A number of persons had come before that house with petitions, setting forth that outrages of a violent character had taken place at the election for the District of Montreal. Those petitions had been brought before the house destitute of those formalities with which the law requires they shall be accompanied. The question now comes up, why have they not complied with the law? and it appeared to him (Mr. Day) that they were not entitled to that sympathy which was claimed for them by several hon. gentlemen. [Hear, hear.] And he rested this objection upon several grounds. It was contended that the authority upon which the application was made fully justified the petitions in coming before that house in the way they had done. It was urged that they were not aware of the existence of the law; this is a doctrine which is exceedingly dangerous, because if the principle were admitted in that house, that ignorance of the law, in doubtful cases, excuses the wrong doer, the principle may extend to cases when its application would be extremely improper. It was not only dangerous to depart from the stern principle of law, but no case should be made out which could justify the parties in claiming indulgence from that house. [Hear, hear.] It was a question on which no member of the profession could accord with the opinions expressed by hon. members. He believed the difficulty might be traced to the hon. gentleman who brought forward the petitions, having made up his mind hastily and rashly that the law was not in force. However this might

be, it seemed to him [Mr. Day] that there had been a want of that careful vigilance which should have been exercised by the petitioners and those who advised and directed them. They should not have been satisfied to allow the matter to rest in doubt. They should have informed themselves carefully, before bringing their petitions before the house; having neglected to do so, they have placed themselves in a position in which they are not entitled to claim the indulgence of the House, or a regulation of the law on the part of the House.

As connected with this part of the subject, he (Mr. Day) having taken up this position, would now direct the attention of the committee for one moment to the remarks of the hon. and learned gentleman from Hastings. That hon. gentleman had appealed to the members of the Executive Government, and demanded why they had not brought in a law upon this subject. With what show of propriety, with what shadow of common sense, could his colleagues or himself bring in a law when they believed the law to be in existence? For what purpose should they bring in a law? Not to regulate controverted elections, because a law is already in existence for that purpose. If that hon. gentleman came to the conclusion which he said he had come to—if he was willing to assume the responsibility of passing an *ex post facto* law, why did he not himself bring forward a bill? But if he wished to shift the responsibility from his own shoulders to theirs, he (Mr. Day) could tell that hon. gentleman he would find himself very much mistaken, (hear, hear.) Having thus briefly disposed of this part of the subject, he would now merely say, in as far as regards an investigation of the circumstances which have occurred, he apprehended that neither the members of the government, nor the members of that house individually, were disposed to avoid it. That a proper investigation should take place, was a proposition which no man in that house would be disposed to deny, (hear, hear.) To suppose that such investigation would tend to throw any discredit upon the government, would be to suppose an absurdity. This much upon this part of the subject. He would now come to the more direct business of the present discussion.

The point upon which the house was called upon to decide was one of a purely Judicial character. During the course of the present session they had already been called upon to decide several matters of a Judicial nature. It arose from the peculiar position in which they were placed; but there had been no question before them the decision of which would be attended with more important consequences than the one now submitted; and it was not one the importance of which would hinge upon or grow out of the question whether A. should sit in that house, or whether B. should sit there representing a certain constituency; but its importance grew out of the consideration of the character which that house should maintain abroad, throughout the country. They were sitting in the capacity of Judges in the matter, and he trusted that every man would, without reference to the consequences, decide conscientiously, and according to his reason and

judgment. The hon. gentleman from Port Neuf had endeavored to make out a case of difficulty. It was a question to be decided by authorities. It turns particularly on the construction which is to be put on the word session. He (Mr. Day) would not enter into the arguments at length, but would refer the house at once to certain worthies of the law—and he must be permitted to say that he placed great reliance on those worthies—and by them it was held to be so clearly settled as to what was the true construction to be put upon the word session, that he (Mr. Day) could scarcely conceive that there could be any serious doubt upon the subject. There is no name which stands so high as that of the learned Selden, and when to this highly respected authority is added the name of Lord Bacon, I think I am sufficiently fortified to meet the hon. gentleman as to the application of the term.

It appeared to him there could be no doubt as to what constitutes a session. No doubt had been created in his (Mr. Day's) mind by the reference made by the hon. gentleman from Hastings to the 48 Geo. III., c. 21. The hon. gentleman seems to have drawn conclusions upon which to rest his whole argument which certainly seemed not very intelligible. He was at a loss to conceive upon what grounds the hon. gentleman had come to the conclusion that a meeting and a session of Parliament meant the same thing, when they are obviously placed in such broad contradistinction. He would now direct the attention of that hon. house for a few moments to the question whether the disallowance of 4 William IV., c. 28, operated as a repeal of the previous statute. In coming to this part of the question he would observe, in reply to some remarks of the hon. gentleman from Port Neuf, that had the statute 48 George III., c. 21, expired by lapse of time before the disallowance of 4 William IV., c. 28, the disallowance of that statute would most certainly not have revived it. But that was not the case. The repeal of a repealing statute operates the revival of the act repealed. This is a doctrine which I apprehend will not be controverted. But the disallowance of an act is totally different. The power of disallowance is a power which takes effect from the commencement. It is a condition hanging over the statute, rendering that statute incomplete until the condition is removed by lapse of time.

He (Mr. Day) would have been glad if the house could have proceeded with the trial of these election contests and disposed of them. They must all feel that there was an embarrassment now existing, which it was very desirable to get rid of, (hear, hear,) and if he could have come to the conclusion which would have justified him in coinciding with the hon. gentleman, he would have been most happy to do so, (hear, hear.)

Sir ALLAN McNAB said the subject was one which had occupied the public mind for a considerable time. Serious and grave charges having been made, not only that violence had prevailed at the Elections, in some parts of Lower Canada, but that the government itself had been a party to those riots and outrages. The government was accused of violence, intimidation, bribery, pat-

tiality, and all sorts of corruption. He observed that the matter had already occupied the attention of the Imperial Parliament, and he regretted very much, indeed, that the hon. gentlemen who occupy the Treasury Benches—the advisers of the Government—had not felt it necessary to introduce a measure calculated to satisfy the public mind, regarding their intention of providing a remedy for the embarrassment under which they at present stood, and one which would render justice to the 150,000 petitioners. He was satisfied that a large majority of the House would have gone with them (the Officers of the Government) in the adoption of such a measure as would be calculated to render substantial justice to those petitioners; who have an undoubted right to claim at our hands, but more especially at the hands of those honorable gentlemen, whose duty it is to advise the Government, a measure of that description. What is the question before us? We have petitions from 150,000 persons, complaining that they are not only unrepresented, but that they are misrepresented; now this being the case, what steps have been taken to render these people justice? We have been a month in Session without taking any steps to accomplish this purpose. If those hon. gentlemen would introduce a law, extending the provisions of the former law for one month—(why did you not do so?) I will tell you why: because it would come with a much better grace from the Officers of the Government. The hon. gentleman from Ottawa (Mr. Day) says the people who have petitioned this House, are not entitled to our sympathy. He says it is not generally believed that the outrages complained of occurred.

Mr. DAY begged to correct the hon. and learned Knight; he said the government had not, as was asserted, any participation in those disturbances.

Sir ALLAN McNAB. But you have the assertion of these petitioners to the contrary; and this being the case, would it injure those hon. gentlemen to allow the investigation to take place? (Hear, hear.) If no other Member of that House would introduce a Bill, he (Sir Allan) would do so, and if he were told it would be an ex post facto law, he would turn to the journals and show the House that ex post facto laws in abundance had already been passed; and one in particular, which many hon. gentlemen then present had been very active in passing, which took a retrospective effect of at least 20 years. He alluded to the Act which established the Court of Chancery. He fully believed that he would be justified in going with that House in the adoption of any measure which would render justice to the petitioners. His desire would be that the Committee should rise, and recommend the appointment of a Select Committee, for the purpose of introducing a measure, at once, upon this subject; and that in a few days, if it were found that the Legislative Council were unwilling to co-operate with the House of Assembly in the adoption of such measure; that the House would then be justified in taking a much higher stand; in rendering justice to the petitioners, at all events, without further delay.

Att'y. Gen. DRAPER said after the numerous invitations with which he had been favored by the hon. gentlemen from Port Neuf, he could not of course refrain from entering into the discussion; and although he had been silent thus far, it was not because he had not been called upon to take up the subject, but it was because he had been desirous of profiting by the opinion of those upon whose judgment he could most rely. He had not, however, discovered that any new

principle was requisite to be applied to the present case, and he felt therefore at liberty to argue the matter on the broad principle of the English law. There was some principle bearing upon this case which he (Mr. Draper) thought was capable of controverting the arguments of the hon. and learned Member from Port Neuf, from beginning to end. The hon. gentleman (said Mr. Draper) treats this law which was disallowed—and which was in fact brought into existence, and enforced as it were, *de bene esse*, if I may be permitted to apply a professional term, as he would an Act which had been absolutely confirmed and allowed. An Act of Parliament to be complete requires the concurrence of the King, Lords, and Commons. And in like manner it requires the concurrence of those three estates to put an end to the existence of an Act, which has received the sanction of those three estates; but it requires no such thing to put an end to an Act such as the one in question, because this last mentioned Act never was complete and perfect. The question then is, whether the simple dissent of the Sovereign, expressed according to law, is to be considered as placing the matter in the same light as the Legislative authority of three estates. I say it is not; and for this reason: the law which has once been concurred in by the three branches of the Legislature is final in its nature, and must continue until put an end to by equal authority to that which gave it birth.—[To be Continued.]

WEDNESDAY, July 14.

A discussion arose on bringing up a petition complaining of the return of J. W. Duncombe, Esq. for Beauharnois. Eventually the petition was received by the house.

The bill to enable Robert J. Turner to practice as a solicitor and proctor in the Court of Chancery in this Province, was sent down with some amendments from the Council. These amendments were concurred in, and the bill returned to the upper house.

A message was received from his Excellency the Governor General, transmitting copies of a despatch from Lord John Russell, explaining the views of the home government on several most important affairs connected with the Province. The despatch, which was dated Downing-street, May 3rd, 1841, was ordered to be printed, and 1000 copies furnished for the use of the house.

By the order of the Executive, the copy of correspondence between the Home and Provincial government respecting the proposed alteration in the timber duties, was laid on the table.

Mr. AYLWIN said it would be fresh in the memory of hon. members that when a discussion took place on an alteration in these duties in the British House of Parliament, it was used as an argument in favor of the change by those who supported the measure that, if not suggested, it had received the sanction of the Governor General of these Provinces. He was glad to find that this was not the case, and that so far from desiring to plant a deadly blow at the dearest interest of the colony, his Excellency had shown every desire to ward off the stroke. He trusted the Governor General would continue these efforts, which would entitle him not only to the thanks of that house but to those of the whole colony. At the same time it was evident that there was an error somewhere, as the statements on the other side of the water did not agree with this despatch.

Mr. MOFFATT.—The hon. member should be more explicit. I have seen no such reports as those to which he alludes.

Mr. AYLWIN.—I am glad to have an opportunity to give information which I had

supposed would have been given in another quarter. If the hon. member had read the debates in the English House of Commons, as I have done, he would have seen that it was stated by one of the ministers as a reason why the house should receive favorably the proposition, that it had been either suggested directly by the Governor General, or had received his sanction.

Mr. MOFFATT.—The hon. member is mistaken; what was referred to on that occasion was the wheat question and not the timber duties at all.

The documents were received by the house and 500 copies ordered to be printed.

Mr. NELSON moved that the petition of certain inhabitants of Quebec relative to the timber duties, which had been on the previous orders of the day, and lost by adjournment, should be revived and placed first on the orders of the day for to-morrow. Agreed to.

Mr. DURAND moved that the order of the day for a Committee of the Whole, on the Sydenham Road Bill, lost by the adjournment of yesterday, be revived, and that the bill be taken into consideration on Friday next.

Mr. HAMILTON would ask the hon. mover if the rule of the House relative to private bills, requiring a sum of twenty pounds to be paid into the hands of the Clerk before their second reading, had been complied with in the present instance.

Mr. DURAND said it had not, but he claimed the indulgence of the house in favor of the present motion. The petition upon which this bill was founded had been presented before the adoption of the rule, and therefore, in his opinion, the rule could not apply to it.

Mr. THORBURN thought that some indulgence ought to be extended to this application, as the petitioners had proceeded according to law, the rule alluded to not being at that time in force.

Mr. AYLWIN was decidedly opposed to the practice of setting aside the rules of the House. He thought it unwise and impolitic. With reference to the present application, he would say that in the British Parliament, petitioners for Bills conferring private advantages were obliged to pay four or five hundred pounds, and he could not see how the paltry sum here required would interfere with the presentation of petitions for similar privileges. The rule had worked well in Lower Canada. It was only a few days since a gentleman petitioning the House had complied with the rule by paying the sum of twenty pounds into the hands of the Clerk, and it would be an act of injustice to apply the same law differently to different individuals.

Mr. HINCKS well recollected the opposition to that rule when it was discussed in the House, at which time the inconvenience was fully pointed out. There was a difference between an individual applying for private advantages and a company for a measure of public utility. But it required no violation of the rule in the case before the House, as the petition was presented and the bill drafted before the rule was adopted. He believed if it was enforced, it would prove a serious injury to the western section of the Province.

Mr. HENRY SMITH was of opinion that if the sum of twenty pounds had been paid in a recent instance, it was an injustice, and the money should be refunded. He was opposed to the rule.

Mr. THOMPSON opposed the application of the rule to the present Bill. The measure before the House was one for the public good, not for the advantage of individual speculators; it was more for the benefit of the public than of the petitioners, as he was satisfied the road would not yield one per

cent. for fifty years. They certainly would enjoy the advantage of having a good road, but no pecuniary advantage would arise to them from it. It was notorious that no public work whatever in that section of the country had made any returns to those who had embarked in them. Under these circumstances, it was unjust to saddle the petitioners with additional expense, and he trusted the House would see the propriety of not applying the rule to this bill.

The SPEAKER decided that the Bill could not be proceeded with until the rule in such case provided had been complied with.

Sir A. McNAB moved for the introduction of a bill to prevent the failure of justice relative to the complaints of certain election petitions now before the house. The bill was read a first time, and its immediate discussion proposed by the mover.

Attorney General OGDEN objected. When he had conceded that the bill should be introduced without any previous notice being given, he had not expected that this advantage would be taken. He had not yet seen the petitions, and he thought that before any steps were taken to obtain a decision, it was due to the house to know whether the existing law was to be maintained or not. Till he had examined the petitions he could not discharge his duty conscientiously; and he would ask what the delay of a day or two in was in a matter of this kind.

Mr. AYLWIN.—The hon. and learned Attorney General asks what the delay of one day is. Though my parliamentary experience has not been great, yet I have seen enough to know that if one day's delay had not intervened, a certain measure which has recently received the sanction of this house would not have passed. My desire that an early discussion should take place is that hon. members might not forget their professions of last night. I am surprised to hear the hon. Attorney General say he has not yet read these petitions, involving as they do such serious charges against the administration of which he is a member, charges which have not only been repeated in this country, but which have found their way across the Atlantic, and created in the minds of men there the most extraordinary sensation. I should have thought this alone would have induced him to dedicate five minutes of his time to see what they were made of. Several of those petitions were read in this house, one by myself, and others by hon. friends, so that the learned gentleman can hardly plead ignorance of them. The subject is not one which will admit of further delay, if the house is really sincere that the measure should pass. If the bill is bad in principle I have no objection to its being rejected; but let the opposition be manly, and let it not be attempted to get rid of it by a side blow.

Attorney General OGDEN thought there was nothing unreasonable in their asking for twenty-four hours' delay before proceeding to the second reading of a bill which might involve them in the consequences of an *ex post facto* law. The course he declared was a most unusual one, though he knew that it was sometimes followed at the end of a session. As to the sensation which the hon. gentleman said had been created in the minds of men in England, he did not care a snap of his finger for those sensations. He knew that a foul use had been made of the public press in that country as well as in this province, and that men had been found base enough to intrude these calumnies into the House of Commons. This would not deter him from his duty, or prevent him from asking that the second reading be postponed till Friday.

Mr. JOHNSTON proposed as an amendment

that the petitioners should be allowed to proceed on the laws now in force on the understanding that their petitions should not be entertained till the next meeting of the United Legislature. (A laugh.) He would state his reasons for this. It was now more than a month since they had met, and yet they had passed no useful law: nearly all their attention had been taken up with these petitions, and he was not willing to consume any more time or inflict further injustice on those members whose elections were contested, and who had been returned by whopping majorities. If these petitions were taken up next year the petitioners would have the same advantages they had before, and he was not disposed to interfere with the decision of last night. He did not believe there was any intention to prosecute the charges which had been made, and it was only fair that the parties bringing them should be made to feel the responsibility of their acts.

Mr. PRICE.—The hon. member objects that the time of the house is taken up uselessly. If when he goes home he will reflect on the number of speeches which are made on all occasions, he will perhaps see the reason of this delay. I am myself surprised that the government has not thought fit, by the introduction of a bill like the present, to give the parties who have not conformed to the law, an opportunity of doing so. If the house could not decide unanimously on a legal question such as the one involved, it was not surprising that the petitioners could not. Hon. members said they were willing to do something, but what is the relief they intend to afford?

The order for the second reading was then postponed till Friday.

Mr. Secretary HARRISON introduced a Bill for the better internal government of the Province of Upper Canada, by the establishment of local and municipal government.

The Bill was received, read a first time, and the second reading fixed for Wednesday next. 500 copies ordered to be printed.

Mr. MERRITT moved for an address to his Excellency to enquire what answer had been received to an application from the late Legislature of Upper Canada, relative to the free introduction of the produce of this colony into the ports of Great Britain.

Mr. CAMPBELL introduced a bill for the protection of Copyright in Upper Canada. The hon. member informed the house that there was already a similar act in force in Lower Canada, and the object now to provide for the present measure till that act is enforced, when a general law could be introduced for the whole Province. Ordered to be read a second time on the 9th August.

Mr. DUGGAN moved for an address to his Excellency to cause to be laid before the House copies of correspondence between his Excellency and the Home Government relative to the locality of the seat of government.

Mr. SMALL moved for a committee of the whole house to consider the expediency of making some alteration in the present rate of wages received by members of the Assembly.

On Mr. SMALL moving for the house to go into committee of the whole to amend the present law fixing the rate of remuneration paid to members of Parliament, the hon. member said it was highly necessary that some general measure should be introduced to regulate this matter. As the law now stood, every member from that portion of the Province formerly Upper Canada, was entitled to a sum of £50 for his attendance if the Session was continued more than a month, and £30 if less than that time, but no such provision was made for Lower Canada.—

What he now proposed was, that both parts

of the Province should be placed on the same footing. It might, in the consideration of this question, he argued that no remuneration ought to be given, and if so, he should not object to it, (hear, hear,) at the same time he thought no such determination should be come precipitately. Many sections of the country might not be able to bear the expense of sending a member and to these parties it would be hardship to withhold this payment.

Mr. BLACK would not oppose the present motion though he should resist the bill at all its stages.

Mr. BALDWIN regarded the question as one of great importance and though he was opposed to the principle it contained he should be prepared to support it so far as it went to place all members on the same equality, and mete equal justice to East and West.

Mr. JOHNSTON did not see why a portion of the members should receive 10s. and another portion nothing. If it was refused to those gentlemen he certainly should not take it.

After some further remarks the House went into committee on the bill. Mr. Robertson, chairman. Messrs. Hincks, Harrison, Draper, Johnson, Moffatt, Child, Price, Viger, McDonald, Prince, and Hamilton took part in the debate. The committee at its rising obtained leave to sit again on Friday week.

Mr. PRINCE brought under the consideration of the House, the petition presented against the return of the sitting Member for St. Maurice, and moved a resolution that the allegations contained in that petition were, if true, sufficient to set aside the Election.

Mr. MORIN would vote for the resolution, but was not prepared to say that all those allegations, even if true, were sufficient to set aside the Election. He was desirous that an investigation should take place, and therefore would not oppose the motion.

Mr. AYLWIN said the charges contained in the petition were scandalous and impertinent, and that, if the document were to be judged of by its language, it should be thrown under the table. One of the allegations spoke of perjury. The person making that allegation could only have done so thro' ignorance or wickedness, since he must have known that even if the case were as he hinted, it would not form a subject for enquiry in a criminal Court. He denied that those who signed the petition, were occupying the most respectable rank in the County, which was one of the largest in the Province. He thought some proof should be advanced before the House said the allegations were true.

Mr. PRINCE said he was surprised to find the Member for Port Neuf taking the course he did, after his eloquent defence yesterday of the rights of petitioners. The House was there as the Trustees of the Electors of St. Maurice, and yet his hon. friend turned round and repudiated what he had before so eloquently advocated. He did not wish the House to prejudge the case, but that that ample enquiry which his hon. friend had called for last night for other petitions, should take place in regard to this.

The resolution was agreed to.

A discussion took place on a motion for the Speaker to issue his warrant to require the attendance of the Returning Officer of the District of Three Rivers, at the bar of the House. The resolution was ultimately withdrawn.

Extracts from Despatches of Lord John Russell, sent down by his Excellency the Governor General to the House of Assembly.

SYDENHAM.

In conformity with the intention expressed at the opening of the session, the Governor General transmits to the House of Assembly the copy of a despatch from Lord John Russell, explaining the views of her Majesty's Government on several of the most important subjects connected with Canada.

Government House,
Kingston, 14th July, 1841. }

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DOWNING STREET, }
3d May, 1841. }

My Lord:—The despatches which I have received from you on the general state of the Province of Canada, the reports with which you have furnished me on several important subjects, and the approaching meeting of the Council and Assembly of the united Province, have induced me to explain to you at this time the views which her Majesty's government entertain on the topics most interesting to the welfare of Canada.

In any measures that may be adopted it must be taken for granted that her Majesty persists in the determination to maintain at all hazards her Royal authority in Canada.—Neither the honor of her Majesty's Crown, nor the support due to her loyal subjects in British North America, nor the provident care of the interests of the Empire at large, would permit any deviation from this fixed principle of British policy.

At the same time, Her Majesty's advisers are not insensible to the difficulties imposed upon them in carrying into execution the purpose of the Crown. A Province bordered by an open frontier of more than a thousand miles—approached with ease at all times by the citizens of a neighbouring and powerful State, separated from England not only by the ocean, but by the rigours of climate and season, must be maintained by a judicious preparation for defence in time of peace, and a rigorous exertion of the resources of the empire in time of war, or not at all. To trifle with the fortunes of men whose lives and properties are freely devoted to the service of England, or to encourage foreign aggression by neglect or apathy would be far worse than the spontaneous surrender of these important possessions of the crown. The Canadians might, in such a case, incur no risk; no blood need be shed; and the treasures of the empire might be spared. The other course would be cruel to a brave people, and unbecoming the character of the country.

But as I have already said we have no alternative, we have only to consider the means of binding Canada more firmly to this country, of developing her resources, of strengthening her British population, of defending her territory, and of supporting and encouraging the loyal spirit of her people. In this spirit, then, I shall touch upon the principal topics connected with these views.

I. FINANCE.

You have stated the debt of the United Province to amount to £1,226,000, and with the sum required to complete public works necessary for the free passage between the Western portion of the Province, the St. Lawrence and the Sea, to about one million five hundred thousand pounds.*

The Queen's government coincide in your views of the expediency of making such an arrangement as may employ the credit of this country for the benefit of the finances of

Canada, and have given their best consideration to the plan proposed in your despatches. They are of opinion, that such an arrangement if it can be carried into effect with the consent of the creditors, would be in every way desirable; but they feel that the objections to a bill compelling parties to receive payment of their money in breach of agreement entered into with them by competent authority are insufferable.

Her Majesty's Government are ready to give any assistance in conformity with your proposal which does not appear to them inconsistent with good faith. They are ready to propose to parliament to guarantee a loan which may be required for public works (under restrictions suggested by you) for the repayment of such part of the debt as may be now redeemable, or may be held by creditors, who shall declare themselves willing to accept reasonable terms.

With regard to this latter sum, it appears to the Government most expedient that you should fix such terms as you consider sufficient to induce the creditors to accept the proposed equivalent (not of course exceeding £100 for every nominal £100 lent) that you should make known such tender in such a way as may appear to you most advisable, giving the holders sufficient notice and information, and fixing a given day before which the willingness of the parties to accept such offer, should be sent in.

To do this, an Act of the Canada Legislature will be necessary, and when that is obtained, the subsequent arrangements might be made; or thro' some party deputed on the part of the Canadas in this country, with full instructions.

It may perhaps be also expedient at the same time by law, to enable Trustees, &c., to account, as in cases where the interests of loans are received in this country.

Upon receiving the information of the assent of the parties accepting the terms proposed, the necessary means may be taken in this country to raise the requisite funds, and it may be expedient that you should fix the day for the paying of such assenting creditors and other claims at a time when the Parliament of this country is sitting, for should it be necessary to have recourse to a loan, such a measure has always been considered open to objection during the prorogation of Parliament.

II.—DEFENCE.

I have perused with great interest the enclosures in your despatch of the 24th Dec., 1840, containing reports from Lieut. Gen. Sir Richard Jackson, and Col. Oldfield, the Commanding Officer of Engineers, on this subject.

The question is one of so much importance, that I was not satisfied with referring your Despatch to the Master General, and Board of Ordnance; but I also asked the opinion of the Commander-in-Chief, and requested him to consult the Duke of Wellington, whose high authority on every military subject, is, in this instance, of peculiar weight from the attention he has for many years given to this matter, both on political and military grounds. Their opinions are transmitted with this Despatch.

Her Majesty's Government agree, in opinion with Lord Hill and Sir Richard Jackson that "no dependence upon the decided superiority of our troops and arrangements made for defence connected with them, should lead us to neglect the construction and completion of permanent works calculated for the protection of the points of most importance to us."

They likewise concur in his Lordships opinion that, in the event of the construction of these or any other works, a large effective regular force, and a Militia register-

ed and enrolled, but not called from their Districts, except in case of invasion, will be indispensable.

But it cannot be reasonably expected that works on a large scale should be undertaken without reference to the great expense to be incurred.

I have therefore to inform you that the Government are prepared to state their opinion that beyond the ordinary estimates of the year, £100,000 should yearly be applied for the defence of Canada. At present this sum is nearly absorbed in the maintenance of militia and volunteers. But by a more economical plan the expense might be greatly diminished, and a great portion of the sum of £100,000 left for the improvement of military communications, and the erection or repair of fortifications.

III.—EMIGRATION.

I have read with great interest your despatches on this subject, and I agree with you in opinion that it would not be wise for this country to engage to convey emigrants to Canada at public expense. But neither can I agree that this country ought to pledge itself indefinitely to the expense of maintaining the Emigrant in Canada until he can be able to obtain employment.

I quite concur, however, in the sense you entertain of the importance of the object.

It is a hardship to Canada that she should be obliged to maintain the pauper emigrants from the United Kingdom who arrive in a state of destitution and disease. But this object was formerly provided for by the imposition of the Emigrant Tax, and I think the renewal of this tax should be recommended to the Legislature of Canada.

I have recommended to the Treasury that the expense thus incurred by the emigrant should, in consideration of the great political advantages likely to flow from emigration to Canada, be defrayed by this country.

Supposing a tax of 5s. a head, 32,000 emigrants might be freed from the tax for £8000. This is a sum which I think Parliament might be asked to vote for so important an object. The tax might then be paid in Canada, not by the captain of the passenger-ship, but by the Commissary General, on proper vouchers of the number of emigrants landed.

In this case the only emigrants paid for must be those whose fitness for emigration had been previously attested by an Emigrant Agent in this country.

The emigrant tax would then act as a check, and very properly so on those who could not obtain the attestation required.

I have now adverted to the three principal topics to which I have called the attention of the Queen's confidential servants. There are many others of great importance to the welfare of Canada, but upon which I am anxious to receive your reports before proceeding further.

Of this kind are the engagements of the Land Companies and the future disposal of the Crown Lands. The means of communication for commercial purposes within the British Territory through the whole length of Canada must always be a matter of the highest interest both to Canada and this country.

But it seems to me that, with a Legislature in Canada disposed to co-operate with the Queen and the Parliament of the United Kingdom in developing her vast and unexplored resources, there is every hope that we shall behold the prosperity of that noble Province augment every year and add more and more to the strength and stability of the Empire.

I have, &c.

[Signed]

J. RUSSELL.

The Lord Sydenham, &c.

*NOTE. In addition to what can be raised by the Province.

THE CANADIAN MIRROR OF PARLIAMENT.

EDITED BY H. FOWLER, Esq. }

Kingston, July 20, 1841.

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HOUSE OF ASSEMBLY.

CONTINUATION OF THE DEBATE ON MR. NEILSON'S RESOLUTIONS.

TUESDAY, July 13.

Mr. AYLWIN would ask whether the hon. gentleman professes the same ignorance of what has taken place in England. The cry of the Colonists had gone across the ocean, but it appeared not to have reached that hon. gentleman. He (Mr. Aylwin) would assert the charge, having been challenged by the hon. gentleman to do so, he would repeat it before God and man that if an investigation were gone into, the administration would be found to have been guilty of acts of corruption of a most flagrant kind, acts which could scarcely be equalled in the world, (hear, hear.) What did the Government do, only within the last few weeks, when a complaint was made respecting the Toronto election? At the transactions which took place there men's minds were naturally indignant. An investigation could not be refused; but who were the men appointed to investigate the matter? One individual was appointed whose name was connected with the Terrebonne election; a man who had made himself conspicuous in the outrages committed there, some three or four months afterwards is named upon the commission to investigate the riots and outrages committed at another election. It appeared to him (Mr. Aylwin) extraordinary that the Government should express surprise when they were charged with participation in the occurrences when such proceedings as these are adopted by them. He (Mr. Aylwin) would not be intimidated or deterred from repeating the charge, which the whole province of Lower Canada would reiterate, as with one voice. He was convinced that the conduct of the Government was worse than it had been represented.—His mind was made up on this point, and he could not therefore consistently sit as judge upon this matter when it should come before that house. Let it be fairly understood that justice alone was sought for; but he very much feared notwithstanding all the fine words they were favored with, that there was no disposition to give them justice.—He would feel exceedingly sorry if it should become necessary that the House of Commons should investigate the matter; but he could never lose sight of this one consideration that although justice should be delayed for twenty years, yet a day of retribution would come at last. (Hear, hear.)

Attorney General OGDEN said that hon. gentlemen would best discharge their duty by confining themselves to the subjects before them, namely, the resolution of the hon. member from Quebec, entering into the merits of the petitions until that subject should come properly before the house. It was to be lamented that hon. gentlemen should so far forget the duty which they owed to the house and to themselves, as to undertake to pronounce upon those petitions before the time arrived for the investigation of the complaint contained in them. He (Mr. Ogden) would be perfectly prepared for that investigation.

With respect to the law regulating contested elections, he had already stated that he believed it to be in force; and he had heard nothing to induce him to believe the

contrary. Upon the disallowance of the repealing statute, the act intended to be repealed thereby was of course revived; and he was only surprised that hon. gentlemen were so obstinate (if he might use such an expression) as not to admit a fact which had been so clearly established. Something more than the mere declaration of hon. members was necessary to prove that the law was not in force, and he (Mr. Ogden) could not believe that the petitioners acted in ignorance of this fact, (order order). He stood upon this conviction, and he believed in his conscience that that law, was the law of the land, and so long as it was so it could not be presumed that the petitioners were ignorant of it. He should vote against the resolutions.

THURSDAY, July 15.

The committee upon the appointment and salaries of the clerks and servants of the house, brought up their report.

Upon motion for the adoption of that item contained in the report relating to the appointment of a French translator with a salary of £250 per annum,

Mr. HAMILTON moved in amendment that the sum be reduced to £200. That was the amount which had usually been paid in Lower Canada to the person who had filled that office, and he thought it should be no more here.

Mr. MOFFATT desired to know whether the office might not be dispensed with.

Mr. AYLWIN rose and indignantly reprobated the idea that the office of translator should be considered unnecessary, there being a large proportion of the members of that hon. house who were not familiar with the English language. He expressed his surprise that the hon. member for the city of Montreal should throw any obstacle in the way of the appointment of a translator, knowing as that hon. gentleman must know the importance which that appointment assumed in relation to a large proportion of the members of that hon. house.

Mr. MORIN would ask if the hon. member from Montreal represented that city as it is, (hear, hear.) He thought this colony must be greatly behind all others in point of intelligence as well as liberality of views. In the East India colonies they had translators of all languages used in each particular colony, and they were sufficiently various. Besides the native tongues, there were Maltese, Portugese, and various others; and the translators of those languages were paid by government. In this country there are only people of two origins, and how could hon. gentleman who profess to be advocates of any thing like equal justice object to the appointment of a translator?

Mr. HAMILTON.—Far be it from me to object to having a translator. I wished only to reduce the sum to be paid to the translator to what it has always been in Lower Canada. He would have less to do here, and his salary surely should not be increased.

Mr. VIGER differed in opinion with the hon. member for Bonaventure. He thought the labor instead of being less in the united Parliament, would be greater.

Mr. J. S. McDONELL said he was inclined to think a translator was absolutely required, and although he did not know the person

who had been named to perform the duties of that office, [Mr. CAMERON—He is a very good looking man!—(a laugh,)]—yet he would vote in favor of the appointment, and also in favor of the original sum proposed as his salary.

Mr. MOFFATT would ask if there was any thing unreasonable in asking for information upon this appointment, as upon all other questions. The hon. gentleman from Port Neuf had given him no information upon the subject, although he had thought proper to censure his (Mr. Moffatt's) ignorance, and from that very circumstance he was inclined to think that that hon. gentleman was as ignorant as himself. He (Mr. Moffatt) desired to understand the reasons upon which every proposition upon which he was called upon to vote was founded. He had a duty to perform in that house, and he would perform it strictly, in whatever light his conduct might be viewed by hon. members.

Mr. AYLWIN said he was glad to find that the few words he had made use of had had some weight with the hon. gentleman, and that he felt the tenor of his own observations was such as he could not properly justify, (order, order.) If the hon. gentleman desires that there should be no French translator in order that he may put down the French language—(Mr. Aylwin was called to order, and sat down.

Mr. BERTHELOT rose and said he would not make a long speech, but would merely refer to the statute, and if hon. members would only consent to be guided by that, he was inclined to think that without any further argument they would all agree to the appointment in question. No nation could be totally divested of its nationality, or entirely lose its language; and although the Saxon race had in this country exceeded the people of French origin in power, and established a supremacy which rounded to the glory of the English nation, yet it was not to be expected that the French language would be discontinued. He did not claim for it the priority over the English, for since he had been in that house he began to be aware, a little more than formerly, of the generosity and noble-mindedness of the hon. members composing that house. The Imperial Parliament had thought fit to unite the representatives of these heretofore different Provinces into one Legislative Assembly. The Imperial Parliament must be obeyed in all things, but he (Mr. Berthelot) did not believe it had been the intention of the Imperial Parliament to treat the French portion of the Province otherwise than with the most liberal and generous policy, (hear, hear.) No doubt there were very few members in that house who could not, if necessary, express their sentiments perfectly well in English; but he would nevertheless claim from the British nation, whose glory they contributed to support, and he would claim from the representatives of the English portion of the Province of Canada, the privilege of having translated the documents which might come before that house for its consideration, for the benefit of his brethren and himself who were representatives of the French portion of the Province. The language would not be lost or done away. It was very well known that in numerous cases people living under the same form of government preserve

their original language perfectly distinct. The mountaineers of Scotland, for example, continue to use the Gaelic tongue; the inhabitants of a certain part of Ireland, of which are sometimes denominated wild Irish, (a laugh.) also preserve their native tongue. Perhaps he was offending by speaking in this way—God knows nothing was farther from his intention. He appealed to the honest heart of every man whether that house ought not to allow to the representatives of the Province of Canada the privilege of understanding all matters which were brought before them in their own language. The hon. member concluded amidst much good humored applause.

Mr. HOLMES said he had listened with a great deal of pleasure to the speech of the hon. gentleman, (Mr. Berthelot,) and from the energy with which he had spoken, no doubt he expressed the true sentiments of his heart. He (Mr. Holmes) for one would regret extremely that any privilege should be withheld from the French members of that hon. house which was enjoyed by their English brethren, or that they should be placed upon a different footing in any respect.

Mr. THORBURN rose to express the pleasure he felt at hearing the noble and manly sentiments which had fallen from the member from Kamouraska, (Mr. Berthelot.) He hoped the hon. member would not suppose for a moment that there was a desire on the part of that house to withhold the privilege he claims.

The motion was carried for the appointment of Mr. Henry Boyer as French translator, and Mr. Alexander LeMoine was appointed assistant.

FRIDAY, July 16.

Col. PRINCE rose to put a question, of which he had given notice a few days previously, to the gentlemen occupying the Treasury benches, whether it was the intention of the Executive government to introduce any measure for the relief of certain individuals who had been banished from this country for political offences. The press of business before the house yesterday had prevented him, but he would now take the liberty of putting this question to the gentlemen forming his Excellency's administration.

Attorney General DRAPER desired that the hon. gentleman would explicitly state who those certain individuals were; whether by the term certain individuals he referred to those who had been banished by sentence of a court of law, or those who had fled from the Province. With respect to the latter class, the hon. and learned gentleman must be aware that an act of amnesty was passed in October 1838, which permitted the return of all those not specifically excepted as having had bills of attainder entered against them, and who were required to surrender themselves. He (Mr. Draper) could only say that there is a disposition on the part of his Excellency to allow all those against whom no specific charges had been proven, to return to their homes, (hear, hear.)

Col. PRINCE moved that the order of the day for considering the petition complaining of the return of the sitting member for the county of Bonnaventure, the petitioners not having entered into the recognizances for the payment of expenses, according to law, be discharged.

Mr. AYLWIN rose and said he felt great pleasure in seconding this motion. He considered it was his duty to do so, and it was upon this consideration: there would probably, in a very few hours, be a bill brought

before the house for their consideration, providing for the trials of certain election contests, and the same reason which would induce him to support that bill would also induce him to support the present motion. The petitioners in this case had omitted to comply with one of the provisions of the law upon the subject of contested elections, namely, the giving security for the payment of the expenses attending those trials. They had to do so, and it was an essential provision, to comply with this provision, and he thought, therefore, that they were entitled to no indulgence from that house. The petitioners against returns in the six cases to which the bill shortly to be discussed would apply, were prepared to give that security—at least the such was his conviction; and if he had thought otherwise, if he had the least reason to suppose that those petitioners had trifled with that house, so far from supporting the bill, no member of that hon. house would resist it more strenuously than he (Mr. Aylwin) would do. But he did not believe that such was the case.

Mr. CURRIE said although the petition in the present case was one complaining against the return of a member, it was also a petition complaining of certain grievances, one of which was regarding the inconvenient and unusual place of holding the election; and upon this point of view, if no other he would maintain that the petition should be entertained. He did not desire that these petitioners should stand in a better situation than the others, but he claimed that they should not be placed in a worse. It should be received and considered with the same impartiality; and to shut them out from being heard at all, particularly when the house was about taking measures to allowing other complaints to be heard, he thought would be an act of injustice which he was confident the house would not accede to.

Mr. HAMILTON said there was one statement of the hon. gentleman which he thought it necessary to correct. It was stated that the election had been held at a place where it was not usually held. It was only necessary to look into the statute book to find that New Carlisle was the place at which the elections had formerly been held, and that its not being in a central position now was owing to the late new division of the district. He did not intend to offer any observations upon the merits of the case. He would merely state that he had informed the principal petitioner that it was absolutely necessary to put in security. Therefore their neglect to do so could not have arisen from ignorance of its necessity. If the hon. member from Gaspé would state what was within his own knowledge, he would say that he (Mr. Hamilton) had not gone to six pounds expense during the whole election.

Mr. JOHNSTON said he was desirous of offering a few remarks upon this subject. It must be remembered that the other petitions stand precisely upon the same footing, (no, no.) I am not going to listen to "no." I shall judge for myself. These petitions have been drawn up by lawyers, and one of the petitioning candidates is a very eminent lawyer himself—Mr. Lafontaine. This house has come to a resolution that the election law is in force. Now it would be paying a sorry compliment to that gentleman to suppose that he did not know that the law was in force, (no, no, no.) I say he did know it—he must have known it, (cries of order.) Then why has he not complied with its formalities? The petitioners ought not to be allowed to take advantage of their own wrong, (hear, hear.) The hon. member from Port Neuf states that the petitioners acted with their eyes open. I believe also

the petitioners in these cases were all wide awake, (hear.) But when people complain of bribery and bloodshed they ought to take care to follow the legitimate course prescribed for them in order to obtain justice, (hear, hear.)

The order of the day for the house to go into a committee of the whole upon Sir Allan McNab's Bill for extending the time for the trial of certain contested elections, having been read,

Captain STEELE moved that the order be discharged and that the bill be read this day three months, & in making this motion Capt. Steele observed, that if it were carried he would then move that the house resolve itself into a committee of the whole to investigate certain alleged acts of misconduct, as specified in certain petitions. He (Captain Steele) from the first moment he had heard the complaints of those petitions, had made earnest enquiry amongst his hon. and learned friends, whether there were any legal means of obtaining redress against the interference of her Majesty's Government. He (Captain Steele) was perfectly willing that every advantage should be extended to the petitioners, for obtaining an investigation; but with respect to this Bill he could not, in common justice to the sitting members—in common justice to those who might hereafter sit in that house, under the same charges, give his vote in favor of it. He would allow the learned knight every credit for the purity of his intentions, he believed he had no other object in view but the attainment of justice on the behalf of the petitioners. Nevertheless he could not vote for a retroactive measure such as the one proposed. (Hear, hear.) And he was bound to give it his opposition from the peculiar circumstances of the case. He (Captain Steele) stood there to fulfil a very sacred duty, and in making the motion which he had made, he acted under a conviction of the fatal consequences of passing an ex post facto law. He could not yield to the demands of those who complain, by the petitions before that house, so far as to adopt a measure which might be productive of injury hereafter, by passing a bill retroactive in its effects, dangerous in its consequences, and which might hereafter be taken as a precedent. He called upon that hon. House to adopt the motion he had made, and then to follow it up by the one he proposed to offer to authorise a strict investigation into the complaints preferred in the petitions, (hear, hear,) that the honor of the house and of the Government might remain unimpeachable. (Hear, hear.)

Honorable S. B. HARRISON said he felt it his duty, even at this early stage of the debate, to state that he should most certainly support the motion, and did so on this principle, that he would not under the circumstances consent to the adoption of an ex post facto law. It would be an act of injustice; all that could be said in its favor, was that there might be circumstances which would in some degree justify it; the present circumstances would not. It had been said that it was to remedy a technical difficulty in order that substantial justice might be done to the petitioners. This was an argument which would have great weight with him if he supposed that it was strictly true. The bill was altogether unnecessary as had been already established by a vote of that house declaring that the law of elections is in force, and as the means of obeying that law was already within the power of the petitioners if they chose to avail themselves of it; it would be altogether an improper proceeding to allow them to set that law at nought and require the passing of a new law. As they have refused to fulfil the provisions of

the law which is already in existence, they should not be allowed to come before that house, and ask to be put in the situation which by their own *laches* they have deprived themselves of. He would grant that justice should be done to the petitioners, but they were bound to pursue the course which the law pointed out and although they had not chosen to comply with its requisitions he would permit them to enquire into the grounds of their complaints in order that justice might be done to them, but before justice were talked of they should consider what is justice to both parties.—Justice is even handed. With regard to the allegations which were said to exist, he assured them he challenged—he courted investigation. (Hear, hear.) If an enquiry were had to the fullest extent it would be found that they were totally destitute of foundation. (Hear, hear.) As regards the dangerous effect of an *ex post facto* law he had already expressed his views: he thought no precedent could fully justify a resort to such an unconstitutional proceeding. By the operation of such a law in this case six gentlemen having seats in that hon'ble house were likely to be dispossessed of their seats. It was clearly shewn that the intention was to dispossess them. (Hear, hear.) This precedent if placed upon the statute book might be taken up and refined upon until the most innocent action might be declared guilty. He would never consent to it although it might appear specious; and the proposition had been speciously put by the honourable member.

SIR ALLAN McNAB.—From the description the hon. gentleman has given of the bill, one would suppose it was a terrible affair. Perhaps the hon. gentleman speaks feelingly on the subject. (Hear, hear.) He may think the next inquiry will be one into the elections of Upper Canada: I hope that will come in its turn. We should never be afraid of information; it will do the country no harm. The people of Lower Canada were simple enough to believe that the law was not in existence, and considered there had been a session because there was a *meeting* of the Legislature. I do not much wonder at this, because I perceive that the Governor in his speech calls it a session. He was not so wise it seems, as this house. I perceive also that Lord Gosford's despatch alludes to the *session* of 1837: it also appears on the journals to have been called a session of parliament. Taking all these things into consideration, and seeing further that some hon. gentlemen in this house, such as the hon. gentlemen from Hastings and Port Neuf, declare that the law was not in force, I think it can scarcely be considered strange that I have introduced a bill, or that there was anything so very wrong in introducing it. I believe the hon. gentleman (Mr. Harrison) was regularly primed and loaded with a set speech. (Hear, hear.) I hope the amendment which I am going to propose will prevail, and that honorable gentlemen will find they cannot blink the question or throw it overboard.—Now there is a rule of this house which says that every member who shall be present when a question is put shall vote thereon except the house excuse him. Hatsell in his work on parliamentary law states that where the private interests of a member are concerned he shall be excused from voting.—Now I humbly conceive that those hon. gentlemen whose seats are contested will be precluded from voting upon this question; it is necessary for the honour of the house that this rule should be strictly adhered to. I will therefore move an amendment that all after the word "moves" in the original motion be expunged and the following inserted: "that the members returned for the following counties be excused from voting upon all questions relating to the matter now under consideration, namely, Vandreul, Terrebourne, Beauharnois, Montreal and Sheffield." Mr. JOHNSTON.—Before the question is disposed of I will offer a few remarks. The learned and gallant Knight has said that the honorable member for the town of Kingston spoke feelingly. I believe that he also spoke sincerely. There are always two sides to a case, and I believe that by excusing those persons from voting the elections cannot properly be tried. There is an inconsistency about it—the motion cuts its own neck. (A laugh.) I am sorry the gallant Knight has made such a *faux pas*. (Much laughing.) [Sir A. McNab—You had better have the motion read to you again.] The resolution must fall to the ground; at all events it will require some further explanation. Attorney General OGDEN said he hoped the hon. gentleman would withdraw the amendment. Is it to be said that at the very instant of time when a bill is introduced here to permit these gentlemen to contest their seats, that at that very moment they should be excluded from voting. I believe the hon. gentleman from Port Neuf would vote for any motion. [Mr. Aylwin—Any good to you? I really hope the hon. gentleman will not trifle with the valuable time of the house. It has already been decided that petitions which were not accompanied by security were not entitled to be received, and I do really think it extraordinary that whilst on one hand you admit the petitioners have no legal right to be heard; on the other hand you declare that the elections shall be contested, and that the members returned shall not vote upon the questions connected with the trial.] Sir ALLAN McNAB said that if the learned Attorney General would induce the hon. gentleman who had moved the original motion to withdraw that motion, and to allow the house to go fairly into the merits of the case, he (Sir Allan) would also withdraw his amendment; but it appeared to him very evident that the intention was to throw the whole matter overboard, and thereby at once confirm those gentlemen in the seats they held.

Attorney General OGDEN replied that he had no influence over any hon. member to direct him in the course he should pursue. (Hear, hear.) If the hon. gentleman supposed that he (Mr. Ogden) was desirous of shirking the question, he was mistaken. He (Mr. Ogden) had come prepared to debate the question fully. There was nothing to prevent the discussion, and the house would then be able to decide upon it.

Mr. AYLWIN.—I certainly cannot sufficiently admire the professions which are made by the hon. gentlemen upon the Treasury benches. If they were sincere there is no doubt the charges would be investigated at the bar of this house. But I am convinced they are insincere, and I will state my reasons for that belief. Two occasions have been offered to those hon. gentlemen for entering into the investigation of this subject, and on both occasions they have been foremost in resisting it. They have told us that although the law was in force, and although we have committed a signal blunder in supposing it was not, yet the measure if introduced would meet with success. Now that it is introduced it meets with the most resolute opposition. If the bill be thrown out what will be the result? I am convinced we shall again meet with resistance from those hon. gentlemen when any further proposition shall be made for an investigation of the complaints of the petitioners. The equanimity of the learned Attorney General seemed to have been somewhat disturbed. He views the motion of the hon. and learned member for Hamilton as something extraordinary. What is the purport of that motion? It is this: six members of this hon. house have a direct interest in the question which this house is now called upon to decide, and that therefore they should be excused from voting upon it. Now if the motion of the hon. gentleman for Simcoe should prevail, these six gentlemen will retain their seats. If on the contrary it should not prevail, and the bill which is now introduced should pass, then these gentlemen would be subject to the inconvenience and expense of contesting their elections. The proposition amounts to this, that a man should not sit and decide upon his own case. (Hear, hear.) The motion is one which I believe would hardly be necessary in any other place than this. Here we have seen hon. gentlemen voting upon questions in which they were directly interested; and therefore it is, as delicacy has become a crime, the necessity for this motion is apparent. But the learned Attorney General says it is an extraordinary thing that these gentlemen should be excluded from voting. Have they not voted upon every measure upon which they are entitled to vote? but by voting upon questions regarding their seats will they not, I would ask, violate every principle of honesty and of decency? (Hear, hear.) Is it to be permitted that a man shall decide between his neighbor and himself? In one word, who can be impartial upon a question in which he himself is concerned? If there be such a man, I say he is something more than human—he is an angel. (Hear, hear.)

The proposition of the hon. gentleman is based on justice, and one which no one whose character is based on justice can object against. And I am surprised when I hear such a proposition proceed from a gentleman who occupies the Treasury benches. I must certainly think there is an influence operating with him. (Hear, hear.) The question is one which seems to interest those hon. gentlemen exceedingly, for at the very commencement the learned gentleman who represents the town of Kingston felt it his duty to take a very prominent part in the discussion. Now I would like to know why he felt so very deep an interest.—[Mr. Harrison—For the honor of the house.] I am very glad to find that the hon. gentleman takes the honor of the house under his especial protection, [hear, hear,] and though I am willing to admit that that protection is very powerful, yet I will also take the liberty of taking it under my protection. [Hear, hear, hear.] The hon. gentleman says it will have a retrospective effect—that it is an *ex post facto* law. Now the world has been agitated upon questions with respect to words, and men have felt themselves at liberty to cut each others' throats on account of verbal distinctions; but for my own part I will freely acknowledge before this hon. house that I am not afraid of these few Latin words. I would be extremely sorry, however, either with or without these words, to pass any act by which my neighbors would suffer. What I contend for is that we should not be entrapped by words—we should look at the substance. I will tell you my meaning of an *ex post facto* law. It is a law inflicting pains and penalties which did not before exist. This is a bill to prevent the failure of justice—how operated? By the mere inobservance of certain forms. Now those hon. gentlemen who wish to treat this as an *ex post facto* law, have forgotten the circumstances which took place in this house a few weeks ago. A gentleman presented himself at the bar of this house with a petition against the sitting member for

Niagara. The petition was found to be faulty, and the petitioner desired time for the correction of the error. A large majority decided that he should be indulged. What is it that is asked now? An indulgence of the same character. The learned Knight comes before this house and asks for the correction of an error or an imperfection in the mode of extending justice to a large body of petitioners. And is this any thing extraordinary? No, it is a thing which occurs every day in a court of justice. The hon. gentleman knows the only thing required here is to supply a defect. Is there a code of laws in the world which are calculated to meet every exigency—every possible case? And how is this difficulty to be overcome? By passing a remedial law. But I would ask the hon. gentleman, suppose this bill were passed, who would be prejudiced? If this were so I would be the first to oppose it.—One hundred and fifty thousand people come and tell us there are six members sitting in this house who misrepresent them; and are they to be told however well founded their complaints may be, that the doors are shut against them? If those gentlemen believe that their seats have been honestly acquired, they will acquiesce in allowing this measure to be adopted and an investigation to be had. An *ex post facto* law, properly so called, operates an injustice; where is the injustice in this case? If the hon. member for the town of Kingston will show me any injustice I will change my views; but until this is done I shall have to believe that it is not an *ex post facto* law. I was a little surprised to hear the hon. member say that it was clearly within the power of the house to determine upon this matter without the introduction of any new measure. Now this word clearly convinced me that the matter is not so very clear. Only a few days since a discussion took place as to whether the law was in force, and it did not then appear to be the conviction of all that the law was so clearly in force. The hon. gentleman has now discovered, in consequence of the vote of a majority of this house, that the law is in force. But with all my respect for majorities I cannot believe that majorities are always right; and the hon. gentleman may yet discover that it is not so clear as he seems to imagine. The hon. gentleman says the petitioners have been guilty of *laches*; have they been guilty of that *crassa negligentia*, that *culpa laetissima* which should be visited with a penalty, that they should be refused the opportunity of being heard? It is true they, and this house also, went on for a considerable time under the conviction that the law was not in force; all that can be said is, we were under a mistake; but is this mistake a culpable one? I hope an honest error will not be punished in the same way as a crime, and that the petitioners are not to be treated as criminals, because they have supposed that the law was not in force. We come here and say respectfully, we have been in error; all that we desire is an opportunity of rectifying that error, and of putting in bonds according to law; and are we to be met with nothing but special demurrers from the gentlemen on the treasury benches?—[Hear, hear.] We claim an act of justice as important as the elective franchise itself. If I supposed the petitioners were desirous of shrinking from any responsibility, so far from suffering myself to be an instrument in their hands, I should have indignantly rejected their application. My desire is that the complainants should be bound to face the sitting members, and if it be found that their complaints were unfounded, they should be visited with a pecuniary mulct, and be held up to the world as calumniators and villains. I would entreat hon. members not to be led

away by specious proposals, by an affectation of liberality, which is merely used to cover illiberality. [Hear, hear.] The bill is calculated for the furtherance of justice; hon. gentlemen need only read it to be convinced that it is founded upon the eternal principles of justice and of truth; and whatever the result of this day's vote may be, of this I am perfectly satisfied, that those who vote in favor of this bill will never have reason to regret that vote, but those who vote against it will, I hope and trust, be visited with all the bitterness of self-condemnation. [Hear, hear.]

Mr. DURAND said he believed if there ever was a measure introduced into that house which deserved their warm support it was the present one. The mistake into which the petitioners had fallen was a very excusable one, and he felt convinced there was no hon. gentleman in that house who believed he held his seat fairly and honorably who would desire for a moment to deprive them of an opportunity of being heard. In fact it would redound to the credit of hon. gentlemen to allow a full investigation to be had. He was certain they would not shrink from it; he did not believe that a majority of that house would consent to refuse justice to the petitioners, and the only way to do them full and ample justice is by extending the time for going into the investigation, in order to enable them to comply with the provisions of the law which is supposed to be in force. This was so reasonable a proposition that he could hardly bring himself to suppose that any hon. gentleman in that house would oppose it, and particularly after the declaration which they had heard from the hon. gentlemen on the treasury benches, that they were ready and willing to enter into the investigation.

ROUTINE BUSINESS.

Monday, July 12.

The petitions from Vercheres, Richelieu, St. Hyacinthe, Berthier, and Huntingdon, praying to be united to the Montreal Fire Assurance Company of Montreal, were referred to Messrs. Viger, Moffatt, Bouthillier, Armstrong and Quesnel.

The petition of the Quebec Bank was referred to the Banking committee.

The Upper Canada Academy petition was referred to Messrs. Boswell, Williams, Roblin, Day and Baldwin.

The petition of the Montreal Ladies' Benevolent Society was referred to Messrs. Moffatt, Quesnel, Delisle, Duncombe and Holmes.

On motion of Hon J. Neilson, the house resolved to go into committee on Friday, to consider what amendments are necessary to the ordinances of the Special Council, relating to the incorporation of Quebec. The petition of the corporation was referred to the same.

The Committee to whom were referred the petitions of J. W. Sharrard and T. Henery; and of the Bible Christians reported a Bill to enable religious societies of all denominations of Christians, to hold the lands requisite for certain purposes therein mentioned and a Bill to enable the ministers of all denominations of christians to solemnize marriage under certain restrictions. Both read first time, second reading this day week.

Mr. Hamilton reported the Gaspé Fisheries Bill—committed for Monday.

Hon. Mr. Harrison laid before the house by command, a return of the duties levied at Bytown upon timber floated down the Ottawa for the last five years.

Mr. Price obtained leave of absence to the 14th, and also Mr. Jones, on account of ill health.

The following orders of the day, lost by

previous adjournments, were then revived: That for the house in committee on the timber duties for to-morrow; for committee the whole on the Canada Fire Assurance Company for to-morrow; the second reading of the freedom of elections bill for Thursday, and to be first order.

The committees on Banking and Currency were, on motion, consolidated, and an instruction given them to inquire into the operation of the existing usury laws on the agricultural and commercial interests of the Province.

Mr. Thorburn moved an address to his Excellency for a warrant for £5000, to be applied to the contingent expenses due by the late Legislature of Upper Canada, and towards the contingencies of this house this session.

An address was moved to his Excellency for a copy of the report made by the school visitor under the ord. 2 Vic. c. 43, relative to the alleged misapplication of school monies in Beauharnois.

The house agreed to go into committee on Friday to consider the expediency of altering, rescinding or amending any of the rules of the house.

The order for the house in committee on the Simcoe District Jail bill was revived, and fixed for this day three weeks.

The second reading of the Militia Law amendment act, (U.C.) was fixed for Friday.

The order of the day for considering the expediency of introducing measures for the warehousing and bonding of goods in the free ports of the Province, was revived and fixed for Wednesday; and that in relation to the alteration of the feudal tenures for Monday.

A message was ordered to the Council for leave for Messrs. Daron and Fraser to appear before the committee on the petition from Laguenay relative to winter vehicles.

The second reading of the bill for the relief of infirm and disabled persons was fixed for Friday.

The order of the day for considering the Lower Canada contested election resolutions was revived, and fixed for to-morrow.

The order for considering the laws levying duties and consolidating the same, was revived, and fixed for Friday.

The house resolved to go into committee on the 20th on the administration of justice in Gaspé.

The Hon. Mr. Harrison brought in a Bill to secure and confer upon certain inhabitants of this Province, the civil and political rights of natural born British subjects. 2nd reading Mouday.

The 2nd reading of bill for vote by ballot was fixed for Tuesday.

The 2nd reading of vacating seats bill was fixed for the 21st.

The Lumber Inspection bill was read a 2nd time and referred to Messrs. Day, Derbeshire, D. McDonald, Johnston, Durnett and Moffatt.

The order of the day for considering the report of the Committee on the Clerks of the House was revived and fixed for Wednesday.

The House agreed to consider in Committee to-morrow, the subject of an address for a Commission to revise the Statutes.

TUESDAY, July 13.

The Speaker announced the return of Thomas Parke, Esq., for Middlesex.

The petition from Rouville relating to Fire Assurance, was referred to the Committee on that subject.

The petitions from the Boards of Trade in Montreal and Toronto on usury were referred to the Committee on currency Banking.

THE CANADIAN MIRROR

OF PARLIAMENT.

EDITED BY H. FOWLER, Esq. }

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HOUSE OF ASSEMBLY.

TUESDAY, July 20.

The Speaker took the chair at 3 o'clock.

Mr. Durand moved that the 77th rule of the House requiring the payment of a certain sum of money before proceeding with bills of a private nature, be not construed or taken to extend to petitions for such bills presented before the said rule was adopted.

Mr. HAMILTON would oppose the motion.—The hon. gentleman has in view the revival of a question which has already been twice decided against him. He alluded to the question which had been raised for conferring certain privileges on the Sydenham Road Company. He thought that the parties ought to be bound by the rule of the House, and would therefore oppose the motion, which went to establish a general rule for the especial benefit of the petitioners in this instance.

Mr. DURAND had thought it unjust to the petitioners that having presented their petition in the usual manner, and before the establishment of the present rule, they should now be called upon to pay twenty pounds before the bill could be proceeded with. He hoped that the House would grant the motion and extend justice to them.

After some further discussion, the motion was granted.

Mr. DRAPER moved for leave to bring in a bill to authorize the purchase of the private stock of the Welland Canal. Leave was given, the bill was read a first time, and ordered for a second reading to-morrow.

Mr. HINGS moved that an humble address be presented to His Excellency the Governor General, praying that His Excellency would cause to be laid before the house a statement of the loans made to the Cobourg, Port Hope and Oakville Harbor Companies, shewing also the amount of interest thereon, and what steps have been taken to enforce its payment.

In submitting this motion, he thought it proper to state that a loan of £3000 had been granted to the Cobourg Harbor Company, but instead of going directly into the possession of the Company, it passed by some means or other into the hands of an individual member, who gave personal security for its repayment, and thus exercised a control over the Company. New stock was created, and yearly dividends of about 12 per cent. declared, yet not a shilling of either the principal or interest had been paid to the Government for the last four years and a half (hear,hear). The Company came forward a second time and asked for a second loan and obtained it under the provision that all the tolls, dues, &c. collected by the company should, after defraying the expenses necessary for collection, be paid into the hands of the Receiver General of the Province until the principal and interest had been refunded. This stipulation has not been complied with, no monies having been paid to the Receiver General, while dividends have been paid up till last year, nor had any steps been taken, to his knowledge, to enforce the payment.

The Port Hope Harbor company was in a similar situation. A loan of £2000 had been granted to the company, and had likewise passed into the hands of an individual. In what manner it had been expended, he was not prepared to say. A dredging machine, which had cost the Province a large sum of

money had been employed in the improvement of the harbor, the charges for repairs upon which amounted to more than its original cost. His object in pressing the motion was, that the house should be informed of the facts of the case submitted.

Mr. HARRISON had no objection that all the information in possession of the Government relative to these harbors should be laid before the house, but it would be found unsatisfactory, as the plea generally set forth in such cases was, that the interest had been expended in the improvement of the work. The facts cited proved two things, the necessity for a Board of Works, and the impropriety of leaving public works to the speculation of private companies (hear,hear.) It was due, however, to the company to say, that in the early period of the country no such facilities were afforded for carrying on scientific improvements, and were it not for individual enterprise, we would have been destitute of all improvement.

Sir Allan McNAB was afraid the remedy proposed by the hon. member for Kingston would be found worse than the evil [a laugh]. He thought that the amount required for the maintenance of this Board of Works would be greater than the interest on all the loans to private companies put together. With respect to the motion before the house, he hoped the hon. gentleman who introduced it would extend the enquiry to every company which had received loans of money. He wished that the whole matter should be brought before the house. The best mode of proceeding was to inquire into all.

Mr. HOLMES considered that there had been great remissness on the part of the Government in the matter brought before the house.

Mr. BOSWELL was of opinion that the discussion was premature. Although connected with the part of the country alluded to, he would withhold any observation until the returns were made.

Sir Allan McNAB moved that the inquiry be extended to all private loans, and after a few observations agreed to and the matter dropped.

On the order of the day for going into committee on the subject of the establishment of common schools,

Mr. DAY rose and said that the object of the present motion was the repeal of the existing laws on this subject in the two portions of the province and the substitution in their place of one general system which should extend to the whole province and embrace the entire population. The subject was one of the greatest importance and which threw a great moral duty on every man to lend his aid towards supporting it. Those acquainted with the subject well knew that the present measure was but one part of the great general system of national education, which would take in not merely the establishment of common schools, but also of model, and more especially of normal schools which would train up young men to act as teachers and instructors. Of this system the establishment of common schools would be the foundation upon which all the rest would lie; and if prudence was only observed in proceeding, there was no reason why everything should not be done on this basis which the importance of the sub-

ject required. In order, however, to secure success, it was necessary that the system introduced should be ample, effective and popular, and that it should not interfere with the prejudices of those for whose benefit it was intended. It was not necessary to detain the committee with the considerations of the several acts which had existed in Upper Canada; it was sufficient to say that they had proved inadequate for the purpose intended, and that it was necessary that some alteration should take place. The first act of the Legislature on the subject of education in that province was passed in 1816; this act was extended by another of 1819, which made further provision by extending the aid previously granted. In 1820 another act was passed, and again in 1833, which was the last attempt at legislation on the subject. There was but one opinion on the effect of these measures, that they had proved insufficient and had failed to effect the important object held out. By reference to statistics it would be seen that the total number of children educated at the district schools was 300, and at common schools 800, giving out of the total number an average of one only out of 18 who received the benefit of education. If, then, means for the encouragement of education was so much required in Upper Canada, how much more were they required in Lower Canada. There, no legal establishment existed, no provision of the law by which the people could obtain access to education. With the exception of a few institutions supported by private benevolence and maintenance by the exertions of a class of men to whom he (Mr. Day) could not pay too high a tribute of praise—he alluded to the Roman Catholic clergy—no means for public instruction existed. The total population of that province was estimated at 600,000 souls, out of which number one-fifth, or 12,000 men, were without the means of education, and this young population was growing up to the exercise of important duties totally ignorant of the nature of those duties. He (Mr. Day) would not join in the censure which had been so abundantly dealt out on the Legislature: the truth was, that there had been a great deal of legislation on the subject, extending back to the 41st George 2d, which attempted the foundation of a royal institution, but was productive of no effect. Since then several acts had been passed, in 1814, 1818, and lastly in 1823, which last act was of great importance and must have produced the most beneficial results. Its effect was to divide the country into districts; and so important was it considered that it had been extended by subsequent statutes down to the 2d Wm. 4, c. 26, which existed up to the time of the suspension of the constitution, since when no provision for the maintenance of schools had been made. These facts alone were sufficient to secure the unanimous support of that house, and he would merely add, that he had bestowed great attention upon the materials necessary for the measure, in order to render it worthy of support. Besides his own labors, he had been indebted for much of the information he possessed to a valuable report furnished by Dr. Duncombe to the Legislature of Upper Canada on the subject of education in the province, as also to the labors of a gentleman named Dunkin, and to a pamphlet published by Mr. Mondelet, the tenor and spirit of which

reflected the highest credit on the writer. After passing a strong eulogy on this pamphlet, Mr. Day moved the reception of the order of the day.

Mr. NEILSON said that there could of course be no objection on his part to any alteration which might be considered necessary in the law relating to common schools in this part of the province. But with respect to the eastern part, a portion of which he had the honor to represent, he could state from his own personal knowledge that great efforts had been made by the people themselves—and those efforts, he was happy to say, were successful—to educate the rising generation. He (Mr. Neilson) had visited hundreds of schools in Lower Canada, and he never in any part of the world saw greater progress made than was made in those schools. (Hear, hear.)—The dissensions between different branches of the Legislature afterwards unhappily put an end to the system of education then in practice, and left that province without any provision for common schools, and nothing remained but what could be derived from the efforts of the people themselves; and he believed it was now going on in such a way that whether assistance were given to them or not, they would be educated. (Hear, hear.) This was the universal feeling throughout Lower Canada. Notwithstanding this, he would be happy to see the work facilitated by some organized system, by which the people might be fully enabled to educate their children according to their wishes and feelings; and, above all, their religious opinions should not be interfered with. He (Mr. Neilson) would cheerfully concur in the resolution, and he would also endeavor to aid to the utmost of his power any proceeding upon this subject; but he would, at the same time, watch with great earnestness anything which he thought was calculated to interfere with the religious prejudices of the people.

Capt. STEELE would observe that that part of the speech of his Excellency the Governor General which referred to the subject of education had been received with immense satisfaction throughout the whole western part of the province, and he was happy to perceive that a similar spirit seemed to prevail in Lower Canada. He hoped the house would unite in producing as perfect a system of education as possible; that each denomination of christians may educate their children according to the principles of their own faith. He thought there should be some plan devised by which they would be saved the necessity of employing in the education of their children every adventurer who chooses to come across the lines and propagate their political doctrines.

Mr. MERRITT said this was a question which he had heard discussed for a number of years, and up to the present time, he was sorry to say, without any beneficial result. He thought before the system already in existence was condemned, or set aside, they ought to be well assured that they had the means of establishing a better. They might look with great advantage to other countries for examples on the subject of education. In the State of Connecticut a fund was provided by the government equal to the sum which the people were willing to raise voluntarily, and they had by these means an aggregate of four millions of dollars annually for the support of common schools. The result of such a system was, that according to returns which might be relied upon, there was but one person in the whole State who was unable to read and write. He hoped the hon. gentleman would point out some means for providing a permanent fund for the maintenance of schools, which, up to the present moment, had not been the case. Although as far back as 1798 a large appropriation of lands had been made for the support of grammar schools, yet that

appropriation had afterwards been diverted to other purposes.

Hon. Mr. HARRISON said he was exceedingly happy to hear the observations of the hon. gentleman, for it fortunately happened that the plan which he recommends is the very one which is intended to be pursued. The fund is provided by the Legislature. With regard to an appropriation of lands an investigation has been going on, and he trusted that before the end of this session a very satisfactory report would be laid before the Legislature.

Mr. BOSWELL said the hon. and learned gentleman who introduced the resolution had very properly abstained from entering at large into the details of the measure which he intended to found upon it; but he (Mr. Boswell) was convinced it was a subject of congratulation to the country that now, for the first time, a minister of the government comes down to this house and proposes a measure for the promotion of education. However we may differ upon the minute details, the very fact of the measure being proposed by a minister of the government is a subject of congratulation. (Hear, hear.) The hon. gentleman from Halifax says, before we condemn the old plan let us know what the new one is to be. Sir, I have heard the old system condemned from one end of the province to the other. That it is necessary to adopt some change there can be no doubt; there is no difference of opinion upon this point; and I trust that when the plan of the hon. and learned gentleman is bro't before the house it will be found to be so liberal in its nature that they will feel it their duty to give it their entire support.

Mr. MERRITT observed that he was very happy to find that a permanent fund was intended to be appropriated. Under these circumstances he had no idea of opposing the measure.

Mr. HALE said he derived much satisfaction from the announcement of the hon. and learned gentleman, not only with regard to the subject itself but with the mode in which he proposed to conduct it. He was happy to find that the measure was to have reference to the various sections of the province. He confessed he was somewhat startled at the expression made use of by the hon. gentleman from the county of Quebec (Mr. Neilson), that he would watch with scrupulous care the introduction of a system of education which should have reference to Lower Canada. He (Mr. Hale) was induced to believe from this expression that the hon. gentleman had a lurking desire that the union of these provinces should not be fully consummated. (Hear, hear.)

Mr. VIGER said the hon. gentleman seemed to be under a misapprehension with regard to the desire of the hon. member from Quebec. What they desired was that there should be no distinction in religious matters. He (Mr. Viger) could not see any great harm in this. They desired that no monopoly should be established; such things were destructive of the peace of society. They had examples both in Germany and France of government monopolies in the conducting of education, and they had been attended with the greatest abuses. We wish it to be particularly understood that all classes should be equal in the eyes of the law, as regards civil and religious liberty. This is a principle which we desire to assert, and which we desire to see put in practice. The hon. gentleman declares that nothing has been done to remove the extreme ignorance which he represents as prevailing in Lower Canada. He (Mr. Viger) was far from saying that they were in no need of instruction, but this much he would say, that they were not altogether in the state which the hon. gentleman would have the house to believe. He would say further, that the ef-

forts made by the House of Assembly to promote education had been extremely successful. Education had been progressing with extreme rapidity.

Mr. HOLMES said he had heard with great satisfaction the announcement which had been made to this house by the hon. member for Ottawa (Mr. Day) of his determination to bring forward a system of general education, to be provided for by a grant from the Legislature. He could assure that hon. gentleman that he could not bring forward a measure which would be received with more approbation than this one. (Hear, hear.) There had been several petitions presented to that house praying that the holy scriptures might be introduced as a text-book in schools. He (Mr. H.) could not bring his mind to acquiesce in this proposition. Every man is answerable for his religious belief to his own conscience and his God, and every man should be at liberty to instruct his children in that faith which his conscience dictates.

Mr. HINCKS said he would support the resolution with great satisfaction, as he perceived that a fund for the purposes of general education was to be created from the lands originally set apart for the support of schools within the Upper Province, and from what was called the Jesuits estates in Lower Canada. With regard to the school lands, he [Mr. Hincks] was aware that there had been a great misapplication of the funds proceeding therefrom. He would regret exceedingly that a similar grant should be again made to so little purpose [hear, hear.] They had experienced trouble enough with those grants. The Clergy Reserves was another example [hear, hear]. It was known that great complaints arose regarding such grants, from the circumstance that they obstruct the settlement of the country. This was an important point. For these reasons he was averse to having any lands, more than had been already granted for that purpose, appropriated; and he trusted that those already granted would be disposed of as speedily as possible. It was impossible to enter into a discussion of the subject without having the details before them, but so far as he had an opportunity of judging of the measure from what he had already seen, he had no hesitation in giving it his cordial support.

Mr. DURAND said he should be extremely happy to support the resolution. The subject of Education was one which was viewed with extraordinary interest by the whole country. There had been a munificent grant of half a million of acres, which would have amounted at least to two millions of dollars, if sold. A sufficient fund would thus have been secured for the purpose of endowing schools throughout the whole Province. The question is now, what are we going to get in lieu of this fund. I think the people of the province are at all events entitled to an equivalent.

Col. PRINCE said this was a most important subject; no subject brought before the house could be more so. He, however, would make objections to hon. members going into the details of the bill on the present occasion. The simple question is whether or not the bill ought to be introduced. He is and always has been, a strong advocate for common schools. If properly conducted, they will be productive of immense good to the country, and become the great basis of liberty. Under all circumstances and at all times, Scotland has been celebrated for its educational system; and therefore he would be willing to pay the greatest deference to the opinions of the hon. member for the county of Quebec on a question of this kind. The hon. member took his seat after paying a high tribute of respect to C. L. Burwell, late member for London, for his exertions on this subject.

Mr. NEILSON.—The hon. member for Sher-

brooke seems to think suspiciously of me. I am a Scotsman, and think that the old Scotch saying, "evil thinkers are always ill doers," will apply very justly to that hon. gentleman.

Mr. MORIN said that there was education in Lower Canada, but no good had resulted from it, as the Government was not responsible.

Mr. THORBURN said that this was one of the great measures that he had supported in common with the union. It was a measure to prove that the schoolmaster was abroad.—If the people have no education, they can have no notion of the doings of the government, and in such a case it does just as it pleases. A despatch had been sent to this colony to change the lands set apart for educational purposes for better lands. He trusted this would not be overlooked.

Mr. HARRISON replied that all sums previously allowed were taken into the accounts in possession of the house.

Mr. PRICE stated that the question before the committee was one in which he took a deep interest, and he congratulated the country upon the prospect of a better state of things being about to be introduced. His hon. friend from South Lincoln had stated that the schoolmaster was abroad. He [Mr. Price] trusted that this bill would bring the schoolmaster home to every village and township. It had been a source of regret to him that hitherto all attempts at legislation upon the subject of Education in this province had been made with a view to proselyte the youth of the country to one favorite dominant church, and valuable and rich endowments of lands had been diverted from their legitimate appropriation, that is, from common schools, and applied to build up sectarian colleges. A splendid evidence of this legislative folly may now be seen at Toronto; a large piece of ground has been set apart and at an enormous expense ornamented and decorated as pleasure grounds, for an intended University connected with the Church of England, but no building has been erected, although large salaries have been paid to embryo dignitaries at Toronto and others, to keep up the solemn mockery. If the bill now about to be introduced should be free from sectarianism and otherwise be liberally intended, it should have his [Mr. P.'s] cordial support; but, on the other hand, if it were to be trammelled with religious prejudices and enactments, it should meet his most determined opposition.

The success of a ministry and the prosperity of a country depend very much upon the moral instruction of the people; and if the executive government expect to obtain that popularity which every friend of civil and religious liberty should aim at, they must give the country the advantage of a good, liberal, and extensive system of education, and then a good government will have materials to operate upon, which while it confers honor and credit on the executive, will on the other hand give moral influence and power to the people—a power which will be a formidable check upon a bad government and a strong support to a good one.

My hon friend from North Lincoln [continued Mr. Price] has stated that a great deal had been said in former parliaments on this important subject, and that laws had been set apart for the purpose of education, but scandalously diverted to some favorite object other than that for which it was intended. That is not now the question; the question is, shall a liberal and extensive system of education be introduced into the country or not. My rooted and settled opinion is that all good governments are bound to provide for the education of the youth of the country; and should there be no means within the reach of the present Executive, I, as an independent member of this house, am

willing to provide the necessary means by taxation; as no tax could be more just and equitable than one judiciously levied and fairly laid out for the moral education of the people; and I am satisfied that my constituents will bear me out in my vote upon such a measure. I trust that the hon. and learned Solicitor General, when he brings in the bill, will not disappoint this house and the country by introducing any illiberal enactments to mar the present universal satisfaction the prospect of the measure has given.

Second reading of the Bill for amending the law relating to Courts of Request.
The House in Committee of the whole.

Mr. DRAPER introducing the second reading of this bill, said that he had been fortunate enough to hear from all parts of the Province that the measure has been approved of among the very numerous comments of the learned member upon the provisions of the bill, the following remarks may more particularly be noticed. He proposed to divide Upper Canada into 6 Divisions, which would allow of such a dispensation of Justice with regard to the courts for which the bill was introduced as would be generally beneficial. The present law, providing that forty days must expire before an execution could issue after judgment, operating to the disadvantage of claimants, he would introduce such an alteration with respect to the period of executions being issued, as he did not doubt would meet with general satisfaction. He also decidedly recommended that the appointment of any deputy in due part of a judge, should be given due notice of the executive, that proper precaution might be adopted to secure an efficient person. In the appointment of clerks and bailiffs, the learned gentleman was also of opinion that the Clerk of the District Court should be ex officio the clerk of the Court of Requests. Upon the subject of fees, he also recommended that they would be resolved into a regular fee fund, being convinced that in some districts they would exceed the demands for which they here levied, and would admit of a surplus that might be beneficially applied. It is within ten years, said the learned gentleman that the business of these courts has increased to a very great extent; he was desirous to introduce therefore, such a revision of the law as would deter the plaintiff from coming forward with a claim which he could not substantiate. Another provision that he contemplated was to enable any one claiming for an amount not greater than ten pounds from several parties, to have such claim answered upon proving the debt against one out of the number, without giving him the trouble to sue all; and also to allow minors to sue for wages due. He also recommended that the judges should have the regulating of the fees, and of any of the minor arrangements of office which their experience must render them competent to manage. There was another point, and he had omitted it purposely that he might now bring it more pointedly under the notice of the committee, that in the Court of Requests judgment is in all cases final. The alteration proposed to be introduced in this bill, was that in case either party are dissatisfied with the judgment he should be entitled to appeal from the decision, and in no case should the costs of the appeal be costs charged in the case, but must be paid by the person appealing, in order to do away with that bug-bear which seems to terrify some hon. gentlemen viz: law costs.

I have thus endeavoured to give a general outline of the details of the measure, and in order to bring the measure before the committee, I will now move for the adoption of the first resolution.

Mr. J. S. McDONALD said he thought it

highly desirable that some measure should be adopted in order to silence the complaints which were almost universally made with regard to the proceedings of these courts; as far as his own district is concerned, luckily there were commissioners of intelligence and integrity presiding, but this he was sorry to say was not the case throughout the province.—There was one suggestion which he would take the liberty of making, and it was that many persons against whom judgments were rendered, possessed no goods or chattels although they owned lands, he therefore thought there should be a power given to parties to *certiorari* such cases into the high courts, in order to obtain execution against those lands.

Mr. JOHNSTON said he would take the liberty of making a few remarks upon this question as he had said nothing for a considerable time. (A laugh.)

The hon. gentleman who spoke last, had taken occasion to eulogise the commissioners in the district in which he resided; one would think they are almost too good for earth; such immaculate purity is a rare thing. He (Mr. Johnston) had met that hon. gentleman in many parts of the province, and also in the United States, but he had never met him in a Court of Request. He (Mr. Johnston) was in the habit of attending these courts, and he could therefore speak from his own knowledge respecting the proceedings, and the honest conclusion which he had come to was that the court of Requests should be abolished.

Mr. BALDWIN said that great complaints existed in his part of the country against the present system. Though in some of the courts competent judges were to be found, yet that was not the rule. One of the evils growing out of the constant communication between suitors and judges in these courts was a serious one. Relying upon that intimacy opinions were frequently obtained before hand, what either were or were not supported in the end, and what tended to weaken public confidence by encouraging the impression that justice was not impartially administered.—With a knowledge of these evils he was prepared to support the bill as a whole, in the hope that it would obviate the difficulties which at present exist.

Mr. HINCKS supported the bill and expressed his opinion that justice would never be administered in the Province till a system of Stipendiary Magistrates be introduced.

Mr. CHESLEY would not offer any strong opposition, though he was of opinion that some of the *minutia* required alteration.

Mr. MERRITT opposed the bill. He had been a commissioner in the District where he lived for twenty years, and had had a full opportunity of judging of the working of the present system. This experience led him to believe that the best arbiters for cases in these courts were those who dwell in the district where the disputants lived. The total expense of the administration of justice in the United Province exceeded £42,000, and the present Bill would add some 5000 or 6000 more. He therefore objected on this ground as well as on several others to which he referred: The Hon. member read an amendment he intended to propose, to the effect that it was expedient to amend the lasting law so far as related to the jurisdiction which is extended to £50, and giving power to appoint a jury at the discretion of the parties, when the sum disputed exceeds £5.

Mr. WILLIAMS threw much of the evils resulting from the old system on the Executive which did not always appoint the most proper persons as judges in the courts.

Mr. DURAND thought the bill would require alteration.

Mr. THORBURN was decidedly opposed to

the measure which was not in accordance with the "well expressed wants and wishes" of the people, who if there were grievances in these courts, had not avail themselves of their right of petition to complain of them. In his own District he was satisfied that competent persons could be found to preside in these courts at a much less expense than by the appointment of a district judge. With a little care and attention he believed this would be the case in other parts of the province, and that no necessity would exist for change; at the same time he was willing to support the amendments of Mr. Merritt, because he was aware that a desire did exist to extend the jurisdiction.

Mr. BOSWELL made some observations on the bill and reviewed the objections brought forward by previous speakers before recording his vote in favour of it.

After some remarks pro and con from several members, Mr. Draper replied and cited several cases in which the decisions given by the courts had been directly in the teeth of the law. He also announced his intention to limit the operation of the bill to three or four years, in order to see how it worked.

The first part of the clause was then put and carried, with an amendment: and the committee proceeded to the consideration of clauses 2, 3, 4, and 5, which were agreed to. On arriving at clause 6, which allows the employment of a deputy under certain circumstances, an exception was taken by Mr. Baldwin, and on a motion made the committee obtained leave to rise and report progress, and sit again on Thursday next.

Bill to establish a Board of Works, introduced by Mr. Day.

Mr. DAY went through the several clauses of the bill, and offered a few remarks on each *seriatim*. He called upon the house to pass the bill as it was presented; and it was needless for him to enter into any argument to prove the necessity of such a bill, for all acknowledged it.

Sir ALLAN McNAB was willing to admit that, but hoped the hon. gentleman would not press the bill at this late hour of the evening. It was one of the most important measures of the session, and ought not to be hurried through this house, and it was rather too much to require us to go into it to-night. He (Sir Allan) understands and has no doubt that the gentleman who presides over this establishment is every way qualified, but finds him here also in the capacity of an Executive Councillor. The bill grants to the President £800 per year, an additional Engineer got £500, and a Secretary £400, and each to have their travelling expenses paid. The bill reads very well, but cannot in some of its material points be acted upon. He (Sir Allan) should think the presiding gentleman ought to exercise no other calling. In a clause of the bill it was proposed to take people's property by legal tender at a supposed value. Thought this an arbitrary measure. Would move an adjournment.

Mr. PARKE.—How does the ideas of the hon. gentleman comport with those he advanced the other evening? His conduct on that occasion was very different from that which he now wishes this house to follow. He objects that the President should reside at Kingston, acting in other capacities, and leave his duty to be done by a deputy. He (Mr. Parke) should like to know, having such important and numerous duties to perform, how he could act without a deputy? He would have to superintend the whole and be responsible for all. It was a matter of course that the head should reside at some central place and have sub-superintendents. The hon. member for Hamilton objects to

travelling expenses being paid. Why, he would ask, should the salaries of the gentlemen employed be expended in that? Again, the learned Knight objects because the works may cost more than estimated for. All hon. gentlemen connected with public works must know that such a thing might happen, but much more likely to happen when entrusted to hands who do not understand the business completely. There had been no complaint so general throughout this colony as the improper way in which the public works had been carried on. Hence the necessity of a Board of Works, responsible to the country. There could be nothing more important than to have works done correctly. A measure of the kind now before us was necessary to the cheapness and permanency of public works, and was urgently demanded.

Mr. PRICE is in favor of the bill, and will give it his support. Thinks the government should have the power to establish a Board of Works, but he hopes the hon. Solicitor General will not push the bill to-night, but allow the committee to rise in order to give time to hon. members to become fully acquainted with its details.

Solicitor General DAY has no wish to push the bill through to-night, but is desirous of forwarding public business as much as possible, and should therefore like the first clauses to be adopted before the committee rose.

Mr. KILLALY.—The hon. member for Hamilton must know full well that there are many duties that must be done by deputy, and that consequently a system of deputies is absolutely required, but the directing Engineer is responsible for all that is done.—The gallant Knight objects to the powers granted, but he must know that the responsibility for the proper exercise of those powers is strictly held. Appropriations can only be made by the house in all cases, and it is for it to see that these appropriations are well applied. He (Mr. Killaly) does not pretend that the estimates may be always borne out, but a near approximation will be arrived at. Before any work is undertaken a careful estimate will be made by disinterested persons, and laid before this hon. house, by parties having no local interest. After the house has fully considered the necessity of the work, and appropriated funds for the same, its progress will be looked after by the board.

Mr. PRICE has no objection to the principle of the bill, and would support it; but he cannot see why the doctrine of responsibility should be brought forward on the occasion so prominently. He (Col. Prince) would vote for the principle, but not because there was more responsibility now than ever there was. He should like to know from the hon. member from Middlesex, why he goes so lustily for this bill when last session he was as strongly opposed to one introduced by him, (Col. Prince.) It was a bill for a Board of Works not unsimilar to this. But the hon. gentleman's conduct is very different to-night to what it was when he had the honor of introducing a bill for a Board of Works. There must be some peculiar influence at work, some change in the atmosphere, as he could not comprehend why the hon. gentleman should start up and so warmly support this bill, when he must recollect his opposition to one of a similar character. He (Col. Prince) would ask the hon. members for London and Middlesex where was the responsibility now that did not exist before? Suppose the President fails, what then? Would the Ministry be broken up? No, certainly not. The public money would be sacrificed, and that was all. The bill introduced, if supported from this fancied responsibility which hon. gentlemen talked so much

about, he must say it was a pack of non-sense—a clap-trap to gull fools. He (Col. Prince) would reiterate the fact that there was no greater responsibility than had always existed, and if there was, he would ask the hon. member for Middlesex to tell him what it amounted to?

Mr. PARKE would reply to the hon. member who had just taken his seat in a few words. The government had conceded the principle of responsibility in good faith; and if it fails to keep this faith, then it was for the ultimate action of the country to say what it would do. But if good faith was to be kept, the principle conceded must infuse itself into every department. He (Mr. Parke) is not aware that any government before is not aware that any government before ever pledged its faith to a principle of responsibility such as this with an intention to carry it out. Suppose we establish a Board of Works such as this bill proposes, the officers of it would be responsible to the country and this house. Permit him (Mr. Parke) to ask if ever this was the case before? Most assuredly not. The Executive appointed whom he pleased, and all was jobbing and speculation; but now this would be completely done away with. There would be no such thing as taking the money of the public, putting it in the pockets of the contractors, and getting the work half done for debt. A great responsibility would rest upon the officers of this Board of Works, and upon government who placed them in office.

Mr. PRICE.—The question was not whether one particular measure is right or wrong, but had the government the confidence of the country. Supposing that any particular department should happen to fail, that was no reason why that confidence, if it existed, should be withdrawn. That would be the consequence of the general tendency of their measures, and the spirit of illiberality which they evinced.

Hon. Mr. HARRISON.—The hon. member for Essex is exceedingly facetious on Responsible Government. It appeared to him (Mr. Harrison,) that it was unfortunate to come out in this way. The same responsibility which he finds so much fault with is the basis of every despatch from the Home Government, and the foundation of the present provincial one.

Col. PRINCE.—If the hon. gentleman for Kingston cannot introduce stronger arguments than these, he had better have remained silent, and he would be satisfied that responsibility and the Board of Works would fall together. He has repeatedly asked hon. gentlemen what this responsibility meant, but no satisfactory answer has yet been given. He again asks what it means, and echoes what? Responsibility in what, and to whom? The member for London is employed in the Western railroad for instance; suppose his skill fails, and the whole thing becomes a matter of nullity. Turn him out, says one hon. member, but for his part he ridicules that kind of responsibility. He (Col. Prince) is an advocate for the measure, but not because parties were to be held responsible, for there is none attached to the office, more than any other individual who misconducts himself in any public office—only liable to be indicted if he acts wrong. He therefore will repeat that it is all a pack of nonsense.

(Continuation in next number.)

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OF PARLIAMENT.

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HOUSE OF ASSEMBLY.

TUESDAY, July 20.

Continuation of the Debate on the Bill to establish a Board of Works, introduced by Mr. Solicitor General Day.

Mr. HINCKS.—If the hon. member for Essex is in favor of the measure, he takes a curious way of showing it. All are agreed as to the principle, and for his part he was in hopes that the measure would have been got through with. He (Mr. Hincks) perfectly understood that government measures were to be brought before this house the present week, and if hon. gentlemen chose to absent themselves on an occasion of this kind, he was not to be told that the house must adjourn in consequence. He (Mr. H.) has some objections to several of the clauses. For instance, he thinks that the President ought to hold no other office. He agreed with the member from Hamilton in this, and thought the President of the Board ought not to be an Executive Councillor, nor even have a seat in this house.

Mr. MORRIS considered the explanation of the hon. member from Middlesex unsatisfactory. The principle was certainly the same now as it was three years ago. With reference to the observation which had been made about the President of the Board of Works should hold no political situation, he concurred in the opinion that the hon. President should neither be a member of the Executive Council nor of that house, because when petitions for public improvements came before the house and government, and the application failed, the disappointed parties would attribute the failure to the political influence which the hon. gentleman as a member of the government exercised in that house. On these grounds he conceived the duties should be separated.

Sir ALLAN McNAB was of opinion that the discussion of the measure had done no harm at all. The bill was one of very great importance, and was deserving of special consideration, as he imagined it placed great power in the hands of individuals. He had learned for the first time this evening that a Board of Works was a necessary appendage to responsible government. (A laugh.)—Some hon. gentleman had stated that the Board would be responsible for the correctness of its estimates, &c., and these were not to be depended upon under the old system. Now he believed that the hon. member who filled the office of President of that Board was a gentleman of high attainments in his profession, and he (Sir Allan) would as readily place implicit reliance on the correctness of that gentleman's estimates as an individual unconnected with the government, as he would while filling his present situation. With respect to the travelling expenses in addition to the high salaries of the Officers of the Board of Works, he would call to the memory of the hon. member for Middlesex his (Mr. Parke's) opposition in the Upper Canada House of Assembly to the allowance of the travelling expenses to the Judges, whose salary amounted only to £700 a year, and whose travelling expenses did not exceed £50. The bill before the house was an important one, and he trusted

it would not be hurried through. The connection of the President of the Board of Works with the government and the house placed in his hands a power to which he (Sir Allan) would not assent. If he (Sir Allan) were to bring a bill into that house for some public improvement in his section of the country, the hon. President was politically opposed to him, and as he was the officer on whom the Executive relied for correct information, and in whose judgment they confided, what would be the fate of the measure if the hon. gentleman should think proper to oppose it as emanating from me? The bill was of great importance, and he hoped that it would not be pushed through the house without giving hon. members ample opportunity to express their opinions in regard to its provisions.

Mr. JOHNSTON could not sympathise with those who had taken upon themselves the harness of responsible government. He did not pity any man who held situation under the humbug system of responsible government. What responsibility is there in the office of the President of the Board of Works? He could see none, save that his reputation, as that of every hon. man, was at stake in the conduct of it.

Mr. VANCE—~~Mr. VANCE~~—responsibility attached to the office, but in my opinion there is no responsibility at all. Capt. STEELE would confine himself entirely to the question. The objection of the hon. and gallant knight from Hamilton he really thought was not tenable. The President of the Board of Works should in his opinion be in that house, and also in the Executive Council, as one to whom reference can constantly be made, and who would be enabled by his connection with the Legislature to proceed in the examination and report upon the propriety of applications for public works without so much being said about them. One of the advantages connected with this Board was, in his opinion, that we should see no more jobbers and interested individuals hanging round commissioners and giving them rest neither day nor night until they would get a slice of the cake. We should have no more of these things under the new system, and he trusted for the benefit of the province that it would be adopted.

The 1st clause was here put for concurrence by the Chairman and carried.

Mr. DUGGAN.—The question in my opinion, involves the principle of Responsible Government, and the House should understand what control there will exist over the Board, and how it is to be exercised. I hope the house will look seriously into the matter before coming to a decision on the bill.

Second clause put and carried.

Mr. DAY moved that the chairman leave the chair, report progress and ask leave to sit again, which was granted and Thursday fixed for the farther consideration of the measure.

On motion of Mr. Price the house adjourned.

WEDNESDAY, July 21.

Sir ALLAN McNAB moved that it be resolved that Mr. Robert Baldwin having accepted office after his election, his seat was hereby vacant.

Mr. BALDWIN was speaking to this motion when the Reporter entered the house. The appointment, Mr. Baldwin said, had been gazetted and was perfectly well known to have taken place by the constituency which elected him. His acceptance of that office was communicated to his Excellency in writing, and so far as the salary was concerned, he had enjoyed (as the hon. and learned Knight had expressed it) the profits and emoluments arising from that office from a period antecedent to the time of presenting himself before the electors. Mr. Baldwin also cited precedents to show that the entering upon office had been taken to commence from the time when the acceptance was signified, either by kissing of hands, or any action by which an assent signifies his assent. The kissing of hands not being practised in this Province, he considered the circumstance of the gazetting of the appointment, and the acceptance having been communicated to his Excellency, was sufficient. Mr. Baldwin instanced the case of the Governor of the Isle of Wight, who, after receiving the notification of his appointment to that station, and before the patent was issued, was elected to a seat in the House of Commons. The issuing of the letters patent was considered a matter of form, and not a condition of the appointment which had already taken place.

Mr. BOSWELL said he hoped before the question was put that the matter would be more fully argued upon the position taken up by the hon. and learned Knight. He (Mr. Boswell) for one had no hesitation in awarding to the hon. and learned Knight great praise for the extreme solicitude which he had shown to uphold the liberties and privileges of the house. They must all feel greatly indebted to him for the care he had displayed in preserving the house from all difficulties in which they were likely to be involved. He (Mr. Boswell) certainly thought the Governor General should appoint the hon. and learned Knight to office, being a very prominent individual in the ranks of the opposition. But he apprehended the gallant Knight would in such case draw a very marked distinction between the appointment to office and the acceptance. (Hear, hear, hear.) With regard to the return of Mr. Baldwin as a member of that house, at the time when that took place it was perfectly well known to the electors that he held the office of Solicitor General, whether that of Executive Councillor or not. He thought, therefore, the nice distinction now drawn between the appointment and acceptance of the latter office was of very little consequence.

Sir ALLAN McNAB said he supposed the hon. gentleman would have been as anxious as himself that this point should be decided. It was the desire of the committee of which that hon. gentleman was a member. The question was not whether he (Sir Allan) was a suppliant for office, or whether that hon. gentleman himself was so; it was the desire of the select committee upon the election trial for Hastings that the question should be propounded to the house as to what should be considered acceptance of office. He (Sir Allan) was of opinion that until the oath of office had been taken the hon. gentleman could not be in full possession of that office.

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plied to, but it would be unfair to take any part of that sum already appropriated, as it were, and divide it among others. The argument of the hon. member for Northumberland had been repeated five thousand times, but he was of opinion still, that the bill ought to be passed as introduced; and let other claims, if there be any, stand upon their own merits. He (Sir A.) would oppose the amendment, as its object was to have Commissioners sit twice, and take the money from one set and give it to another. It will be seen from the bill that it was contemplated a greater sum might be required. It must be known there are a great number of persons in Lower Canada who have been immense sufferers, and these have not been considered at all. It would be as just to introduce them, and thereby reduce the amount of remuneration which each would receive to a trifle, as to bring in other claimants into this section of the Province now.

Mr. PARKE.—The hon. gentleman who has just spoken has a very great sympathy for a certain class of persons, yet he seems to have very little regard for another, who no doubt were equally unjustly dealt with. He would even shut them out from the benefit of common law. A great deal has been said about taking from one to give to another, but in his (Mr. Parke's) opinion equal justice ought to be done to all of her Majesty's subjects. This is true principle, which ought to be considered, carried out, and preserved. It would be much better to give ten or fifteen shillings to each than to leave some without remuneration at all. There is nothing so unjust as an exclusive law, and he would oppose every attempt approaching to partiality. Let the claims be carefully examined, and an equitable appropriation made. If there was not enough of funds to liquidate the whole of them, then apply for more. But in the meantime let equal justice be extended to all.

Sir ALLAN McNAB thinks it exceedingly unfair that after claims have been enquired into, and a bill passed and become a law, that hon. gentlemen should now wish to introduce new matter. The other side of the house would say, this cannot be. Here are certain sums granted, and no alteration can be made. If hon. gentlemen succeed in their amendment, it would only be the means of causing the whole thing to fall through.

Mr. HINCKS.—The hon. member for Middlesex has anticipated what he (Mr. Hincks) meant to say on this subject. The member for Hastings only desired to receive other claims under the act. He himself was aware of the existence of other claims; although the aggregate was not great, but yet if they were passed by without notice much individual hardship would be the consequence. He (Mr. Hincks) wished the amendment recognized, and if the amount already appropriated was not enough, then apply for more. Any person not coming in then would be forever excluded. The hon. member for Bonaventure is mistaken. There was no particular claim decided upon—no one settled to the exclusion of all others. They must be ascertained and determined by the Commissioners.

Captain STEELE said that he as a magistrate was called upon to furnish volunteers to relieve Toronto. Well, every one in that city was to be paid the utmost farthing, even £50 for wine, yet inn-keepers in the back country who might have furnished a glass of spirits was to have no pay at all, and many of them to this hour had never got anything for refreshments &c. afforded to the Militia troops. The bill ought to cover every legitimate claim, but the further from the centre the less justice was obtained. Claimants will have had to dance attendance some fif-

teen or sixteen times, and the same story was generally told them viz.: no funds to cover these claims. He (Captain Steele) would call the late act a law of partial justice, which in his opinion ought not to obtain.

Mr. COOK had opposed the bill before and would oppose it now, because it was unjust to the people of Upper Canada to require them to pay tavern bills; a line of demarcation ought to be drawn between them, and remuneration for losses.

Mr. HAMILTON.—The member for Oxford did not understand his objection. The question was, the Hon. member for Hastings brought in a partial amendment leaving out all the sufferers in Lower Canada, and adding to those of Upper Canada. He objected to take away £40,000 already voted for a specific purpose and give it to other persons not contemplated by the law. To do this would in his [Mr. Hamilton's] opinion be to commit an act of great injustice, by taking away what was granted and sanctioned in the Imperial Parliament.

Mr. BOSWELL thought that honorable members on the floor of this house were as capable and as competent to judge of the nature of the act as the members on the treasury benches.

Sir ALLAN McNAB.—The hon. gentleman from Northumberland may yet occupy the treasury benches, but he was not there now, although he will not take upon himself to say how soon he may be. If it depends upon the hon. gentleman, he thought it likely he would take his seat there before long.

Mr. Secretary HARRISON was always ready to answer any question, but he thought it strange to ask him to put a construction on an act of Parliament. He would offer no opposition to the amendments although he did not think this was an appropriation court.

Mr. MOFFAT thought the suggestion of the surveyor general ought to be adopted—if there were not funds enough they should get more; but he (Mr. M.) did not think it right to introduce new matter. The bill as already passed was a guarantee—an act if not interfered with, which would go immediately into operation. If claims have been left out, and can be included, of course they will be; but to force them in his opinion, was not right. The member for Essex proposes that another act should be brought in if necessary, but the one already in being, should not be touched. He (Mr. M.) perfectly concurred in this opinion. The assurance that claims would be settled was all that was wanted.

Mr. THORBURN. If hon. members interfere with this act, they would be doing injustice. If new claims were introduced, the Commissioners could not take cognizance of them at all. Their oath would not allow them. The plan proposed by Mr. Moffatt was the correct one, and he [Mr. Thorburn] certainly thought if new claims were introduced the bill would be rendered a nullity. If there were any other claims than those contemplated, bring in another bill, but do not meddle with the existing one.

Col. PRINCE.—The question resolves itself into this, is the amendment necessary? Is the act which is now the law of the land not sufficient to meet all cases. He (Col. P.) could not but think that it was, and in fact all that the amendment contemplated is already provided for. The hon. member for Hastings, in opening this discussion, had stated that two descriptions of persons were to be relieved by the amendment, viz. those whose fire arms had been taken, and those whose houses had been entered. He (Col. P.) believes that these, by the provisions of the existing act, would be as much entitled as any other class, to indemnity for losses

sustained. He agreed with the Member for Middlesex, that every description of persons ought to be compensated. He had some time spoken feelingly on this subject, and it was one he could scarcely trust himself to speak upon. If our fellow subjects are to lose their property in defence of their country, it would be the means of destroying the allegiance which every true British subject owed to the mother country. He hopes all are loyal, but unless the government gave them protection, loyalty could not be expected—allegiance and protection must go together—without the latter, the former could not exist. If the true doctrine, if this amendment, 12 months would elapse before the Royal Assent could be had to the alteration it would make in the bill; and this would give rise, and indeed increase the discontent that already existed from the long delay that has taken place. The money ought to have been paid long ago.

It appears to him (Col. Prince) that the words of the act are so full and ample, that it provides for every description of sufferers, and embraces the very amendment proposed by his hon. friend from Hastings. The Commissioners are left to exercise an equitable jurisdiction; to examine all claimants, and see that they are entitled to compensation. He would oppose the amendment on the ground that it was already provided for, and not by any means because he (Colonel Prince) was against the principle. Far from it. If there were any claimants not yet provided for, they ought to be. But he thinks that the delay which the amendment would cause would add to an evil already too great—the evil of delay.

Mr. SMALL could see no possible reason why we should not declare more distinctly what kind of claims were to be admitted, or came within the provisions of the act, and this is all the amendment contemplated. He [Mr. Small] was acquainted with several people whose houses were entered, and six stand of arms taken away. He thought the act contemplated paying them, and requires the hon. member to say so, as it is not specifically stated in the act, and surely we cannot be guilty of so manifest injustice as to certainly take place if this amendment is not carried. The Commission is a public event would say to many claimants, your case does not come within the act. He [Mr. Small] would be most happy to give compensation to the Lower Canadian. They have as good a right to be indemnified as any other. The simple question is whether we shall extend the operation of the act so as to do injustice to none.

ROUTINE BUSINESS.

Tuesday, July 13.

The following petitions were presented, viz.: by Mr. Moffat, those of the Board of Trade of Montreal for an amendment to the Bankrupt Law, and to make it general—and of the same Board for the avoidance of all mortgages not registered.

By Mr. Child, that of A. Patson of Stanstead, for an increase of salary as sand-waiter.

By Mr. Boswell, of certain inhabitants in Asphodel and Dummer, for aid to a road in the first named Township.

By Mr. DeSalaberry, that of A. Chapman and others of Rouville for £250 to complete the Clarenceville Academy, and of Mr. Townshend and others of Foucault, &c. for £500 to build a Bridge over the South River.

By Mr. Merritt, of H. Douthett of Port Colborne to be naturalized.

By Mr. Woods, of G. P. Kerby and others in Kent, praying that John Jenner be permitted to erect a Bridge over the River Thames.

By Capt. Steele, of James Adams and others

for the establishment of District Councils, and of P. Quinn and others in Adjala, praying for a Court of Requests and a Magistrate.

By Mr. Prince, of H. Joseph of Toronto, praying to be admitted as an Attorney to the Queen's Bench.

By Mr. Dunscombe, of the Corporation of Montreal, to be permitted to give a greater rate of interest than 6 per cent on loans; and of the North American Colonial Association of Ireland to be authorised to loan monies to the District Councils for the construction of wards in Beauharnois.

By Mr. Buchanan, of the Corporation of Upper Canada, for an extension of its operation throughout the Board of Trade of Toronto the Timber duties, another the subject of the currency—another respecting usury,—and another relating to the inspection of flour, meal, &c.

The petition of Armour and others for the incorporation of the Board of Trade of Montreal, was referred to Messrs. Dunscombe, Black, Burnett, and Merritt.

Wednesday, 14th July.

The following petitions were read: Of the clergy and members of the Church of England and others, residing in the eastern townships in the District of Montreal, praying for the establishment of schools, and for the general use of the Bible in the same.

Of Louis Masseau and others, proprietors of the Parish of Berthier, in the District of Montreal, praying for an aid to build a bridge over the river Bayonne, in the parish of Berthier.

Of the Medical Faculty of McGill College, praying for an aid to support the medical school of the said College.

Of the Montreal Ladies' Benevolent Society and others, praying for a grant of \$1500 for the support of that institution.

Of Robert Armour and others, inhabitants of the city of Montreal, praying for an act of incorporation of the Board of Trade of Montreal.

Of the Board of Trade of Montreal, praying for a grant of money to improve the channel in Lake St. Peter.

Of James Connell and others, her Majesty's subjects in the District of Brock, praying for the enlargement of the District town.

Of the Right Rev. the Bishop of Toronto, and others, the clergy and gentlemen of Toronto, praying for a grant of £1000 for the support of the House of Industry.

Of Jacques Voyer, Esq., of the city of Quebec, praying for a pension.

Of C. M. Lebrun and other Electors of the County of Beauharnois, praying an investigation into the occurrences which have taken place at several of the Elections in the District of Montreal, and that the Election and return of J. W. Dunscombe, Esq., as member for the said County, be declared null.

Of J. P. Lewis and other Electors of the County of Beauharnois, praying that the Election and return of J. W. Dunscombe, Esq., as Member for the said County be declared null.

Of William McCrae, Duncan McGregor, and other Magistrates and Inhabitants of the Western District, praying for an aid to complete the Tecumseh Road.

Of Michael Traxlar and other Inhabitants of Chatham, Camden, Harwich and Howard, in the Western District, praying to set aside the decrees of the boundary line commissioners in the Township of Chatham, and to establish the lines agreeably to the first survey.

Of the President and Directors of the Shefford Academy, praying for a further aid to support the said Academy.

Of Nicolas J. M. Kerczyun and other Cro-

cers of the city of Montreal, praying the repeal of the Ordinance 4 Vic. chap. 42.

Of Amos Bell of the city of Toronto, praying for a situation as Messenger in the Legislative Assembly.

Of John B. Warren and other inhabitants of Whitby in the Home District, praying for an act of incorporation for the construction of a harbor at the mouth of Anne's Creek.

Of Asa Schofield and others, Inhabitants of the District of London and Brock, praying for an aid of two thousand pounds to open a road.

Of the President Directors and company of the Gore Bank, praying for an act to increase its capital stock to two hundred and fifty thousand pounds.

Of Daniel Quackinbush of Queenston in the District of Niagara, praying to be naturalized.

Of James Millar and others, inhabitants of the County of Drummond, praying to be entitled to the incorporated Societies of Sherbrooke and Stanstead, for Mutual Insurance against fire.

Of Frederick Dugas and others, freeholders and inhabitants of Carleton and Meria in the County of Bonaventure complaining of the poll for the elections being held at New Carlisle only, and braying for relief.

Of Frederick Dugas and others, inhabitants of Carleton in the Bay Chaleurs, County of Bonaventure praying the opening of a road between Carleton and the Mission on the Risligouche.

Of Joseph Meagher and others, inhabitants of Carleton in the county of Bonaventure, praying for an allowance for education in their settlements.

Of Alexander Davidson, Esq. of Niagara praying for an exclusive right to publish the Canada spelling book for a number of years.

Of John H. Sexmith of the town of Kingston, praying to be naturalized.

Of the Protestant female Asylum at Quebec, praying for a continuance of the aid they have received for the last three years.

Of John O'Carroll of Belleville complaining of injuries done to himself, his family and property by Volunteers in Her Majesty's service, and praying relief.

Of Noah Freer and others of the City of Quebec, praying that the House may exercise its influence to give the full effect to the Registry enactments.

Of the Minister and members of the Church of England at Riviere du Loup, praying for the establishment of schools and for the general use of the bible in the said schools.

Of the society of Education of the town of Three Rivers, praying for a grant of one hundred and fifty pounds towards the support of a school.

THURSDAY, July 15.

The following petitions were severally brought up and laid on the table:

By Mr. Quessel, the petition of Pierre Beau-lieu and others, members of the Mutual Fire Insurance Company of Montreal.

By Mr. Hamilton, the petition of the Hon. John G. Thompson and others, inhabitants of New Carlisle, in the district of Gaspé.

By Mr. Small, the petition of Norval Wait and others, jurors of the District Court of the Home District.

By Mr. Aylwin, the petition of H. Laroche and others, inhabitants of the late province of Lower Canada.

By Mr. Cameron, the petition of H. Laroche, and others, inhabitants of the Northern township in the Western District.

Pursuant to the order of the day the following petitions were read:

Of the Board of Trade of Montreal respect-

ing Bankrupt law, and praying certain amendments to the said Banking law.

Of the Board of Trade of Montreal respecting real estate, and praying that no mortgage shall be binding until it is enregistered in a public office.

Of Andrew Paton of Stanstead, praying for an increase of salary as sand waijer at that port.

Of Henry Trout and other inhabitants of the townships of Asphodel and Dufferin, praying for a grant of money to construct a road in the township of Asphodel.

Of M. Townsend and other inhabitants of Foucault, Noyau and other places, praying for a grant of five hundred pounds to build a bridge over the South River.

Of Henry Douthill of Port Colborne, praying to be naturalized.

Of John Montgomery and others, inhabitants of the township of Roxborough, praying for the opening of a road through that township.

Of George P. Kerby and other inhabitants of Kent praying that John Jenner be authorized to build a mill on the River Thames.

Of James Adams and other inhabitants of the Township of Oro, praying for the establishment of District Councils.

Of Henry Jessop of the City of Toronto, praying to be admitted to practice as an attorney of the Court of Queen's Bench.

Of the Corporation of the City of Montreal, praying to be authorized to pay a greater rate of interest than 6 per cent. to obtain a further loan of money.

Of the North American Colonial Association of Ireland, praying to be authorized to loan monies to the District Council, for the construction of roads &c. in the county of Beauharnois.

Of the President, Directors and Company of the Bank of Upper Canada, for an increase of capital, and to have its operations extended to the whole province.

Of George P. Ridout of the City of Toronto, respecting usury, praying for an act to repeal part of the law respecting interest of money.

Of George P. Ridout of the city of Toronto, respecting the inspection of flour and meal, pork, and beef, &c., and praying the repeal of certain clauses in the acts or ordinances providing for the inspection of the same.

Of George P. Ridout of the city of Toronto, respecting the timber duties, praying that this House will make such representations to the Imperial Parliament as in its wisdom it may deem expedient respecting proposed alterations in said duties.

Friday, 16th July,

The following petitions were severally brought up and laid on the table:

By Mr. Christie, the petition of Phillippe Hubert DeGaspé, late Sheriff of the District of Quebec.

By Mr. Prince, the petition of John C. Hendershot and others, inhabitants of the townships of Mersea and Gosfield, and the petition of John Midcalf, of Kingston.

Monday, 19th July.

The following petitions were severally brought up and laid on the table:

By Mr. J. S. McDonald, the petition of the Hon. J. McGillivray and others, of the Eastern District.

By Mr. Morin, the petition of P. A. Weilbreuner, of Montreal.

By Mr. Holmes, the petition of the Rev. Edward Black and others, of the city of Montreal.

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adopt such course as they may deem proper with regard to it.

Mr. THORBURN said he also considered the matter was one which concerned the privileges of this house. He believed that it was altogether unusual for petitions to be presented to the Legislative Council, concerning contested seats in the House of Assembly.

Mr. BOSWELL said before the question was put, he felt bound to make a few observations, for he felt himself placed in a situation of considerable difficulty in voting upon either the original motion or the amendment. In the first place, he thought every member was bound to treat the matter without reference to any vote he had given on a former occasion, (hear, hear.) The question now is altogether difficult; it assumes an entirely new feature. In the first place, it is a question of privilege, whether the course which has been pursued by the Council in sending down this message, is a proper one (Hear, hear.) He had himself considerable doubt as to whether such a message were the correct course in relation to a bill of this nature.— (Hear, hear.) He had no doubt the Council were desirous of obtaining the evidence upon which this house proceeded. He (Mr. Boswell) himself had felt himself in much the same dilemma.

Mr. MERRITT was of opinion that the course proposed by the learned and hon. Knight was the only course which would relieve the house from the danger of collision with the Council.

Hon. Mr. HARRISON said it appeared to him that to say this matter was one of pure privilege involved a contradiction, because if it were a matter of privilege it would not be necessary to call in the assistance of the other branch of the Legislature to pass the bill. He perfectly concurred with the gallant Knight that if a committee were appointed it should consist of those who were favorable to the bill. He would, however, vote for the amendment, because he thought it desirable that a courteous answer should be returned.

Mr. HINCKS said he should support the original motion. He had very strong doubts whether the Council had a right to ask for this evidence. That would be a subject for the consideration of the committee.

The question was then taken upon the amendment—yeas 23, nays 37.

On the original motion, yeas 36, nays 24.

Upon the third reading of the Bill to provide for the payment of losses sustained during the late rebellion.

Mr. JOHNSTON moved that the bill be re-committed for the purpose of amending the same, by adding a clause to prohibit the granting of compensation to the proprietors of the steam boat Sir Robert Peel. Since the destruction of that steamer took place the chance for obtaining payment had been made a matter of speculation. The stock had been transferred from hand to hand, and the parties were not entitled to remuneration.

Colonel PRINCE said he could not comprehend why compensation should not be paid for the loss of the Sir Robert Peel, as well as of any loss which occurred upon the water. All losses of that description were contemplated by the Bill. If that vessel had not been destroyed by brigands, the commissioners will of course reject the claim for compensation. It is a matter to be determined by the commissioners themselves. The act embraces all losses sustained upon the water and to make exception of this vessel would be most invidious, unjust and improper.

Mr. BALDWIN said he must certainly coincide with the remarks of the hon. gentle-

man from Essex with regard to the Sir Robert Peel. He could see no reason why that should be made an exception. There was no evidence before the house to warrant them in coming to such a conclusion. Other hon. members might rise and object to particular cases, and by allowing all such objections to prevail, the whole intent of the bill would be frustrated. (Hear, hear.) It is to be presumed that the commissioners will do their duty faithfully, and decide upon all cases impartially. If there are any circumstances which ought to preclude the owners of the Sir Robert Peel from receiving payment, the commissioners are the proper persons to adjudicate upon the matter.

Mr. J. S. McDONELL said he could not discover the propriety of the hon. gentleman's motion. The proprietors of the steamer Sir Robert Peel he was aware had petitioned the home Government without success, and he believed they were entitled to the consideration of that house. He (Mr. McDonell) well remembered the events of that night on which the vessel was captured, and well he might, having been a participator in the calamity.

Mr. JOHNSTON.—The hon. gentleman is a rebel. I make these observations to show very charitable indeed. He says the home government have refused to acknowledge the claim, and therefore we ought to admit it! The bill is the production of the hon. learned gentleman from Essex, and I confess I am at a loss to understand from what description of losses are to be compensated; whether it be the horse which carries the man to the battle, or which enables him to fly from the battle. I would like to hear the hon. gentleman state whether the Peel is one of those losses which are to be comprehended within its provisions.

Col. PRINCE said with permission of the house, as he had been called upon by the hon. gentleman, he would state for the information of the hon. gentleman, that although he was the one who had drawn up the bill, yet when a bill was adopted by the house it was no longer the bill of the member who had drafted it, but the act of the house. It was the act of the Province at large. He (Col. Prince) was sorry that the intellect of the hon. gentleman did not enable him to understand a plain enactment—so plain that he who runs may read, and he who reads, if possessed of common sense, may understand.

Mr. SMALL remarked that he had drawn up the motion for the hon. gentleman (Mr. Johnston) with a view of trying the sense of the house upon it, and as he found that the house were against it, he trusted the hon. gentleman would now withdraw it. (Hear, hear.)

Mr. JOHNSTON moved for leave to withdraw the motion.

Col. PRINCE rose for the purpose of bringing under the notice of the house a paragraph which had been published in a certain newspaper. ("Cries of name, name.") *The Montreal Herald*. He desired to ask if a committee of privilege had been struck, if not he thought that it should be done, that there might be a tribunal to take cognizance of subjects of this nature. When the publisher of a newspaper allows himself to be guilty of a contempt such as the one to which he now referred, (and he would take the liberty of reading the article to the house,) it should not be permitted to pass unnoticed by that house. There was no man in this Province who was a more staunch supporter of the liberty of the Press than himself, but he would most decidedly set his face against the abuse of that liberty. The licentious portion of the Press would find in him a determined enemy.

When he read a public newspaper containing a deliberate falsehood; when he saw a portion of the house stigmatized as rebels, he thought it was time that the house should assert its rights, and hold the author of such a libel answerable for the consequences of his misconduct. [Col. Prince read the article referred to by him, being the leading article in the Montreal Herald of the 20th instant.] The Editor (Col. Prince said) he imagined would be somewhat puzzled to show that he (Col. Prince) had ever moved for the introduction of a bill to pardon universally and indiscriminately. He never even gave notice of such a bill. [Colonel Prince read another extract, in which a portion of the house was stigmatized as "rebels."] Colonel PRINCE said hon. gentlemen may laugh at this—I do not. I stand here to assert and to protect the rights and privileges of this house and of myself; I will not quietly submit to hear it asserted that there are rebels among the representatives of the people. (Hear, hear.) The time may come when every honest and honorable opponent of a ministerial measure will be branded as a rebel. I make these observations to show how necessary it is that we should have a committee of privileges.

Colonel Prince concluded by explaining the simple question put by him a few days back to his Excellency's advisers as to whether any relief was intended to be offered any of the misguided men who had left this country, had been (as he could not but imagine willfully) misconstrued by the Editor of the *Montreal Herald* into the actual introduction of a bill for the indiscriminate pardon of all; a measure which every Lawyer must well know would be unconstitutional and a direct interference with the prerogative of the Crown, and therefore illegal. (Hear, hear.)

Mr. JOHNSTON said he concurred in the greater part of the editorial comments of the paper to which the gallant Colonel alluded. (A laugh.) He (Mr. Johnston) had never been more astonished in his life than when he heard the gallant Colonel demand from the ministers of the Crown whether it was the intention of government to pass a bill for the relief of the rebels. (Hear, hear.) He was quite as much astonished as the editor of the *Herald* had been. (Order, order.) He believed he was in order, he would not let the matter be disposed of so easily.

The SPEAKER informed the hon. member that he was altogether out of order as there was no motion before the house.

The House went into committee on Members' wages.

Mr. BOSWELL would vote for the resolution. He said it was only an act of common justice that the members of the house should be placed on the same footing. He, however, differed from the hon. gentleman from Oxford as to the mode of paying members. He wished it to be understood that it was nothing but wages, they served their constituents, and should be paid by them. Lower Canada would perhaps have a great advantage in this arrangement, possessing large constituencies, but he was of opinion that those who sent representatives to this house would willingly pay them for their services.

Mr. MOFFATT opposed paying out of the public funds. He doubted very much whether the house could proceed a step in the matter.

Mr. HARRISON opposed the payment of wages on principle, but in the present state of the country, he thought it necessary. The payment, however, should not be made out of the public chest, but out of the local funds of the district represented. He thought that

it was derogatory to the dignity of the house, and make those alone pay who had voted for up. holding as they did, the purse-strings, to dip their hands in for the purpose of remunerating themselves.

Mr. VIGER contended that they were servants not of any particular constituency but of the whole Province, and should therefore be paid out of the general fund.

Mr. WATTS.—The hon. member for one of the Ridings of York has stated that by the non-payment of members, the representation would be thrown into the hands of the aristocracy. He would ask that hon. gentleman in whose hands he would place the representation—in the hands of those who held great stake in the country, or of those who had none. He thought if they could not come for nothing, they should not come at all. (A laugh.)

Mr. JOHNSTON was in favor of the payment of members. He was not now only speaking of himself. (A laugh.) For the wear and tear and loss of time \$20 a day would not pay their expenses in the city of Kingston, the metropolis of Canada.

Mr. PRICE was in favor of some compensation, but he was satisfied that no sum which they could fill up the blank would remunerate them. What benefit was it for him to leave his home and his business for 3 or 4 months' residence at a distance from them to attend to the business of the country. It was enough sacrifice that they had to leave their families. If no money was granted, many worthy and able men would be left at home. The hon. gentleman from Drummond had said that the aristocracy ought to possess the representation. Were they not sufficiently represented in the upper House, and would not they check the house, in any infringement upon their rights? This was the commonsense House, the representation of the people.

Mr. HINCKS hoped to see a message from the Executive recommending an appropriation for this purpose. He trusted that the supplies would not be granted until such a message was sent down, he had no idea of the members of the Executive, paid out of the people's money, despising the opinion of the people's representatives. He thought the payment ought to be made out of the public funds; in many instances it had been almost impossible to obtain the amount from the District Treasurers.

Mr. MOFFATT had frequently had reason to admire the candour of the hon. member for Oxford. He was glad to hear him declare, as a former of Upper Canada, that he would stop all legislation until such a message would be sent down. (Mr. Hincks, yes, yes.) I am pleased to hear it, and I hope it will go forth to the public.

Mr. MORIN believed that the wages for members could as well be paid from the public chest as the salaries of the officers of the government.

Mr. PARENT was surprised to hear that the payment of wages to members was unconstitutional. He contended that it was more constitutional to pay members out of the public chest than from the local funds of their constituents. They were the representatives of the whole Province—it followed that the whole Province should pay them. Small and poor constituencies would feel it very hard to pay the amount, to which also was to be added travelling expenses. It was a question also not altogether independent of the liberty of the people, whether the money should be taken from the public chest or be paid by the constituencies. The rich can well afford to come here, but as those who were in poorer circumstances could not well bear the expense, the representation would pass into the hands of the former.

Mr. BALDWIN would make one more remark. Honorable members should go further,

and make those alone pay who had voted for up.

Mr. CHRISTIE could not see much to censure in the remarks of the hon. member for Oxford relative to stopping the supplies until a message should be sent down on the subject by the Executive. He thought that some measure of the kind will be due to the house. Mr. SHERWOOD remarked that stopping the supplies would be a futile measure. The government had provided for itself. (Hear, hear.) He was in favor of paying members. As members of the whole Province they ought to be paid out of the public chest.

Mr. DUNSCOMBE.—This was no new question. He had heard it discussed in other houses than this, and it had engaged the attention of the ablest writers. He never had heard but one argument in favor of the measure, and he challenged the production of any other, and that was, that it gave the people a wide range in the selection of their representatives.

Mr. HINCKS agreed with the hon. member from Beauharnois that it would have the effect stated.

Mr. MERRITT was in favor of the measure; but he could not but contrast the present conduct of hon. members with that of a few hours since, when the petition for the relief of poor and disabled persons was brought up, they refused let it go into committee—a proceeding unprecedented; and now they were voting money for their own remuneration.

Mr. SMALL moved the second resolution, to the effect that the members should be paid a certain amount per diem. Afterwards the blank was filled up with 15s., and the number of miles per day in travelling to be twenty.

The committee rose and reported.

MONDAY, July 26.

Mr. PRICE rose, he said, for the purpose of bringing under the notice of the House the circumstances relating to a certain outrage committed at a public meeting which had been held on Yonge street, in October, 1839. He had thus far deferred bringing the subject forward lest it might be imputed to him that he was willing to impede the government. He trusted, however, that he would now be exonerated from any such charge. The subject was one of that importance which should not be delayed. It was one of the boasts of British subjects that they can petition parliament for the redress of any grievances under which they labour. He (Mr. Price) entirely concurred in the sentiment that it was one of the dearest rights not only of Britons, but also of her Majesty's subjects in this Province, that they can claim to be heard upon all subjects of complaint whether imaginary or otherwise. An interruption or denial of this right would render the boasted freedom of British subjects but a name.

In the year 1839, shortly after the lamented Earl of Durham had left this Province; at a time when a new system of government was about to be introduced into this Province, which should assimilate as far as possible the institutions of this country to those of Great Britain; when it was expressly desired by the Ministry that the views and wishes of the people should be declared with regard to the question of the Union of the Provinces, and also with regard to the principles of Responsible government which had been propounded by Lord Durham, a meeting was called by the Sheriff of the Home District, that the yeomanry of the District might consult together. After the meeting had been so called by the Sheriff, whose duty it is to call together and preside at such meeting, upon a requisition of certain inhabitants of the District, a counter requisition was

addressed to the Sheriff, demanding that the meeting should not be held and alleging as a reason, that riots would ensue. Those who had signed the first requisition, immediately by notice in the public prints called a meeting in order that they might quietly pursue their original intention of taking the sense of the yeomanry of the District upon the subjects already adverted to. On the day previous to the meeting there was a general movement throughout the city of Toronto, to counteract if possible the proceedings which it was supposed would take place: it being supposed that those who were favorable to the meeting were the friends of the doctrine of responsible government as promulgated by Lord Durham, and that it was also the intention of the meeting to hail the approach of the present Governor General, who was then on his way to assume the government of this Province, as one likely to carry out the views of Lord Durham. It was stated to him (Mr. Price) on that day, that if he attended the meeting his life would be in danger; and as for the hon. gentleman who is at present the member for Oxford, if he attended the meeting his life would not be worth an hour's purchase. (Hear, hear.) It was determined, however, that they would not be intimidated by threats, and deprived of the exercise of their undoubted rights; that they would go peaceably to the place of meeting, pass their resolutions, and go peaceably away; and although it was reported that the opposite party were arming themselves with bludgeons and offensive weapons, yet they confidently relied upon the authorities to take proper precaution for the prevention of riots and disorders.

In obedience to the call, the yeomanry of the District assembled, and were quietly proceeding with the business of the meeting, when a large concourse of people from the city, at the head of whom were the Mayor, the Clerk of the Peace, and various officials, came up with flags and banners, and having taken possession of the platform, proceeded to elect a different chairman from the one who had been proposed by the friends of the meeting, who immediately separated themselves and removed to a distance. They were not, however, permitted to retire peaceably. The Sheriff at the head of a body of men came up to their waggons, foaming with wrath, and to save themselves from violence and perhaps from death itself, they were obliged to fly in different directions. He (Mr. Price) escaped by getting over a fence, and he believed the hon. gentleman from Oxford had saved himself by his speed in running. (A laugh.) Hundreds were knocked down, dozens were seen weltering in their blood. Magistrates were upon the spot, many of them participators in the outrage. Is it surprising, then, that the parties should not have been brought to justice?—One unfortunate individual was inhumanly murdered. And after all these officials and their band of rioters proceeded to pass their own resolutions, and then returned to the city in triumph.

[Mr. Price read the resolutions which it had been intended to submit to the meeting, and also certain affidavits setting forth the proceedings of the aggressors, which had been laid before Sir George Arthur.]

Mr. JOHNSTON here interrupted the hon. member, and desired to be informed what answer Sir George Arthur had returned to the application.

Mr. PRICE.—The answer was, we might go before a jury of the country and obtain redress. But how could it be imagined that justice could be obtained from a jury composed of the very persons most deeply implicated; from a grand jury composed

Hon. J. M. Lean.

THE CANADIAN MIRROR

OF PARLIAMENT.

EDITED BY H. FOWLER, Esq. }

Kingston, July 30, 1844.

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HOUSE OF ASSEMBLY.

MONDAY, July 26.

TIMBER DUTIES.

[THE REPORT OF DR. SMILES.]

In Committee of the whole House (Mr. Moore in the chair) on Mr. Neilson's resolutions relative to the timber duties.

Mr. NEILSON said, that in offering these resolutions, all must know that they related to a most important subject. In regard to the welfare of the country none could be more so. He presumed all were aware that the Chancellor of the Exchequer proposed to lay a duty of 15 per cent on the timber trade of Canada. If this was carried out, the trade between this and the Mother country must cease. He was disposed to bow to the opinion of the Imperial Government in matters necessary to the welfare of the empire. He conceded its right to alter and impose duties; but under circumstances like this we may be excused in going before the government in the matter.—The inhabitants had been invited to go into this branch of trade, and had embarked a very large amount of capital in it—one hundred vessels were at all times going across the Atlantic engaged in the timber trade. Whatever then might be the right of the Imperial government, there was a right superior, that of justice to all. He trusted that the representative of the Imperial government, would reflect on the matter and see that the trade was not interfered with too prematurely. It had been entered upon at great individual sacrifices, and the existing laws ought to be continued in common justice. If this trade belonged to any particular class of her Majesty's subjects it would be a different matter, but when it was open to all and left to free competition, every one must be aware that capital will always make level profits to a fair if not a minimum recompence.

Mr. MOFFAT said the honorable gentleman had admitted the power of the Imperial government, and its right to alter duties, but that injustice would be done in this instance if the duties on the timber were altered as proposed. He (Mr. Moffat) thought it was useless to expect any thing else however, but every one must concur in so reasonable a matter as listening to the resolutions.

Mr. CAMERON thought that the resolutions would meet the unanimous support of the House. The timber trade was in his opinion the most important trade in the country. He was willing to admit the right of the Mother country to interfere in the matter, and legislate on it, but thought they had proceeded on statements and arguments *ex parte*, which were not capable of demonstration. For instance it had been said that red pine was not equal to Baltic, or Norway timber for the decks of vessels, now he was satisfied this was not a fact; again, it was stated that exports to the Baltic would increase if the duties were altered, but if not, they would decrease in a far greater ratio. He believed the experiment would not be attended with profit to the Mother country, while the alteration would be attended with ruin here. The trade had taken 33 years to bring it to its present state, and he (Mr. Cameron) believed England

would not be benefited by the alteration. timber from the Baltic, it would be either 1400 vessels come to this country in consequence of the trade; these convey an immense number of emigrants; and this source of profit would be lost to the country. He (Mr. Cameron) said, that if any alteration took place, the whole northern region would be abandoned. If time were given to go into other evidence than *ex parte*, a very different case would be made out. He (Mr. Cameron) was convinced that it would be impolitic to both countries to make any alteration. 20 years at all events ought to be given.

Mr. COOK was of opinion that unless the timber trade was protected by act, it would speedily go to ruin.

Mr. SOLICITOR GENERAL DAY could not give a silent vote on the occasion, although he would not trespass on the time of the house except to make a remark or two. He would support the resolutions, for he must say that the importance of the trade would fully justify our interference with the action of the Imperial Parliament. It was proper that its attention should be called to the large amount of capital engaged in this branch of trade, but he (Mr. Day) deemed it duties wrong; and in this age they ought to be reprobated. True, there was a difference in the relation between a Colony and another country, which ought to modify the application of this principle. There were certain guards to maintain which it would not be right to wipe away suddenly. In case Great Britain should require to increase her navy, she would have to depend to a great extent on the timber of this Colony; it would be necessary then, to proceed with extreme caution, and not destroy that trade at once. He (Mr. Day) believed that many of the statements made in regard to the trade were *ex parte*, and to legislate on these would be to err. He would not further detain the house, his object was a mere general explanation, and he would vote for the resolutions.

Mr. HINCKS was gratified to hear the speech of the Solicitor General. It proved that the ministry are disposed to support the interest of Canada with regard to its intercourse with England. He hoped the resolutions would be carried by a large majority. All that Canadians require, is that the people of England treat them well, but he (Mr. Hincks) was satisfied that whatever government went into power at home, protective duties would have to be abandoned. They were vicious in principle, and therefore all engaged in a trade requiring them, would needs prepare themselves for their abolition. He [Mr. Hincks] thought they had had warning enough. In regard to extravagant statements, he thought that the people of England understood the subject well, and knew that if they put the same duties on all, they would get the best and cheapest. This was the principle on which they would proceed. It was a well established principle in political science, that one people could not buy the products of another, unless they took them in return, or had some ready market whereby they could exchange for another commodity, which might be again exchanged for the produce they required. If England took a greater supply of

a necessary consequence that the people there would take a greater supply of their manufactures, or of some other produce for which these could be exchanged. Nevertheless [Mr. Hincks] should be sorry to see any course taken, that would cause the abandonment of the timber trade. It was a very idle to talk, however, of it being the most important. He would offer no opposition, but satisfy himself with repeating that the people of England understood the subject well; and warning those engaged in the trade, that it would be changed, and they ought to prepare themselves accordingly.

Mr. CHILD could not concur in the opinions given generally during this debate. No doubt there was some advantage to be derived from the trade, but in his opinion it was far from being the most important to the well-being of the colony. There had been many branches of trade once in a flourishing condition, but now gradually disappearing. First, there was the fur trade; second, ashes, which was a very profitable trade, and the large sources of profit were not otherwise supplied. The timber trade of course increased the number of ships to 1400 instead of 300 when he first knew it, but he did not believe it was the means of encouraging emigration. Emigrants seldom go into the forest from their inability to handle the axe. They were necessitated to turn their attention to agriculture. It was the natives who went into the forest and turned their attention to this branch of trade. He (Mr. Child) had the honor to represent an agricultural country, but he would support the resolutions. He felt an interest in the trade, because the goods of his section went into the woods to supply the necessities of those actively employed in it. He would have liked to have seen the subject gone fully into. The lumber had disappeared on all the borders of the great waters, and the lumberers had to go a great way into the interior for a supply. As the fur trade had disappeared, so had the trees also, so that capital of necessity will soon have to take another channel. (Mr. Child) did not believe the trade was the most moral, and therefore he would much rather see the soil cultivated. This pursuit carries with it strength, wealth, and virtue. The capital would in consequence be much better employed in it, or in fisheries which would increase from age to age. He would recommend those engaged in the business to withdraw from it in season, but he hoped no measures would be adopted to make them losers.

Mr. DRUNSCOMBE concurred in the resolutions. But this was a subject that ought to be treated straight-forward and justly. He believed no advantage was to be gained from protective duties, but in this instance large amounts had been invested in the trade by encouragement of such duties thirty years ago, and the subject ought to be treated with a view to this. In his opinion the profits of this trade were not so extraordinary. It was a natural conclusion that if trade increased, profit must in the aggregate do so likewise; but this was not the case as far as individual enterprise was concerned, as their profits were more numerously divided. At the present moment the country was not in a

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state to change, and in his opinion it would be very inconvenient to alter those duties prematurely.

Mr. VIGER did not solicit protective duties. He deemed them in almost every instance an injury to the country and an ultimate injury to the trader who in the first instance was to be protected by them. He [Mr. Viger] wished to do away with all protective duties, and in the end the country would be a profiter. He would instance an example: It would be recollected that Bristol in 1780 petitioned against the independence of the then colonies, now States, because it would ruin the trade between that city and America; but every one knew that in place of that the increase had been a thousand fold. The same thing would take place with regard to Canada. Freedom of commerce demands a necessary economy, and that very economy would be applied to its extension.

Mr. MERRIT did not believe that the timber trade was the most important to the country, the most important was agriculture. There were only 20,000 people employed out of a population of one million, which was no proportion whatever. He [Mr. Merrit] believed that the timber trade had a tendency at times to injure this. It cost 1s. 3d. to get wheat to market not protected. We consume the products of a neighbouring country without duty. There were two parties in England, one for protection and one not, which produced a vacillation injurious to the country.

TUESDAY, July 27.

The House in committee of the whole upon the bill to establish a Board of Works.

Several clauses having been adopted consecutively,

Mr. HINCKS moved, seconded by Mr. Moffatt, that the President of the Board of Works during his continuance in office shall not be capable of sitting in the House of Assembly as a member thereof, nor of being appointed an Executive Councillor.

On making this motion Mr. Hincks observed that he was as strong an advocate for responsible government as any hon. member of that house, but he did not think that the President of the Board of Works should be allowed to hold any responsible office other than that of President of that Board. He would have quite enough responsibility resting upon him, and would have quite enough to engage his attention without being a member of that house or an Executive Councillor. He should be divested of all political responsibility.

Mr. SMALL said he would not have been surprised to hear this clause moved by an hon. gentleman who was opposed to responsibility. He was not surprised that the hon. gentleman from Montreal had seconded it; that hon. gentleman had declared himself averse to responsibility. But that an hon. gentleman so acute, so cautious, so prudent as the hon. gentleman from Oxford should have been the mover of a question of this kind seemed certainly rather extraordinary. Now, if we have responsible government [said Mr. Small] it strikes me that the very principle of responsible government requires that the government shall be represented in this house by heads of departments; and I cannot conceive that there is a department which is of more importance than the Board of Works. I think it is one which will advance the interests of the country more than any other: I think it is one which will give satisfaction to the country. If the hon. gentleman had not been so quick with his motion I intended to have moved that any member of the Assembly who shall accept the office of President of the Board of Works shall vacate his seat and return to his con-

stituents for re-election. [Hear, hear.] This I think would have been a sufficient safeguard. [Hear, hear.] This is the system which I desire to see carried out. [Hear, hear.] But we have no right to prescribe to the constituency of the country whom they shall elect and whom not, if qualified, according to the laws now in force, in other respects, we have no right to preclude any one from being elected. And a gentleman having gone before his constituency as President of that Board, and having been elected while he was such President, we are bound to believe that he possesses the full confidence of his constituency. No one should be excluded except it be the Judges of the land.

Mr. THORBURN said he really thought the hon and learned gentleman had been too severe upon the hon mover of the resolution, in saying that he had departed from the principles of responsible government. He [Mr. Thorburn] was inclined to think that he was still acting in defence of those principles in moving the clause he had moved. He is desirous of dividing the responsibility, that too much may not rest upon a single individual.

Hon Mr. HARRISON said he must confess he was considerably surprised at the amendment of the hon and learned gentleman. It assumes a twofold character: in the first place it takes away the right of the constituency to elect a gentleman who happens to preside over the Board of Works, and in the next place it limits the prerogative of the crown. These two objections would appear to be quite sufficient; but [Mr Harrison continued] I must again express my surprise when I see a strong advocate for responsible government bringing forward a motion of this description. I do not mean to say that it is essential that the gentleman at the head of the Board of Works should be a member of this hon house; but it must be confessed that it would be a matter of very great convenience. I think the view taken by the hon and learned member for the third riding of the county of York is a very proper one, that any one, being a member of this house, who accepts that office should return to his constituents. It is quite right that this should apply to the chairman and secretary of that Board; but as to the other members of that Board, they have no salaries and cannot be considered as being under executive influence in the smallest degree. I hope the hon member will see the necessity of withdrawing his amendment.

Mr. MOFFATT said he could not see that this question affects the principle of responsible government. He would not admit that it was necessary the Chairman of the Board of Works should have a seat in that house. The government is bound to defend the conduct of its servants or to dismiss them from office. This is the conduct which I approve of on the part of the government; and because I would desire that we should have an efficient Board of Works, I would not have the attention of the gentleman at the head of that Board withdrawn from it. That gentleman being necessarily a scientific person, should not be rendered liable to be removed from office in the event of differing from the views of a majority of this house. It is under these considerations that I have seconded the resolution of the hon gentleman from Oxford.

Mr. BALDWIN said he certainly concurred in what had fallen from the hon. gentleman from Montreal and the hon. gentleman from Oxford. The simple question is, is it expedient or not that this should be one of the heads of departments having seats in this house, which is to be considered responsible to the representative of the people? I certainly think the office of President of the Board of Works should not be a political office. If it be now adopted as a part of the system of responsible government that the head of the Board of Works shall be a political officer, removable from office in the same manner as other officers of the Executive government, it will be necessary that not only the gentleman who fills that office at present but his successors also shall be members of this house. This in my opinion will be throwing an embarrassment in the way of carrying out that responsibility to which we are all willing to give a fair trial. I think the hon. gentleman is giving the best evidence of his sincerity in favor of responsible government by bringing forward this amendment. I for my part shall heartily support the amendment, and I hope it will be supported by the house.

Mr. PARENT said that in passing the bill now before the committee they should endeavor to render the Board of Works as efficient as possible. And he thought the best way to render it efficient was by adopting the amendment of the hon. gentleman. The gentleman filling the situation of President of that Board must necessarily possess qualifications of a very superior order. It is a very responsible situation, and by passing the bill without the amendment which has been now proposed, you run the risk of losing a very useful officer, and one whose place it will be difficult to fill. The President of this Board will exercise an immense influence by his control over all public works, and over the expenditure of large sums of money. (to the extent, perhaps, of a million and a half.) in the improvements of the country, and if you make it necessary that this officer shall hold his situation only so long as he votes with the majority, you put him completely under the influence of parties. Now he would not put him in this situation. For this reason he would support the amendment.

Mr. BOSWELL said he should oppose the amendment, and he should do so, as the staunch friend of the principles of responsible government professed, and no doubt sincerely, by hon. gentlemen. The only argument which he had heard against allowing a seat in that house to the chairman of the Board of works, was, that the situation was one of great responsibility, requiring a person of eminent acquirements, and in case of a vote of want of confidence he would have to vacate his office. Now in the first place this argument is applicable to every individual in the ministry, and he would ask is not the office of Attorney or Solicitor General a difficult office to fill? [Hear, hear.] Is it right that the gentleman who fills the office of President of the Board of works to be excluded from a seat in this house, simply because he fills that situation? If he be a gentleman of that talent which enables him to command the confidence of a majority of the country on the one hand and the government on the other he will of course retain his situation. He [Mr. Boswell] perfectly agreed with what had been stated by the learned member for the town of Kingston, that it is infringing on the prerogative of the Crown as well as the rights of the people. There are not so many distinguished individuals in the province, that the legislature ought to narrow the choice of the people. The amendment suggested by the hon. gentleman from the third Riding of York or something similar to that, he [Mr. Boswell] would readily support, but to say that the individual appointed to this office should not be re-elected is certainly a principle which they were not born out in adopting.

Colonel PRINCE said the subject had been

handled with great ability, and by none of this house. If the country was in a situation to multiply political offices it would be all very well; but there was no necessity for anything of the kind. Upon looking over a division in this house the other day, he found the proportion of government officers who voted upon that division was very great indeed; out of nineteen who voted on one side of the question eight or nine were members of the government. Hon gentlemen talk about the desire to take away the rights of the people; it is not favorable to the rights of the people that there should be too many dependants on the government in the House of Assembly. With regard to the latter part of the resolution he [Mr. Hincks] had no desire to press its adoption if contrary to the sense of the house; but he certainly continued to think that it was of great importance that the gentleman at the head of the Board of Works should not sit in that house as a member thereof.

Mr. MERRITT.—I have my apprehensions, I must confess, respecting making the Board of Works a political office. We should look more to its utility than to its political effect. As to excluding him from a seat in that house it would no doubt be a benefit to him individually. [Hear, hear.] But that exclusion might operate unfavorably in changing the whole plan of the measure proposed by the hon. and learned member. Another plan might be adopted—the duration of the bill might be limited. Let the Board of Works have a trial, and if found to work well let it be continued.

Mr. JOHNSTON said he was desirous of supporting the amendment. Without that he thought the gentleman at the head of the Board of Works would have an exceedingly arduous duty imposed upon him. A man cannot serve two masters, and he [Mr. Johnston] was not favorable to a plurality of offices. As to the humbug of responsibility, it would before long be knocked in the head altogether.

Mr. PARKE said, under the system of government heretofore practiced in Upper Canada, when the Government and the House of Assembly were antagonists, striving to injure and counteract the operations of each other, there was some show of reason for an attempt of this kind to limit the prerogative of the Crown. But under the new and more genial order of things, the government, instead of being the antagonist of the people, desires to conduct the administration of affairs in harmony with their wishes, as expressed in the Legislature. [Hear, hear.] And if the government is to be conducted in accordance with the wishes of the people, a man cannot be the servant of one without being so of the other also. The office of President of the Board of Works is connected with some of the most vital interests of the country; upon it will depend some of those great public improvements by which the country is to be materially benefitted. He was perfectly satisfied that the adoption of a resolution of this description would go far towards discouraging the very principle which they had so many years been laboring to establish. [Hear, hear.] Instead of sapping the very foundation of that principle such they ought to cherish it. He believed that excluding that officer from a seat in the house was not in accordance with what the people desired.

Mr. COOK said he thought that since he had been a member of that house he had not seen a measure proposed which was more calculated to infringe upon the prerogative of the crown than the amendment proposed by the hon gentleman; and he would always consider carefully before they created any disqualification.

Mr. HINCKS said as he had been charged by several hon members as acting contrary to the principles of responsible government, he would take the liberty of making a few remarks. He believed there was nothing in the resolution which he had proposed which could be construed as unfavorable to responsible government. The great question is, ought the situation of President of the Board of Works to be a political one? There is no doubt that gentlemen who hold office ought to be responsible, but whether this is an office as ought to be placed upon the same footing as a political officer is questionable. If I thought the resolution would have the effect of embarrassing the views of the hon and learned gentleman who introduced the bill I would not have offered it. I desire to see that bill become a law, but I cannot see that the bill would be materially affected by it; and I think the gentleman who presides over that Board will be able to perform the duties of his office more satisfactorily to himself and to the country if he is not a member

of this house. If the country was in a situation to multiply political offices it would be all very well; but there was no necessity for anything of the kind. Upon looking over a division in this house the other day, he found the proportion of government officers who voted upon that division was very great indeed; out of nineteen who voted on one side of the question eight or nine were members of the government. Hon gentlemen talk about the desire to take away the rights of the people; it is not favorable to the rights of the people that there should be too many dependants on the government in the House of Assembly. With regard to the latter part of the resolution he [Mr. Hincks] had no desire to press its adoption if contrary to the sense of the house; but he certainly continued to think that it was of great importance that the gentleman at the head of the Board of Works should not sit in that house as a member thereof.

Mr. DURAND moved that the duration of the act be limited to four years.

Solicitor General DAY suggested that it might be found exceedingly inconvenient that the act should cease perhaps at a time when there were important works in progress. In whose hands then would the power of carrying on the public works be vested upon the lapse or cessation of the operation of the bill?

Mr. DURAND would ask if the learned and hon gentleman was not willing to trust to the legislature for renewing the act. In order to meet the views of the officers of the government he [Mr Durand] was perfectly willing to support the bill; but as it was only an experiment, and would doubtless be attended with expensive machinery, he thought it should be limited in its duration.

Mr. JOHNSTON.—The hon. gentleman forgets that we may repeal the act if we please next session.

Mr. BALDWIN said the committee, he thought, would consider the peculiar position in which the country is placed. The advisers of his Excellency have acknowledged that they are responsible to this House; but at the same time that they hold out this concession to the wishes of the country, it must be recollected that the civil list has been permanently provided and this house has not therefore, that check upon the executive. This is one of the evils which the permanent civil list is going to entail upon the country; that we are to be obliged to make temporary laws. He should support the amendment and he hoped the committee would adopt it. The Board of works is as yet but an experiment; and if after some years it be found to work well there will be no difficulty in reviving it. A sort of threat had been held out that by limiting the duration of the act it would endanger its passage, but he did not think that they should be deterred from making any useful provision lest the bill might be defeated in consequence of such necessary provisions.

Mr. CHESLEY said he hoped the house would not make itself so ridiculous in the eyes of the public as they would do by allowing to appear upon the journals two amendments so completely contradictory as the two which had been proposed; the one to provide that the President of the Board should vacate his seat upon appointment to that office, and again that the law shall be in force only four years.

Col. PRINCE said, the motion was certainly plausible, but he had not heard the objections of the hon. and learned gentleman from Ottawa answered satisfactorily. What are to become of the works which may happen to be in progress at the time when the bill expires. But there was another thing to be considered, they had been told in the speech from the throne that the government in England were pledged to loan us a million and a half to be expended on public improve-

ments. Before they advance this sum it is probable they will desire to see some permanent measure to provide for its proper expenditure. No government, and no individuals, would advance such a sum when they find upon the face of the statute a clause which puts a stop to its operation in the space of four years.

Mr. VIGER said he was not aware that it was provided that the million and a half should pass through the hands of the Board of Works. He [Mr. Viger] had already declared that he did not entirely approve of the bill. It did not contain such enunciation of principles as satisfied him. However, as the majority of the house were against him he was bound to submit. It would scarcely be treating this house fairly if the advisers of the Crown, upon whom the house so confidently relies for carrying out the principles of responsible government, about which so much had been said, refuse to make some slight concessions to the wishes of the house in return for the confidence which the house so readily reposes in them.

TO BE CONTINUED.

ROUTINE BUSINESS.

WEDNESDAY, July 21.

The following petitions were severally brought up and laid on the table:

By Mr. Cartwright, the petition of Alfred Todd, Thaddeus Patrick, and Charles Fitzgibbon, clerks in the office of the clerk of the Legislative Assembly.

By Mr. Parke, the petition of B. Clench, chairman of the Quarter Sessions of the district of London.

By Mr. Small, the petition of David Annes, of the township of Whitby.

By Mr. Merritt, the petition of George Adams and others, trustees, to macadamize the main road from Queenston to Grimsby.

By Mr. Baldwin, the petition of C. S. Ruttan and others of the townships of Eldon, Mariposa, and other places.

By Mr. Daly, the petition of the Ladies, managers of the Male Orphan Asylum of Quebec.

By Mr. Williams, the petition of M. W. Whitehead and others, members of the Mechanics' Institute at Port Hope, in the district of Newcastle.

Pursuant to the order of the day the following petitions were read:

Of the Hon. J. McGillivray and others of the Eastern District, praying that a law may be passed to settle by a more easy mode than now exists the damages done to properties overflowed by the erection of mill dams.

Of P. A. Weilbrenner of Montreal, praying to be paid the amount of his account for taking evidence, as clerk, relative to the contested election of Olivier Berthelot, Esquire, for the East Ward of the city of Montreal in 1835.

Of the Rev. Edward Black and others of the city of Montreal, praying for the establishment of schools in the province, and the general use of the bible in schools.

Of Christopher Cheyne and others of the township of Toronto, praying for an aid of £75 to construct a bridge over the Etobicoke stream.

Of James Clark and other inhabitants of the township of Caledon, praying for an aid to open a road through their township.

Of James Gillespie and others, inhabitants of the township of Caledon, praying for an aid to open a road between Caledon and Albion.

Of James Phillips and others, inhabitants of the township of Toronto, praying for a grant of £200 to cut down two hills between the centre road and the first concession east.

Of William Light and others, inhabitants of

the Brock District, praying for an aid to make a road from Hamilton to London.

Of T. McKay and others, justices of the peace of the intended district of Dalhousie, praying for a loan of £5,000 on the credit of the province, and the security on the rates and assessments of the said district.

Of C. C. Greece and others, whose lands are intersected by the Grenville Canal, praying to be remunerated for damages occasioned by the principal officer of her Majesty's ordinance to their properties.

FRIDAY, July 23.

The following petitions were severally brought up and laid on the table.

By Mr. Hermanus Smith,—the Petition of the Fire Company and of the Magistrates, of the town of Brantford; and the petition of Andrew Miller of Hamilton, Gore District, Land Surveyor.

By Mr. Price,—the petition of Peter Lepard, of East Gwillimbury, Home District; and the petition of James Stocks, and others of the township of Etobicoke, Home District.

By the Hon. Mr. Viger,—the petition of Louis Nerreau, of the parish of St. Roche, of Quebec, late Messenger of the Legislative Council of Lower Canada.

By Mr. Morin,—the petition of Felicite Morin, of the city of Montreal.

By Mr. Delisle,—the petition of G. P. Wilgress and others, of the parish of Lachine.

By Mr. Cameron,—the petition of A. A. Adams and others, inhabitants of the township of Baruston, in the county of Stanstead.

By Mr. Prince,—the petition of George Babcock and others, of the township of Brantford and other places, Stage proprietors, and Mail contractors.

By Mr. Hincks,—the petition of John Burns and others, inhabitants of the township of Durham.

By Mr. Dunscombe,—the petition of William Bowron, Esquire and others, of Godmanchester and other places, in the county of Beauharnois.

By Mr. Johnston,—the petition of Archibald McDonell and others, of the townships of Gloucester, Osgoode and Russell.

By the Hon. Mr. Neilson,—the petition of J. W. Woolsey, Esquire and others, of Quebec.

By Mr. Gilchrist,—the petition of Thomas Carr, senior and others, inhabitants of the township of Otonabee and other townships.

Pursuant to the order of the day the following petitions were read.

Of the Reverend Joseph Abbott and other Protestant inhabitants of the township of Grenville, praying for the Establishment of Schools, and that the Bible may be used as a class book in the said Schools.

Of the Reverend William Muir and others, of the township of Chatham, in the county of the Lake of Two Mountains, praying for the promotion of Education in the Province, and assistance for a School, in the third range in the township of Chatham.

Of Joseph Huston and others, of the township of Chatham, in the county of the Lake of Two Mountains, praying for assistance for a Common School, and the promotion of Education throughout the Province.

Of Thomas Haines and others, inhabitants of the townships of Grenville and Chatham, praying that the Act 6, William I. cap. 17, entitled "An Act to provide for the Summary trial of small causes" be revived.

Of Thomas Barron and others, of the

county of the Lake of Two Mountains, praying for the renewal of an Act repealed, entitled "An Act for the Summary trial of small causes"

Of William Ginger of Quebec, praying that a pension may be granted to him for past services.

Of Thomas Carr and others, of the township of Otonabee, praying for a sum of money to construct an embankment over the River Otonabee.

Of John Bonner and William Petry, of Quebec, respecting a Patent for land, in free and common socage, and praying relief.

Of Alfred Todd, Thaddeus Patrick and Charles FitzGibbon, Clerks in the office of the Clerk of the Legislative Assembly, praying that they may be placed upon the permanent establishment of the Assembly.

Of Joseph B. Clench, Chairman of the Quarter Sessions of the District of London, praying for an additional sum to that already granted for the completion of a new Gaol, in the town of London.

Of David Annis, of the township of Whitby, protesting against an application to incorporate an Harbour Company, in the Eastern part of the township, the applicants having included Lot No. 5, his own property.

George Adams and others, Trustees to macadamize the main road from Queenston to Grimsby, praying for an aid to complete said Road.

Of C. S. Ruttan, and others, of the townships of Eldon, Mariposa, and other places, praying for a grant of money to improve the road from Talbot river to Sydenham Harbour.

Of the ladies, managers of the male orphan Asylum of Quebec, praying for an aid towards the support of that institution.

Of M. F. Whitehead and others, members of the Mechanics Institute at Port Hope, in the District of Newcastle, praying for a grant of £40 in support of their institution.

MONDAY, July 26.

The following petitions were severally brought up and laid on the table.

By the hon. Mr. Neilson, petition of Duncan Patten and others, cutlers of timber of Quebec.

By Mr. Neilson, the petition of Anna Lang the wife of Benjamin Lang, and others of the state of Pennsylvania, heirs of the late Jacob Herochy.

By Mr. Foster, the petition of H. Robinson and others of the county of Shefford.

By Mr. Tache, the petition of A. Murphy and others of the township of Frampton.

By Mr. Cook, the petition of John Cook Esq., and others Lutherans of Williamsburg and Osnabruck.

Pursuant to the order of the day the following petitions were read.

Of the Fire Company, and of the Magistrates of the Town of Brantford, praying that the privileges granted to Fire Companies in incorporated towns may be extended to incorporated towns.

Of Andrew Millar of Hamilton, Gore District, Land Surveyor, praying for the passing of an act authorising him to construct a harbor and dry dock in said town.

Of Peter Sheppard of East Gwillimbury, Home District, praying that inquiry may be made into the disturbances and riots which took place at a meeting held in said district on the 15th October, 1839.

THE CANADIAN MIRROR

OF PARLIAMENT.

EDITED BY H. FOWLER, Esq. }

Kingston, August 2, 1841.

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HOUSE OF ASSEMBLY.

TUESDAY, July 27.

BOARD OF WORKS—CONTINUED.

Mr. PRICE said, he could see nothing unreasonable in limiting the duration of the bill. There might be a difficulty in repealing the law if found to be bad because it would not only be necessary to convince that house of the propriety of repealing it but also the other two branches of the Legislature. (Hear hear.)

Hon. Mr. HARRISON said, it does appear to me that it is exceedingly desirable the committee should look upon the question in a more extended view than as merely legislating for the Province of Canada. The effect it would have at home should be considered. This colony is expecting to receive considerable advantages from the Mother Country, and those advantages mainly depend upon the enactments which may be provided by the wisdom of the United Legislature. It had been the practice he was aware to pass temporary enactments and perhaps for colonial purposes there could be no great objection to that course, but in a measure of this kind it would have a mischievous effect.

Mr. MERRITT.—Does the hon. gentleman suppose that capitalists in England will look to the board of works as any security to them in loaning money to this province? no, they will look to the Revenues of the Province. He hoped that in four years time the great improvements in this Province will be completed; that of the St. Lawrence particularly. By that time they would be able to ascertain the operation of the system, and if necessary they could then continue the act.

Mr. MOFFATT said, he was not surprised at the amendment coming from the quarter it did. It only convinced him that the staunch advocates of responsibility had no confidence in what they professed. (Hear, hear.) If the government be conducted according to the principles professed what have you to dread? The enactment can be at any time repealed. He would like to see hon. gentlemen consistent; if they find that the principle conceded is not carried out, then they would have some reason to come forward and say some further sacrifice is necessary: but until this is clearly shown, it is not proper to attempt to coerce the government by temporary acts; they had already had enough of temporary legislation; they had seen the inconvenience of it, and he hoped the house would weigh seriously the consequences of such a proceeding.

Mr. BALDWIN said, as the Ministers were supposed to possess the confidence of the house, of course if they opposed the present amendment it would be rejected.

Mr. PARKE said he thought it would be a singular mode of coercing the government by stopping the improvements of the country. (Hear, hear.) He did not think it had been rightly considered by hon. gentlemen. If it were desired at any time to stop the operations of the Board of Works, the way to do so would be by refusing to make appropriations. (Hear, hear.)

Mr. MOFFATT said, it was really difficult to understand from the proceedings and the language of hon. gentlemen whether they considered the advisers of his Excellency as being responsible to the house, or the house responsible to them. (Hear, hear.) They seem to have great faith in responsible government, but no confidence in its continuance. The child is born and christened—it has a name and that is all. (Hear, hear.)

Mr. BOSWELL said the question is, are temporary or permanent laws best under the circumstances? Looking upon the question in this point of view alone, he was of opinion that permanent measures were decidedly preferable. There was something odious in the idea of looking upon their own measures with suspicion. The passing of temporary laws was not the legitimate means of holding the power within our hands against the government. The inconvenience falls not on the government but on the people themselves. The motion was negatived.

WEDNESDAY, July 28.

NATURALIZATION BILL.

This House in committee of the whole upon the bill introduced by the hon. Mr. Harrison, for securing to and conferring upon certain inhabitants of this province the rights of natural born British subjects.

Colonel PRINCE rose and said he should feel it his duty to propose an amendment which would have the effect of altering the bill in a very material degree. The bill proposes that foreigners who are now residents of this Province should be naturalized. This does not go far enough to meet my views: I am in favor of encouraging the introduction into this country of wealth, enterprise, and industry, from whatever quarter they may come. (Hear, hear.) The bill is certainly a very good measure as far as it goes, but it is not sufficiently comprehensive. We want our country populated; we want foreigners from all nations; there should be no line of distinction drawn. We want Prussians, Belgians, Hollanders, Swiss and Americans. (Hear, hear.) Yes, Americans, for I am far from imputing to the American nation the crime of their worst citizens, the injuries which we have sustained from a portion of the lowest class of society. (Hear, hear.) I would make no invidious distinction. We talk of sending Emigrant agents to England: we have one there already, a talented and sensible man, but what description of emigrants does he send us? They are of that class which we do not want; capitalists, and if they are American capitalists so much the better. In the county which I have the honor to represent there are many American Farmers, and there are no better Farmers, and no better and more loyal subjects. What is the inducement which brings them here? Is it that lands are cheaper; that the soil is richer? I answer in the affirmative. Is it because they prefer the quiet and liberal government under which we live, to the turmoil and excitement of republican institutions, with their elections recurring monthly or quarterly? I answer in the affirmative. No American will come to this country unless he prefers our government. (Hear, hear.)

Mr. BOSWELL said, he could not agree with the hon. gentleman from Lanark that the

are not precluded from purchasing and holding lands in the U. States, I speak particularly with reference to Michigan, and I would allow them an equal privilege. I would if possible heal the dissensions which have existed so that no trace of their existence should remain.

I shall therefore take the liberty of moving this amendment. Here Colonel Prince read the amendment, which was to the effect that all Foreigners should be allowed the full enjoyment of the privileges of the subjects of this province as far as related to the purchasing, holding, granting, devising or conveying of lands, provided they became actual settlers upon the lands so purchased.

Mr. MERRITT said it would be recollected by hon. gentlemen that we had formerly a law which provided that foreigners should become entitled to the privileges of British subjects after a residence of seven years. He (Mr. Merritt) had had an opportunity of witnessing the operation of that law. People came into the Province continually, and became residents and subjects under its operation, and a happy and contented class they were. When the war of 1812 was declared they were the chief defenders of the country. He (Mr. Merritt) was willing that they should be still received upon the same terms, or if necessary let the period be shortened.—When a more restrictive policy was afterwards adopted it had the effect of driving foreigners from our shores. They proceeded to the Western States. Even Europeans instead of coming to this Province have gone round us. The State of Illinois is half settled with Europeans. We want population—that is the wealth of the country. He hoped the amendment would prevail.

Mr. CAMERON said he had seconded the motion because he was willing to show the hon. gentleman that he had not changed his opinion since 1837. It would be observed that the clause now moved confers upon foreigners no political privileges. It does not make them British subjects; it only gives them the right to hold property. Some of the most valuable settlements in the United States had been acquired in consequence of their liberal policy in this respect, and this Province could not do better than follow the example; not that he considered Americans as making the best subjects of this country. They invariably became the most violent Tories.

Hon. Mr. HARRISON had no hesitation in saying that the amendment would be exceedingly inappropriate. The object of the bill was to confer certain privileges; to give not only the right to hold lands, but to give political rights. It becomes, therefore, a matter of serious consideration whether we should extend this prospectively. We know those who are at present within the Province—we know their political character; and it is a serious consideration whether we will allow persons of whom we know nothing to be placed upon an equal footing with them. With regard to holding lands, as the law now stands, they have that right until office found. It would be much better that this amendment should form a separate measure.

Mr. BOSWELL said he could not agree with the hon. gentleman from Lanark that the

Americans make the best Tories. He considered them the worst Tories. When I see a man who has been nurtured and bred a Democrat come into this country and declare himself a Tory, I cannot believe him. With regard to the principle of the bill, he (Mr. Roblin) was in favor of doing something in behalf of those who are now domiciled in the Province, but he thought it wrong that this measure should be encumbered with an amendment of this description.

Mr. JOHNSTON said that although he should feel it his duty to oppose this amendment, he would not allow it to be supposed that he was less liberal than the hon. and learned gentleman from Essex himself, whose bosom is completely overflowing with liberality.

Mr. HINCKS said he was opposed to the amendment, although he had no objection to the principle contained in it if brought in as a separate measure; but attached to this bill it might endanger its success. He (Mr. Hincks) thought the country was very much indebted to the government for bringing in a measure of this kind. He hoped the amendment would be withdrawn.

Col. PRINCE said, from the turn which the debate had taken he felt quite assured that the amendment, not as an amendment but as a separate bill, would be an extremely acceptable measure. And although he consented to withdraw it with great reluctance, yet lest it might endanger the passage of this very excellent bill he would do so.

Capt. STEELE said he was happy to find that the gallant Colonel was willing to withdraw the amendment. He (Capt. Steele) would give the bill his cordial support, and he would also support the bill of the hon. and gallant Colonel founded upon the amendment whenever it was brought forward.—(Hear, hear.) He was satisfied that all must agree in the propriety of giving to the industrious class of settlers the advantages and privileges of British subjects.

The amendment was withdrawn.

SEIGNORIAL TENURES.

The house went into committee of the whole upon the subject of the Seignorial Tenures of Lower Canada.

Mr. WOODS in the chair.

Mr. DUNSCOMBE rose to propose certain resolutions for the adoption of the committee, and in doing so observed, that among the various important subjects which were likely to be brought under the notice of that hon. house, there was none which deserved more earnest attention than the one which he had now the honor to submit for the consideration of the committee. It is a subject, continued Mr. Dunscombe, which materially affects the prosperity of the country, because in it is involved the value of every man's property, who resides within the limits of that part of Canada where the feudal tenure is in existence. In the present circumstances of the country it is a system which is ill calculated to advance its prosperity: it is a system which originated in times gone by, and under circumstances which no longer exist; and therefore that description of tenure is no longer necessary. The abuses which have grown out of it have become oppressive to the people; and the late Assembly of Lower Canada has been petitioned for many years for relief from its operation. This tenure, on its first establishment, arose from the necessity of mutual protection, between the rich proprietor on the one hand and the peasant or censitaire on the other. At present, in many instances, the seignory has passed from the hands of the seigneur and his family, so that there is no one who is bound to afford that protection to the censitaire which is due to him in return for the

services which he is bound to render. The spirit of the law, therefore, is entirely forgotten and gone out of use. All that I shall ask of this hon. committee is to give an opportunity for an enquiry to take place. There are now upon the table of this house several petitions upon this subject; at the last sitting of the Legislature of Lower Canada a great many were presented; and so long as the subject is not attended to, the number of complaints will increase. It has become a very serious grievance and calls loudly for relief.

1st. *Resolved*.—That from the increasing improvement of the Country, and from the abuses which have grown out of the operation of the Tenure of Lands, now existing in that part of the Province heretofore called Lower Canada, commonly known as the "Seignorial Tenure," the said Tenure has become less adapted to the wants, prosperity and advancement of the Province, and in many instances burthensome and oppressive to the people.

2nd. *Resolved*.—That the different Legislative enactments passed in the Parliament of the United Kingdom, touching and concerning the said Tenure, have not attained the end sought for by their framers—and that it is expedient to adopt other efficient and equitable means for relieving the people from the above difficulties, and of gradually substituting for the Seignorial system, a free Tenure more consonant to their condition, interests, and wishes.

3rd. *Resolved*.—That in the changes to be made in the laws of Tenure—due regard should be had to the vested rights of all parties concerned, and provision made for ascertaining the same, with a view to an equitable adjustment.

Mr. NEILSON said he could not help expressing his doubts whether the house, at the present time, are competent to decide upon questions which effect the right of property in so material a degree throughout a large portion of the province. It is true, said Mr. Neilson, we have petitions before us complaining of this tenure; and I myself am willing to admit that abuses do exist. There seems, however, to be rather a contradiction in the resolutions which are now proposed. It can hardly be said that evils have grown out of these tenures, while we see that it is in the power of any individual to procure lands. The dues payable for those lands are less than the true value.—

This house, situated as it now is, unacquainted with the nature of these tenures in Lower Canada, should hesitate before they come to any conclusion which will affect them in any way. Let us not publish to the world that abuses do exist, abuses of which we have heard something certainly, but of which we actually know nothing. The vested rights of individuals should be properly regarded: it is a dangerous thing to meddle with these rights when it is so difficult to find a tribunal capable of adjusting them. Certainly, if the inhabitants of the province at large are dissatisfied with these tenures, it would be a subject worthy of enquiry, but these complaints, it must be remembered, must be received with great caution; whenever any body of men complain of dues established by law, these complaints must be received with a certain degree of caution. If these complaints could be shown to be well founded, no one would be more ready than myself to give them attention; but I really think the house should not raise any question upon the subject at present.

Mr. VIGER.—Hon. gentlemen have been talking about feudal tenures, but I would ask them to explain what analogy there is between the feudal tenure and the tenures of Lower Canada? The fact is, there is no such thing in this Province as the feudal tenure. (Hear, hear.) I know that encroachments have been made upon the rights of the

censitaires, but if the law was truly followed there is no sort of tenure among the inhabitants of any country which is more favorable to the common classes. To say that these tenures are oppressive is to say what is more than absurd; it is unjust. There is one thing which is oppressive; it is not the operation of the law of tenures, but it is the decisions of the courts upon those tenures. I have no hesitation in saying that the decisions which have been made in the courts of Lower Canada are not according to law.

[Hear, hear.] I do not desire to go into a long explanation upon this subject, but will merely remark, that in Lower Canada at present a farmer pays one halfpenny per year for as much land as would cost a farmer in England a pound sterling, and that for as rich a soil as any in England. There is one subject which has been the cause of complaint, namely, the payment of *lods et rentes*, but it must be remembered that so long as the land remains in the possession of one family there is no such due to be paid. If it be devised by will it pays no *lods et rentes*. There are lands in the island of Montreal itself upon which *lods et rentes* have never yet been paid, and no more than seven shillings and six pence a year has yet been paid during the space of one hundred and fifty years. Talk of abuses! if abuses do exist, let a committee be appointed to inquire into them; in this I would heartily join him.

not proved that abuses exist in any instance. The rents paid by farmers in England Ireland and Scotland, (for the farmers there are almost all leaseholders under some extensive proprietor) are exorbitant in the highest degree compared with the rents demanded in the seigneuries in Lower Canada. One Gentleman I know personally who has a rental of £15,000 from an extent of land which in the seigneuries in Lower Canada would not cost more than three or four hundred pounds. Is it possible then to say that there is oppression in the system? There is no country better settled or better cultivated; look at the District of Quebec, one of your celebrated writers declares that is equal to any part of England. Every man is in effect proprietor of the soil, and pays only four or five livres a year. Can this be called a system of oppression? We see other landowners draw from their soil as many guineas as we do pence, they live in luxury equal to that of Princes, while the operative farmer is ground to the earth. Is any one unaware of the horrible miseries endured by the poor Irish? And is this the system which hon. gentlemen would wish to substitute? I hope not. I might enlarge upon this part of the subject and adduce incontrovertible facts to prove, if not the superiority of this system over all others, at least that it is free from those great disadvantages which hon. gentlemen would attribute to it. It is true we pay dues; but they are small: it is true we pay *lods et rentes* and we wish to pay them; there is no one who desires an incumbrance of any kind upon his property; but we must remember on the other hand that we enjoy privileges, and we must remember also that the rights of the seigneur must be regarded, as well as the rights of the censitaire himself; we must remember that if we attack the palace, the cottage will very soon be sacrificed. Property being the basis upon which society is founded, unless we protect the rights of the rich, we shall find that the bond of society will be weakened, and that the rights and liberties and privileges of the poor will not be the better secured. I believe the hon. gentleman expressed his true feeling when he said he did not desire to do an injustice to any party, but he should take care that his

zeal does not induce him to overlook the evils which may arise from a precipitate and rash interference with long established rights. Let an enquiry be instituted, but do not hastily propose an act of legislation which may and undoubtedly will be productive of much mischief. Hon. gentlemen may talk as much as they please about the iniquity of the system. I was once an enemy of the system myself, but experience and observation have taught me that I was wrong and I am not ashamed to acknowledge my error.

Mr. HOLMES said he had listened with a good deal of respectful attention, as he always did, to the speech of his hon. and venerable friend from Richelieu, but he thought the committee would agree with him in saying that it would be difficult to find a better advocate in support of the resolutions than the hon. gentleman himself. He (Mr. Holmes) believed that there were many abuses connected with these tenures which are perfectly unendurable; he believed that in travelling through Lower Canada one would find very few advocates for the continuance of this system; its oppressions were felt severely: and the more so because almost all the judges of the land are themselves seigneurs.

Mr. NEILSON said it was wrong to impute improper motives to those who have the administration of justice.

Mr. QUÉBÉL observed that the same imputation might be made, if the judges were censitaires. Their being seigneurs he thought was of little consequence; they were bound to administer justice impartially.

Mr. HOLMES continued: he was not the advocate for any measure which would infringe upon the rights of any party in Lower Canada. But he was convinced that serious grievances existed and those he would like to see corrected. He entirely agreed with the hon. gentleman that the proprietors of British origin are more apt to impose upon the censitaires than any other. They are chiefly persons who have purchased upon speculation. He agreed also with his hon. and venerable friend that the contrast between the censitaires of Lower Canada and the Irish peasantry was altogether in favor of the censitaires. They are more wealthy, more prosperous, more contented and happy; but it is not because the Irish peasantry are in a miserable condition that we should be unwilling to improve our own condition. All that was asked for was an equitable and fair commutation of the system.

Mr. ARMSTRONG said, as seconder of the motion of the hon. member for Beauharnois, he desired to say a few words in answer to the remarks of his honorable, learned, and venerable friend from Richelieu, with whom he was sorry to differ on any occasion. He would not discuss the merit of the name by which the hon. mover of the resolutions designated the system under which we suffer in Lower Canada—it mattered very little—nor would he discuss the beauty of the theory of Feudalism, but would confine himself to the practical workings of a system at present going on in Lower Canada be the name what it might; and he was really sorry and surprised to hear the hon. member impute to members who supported the resolutions the desire of dealing unjustly with the measure. All that was sought was an inquiry into the practice. The hon. member himself (Mr. Viger) admitted that there were abuses, infamous abuses (hear, hear); that he has witnessed them for forty years; that he had attempted to stem the torrent which kept growing worse and worse (hear, hear).—Well, then, if the hon. member so forcibly and strenuously insists on what he calls an abominable, can a system which conduces to such bad ends be so very good? Will such

a mass of corruption arise from a good system? (hear, hear). In his opinion it could not; but at all events, why stop inquiry?—why not go into the thing at once? after due inquiry, if the system does conduce to evil, notwithstanding the fine built theory, the tenure must be done away with. As regards the assertion of my venerable friend that the Seigneur has no right to Banalite, it was the first time he had heard of such a thing; it is for the first time and in this house, that it has ever been questioned. And, will it be believed, if this was really the case, as practically carried out at any rate, that we would witness only one Banal mill where tens and dozens could be erected? would the censitaire travel fifteen and twenty miles to get his good wheat ground into black flour?—(hear, hear). He could name ten streams emptying themselves from the north shore into the St. Lawrence, where but one or two mills on each were to be met, while sites for hundreds existed, not only for grist but for saw mills, carding, and for manufactories; but more than this, contracts which had been renewed by authority of letters patent, lately issued to certain Seigneurs, positively state that the censitaire shall not have the right to build wind, steam, nor indeed mills of any kind (hear, hear). In answer to the honorable member for the county of Quebec, who said that the country sought for no reform, alteration, or enquiry, he for one could say that he stood on the floor of that house in virtue of his opposition to the Tenure, having had the honor of being opposed to no less than five Seigneurs (hear, hear), and he would say that the people do require of their Representatives relief from the abominable system of the Tenure. Tell me (said the hon. gentleman) of a half-penny per acre; it is ridiculous to talk in that way; I say it is no more, nor has not been that rate for half a century back, besides other abuses. What for instance, can be more galling to the feelings of the censitaire than to endure the Seigneur's lassy felling away wood on his land; pine groves kept for his own buildings; nay, more than this, in the late deeds Seigneurs have reserved to themselves the right of cutting rails and pickets for their own farms from off those of the censitaires (hear, hear). I might, Mr. Chairman, keep this House during the greater part of this night in detailing the abominable tyranny which exists in Lower Canada, but as it is to be made a subject of enquiry before a select committee, I shall in conclusion observe that if we are to be governed by "the well understood wishes of the people," there must be a strict investigation, and to my honorable friend and to the members of this house, I boldly declare that I would submit to the constituency of the different counties from Kamouraska to the Lake of Two Mountains without any fear as to the result, on this question of the Tenures (hear, hear.)

Mr. JOHNSTON said the hon. and venerable member for Richelieu was always in opposition to all measures which were calculated to do any good. (Order, order.) He has introduced no measure to benefit the country. (Order.) I will not be put down. Whenever that hon. gentleman wants to bolster up a bad cause, he alludes to the state of unfortunate Ireland. (A laugh.) I would thank him for the future not to allude to that country. (A laugh.) The poorest peasant in Ireland is ten times more happy than the censitaire of Lower Canada can be under the Seigniorial tenures. (A laugh.) The opposition of the hon. gentleman savors something of a factious opposition—of an opposition without cause. If the Seigniorial tenures were abolished the country would prosper. (hear, hear.) but at present you cannot get an emigrant to go into that part

of Canada. You have never done any thing to encourage emigration. Your statute books do not show any enactment upon the subject except that imposing a tribute upon the unfortunate emigrant. (A laugh.)

Mr. VIGER.—The hon. gentleman is extremely happy in his illustrations, and throws a great deal of light upon all subjects, particularly upon the state of Ireland.

Mr. TURCOTTE (in French) said, he regretted that in order to do justice to the question before the committee, he was forced to express himself in a language which was not understood by every hon. member in this house. The question was one of the most vital importance to the country. It was intended to alter, and perhaps to destroy, a system which some learned and hon. members appeared disposed to defend as a good one, for the only reason that it had been in operation for ages. He (Mr. Turcotte) would not hesitate a moment to declare that he considered that system unjust, iniquitous and disgraceful to an enlightened people living in the nineteenth century, and they would bear it no longer. He regretted very much to disagree on this subject with his venerable and learned friend from Richelieu. That hon. member had admitted that many and great abuses were to be found in the practical operation of the system; but he (Mr. Turcotte) was fully prepared to show that the system itself was unjust, and no more to be tolerated. He would desire to be perfectly understood; his opinion was that they should not attack and destroy, at one and the same blow, the whole system. A change so materially interfering with the rights of property,—would be extremely dangerous to be adopted without that due consideration, which time, reason and prudence can afford; but a change was necessarily required, the prosperity of the country and the unanimous voice of its inhabitants demanded it, and therefore some steps towards accomplishing that change ought to be taken. There was a wide difference between what was properly called "feodal tenure," and our present Tenure. The seigneurs of the lower part of the province were not seigneurs feudaux, but were only seigneurs censitaires, he would then desire the general tenure of Tenure, seigneuriale to be substituted in the resolutions to that of "Tenure feodale" which carries with it so disgraceful an idea of servility. The practical abuses being admitted, it was unnecessary to enlarge upon them. He would therefore attack the system itself. What then were the principal rights imposed upon the censitaires in favour of the seigneurs by that system? They were the right of lods et ventes, that of Banalite, and that of Retrait, of which no hon. member had yet spoken. He (Mr. Turcotte) had been not a little astonished to hear from the venerable and learned member for Richelieu, that the lods et ventes were not a tax imposed upon the vendor's industry and labours. Does not that hon. gentleman see that in stipulating the price of a given property with his vendor, the vendee always bears in mind that he has eight and 1-3 per cent to pay over to the seigneur which eighth and 1-3 he would just as well pay to his vendor, were that right of lods et ventes not in force. The vendor then loses it in consequence of the seigneur's right of lods et ventes, and therefore his industry and labours are virtually taxed by that right. Again is it just that a poor censitaire should enter the wild forest to settle upon a given lot of land, which then was worth comparatively nothing, that this censitaire by his exertions and trial should raise the value of that lot, say to £500—and that he be then forced if he want to dispose of his property, to let his seigneur have one twelfth of that value. This is more forcibly felt in large cities, where a citizen

may happen to build a cut stone or even a marble house on a lot of land, which was not worth fifty shillings when originally conceded; and still the *seigneur* has a right to the twelfth part of every piece of marble and ornament, &c. &c., composing that valuable palace, because it is built upon the insignificant lot of ground, subjected to the *droit de lods et ventes*. That part of the system was therefore unjust and absurd in itself.—The *right of retrait* was as unjust, and perhaps still less tolerable. And indeed the idea that a man had the right to say to his fellow subject within a fixed period; you have made a good bargain by purchasing such property, I want to profit by it, take your money back and your property is mine, or else give me such sum and I will not exercise my right; that idea he said could not be viewed without indignation by any man capable of appreciating his own social rights,—and this was the *droit de retrait*, which the *seigneurs* possess over their *censitaires*. The *right of Banalite*, was perhaps the worst of all—It could be defined "the right belonging to the *seigneur* to oblige his *seigneurie* to the eating of black bread," because this right binds the *censitaire* to have his wheat ground at the *seigneur's* mill, at the rate of one fourteenth part of the wheat thus carried to it, and no other man can dare to build another mill, for if he do he is condemned as has been very often the case, to destroy the same. To this right of *Banalite* is to be added several reserves and the absolute property of small streams, and of every unnavigable river. This was in fact the right of putting a check to lumber trade, and of stopping all manufactures which would require a water power. It was in his own knowledge that a certain *seigneur*, (he regretted to state this *seigneurie* was our sovereign lady the Queen,) had lately caused several individuals to be condemned to destroy the mills and dams which they had erected on a small river in the *seigneurie* of Batiscan. Are all these he would ask the results and consequences of a good system? In vain does the hon. and venerable member for Richelieu, question the existence of those rights of *Banalite* and *Retrait*; they do exist, not indeed as was decided by our Courts of Justice, with regard to the right of *banalite* that is to say as inherent to the *fief*, but as conventional rights to which however the *censitaires* are forced to submit by the necessity of their having a lot of land to settle upon, and of their taking a title to the same.—He would now ask the hon. member for Richelieu, what had the several tenures of England, of Ireland, of Hungary, &c., to do with ours? If this tenure be bad, does it consequently follow that our own are good, or if ours be bad, are we bound to adopt theirs? undoubtedly not; but it being admitted on all hands that there have been abuses in the practical operation of our system, there must be some redress, and the system itself being proved to be unreasonable, unjust, and tending to keep the country in a state of disgraceful stagnation—there must be a radical change. He would therefore vote for the resolutions now before the committee, but with the express understanding that the last resolution would be first, and above all put into operation, and that whatever might be the changes applied to our tenure, the acquired and well known rights of all parties shall be duly regarded.

Mr. QUESNEL said, when the country was first populated the system was considered a good one. It was then all in favor of the *censitaire* and against the *Seigneur*. The *censitaire* could have land for nothing.—There could be no speculation on the part of the *Seigneur*. The question now is whether it is advisable to legislate for the future. If his late lamented father had been designated as an alien.

service to the country. They could find out a method of getting rid of the system without injury to the present proprietors, they would be doing what posterity would thank them for.

Mr. CHRISTIE spoke at considerable length. He was in favor of a change in the system, but thought nothing could be done this session. The occupants of land under the Seigniorial tenure could not be said to be proprietors of the soil. This is a situation which no Englishman ought to be placed in. The period had now arrived when a system of this kind, encumbered as it is with various abuses, should be done away; but this could only be done by degrees, in order that no injury should accrue to any party. (Hear.)

Mr. MORIN entered into an exposition of the nature of the Seigniorial tenures as compared with the feudal tenures of the middle ages in Europe. He was by no means an enemy to the system in a general point of view. It had been found very serviceable at its first establishment in this country. But he would admit that the times were materially changed, and there should be a corresponding change in the tenures. (Hear.)

After some further discussion the resolutions were adopted.

THURSDAY, JULY 29.

NATURALIZATION BILL.

Upon the third reading of this bill,

Mr. CARTWRIGHT moved that the order of the day be discharged. He for one would not be instrumental in bringing about such a state of things as they had already sufficiently experienced the sad effects of, and which the bill was well calculated to do—that state which these united colonies had but just emerged from—a state of anarchy and rebellion. [Hear, hear.] It had been asserted by an hon member in that house yesterday that the greater part of the Americans who came to this country are good and loyal subjects. He (Mr. Cartwright) would assert, and fearlessly assert, that they are disloyal! [Hear, hear.] The feelings by which they were actuated had been sufficiently portrayed when the standard of rebellion was raised within these provinces. He would never consent that the privileges of British subjects should be conferred upon them. The present situation of the country was such as would prevent him from recording his vote in favor of naturalizing any citizen of the United States until we have some better assurance that they will make good subjects. He was desirous that his vote should be recorded on the journals of the house, and he would therefore move that the order of the day be discharged.

Mr. DURAND said he hoped the motion would be rejected and that the bill would pass. They had no reason to suppose that the Americans who settle in this province are disloyal; on the contrary, he (Mr. Durand) was convinced that they were for the most part better subjects than those of British origin. [Hear, hear.] The mismanagement of the affairs of government in this colony had brought discredit upon the country, and stopped the tide of emigration. It was not the admission of American citizens to become subjects of this province which injured the province, but it was the declaring those who had been foremost in defending the country to be aliens, as was done a few years ago by the famous or rather infamous Alien bill. His (Mr. Durand's) late lamented father, whose loyalty no one could question, had been designated as an alien.

Mr. HALE.—The hon gentleman has told us that no one could question the loyalty of his late lamented father. I am afraid this would have been a very different matter had

her's son. [Hear, hear.] However, I find myself in this instance compelled to vote with that hon gentleman, though I am happy to say that I am not of an on the same side with him. [Hear, hear.] I come from a part of the country which is almost entirely settled by persons who are Americans by birth, and Canadians by adoption. Among them so much as a whisper of rebellion was never heard. [Hear, hear.] On the contrary, ninety-nine out of every hundred had been in arms in defence of the country. It would be extremely ungrateful, therefore, to refuse to admit them to the same privileges which we ourselves enjoy. [Hear, hear.]

Sir ALLAN McNAB said he did not suppose that any thing which he could say would have the effect of changing the determination of the house; but he did not desire to shrink from declaring his opinions upon this important question—upon one of those great measures which have been promised to us by the government; a measure which affects the rights of from five to ten thousand persons in this province; a measure expressing the views of government; confirming all the advantages as well as the proud honor of being British subjects, upon people who have not even made application for that purpose, and without any recommendation from the home government. All who then heard him must admit that he (Sir Allan) had never hesitated to extend this advantage to all who apply for it by petition; but he could never satisfy himself that it was proper to pass a measure of this description, throwing open the door to all, even the convicts in the Provincial Penitentiary, who as soon as liberated would be entitled to claim the rights of subjects. After what he had witnessed within the last few years he could not believe it was right or proper, by one sweeping measure, to naturalize all, without exception, who are within the province, and who are so strongly imbued with republican feelings and prejudices that they desire nothing more than to assimilate our noble institutions to those of the United States. No man can hide from himself the fact that we have, with some few worthy exceptions, the very dregs of society coming from the United States, and a measure of this kind, therefore, though no doubt it will be exceedingly popular, will be exceedingly injudicious. If I oppose the measure I believe it will be admitted that I do so from no other than a good motive. I believe the bill is fraught with danger to the safety and welfare of the country, and for this reason I oppose it.

Mr. J. S. McDONELL said he was opposed to a general measure of this kind. He could not exactly discover the reason why it had been made so comprehensive unless it were that the learned gentlemen were anxious to void the numerous applications which would be made to them for separate acts of naturalization. He (Mr. McDonell) was opposed to opening a door for the admission of all Americans indiscriminately for he was perfectly satisfied that they would as soon find the River St. Lawrence turn its current towards Niagara, as they would find Americans becoming good subjects of this Province. (Hear, hear.) Where the greatest number of Americans were settled, there had been the very focus of rebellion: in the Eastern District on the contrary where there were no Americans there was not the slightest suspicion of disloyalty. He believed this bill was calculated to do a great deal of harm in the country and he would therefore vote against it. He was not in favor of making subjects of those who had never asked for the hon, he would at all events allow them to petition the legislature before he granted them the privilege of becoming sub-

(CONTINUED)

Hon. J. M. Leary.

THE CANADIAN MIRROR

OF PARLIAMENT.

EDITED BY H. FOWLER, Esq. }

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HOUSE OF ASSEMBLY.

THURSDAY, July 28.

NATURALIZATION BILL—CONTINUED.

Mr. SIMPSON said he had but one thing to object to, which was, that instead of five years residence as the bill provides the period should be seven. If it required seven years to learn a simple trade, he thought there should at least as long a probation be required before a foreigner should be endowed with the highest attributes of a British Subject.

Mr. MERRITT said it was amusing to hear the apprehensions which are expressed by hon. members concerning Americans.—There were, he was happy to say, in that house some living witnesses of the conduct of those very people, who had been so mercilessly traduced, on occasion of the late war with the United States in 1812. And who were the originators of the late rebellion? Were they Americans? No, they were the English, Irish, and Scotch! (Hear, hear.) When hon. gentlemen talk of Americans disseminating their republican principles in this country; he really thought it was very like a tacit admission that their institutions were better than our own: else where could be the danger to be apprehended from their attempts. He (Mr. Merritt) would be ashamed to make such an admission; particularly as we have now responsible government. (Hear, hear.) He hoped the bill would pass: and more than that, he would have been better pleased if the government had sent down a measure which would have embraced foreigners from all parts of the earth! He thought it was high time that they should abandon the Chinese policy hitherto pursued and adopt a more liberal and extended policy. (Hear, hear.)

Mr. CARTWRIGHT said he believed that the gallant and learned Knight had on a former occasion been in favor of a measure of this description which was introduced in the House of Assembly of Upper Canada by the learned and gallant Colonel from Essex. He (Mr. Cartwright) was in a minority upon that question, but subsequent events had justified the vote he then gave.

Colonel PRINCE said he only regretted that this bill does not go to the same extent as the one to which the hon. and learned member had just alluded. But he (Col. Prince) was one of those who was willing to get half a loaf if he could not get a whole one. He was astonished to find the gallant Knight from Hamilton so strenuously opposing this bill. He was quite at a loss to imagine by what consideration he was actuated, whether it was because the bill emanates from the government, (hear, hear,) or whether the events of the last four years have changed his opinions—those events which have conferred upon the gallant Knight a great deal of renown at very little inconvenience to himself. (Hear, hear.) If it could be ascertained, the gallant Knight would discover that the majority of the individuals for whom this bill is intended are those who stood by us in the time of our difficulty, not those who annoyed the government of this country during the four years of rebellion. He would acquit the Americans, as a nation, of having been instrumental in putting the government

of this country to the expense it had been three or four times, and had as often been put to. The revolution of '76 to which hon. rejected by the Legislative Council. The gentlemen seemed to attach so much importance as exhibiting the ingratitude of the measure was that it is republican, and that American nation, he (Col. Prince) contended it was a disgrace to come to the polls and was an honor to that nation; he declared they were perfectly justified. (Hear, hear.) The individuals for whom this bill is intended are those who have sought our protection, have lived under and obeyed our laws, and the very least we can do is to hold out the right hand of fellowship to them. (Hear, hear.)

Mr. HALE said he thought there was some consideration due to the remark of the gallant Knight from Hamilton, that the bill comprehends also those who remain within the Province by compulsion—men suffering punishment for crimes. He thought this should not be overlooked.

Mr. HINCKS said he could not allow to pass unnoticed the observation that the Americans who come into this Province are the dregs of society. He (Mr. Hincks) would affirm that there was not a more sober, well conducted class of people in the Province, and they were inclined also to be the most peaceable and loyal subjects, so long as they were treated with consideration. But it had unfortunately been the policy of the government, or rather of the dominant faction in this Province, to oppress them, and deny them the privilege of obtaining the redress of their grievances, after having settled amongst us, and after having cleared our forests and converted our wilderness into productive fields. As to their being wedded to republican principles, he [Mr. Hincks] would affirm without fear of successful contradiction that those who are so wedded to republican institutions would never come into this Province to become inhabitants thereof.

Sir ALLAN McNAB said he would reply to one observation of the learned gentleman from Essex, who said that he considered the Americans were perfectly justified in their revolution. He (Sir Allan) believed if this were admitted, that upon the same reasoning we should all be rebels in this province. (Hear, hear.) The learned gentleman might be assured that he [Sir Allan] had no particular desire to oppose the government or to support it. [Hear, hear.] So long as he considered the government to be right he would of course support them; no longer. [Hear, hear.] He [Sir Allan] was not to be driven from his position by ridicule or by the terror of being thought an opposer of the government.

The motion was negatived and the bill passed.

FRIDAY, July 30.

THE BALLOT BILL.

The house went into committee upon this bill—Mr. JOHNSTON in the chair.

Mr. SMALL said, in rising to propose the adoption of the first enacting clause of this bill, he would not detain the committee with any lengthened remarks upon it. The principle of voting by ballot had been discussed in almost every session of the Upper Canada Legislature for the last ten or fifteen years, and the Bill had passed the House of Assembly

argument generally used in opposition to the measure was that it is republican, and that American nation, he (Col. Prince) contended it was a disgrace to come to the polls and give a secret vote. This latter circumstance, however, of its being a secret vote was the very thing which in his estimation recommended it, because in that very secrecy lay the security. It is calculated to render security to the poor voter, to the tradesman, the mechanic, from the oppression of those who are able to exercise a strong control over him. He [Mr. Small] had witnessed the ill effects of the open system of voting as practiced in this province. The present system was one which he believed was loudly called for by a majority of the people of Upper Canada. He had no desire, however, to press forward the measure at present until we see what sort of election law we shall get. [Hear, hear.] But he wished it to be particularly understood that he did not abandon the principle, and he would now take the sense of the committee on the principle of the bill by moving for the adoption of the first enacting clause.

Col. PRINCE said if this measure had been introduced by any other than a countryman of his own, he would have felt less astonished. But that an Englishman in an English province should have the temerity to bring forward a measure so completely hostile to British institutions, was a matter not only of astonishment but of regret. The speech of the hon and learned gentleman has been brief, because he finds that he has learned upon a broken reed. But brief as the speech of the hon gentleman has been, mine shall be still more brief. I admit that in the old country the vote by ballot may in some cases be useful, but I am not prepared to say that it is that system of voting at elections which I would vote for; but I am prepared

to say that if there is a country in the world where the lower class who possess votes are under the all powerful influence of the wealthy, it is in England. But does this observation apply to this country? Certainly not. Are we so dependent, so ignoble, as to be controlled in the exercise of our franchise? I trust we are not. Does not this broad, expansive, this beautiful, this fertile country, afford to every human being who is able to raise the hatchet upon his shoulders a sufficient independence? [No.] I say that every man who possesses health and strength may, if he choose, be as independent as the lord of the land. [Hear, hear.] Yes, the backwoodsman of Canada is far more independent than the office holder who relies upon the fleeting fancies of the popular will for his continuance in office. I will never acknowledge that the Canadian freeholder has any necessity for resorting to this underhand mode of giving his vote: no, he may go boldly to the hustings, and defy any human being to injure him if he gives an honest vote. You may talk of Executive influence to be exercised over him he is ignoble. [Hear, hear.] I am aware that in a country where a man is dependent upon a rich, powerful, and sometimes tyrannical landlord, in manufacturing districts, they are sometimes constrained to vote according to

the wishes of their employers. There may, therefore, be some reason for adopting the vote by ballot in those countries, but I deny that this applies to Canada. The practice is not British—it is anti-British; and I lament exceedingly that the measure should have been introduced into this house by a countryman of my own. Viewing it in this light as anti-British, and as being inapplicable to this country, I will not allow any part of the bill to be adopted with my concurrence. I look upon it as an insult to the freeholders of Upper Canada. I will therefore move that the committee rise.

Mr. PRICE rose and said it was not his intention to detain the committee with any lengthy remarks; he was called up however by the remarks of his friend and countryman the hon. and learned gentleman from Essex, who states that the system of voting by ballot is anti-British. It is a matter of little consequence to this committee whether it be Anti-British, if it be calculated to secure the rights of British subjects; and it is a singular mode of reasoning to say that is anti-British when in almost every institution in England, it is no use except in the election of members of Parliament; and even in the elections of the Scotch and Irish Peers it is practised, and in choosing committees in the British house of Commons it is also practised. Now this being the case it cannot be so very anti-British if members were to be elected in the same way. With regard to individuals not having the moral courage to come up to the polls and vote openly, that is evidence of cowardice on the part of voters. But will not hon. members admit that there are both direct and indirect causes which influence voters, and which in many cases compel them to vote against their conscience? He [Mr. Price] would put the case of a man of family perfectly independent in his own mind, but somewhat embarrassed, as many people are, and that the sheriff has an execution hanging over his head without exercising any other than the legitimate power which he possesses, yet the very knowledge, that he has the power of putting him to great inconvenience will operate materially upon the vote he gives. This of itself is a sufficient consideration to induce this house to adopt some mode of relief for those who have the misfortune to be similarly situated, and the number is not small. At the election of the city of Toronto the sheriff was himself a candidate in opposition to his hon. friend who originated this measure, and although he [Mr. Price] had not supposed that the sheriff had not exercised his power unlawfully to influence his voters, yet the very consciousness that he possessed that power, was in his opinion sufficient to operate injuriously, whereas if the vote by ballot had been established every man might have voted according to his conscience. Many elections he [Mr. Price] fully believed had been carried in this province contrary to the wishes of the people, [hear, hear], from the very circumstance of this desirable method of voting not having been adopted. It is a measure which is absolutely necessary to the liberty of the subject. [Hear, hear.] There is a feeling throughout Canada which is disgusting and infamous, there are persons prowling about through the length and breadth of the land denouncing as rebels those who oppose the government. [Hear, hear.] If we are to be coerced in this way and threatened with club law, we might as well give up the idea of responsible government altogether. [hear, hear] or any other government. [Hear, hear.]

Mr. DURAND said he must confess he was surprised at the summary and cavalier manner in which the learned and hon. gentleman

from Essex had treated this measure. That with the privilege of demanding a jury of six freeholders, and with the power of appealing from the decision of the commissioners to the Quarter Sessions or District Court. With these amendments the present law will be quite sufficient for all useful purposes, less expensive, more expeditious. I hope hon. gentlemen will seriously reflect before they attempt to introduce a new law, which, in its operation, will be at all events doubtful in the place of one which is now in full operation. (Hear, hear.) Mr. DURAND said he looked upon this measure as one of that magnitude which should not be passed hastily. He was satisfied there had been many complaints with regard to the Court of Requests, and there was no doubt that it required alteration, but to change the whole system at once he thought would be extremely injudicious. He was satisfied that where they come from he was unable to say, it was not the sort of measure which would give satisfaction to the country. Mr. MOFFATT said this is a measure which gentlemen from that part of the province from which I came, can have no particular interest in, beyond a desire to see a measure adopted which will meet the wishes of hon. members who represent the Upper portion of the province, where the law is intended to be applied, and I have, therefore, waited to see what the feelings would be on the part of Upper Canada members respecting it. Upon the decision which took place at the second reading, only five members had stood up against it; he [Mr. Moffatt] was led to conclude therefore, that it was not altogether so unpopular a measure as some hon. gentlemen would endeavour to represent.

The question was then taken for the committee to rise, which was carried. Yeas 25. Nays 20.

Tuesday, August 3.

COURTS OF REQUESTS.

The order of the day for the third reading of the bill introduced by the Hon. Mr. Draper, amending the law relating to the Courts of Requests, having been read,

Mr. MERRITT moved certain amendments to the provisions of the bill.

Mr. THORBURN, in seconding this motion, said he would state the reasons why he was opposed to the bill in its present shape. In the first place the bill is calculated to effect a complete revolution in the law relating to these small courts, which have always been emphatically styled the poor man's court; it takes away the power of adjudicating from the commissioners and places it in the hands of one man in each district; it changes the time for holding these Courts, making the intervals between its sittings two months instead of a fortnight, as formerly, and making the divisions extend to the limits of each township, which will compel suitors in many cases to travel twenty and twenty-five miles. Business will accumulate within the two months sufficient to keep the court sitting for three or four days, and under such circumstances, how is the poor man to obtain the recovery of his small demands? he is completely deprived of justice! this will be the effect of the bill. It is absurd to suppose that a man can go a distance of twenty miles to attend one of these courts, and remain three or four days, for the recovery of a small demand. The expense would be greater than the debt; he is, therefore, virtually deprived of justice. The people have no desire for such a change, as their petitions are coming to this house upon this subject remonstrating against the passing of a law of this kind. They are perfectly satisfied with the system as it is at present. It may perhaps be capable of some slight improvement, such as this amendment would have the effect of giving to it. But I think it is a dangerous matter for the legislature to force a law upon them contrary to their desire, although it may be a better law: it may be perfectly equitable and just in its provisions; but this is not the question, (hear, hear), the main point is, do the people require it?—(Hear, hear.) The effect of this amendment will be to extend the jurisdiction of the commissioners to twelve pounds ten shillings, (and in cases of confession of judgment to £25) no doubt aware that there are upwards of

Mr. BALDWIN said he would vote for the bill; if for no other reason at least for this, that by this means they should get rid of upwards of one thousand commissioners, sixty per cent or two-thirds of whom are altogether unfit for the responsible situation in which they are placed. Whether it be attributable to improper appointments or not, persons have no confidence in these courts; they will not go to them because they cannot expect to receive justice. He would support this bill because he believed the principle upon which it was founded was better calculated to promote justice; but he did not entirely approve of some of its details, such as holding the court only once in two months. These details, however, could be amended either now or hereafter, whenever it might be found advisable.

Mr. VIGER said when a measure of this description was proposed in Lower Canada he had set his face against it, but he had been in a minority on that occasion. He had, however, in some degree changed his mind with regard to it. The longer the system went on the more he had reason to believe that the people were satisfied with it as being a cheap and expeditious remedy for the recovery of small debts. It would seem, however, that the people of this part of the Province are desirous of adopting a new measure, at least a majority of their representatives are so, and this being the case, and as the law is only to be a temporary one, I shall of course offer no opposition to it.

Mr. MERRITT said he was really surprised at the apathy which seemed to prevail regarding this subject. He was completely astonished at the reasons assigned by the hon. gentleman from the city of Montreal, and the hon. and venerable member from Richelieu, for supporting the measure, that because a majority appears to be in favor of it they will go with that majority. Those hon. gentlemen say, we are not by any means satisfied ourselves of the beneficial results to be expected from this measure, but if you desire it we will sustain you. Those hon. gentlemen are no doubt aware that there are upwards of

thirty lawyers in this house, (a laugh,) and it affords an excellent opportunity for them to provide Judgeships for members of their profession. (Hear, hear.) I am not a little surprised that hon. members who have witnessed the beneficial effect of the present system, should now endeavor to deprive us of those benefits to gratify the wishes of a set of professional men who happen to be members of this house. He (Mr. Merritt) would resist the passage of the bill, though he should stand alone, because he believed it would be unjust and improper, in this hasty manner, to introduce an entirely new system, without giving the country an opportunity of expressing their wishes upon the subject.

Mr. HINCKS said that with regard to the people not having an opportunity of expressing their wishes regarding this measure, he thought they had had sufficient opportunity; the evil of the system had been found to be so great that it was thought advisable to appoint a commission to inquire into the matter: that commission entered into an investigation and reported upon the subject. That report had been before the house and the country for at least a year and a half. He (Mr. Hincks) had as good reason as any hon member to know what the wishes and feelings of the people were upon the subject of these courts, and upon the subject of the new measure now before the house, and he was not aware that a single objection had been raised against the principle of this bill, but on the contrary it was generally approved of. The hon gentleman from Haldimand had taken rather an extraordinary course. When the bill was before the committee of the whole house, that hon gentleman declared that the present system was perfectly satisfactory to the country, and now he finds it necessary to propose to amend that perfect system by introducing a jury clause. He (Mr. Hincks) agreed with the hon and learned gentleman from Hastings that there are probably defects in this bill which will require to be amended, but satisfied as he was that the present system is a bad one, he was satisfied they could not take a better course than to adopt the present measure.

Mr. COOK said he believed, notwithstanding what hon gentlemen had said about the Courts of Requests being so obnoxious, that those courts gave general satisfaction. There were as few complaints against that court as against any court in Upper Canada.

Mr. WILLIAMS said he had already given his opinion upon the subject at the second reading of the bill, and he saw no reason to alter that opinion. The great evil in the old system is, the improper appointments which have been made; but under this enlightened and liberal administration (hear, hear) it is reasonable to suppose that we shall have no such cause of complaint. The new measure is exceedingly objectionable in one point of view; it will materially increase the costs attending the trial of small cases, and will be exceedingly inconvenient in obliging suitors to travel a greater distance. He hoped hon gentlemen would allow the matter to rest until the next session of Parliament.

Mr. ROBLIN said it was with considerable diffidence he rose, after the divisions which had taken place upon the second reading of this bill, when he had made one of that miserable minority which an hon gentleman had alluded to, in opposition to this measure. (Hear, hear.) But he had not yet lost all hope that the bill might be thrown out. This bill was intended to do away with the system of jurisprudence which had been in existence for eight years, a system which he would not hesitate to declare had worked well. It was true there had been complaints, and it was not surprising that there had been, in a system so extensive it was perfectly natural. There is nothing of human institu-

tion which is perfect; but this does not prove that the system is so very objectionable that it is necessary to overturn it altogether. It is not believed in the country that such a bill as this will pass this house: if it were believed, we would have petitions almost without number in opposition to it. It has been said that the opposition to the measure arises from the selfishness of the commissioners, who wish to retain the petty power which they possess; but hon members seem to forget that the proportion of the gentlemen of the legal profession in this house is very large, while those whose occupation is to till the ground are few in number. Now, this measure provides a very comfortable living for seventeen of these lawyers; and I will call upon those legal gentleman who have seats in this house to take care that selfishness be not imputed to them in this matter. (Hear, hear.) The court as at present established may be truly said to be the poor man's court, a mere common sense arbitration of differences between neighbors; but when this complicated machinery comes to be substituted, a system of law rules established, it will embarrass the operation of the system, instead of improving it.— I am sorry to see the hon. gentleman from Oxford so much in favor of this measure. I hope he is yet open to conviction, and that he will not so easily be led to sacrifice the interests of the yeomanry of this Province: there are complaints against the present system let them be remedied, but do not destroy the whole system. (Hear, hear.) I will venture to say there have been more verdicts of juries set aside than there have been complaints against these courts. Then why not do away with the trial by jury? (Hear, hear.) There are now 1060 Commissioners, and you propose to substitute but 17 Judges, one for each District. Now it is impossible that one man can perform the duty which it has required the several Commissioners in the District to perform without protracting the sitting of each court to an unwarrantable length of time. You hold your courts but once in two months, and you by this means give the Judge four times the amount of business which the Commissioners have in a single court, and when you multiply this by the number of divisions in each township which you by this act consolidate, you have nearly twenty times the business which is at present transacted by three or four Commissioners. How, then, is one man to get through it? The suitors must be in attendance, the jury must be in attendance, and the witness must be in attendance. But the hon. gentleman says the Jury cases will be tried first. Well, this only makes the matter worse, for the poor man must wait before he can obtain a hearing of his small claim until the larger ones are disposed of. And another provision in this bill which is highly objectionable, and which deserves particular attention, is, that the evidence of the plaintiff or of the defendant is inadmissible. Those small claims, therefore, of which no proof can be brought cannot be recovered. All this bears oppressively on the poor man, and it also affords an opportunity to such as are roguishly inclined to practice fraud. He [Mr. Roblin] felt very reluctant to question the correctness of a measure introduced by an hon and learned member, but he believed he could satisfactorily show to that hon house that the measure was defective in many respects. He had already alluded to some points which he believed would be found to be exceedingly mischievous in their effects. Mr. Roblin then proceeded to compare the expenses of the present court with those of the one proposed to be established. It had been shown from returns which were in the possession of the house that the expenses of the Courts of Requests for the whole province,

as at present established, amounts to £10,000, out of which about two-thirds are bailiffs' fees, and the remainder belongs to the commissioners and clerks. The salaries of the judges and clerks, under the new system, together with the percentage allowed to the treasurers, would amount to more than double that amount for the performance of precisely the same duties. You have a jury also, and that jury is to be paid, which materially swells the amount. All questions submitted to the decision of the jury will be decided by a majority; that majority consists of three, only equal to the number who usually sit in each Court of Requests. Another thing which will materially swell the expense is that bailiffs are required to serve all subpoenas; but the worst feature of the bill is that it does not require an oath from judges or clerks, and it refuses to receive the testimony of the parties on oath. A man who has paid for a piece of work without taking the precaution to provide a witness to the payment may be sued and obliged to pay over again. [He should take a receipt.] Yes, take a receipt signed with a cross, and go hunting for a witness to the signature, it would be like the Welland Canal accounts! [hear, hear.] There is nothing in the Bill to compel a judge to administer an oath to the jurymen, [very true there is no swearing.] I suppose all parties are to be considered above suspicion. I hope hon. gentlemen will reflect well before they adopt a measure so defective as this. [Hear, hear.]

TO BE CONTINUED.

ROUTINE BUSINESS.

MONDAY, July 26.

Of James Stocks and others, of the township of Etibicoke, Home District, praying for an aid to improve the shore on Lake Ontario next to the river Humber.

Of Louis Norreau, of the parish of St. Roche, of Quebec, State messenger of the Legislative Council of Lower Canada, praying to be reinstated in his former office, or remunerated for his loss of office.

Of Felicite Morin, of the city of Montreal, praying that she may be indemnified for losses sustained by her during the late rebellion.

Of G. P. Willgress and others, of the parish of Lachine, praying for exemption from toll on the turnpike road between Montreal and Lachine.

Of A. A. Adams and others, of the township of Barristown, in the county of Stanstead, praying that a general and liberal system of education may be established, and that the sacred Scriptures may be taught in all the schools of the Province.

Of George Babcock and others, of the town of Brantford and other places, stage proprietors and mail contractors, praying to be exempted from the payment of toll in the line of their contract.

Of John Burns and others, inhabitants of the township of Durham, praying that the work done at the public expense be done by contract.

Of William Bourrou, Esquire, and others, of Godmanchester and other places in the county of Beauharnois, praying that an efficient system of education may be established in the Eastern part of the Province.

Of Archibald McDonell and others, of the townships of Gloucester, Osgoode, and Russell, praying for a tax of one penny in the pound on all wild lands for the improvement of the highways.

Of J. W. Woolsey, Esquire, and others, of Quebec, praying the Legislature to intercede with her Majesty for a full and general

pardon to all persons engaged in the late troubles in this Province.

Of Thomas Carr, Senior, and others, inhabitants of the township of Otonabee and other townships, praying that the line of communication from Rice Lake to Cobourg may be improved.

On motion of Mr. Cameron, seconded by Mr. Holmes,

Resolved, That the resolution of this house authorizing the clerk of this house to procure five hundred copies of the Canadian Mirror of Parliament for the use of the members, at five shillings currency per month, be rescinded at the end of the month, to wit, on the 16th day of August next.

Tuesday, July 27.

Several petitions were brought up and laid on the table.

On motion of Mr. Attorney General Draper, so much of the message of his Excellency as relates to the estimates for the year ending 21st December 1841, with the documents committed therewith, were referred to a committee of nine members consisting of Messrs. Harrison, Day, Moffatt, Neilson, Hincks, Holmes, Merritt, Cameron, and Quesnel, to report thereon.

The Petition of Duncan Patton and others, Cullers of timber at Quebec was referred to a select committee.

Mr. Gilchrist obtained leave to absent himself until the first day of August.

A message came down from the Legislative Council, announcing that the Council had passed an act amending the Chancery act.

The Bill was then read a first time.

Hon. Mr. Harrison delivered to the Speaker a message from his Excellency, which was read as follows.

SYDENHAM.

The Governor General recommends to the House of Assembly that provision be made for the salaries of Judges and Clerks of the District Courts and Division Courts in that part of the Province heretofore called Upper Canada, to meet the possible contingency of the general fee fund created not being in the first instance adequate for that purpose.

Government House, July 27.

The committee upon the printing of the Journals recommended that five hundred copies be printed with the appendix to be disposed of as follows:

Three copies to each member; one copy to each member of the Legislative Council; three copies in English and two in French to the Library of the Legislature; one copy (each) to the Governors, Legislative Councils, and Assemblies of New Brunswick, Nova Scotia, Newfoundland and Prince Edward Island, the Island of Jamaica and the Island of Bermuda; two copies to the Colonial Department; three copies to the Library of the House of Commons; three copies to the Library of the House of Lords; six copies to the Clerk's office for the use of this house; one copy to each law library in this Province, as the speaker may direct.

A bill to provide for the better internal

government of that part of this province heretofore Upper Canada, by the establishment of local and municipal authorities therein, was read a second time.

Pursuant to the order of the day the house went into committee on the bill to repeal two certain ordinances therein mentioned, and to establish a Board of Works in this Province.

The committee made several amendments which were agreed to by the house.

The house went into committee upon the bill to secure to and confer upon certain inhabitants of this Province the civil and political rights of natural born British subjects. Adjourned for want of a quorum.

Wednesday, July 28.

The following petitions were read:

Of certain cullers of timber of Quebec, suggesting certain alterations in the bill for the inspection of lumber.

Of Anna, wife of Benjamin Long, and others, heirs of the late Jacob Huschy, of the State of Pennsylvania, praying that a law be passed to authorize the Rev. Benjamin Ely, of the township of Waterloo, District of Wellington, Province of Canada, to make all necessary deeds of conveyance relating to the estate of the said Jacob Huschy.

Of H. Robinson and others, of the county of Shefford, praying to be united with the counties of Stanstead and Sherbrooke in the Mutual Fire Insurance Company established in the said counties.

Of A. Murphy and others, of the township of Frampton, praying for a protecting duty on American produce.

Of John Cook, Esq., and others, Lutherans, of Williamsbury and Osnabruck, praying that an act of naturalization may be passed in favor of the Rev. William Shorts.

PETITIONS REFERRED.

Of Ichabod Wing, of Chautauque, in the State of New York.

Of John McDonald and others, inhabitants of the townships of Leeds and Lansdowne.

Of divers inhabitants of the county of Leeds.

The Hon. S. B. Harrison presented, pursuant to an address of the House of Assembly of the 6th instant, an extract of a despatch from Lord John Russell to his Excellency the Governor General, dated Downing street, 1st July, 1840, which was read as follows:

"Regarding the address on the subject of Christopher Leggs, I have to state that it appears that this person's loss arose, not from the violence of a foreign enemy, but from the misconduct of persons acting as volunteers for the defence of the Province.

"I have, therefore, not thought myself at liberty to advise the Queen to recommend to Parliament that provision should be made at the expense of the revenues of this Kingdom for indemnifying the sufferers."

On motion of Mr. Parent, Ordered, That the Clerk of the House do cause to be inserted in the Appendix to the Journals of the House for the present session, the returns made by the Prothonotaries of the courts of King's Bench of births, marriages, and burials in the different Districts of the late Province of Lower Canada for the years 1838-9-10.

The house in committee on Mr. Harrison's naturalization bill, reported some amendments. Upon receiving the report of the committee the house divided, yeas 40, nays 4.

The committee appointed try the contested election for the county of Frontenac made their final report in favor of the sitting member.

The House went into committee to consider the expediency of amending the ordinance of the Special Council providing for the improvement of the roads in the vicinity of Montreal.

The committee reported a resolution, and Mr. Holmes brought in a bill founded upon said resolution.

The house went into committee to consider the expediency of enquiring into the several laws levying duties on the imports into this Province, and to consider the propriety of amending and consolidating the same.

The committee reported a resolution as follows:

Resolved, That the duty of two and a half per cent now by law levied upon the importation of copies of the holy Scriptures into this Province by navigation from sea, under and by virtue of the act 53 Geo. III., ch. 2, sec. 1, ought to be repealed.

Mr. Holmes then brought in a bill for that purpose.

WEDNESDAY, July 28.

The House resolved itself into a Committee of the whole, to take into consideration the laws of that part of the Province, heretofore known as Lower Canada; touching the tenure of lands commonly known as "*Feudal Tenure*" and to consider the expediency of altering and amending the same, and the best and most equitable mode of effecting the alteration that may be deemed necessary.

The Committee reported certain resolutions which after deviation were adopted, yeas 45, nays 3.

The resolutions were then referred to a select Committee of seven members to report thereon, from time to time, by Bill or otherwise.

The following members composed the Committee, Messrs. Morin, Noel, ~~Richard~~, Taschereau, Armstrong, Moffatt, and ~~Wanscombe~~.

In Committee of the whole, resolved that it is expedient to amend an ordinance of the Special Council of Lower Canada, passed in the fourth year of her Majesty's reign, entitled "an ordinance for making a Rail Road from Sherbrooke, to a point upon either bank of the River Richelieu."

The House resolved itself into a Committee of the whole, to consider the propriety of repealing and amending the Statutes and ordinances of Lower Canada, relating to the improvement of the Queen's Highways during the winter season.

The Bill to incorporate certain persons under the title of the "Caledonia Bridge Company," was according to order read a second time.

The House resolved itself into a Committee of the whole, to consider the propriety of amending the act, to authorize the establishment of Mutual Insurance Companies in the several Districts of the Province.

Hon. J. W. Lee

THE CANADIAN MIRROR OF PARLIAMENT.

EDITED BY H. FOWLER, Esq. }

Kingston, August 7, 1841.

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HOUSE OF ASSEMBLY.

TUESDAY, August 3.

COURTS OF REQUESTS—CONTINUED.

Hon. Mr. DRAPER rose and addressed the committee. He did not think it necessary to go again into a discussion of the different clauses of the bill. He would confine himself rather to the arguments which had been made use of to do away with the bill. Hon. gentlemen in speaking upon this amendment seemed to view it not as an amendment to this bill, but as an amendment to the old existing law. But if it be intended that these resolutions shall form the basis of a new system, it will be found that it will not work well—in fact you cannot get it into operation at all. It will be not so much an improvement as an impediment.

One of the arguments made use of against the bill, and which strikes me with no inconsiderable degree of force not as an argument against the bill, but as an admission, which really surprised me not a little, involving the principle that members of this house stand here not to exercise their own deliberate judgments, but to act as the mere recorders of the wishes of their constituency, as those wishes may be expressed to them from day to day. (Hear, hear.) When I find myself in this situation I shall cease to consider myself worthy of representing a free people. (Hear, hear.) One hon. gentleman has stated as an objection to this bill that under its provisions the courts will not be held often enough to benefit transitory persons. Now although I admit the principle that, as far as possible, justice should be brought to every man's door, yet we are not legislating for transitory persons, for a mere shifting, travelling population, but for those whom we represent; the settled residents of the country. (Hear, hear.) I think, therefore, this argument is not entitled to very great weight. There are some objections which I anticipated when I brought in this measure. I expected the opposition of the Commissioners of the present court; and not only of those who are Commissioners, but of those who hope to be so; and not only of those who hope to be so, but of those who hope to have a voice in their appointment. (Hear, hear.) This is an opposition which I fully expected—an opposition arising from the destruction of that little local patronage which is possessed by the Commissioners. (Hear, hear.) I have not been disappointed in the slightest degree, and I thank those hon. gentlemen for the candor with which they have admitted the grounds upon which their opposition rests. (Hear, hear.) Another remark of the hon. gentleman from South Lincoln which is well worthy of notice as an argument against the passage of the bill, is, that although it is true it may be a good measure, and well calculated to promote the better administration of justice, yet the people do not ask for it, and therefore we should not pass it. (Hear, hear.) We are here, then, not to exercise our free and independent judgments, but to record the wishes of perhaps two or three meddling individuals amongst our constituency, who take upon themselves to express to us the wishes of that constituency. (Hear, hear.) If there

are the duties of hon. gentlemen as legislators, such are not my duties. (Hear, hear.) has been laboring to convince them; and if The hon. gentleman proposes by his amendment to extend the jurisdiction in some cases against it, without producing the effect which to twenty-five pounds, and give the power he desired; which shows plainly that the people are desirous that it shall pass. [Hear, hear.] One would have supposed that the made a Court of Record, there can be no evidence of title to such lands sold by the Sheriff, except the bare recollection of parties, which amounts to no evidence at all. Let hon. gentlemen reflect upon the consequences of such an alteration as this, and it will not, I think, be difficult to discover its impropriety. When you take away any part of an arch, the chances are the whole superstructure will come about your ears. An hon. gentleman proposed, when this measure was discussed before, that it should be deferred to the succeeding session of Parliament. If that hon. gentleman had made use of argument instead of declamation, I could have replied to him as I have already done to one hon. gentleman, and as I intend to do to the observations of another. With regard to that hon. gentleman I will merely remark that if he had read the bill he would have found that he was wrong in the position he took. I shall not waste time in replying to those remarks which hon. gentlemen sometimes indulge in, which apply to the ordinary prejudices against the legal profession. I have lived long enough to know that the credit of the profession of which I am a member will rest not upon the sarcastic remarks which may be applied to it in popular discussion, but upon the conduct of its members. Therefore I am quite careless with regard to observations of this nature. An hon. gentleman who has favored us with a "great shot," told us he had not lost all hope of being able to throw out this bill. I think I can hold out to him a hope, not that it will not pass, but that he will be disappointed in its operation. It would be ridiculous to venture to hope that in a single session a measure could be so well matured that all its provisions would be perfect; but that is not a consideration which should induce us to forego endeavoring to make it as perfect as possible. And it must assuredly be admitted that a system of uniformity is better than one which has no uniformity at all. A system which gives some degree of certainty as to the extent of the jurisdiction of the court cannot do otherwise than effect a beneficial change. I am not quite convinced, notwithstanding all the arguments I have heard, as to the absolute necessity of frequent sittings. It is a difficult matter to steer between two evils, that of encouraging too frequent litigation, and of admitting even the show of depriving suitors of the opportunity of obtaining speedy justice; and I will frankly put it to the hon. gentleman from Prince Edward, who praises so highly the operation of the present courts in his own neighborhood, whether it has not been owing to his own discretion and judgment in the department of both of Commissioner and Clerk of that court, (for he has filled both offices,) rather than to any other circumstance, that the evils which the system is so well calculated to produce have not arisen in that particular. The hon. gentleman asserts that the people are unable to make the people judge of the bill, and that the decision

of juries. If the hon gentleman had taken the pains to examine the records of the higher courts, he would have found that where new trials are granted it does not always arise from the mistake or misconduct of the jury, in fact such cases are very rare, it more frequently arises from the fault of the parties not having gone into evidence so fully as they ought. Thus objection then carries very little weight. Another objection suggested by the hon gentleman is that bailiffs shall have the service of all writs and subpoenas. The bill is merely declaratory that he shall be compelled to serve subpoenas where either party wish to avail themselves of his services: the law remains as it was in that respect. Then comes another fault, and if I felt disposed to shrink from the responsibility of defending this point other hon gentlemen would come to my assistance, as it was suggested by them, that judgment should not be given upon the oath of either party. There is a power given to the judge to examine a party upon oath, but no judgment is to be given upon such oath, unless supported by other evidence; and it has this advantage, by this means no inducement is held out to a party to commit perjury. Having now gone through the objections of the hon gentleman, I trust, in what I have said, I shall be understood as being desirous merely of improving a system which is defective and defective to such a degree that the reiterated complaints of the country could not be longer disregarded. The commissioners appointed to investigate the subject took no inconsiderable degree of pains, as the hon gentleman must know, inasmuch as their report forms part of the appendix to our journals; and whoever examines that report must be at once convinced that a measure of this kind is absolutely required.

The question was then taken upon Mr. Merritt's amendments, which were negatived, and the bill passed.

TUESDAY, August 3.

MUNICIPAL CORPORATIONS.

The House resolved itself into a committee of the whole upon the Bill to provide for the internal government of that part of the Province which formerly constituted the Province of Upper Canada, by the establishment of local or municipal authorities therein.

HON. MR. HARRISON said, previous to moving for the adoption of the several clauses of this bill, it would perhaps be proper for him to make a few observations upon the nature of the measure. The object of the bill is to put into the hands of the people themselves the management of their own internal affairs. To accomplish this object as far as the eastern part of the Province is concerned, an ordinance was passed some time ago, and is just now going into operation. The present bill is intended to place the western part of the Province upon the same footing. There has been no difference made except such as the respective situations of the different parts of the province rendered necessary. The western part having heretofore been provided with township officers, it was only necessary to superadd the plan which I have now the honor to submit to this committee. In the eastern part, on the contrary, there having been no such thing in existence, it was necessary to give an individual character to the machinery of this measure. It became necessary, therefore, that some slight difference should be made in non-essentials; the main features of both are the same. It may become a very material question whether the Bill as it now is will be satisfactory to this house in all its details. That, however, is a matter for future consideration; at

present, it is for the house to decide whether a measure of this kind should be adopted and a trial given to it.

MR. VIGER said he had been at considerable pains in examining the ordinance of Lower Canada upon this subject, and he was sorry to say it was of such a character as no man could approve of. It had been passed by a set of men who did not represent the people. By it a new machinery of government had been established, for which there was no example in the whole civilized world. Hon. Mr. HARRISON said it was true there were no precedents for these institutions precisely in the form adopted by the ordinance and that contemplated by the bill. But there were abundance of precedents which were substantially analogous. One he would mention was, the vestry system. The great principle of both systems was local taxation and expenditure. The only difference was, the councils were to be made bodies corporate in order to give them an existence beyond the passing year.

MR. VIGER.—The vestry system is the parish system, and that is well known in England, Scotland, Ireland, in France and in Lower Canada, but I would like to hear the hon. gentleman point out the analogy between that system and the ordinance of Lower Canada. What are the provisions of this ordinance? I shall not follow the several clauses, but will notice merely the material features. First, the Governor divides the province according to his own will; he partitions it out in districts; he appoints certain of the officers of the councils; he controls the meeting of the councils, and he has the power of dissolving them at pleasure; and these are called the municipal corporations! institutions for the people's self-government! If this house is ready to swallow so palpable a deception I am very much mistaken. Oh; but it will do very well for the poor Canadians, hon gentlemen will say, who are not more than half civilized! I hope at least that the remainder of the province is not going to share the same fate; that although we Lower Canadians have a Special Council made for us, which provides laws for our government, without so much as leaving us a voice either in the making of those laws or in the enforcing them; that although we have a government which kindly relieves us from all such responsibility as looking after our own interests, yet I confess I am so selfish that I do not desire to extend those great advantages to Upper Canada! I do not desire that you shall be told, you shall have the power of regulating your own affairs; you shall elect your councils, but mind you, I shall appoint the officers of those councils; I shall regulate their sittings; I shall assent to or annul such of their acts as I please; and I shall dissolve them when I think proper. And this is giving to the people sort of power; it is certainly the power of doing very little. I will refrain from going more at length into this subject at present: I think I have already said enough to induce this hon house to pause before they accept this shadow of a power which is professed to be given to the people by the bill now proposed for our adoption.

MR. DURAND said he rose merely for the purpose of making a few remarks upon the principle of the bill. It was that prominent and important measure which had been anxiously looked for by the people; he was convinced that it would prove a boon to the country. By it we should recover the advantages which had been lost by the passing of the Union bill. [Hear, hear—laughter.] We formerly had the right to originate money bills: in place of this we are now to

have local self government. [Hear, hear.] As far as regards the principle, he fully concurred in it: he thought the people were perfectly competent to manage their own affairs. (Oh yes.) Nevertheless, he believed there were some clauses which were objectionable, and which he hoped would be so modified as to meet the approbation of the people.

MR. BALDWIN said he could not help expressing some little surprise at the manner in which the hon and learned gentleman had brought forward this measure, which he seemed to consider one of those great measures which the people look for from the government; but he seems to think it necessary to make some sort of apology for its introduction. He feels that it is not such a bill as ought to be submitted to the representatives of the people (hear, hear); else wherefore make an apology? I am absolutely astonished that an administration so strong in the confidence of the people, as we are bound to suppose this is, for we have been repeatedly informed that this is the case, should have considered that one of their great measures required an apology for its introduction. It is perfectly well known that I am in favor of establishing municipal corporations; but I certainly feel great objections against the details of this bill, and I came down to the house this evening with the expectation of hearing the hon and learned gentleman propose to postpone its consideration, in order that the existing differences might be reconciled; and I would now suggest that the committee rise, report progress, and recommend the measure to be referred to a select committee.

MR. SOLICITOR GENERAL DAY rose and said he thanked the hon and learned gentleman for his extreme good nature, and for his very kind offer to relieve himself and colleagues from trouble. The disposition manifested by the hon and learned gentleman was highly creditable to him, and exceedingly gratifying to the feelings of himself and his colleagues: however, continued Mr Day, as the country expects from us these measures, I beg leave to decline the very liberal and kind offers of the hon and learned gentleman. [Hear, hear.] I view this measure as a measure of immense importance: perhaps it is the greatest political step which has ever been taken by any government in the way of legislation: it is one, however, which ought long ago to have been carried into effect: the people ought to have been long ere this period placed in a situation to manage their own local affairs. It is a measure which I have no hesitation in declaring is calculated to confer great benefits upon the country. It must be borne in mind that the measure is one of a novel character, and I would put it to the good sense of any hon member whether in the creation of a power of this kind it is not a matter of common prudence to retain certain checks upon its operations, that the machinery may be put fairly in motion, and when the people have become familiar with the operation of the system alterations may be made if found necessary; and I will say with regard to these municipal corporations, they partake of a political character, distinguishing them from mere corporations of an ordinary character. The hon and venerable member for Richelieu says this bill is unprecedented: it is unprecedented in liberality! [Hear, hear.]—The hon and learned member objects to the power of disallowance of the by-laws of the District Councils being vested in the Executive, and also the power of dissolving the councils: these are not greater powers than exist with regard to this legislature [hear, hear]; and as to the appointment of the Wardens, the appointment of Lord Lieuten-

ants of counties in England is in some degree a precedent. Suppose it should happen, after these District Councils had been elected, one of those changes in public opinion, which is so fluctuating, should occur, and it should become necessary to dissolve the legislature, unless the power of dissolving the councils also be lodged in the crown we might have, and undoubtedly would have these councils setting themselves at variance with the Executive and with one another. [Hear, hear.] With respect to the governor dividing the province into districts, according to his own will, I am surprised that the hon gentleman should object to that: it is strictly a constitutional course. I am quite satisfied my hon and learned colleague did not intend to be understood as offering any apology for the introduction of this measure; it carries its own apology; and if it be considered necessary to assimilate its provisions to those of the law of Lower Canada, this does not deteriorate its qualities or depreciate its merits.

Sir ALLAN McNAB said he did not rise to speak as to the merits of the bill, but as to the manner in which the bill had been introduced. The hon and learned Solicitor stated it was unnecessary that any apology should be offered for the introduction of this bill. He is quite right, after the proceedings of the Special Council in Lower Canada in adopting a measure of this description in obedience to the wishes of the government—a measure which is exceedingly obnoxious to the people. (No, no—hear, hear.) The administration now desires to get the people of Western Canada into the same boat, and then if you have strength enough to alter the law you may do so. If the Lower Canada really disapprove of the measure, let them stand forward and assist in preventing it from being thrust upon us. Will they lend themselves to the administration to force upon the people of Upper Canada a measure which they do not want? (No, no.) The object of introducing the bill in the manner it has been introduced, is very apparent.

Mr. HINCKS said he entirely concurred with the objections of the hon. and venerable member for Richelieu and others, with whom he had generally the satisfaction of acting, as to some of the details of the measure; but he was at the same time a strong advocate for the principle of allowing the people to administer their own local affairs; and he would caution hon members from Lower Canada against confiding in the assertions of the learned member for Hamilton, that the measure is not desired by the country. He (Mr. Hincks) would assert that the people of Western Canada are most anxious for a measure of this description. This is the great measure which is anxiously desired, particularly by the Reformers of Canada with whom he (Mr. Hincks) had the satisfaction to act. He would warn hon. members against being led astray by the assertions of an hon and learned gentleman who had always been opposed to the principle of allowing the people to have the management of their own affairs. The people of Western Canada, it would be recollected, are subject to taxation, the expenditure of which is managed by an irresponsible Magistracy—a Magistracy appointed by the Executive over whom the people have no control. Talk about the appointment of Clerks and Treasurers! Are they not appointed by the Executive at present? Yet we hear the bill, with all its other excellent provisions, objected to because these appointments continue in the hands of the government. Although he (Mr. Hincks) was not in favor of many of the details of the measure, yet he would support the bill for the sake of the principle which it concedes.

Mr. VIGER said he did not wish to be considered averse to municipal institutions; but these were not municipal institutions such as they ought to be. The measure was never submitted to the consideration of the Lower Canadians. Had it been so submitted it would not have become a law, because it was a most iniquitous law—it was one altogether without example. It was an execrable policy that experiments of this kind should be forced upon the people. Instead of being subservient to the good government of the country, it was calculated to destroy the harmony and tranquility of the country.

Mr. WILLIAMS.—The hon gentleman from Oxford has stated that the entire community are in favor of this measure. I deny this position. (Hear, hear.) I have as good an opportunity of knowing the wishes of the country as any hon gentleman, and I say the large body of the Reformers of this Province are opposed to the measure. (No, no!) The hon gentleman has also stated that the expenditure of monies is under the control of an irresponsible Magistracy. I say it could not be placed in better hands. And to convince the house that elective institutions are not in all cases so very desirable, I will merely refer hon members to an act which was some years ago passed in the Upper Canada Legislature, taking the control of the statute labor out of the hands of the Magistrates and placing it in the hands of three Commissioners. What was the consequence? Nothing was done. There was no statute labor performed. (Hear, hear.) The Legislature were obliged to repeal the law. With regard to the bill there were many obnoxious clauses to which he could never give his consent, nor would he pledge himself to support the bill in any shape.

Mr. HINCKS.—The hon gentleman from Durham says the reformers of this province are not in favor of a measure of this description. I can only say I am at a loss to understand what sort of reformers they can be. I am not surprised at the opposition of the hon gentleman: the hon gentleman alluded to the township officers' act; that act was passed during the reform parliament. The act worked well; but there was a certain other parliament afterwards, the bread-and-butter parliament, which never represented the people: the very first act of that parliament was to repeal this act, because it gave a little power to the people. (Hear, hear.) And this is what the hon gentleman calls the sense of the people being against the act. Yes, they were gentlemen of the same politics with that hon member, who seized the very first opportunity which was afforded them of preventing the people from exercising any management whatever over their affairs. And as to the magistrates being such excellent guardian of the public money, he (Mr. Hincks) could not regard them as being so very immaculate as the hon gentleman seemed to do.

TO BE CONTINUED.

ROUTINE BUSINESS.

THURSDAY, July 29.

The following petitions were severally brought up and laid on the table.

By Mr. McLean, the petition of Wm Miller and others of the townships of Roxborough and Finch, County of Stormont.

By Mr. Buchanan, the petition of George Percival Ridout and others, members of the Board of trade of Toronto.

By Mr. Morris, the petition of Henry Weeks of Yonge, District of Johnstown.

A petition was received from the Legis-

lative Council, by John G. Spragge, Esq. Master in Chancery.

Mr. Speaker. The Legislative Council have passed the Bill intitled "An Act to incorporate the Ladies Benevolent Society of Montreal," without any amendment.

Mr. Duggan obtained leave to absent himself from this house during the space of eight days, on urgent business.

Pursuant to the order of the day the following petitions were read.

Of Archibald McDonell, and others of the Township of Gloucester, Osgood & Russell, praying that a turnpike road be made from Bytown to the St. Lawrence, and that it pass through the foregoing Townships.

Of Nicholas Safford and others of the Ottawa District, praying that a new Court House and Jail may be erected in a more central and convenient part of the District than where the present buildings are.

Of John Cameron of the Township of Finch county of Stormont, praying for aid to open a road in the said township.

Of the Reverend William Anderson, of William Henry, praying for an aid of one hundred pounds towards the support of schools.

Of H. Robinson and others of the Township of Shefford, County of Shefford, praying for an aid of one thousand pounds to alter and improve the public road in the vicinity of Waterloo in said county.

Of Joseph Mason and others of Toronto, praying for an Act of incorporation under the style of the "City of Toronto Gas-light Company."

Of W. B. Jarvis and others of the City of Toronto, praying for an act of incorporation in favor of Joseph Mason and others, under the style of the "City of Toronto Gas-light Company."

Of the Mayor, Aldermen, and commonalty of the city of Toronto, praying for an act of incorporation in favor of Joseph Mason and others, under the style of "the City of Toronto Gas Light Company."

Of Charles Tait and others of Montreal, praying that an act be passed to extend the time in the fifty third section of the Ordinance of the late Special Council of Lower Canada, of the fourth year of Queen Victoria, ch. 41.

Of James Kenedy and others of the Township of Chatham, County of the Lake of Two Mountains, praying for the establishment and support of schools throughout the Province.

Of W. Young and Donald W. Phaff of the Township of Chatham, County of Lake of Two Mountains, praying for an aid towards the support of school No. 5 in the said township.

Resolved, That the petition of John Greel, Thomas Mason and others, inhabitants of the Township of Etobicoke, Vaughan, King and other places in the Home District, presented to the House on the 16th of June last, be referred to a committee of five members to examine the contents thereof and to report thereon with all convenient speed, by bill or otherwise, with power to send for persons, papers, and records.

Ordered, That Mr Price, Mr. Baldwin, Mr. Small, Mr. Duggan and Mr. Durand, do comprise the said committee.

Petitions referred:

The petition of Christopher Leggo of Brockville.

The petition of Joseph Mason and others of the City of Toronto. The Petition of W. B. Jarvis and others of the City of Toronto, and of the Mayor, Aldermen, and commonalty of the City of Toronto.

The house resolved itself into a committee of the whole, and came to the following resolution.

That it is expedient to repeal and amend in part the laws in force for the regulation of pilots and shipping in the port and harbor of Quebec, and for improving the navigation of the river St. Lawrence, and to extend the powers and increase the funds of the Trinity House of Quebec.

FRIDAY, July 30.

The following petitions were brought up and laid on the table,

By Mr. Robertson, the petition of James McCrea and others inhabitants of the East settlement in the Seignory of the Argenteuil, county of the Lake of Two Mountains.

By Mr. Dunscombe, the petition of William Wheeler of Russeltown, County of Beauharnois, and the Petition of Peter Row of Russeltown, county of Beauharnois.

By Mr. Baldwin, the petition of James B. Ewart and others of the Township of West Flamborough, Beverly and other places.

By Mr. Christie, the petition of William Burton and others, Freeholders and inhabitants of the County of Bonaventure.

By Mr. Morin, the petition of Jean Baptiste Milliette and others, inhabitants and proprietors of the Parish of Longue Pointe and other places.

By Mr. Watts, the petition of Bernard Smith and others, inhabitants of the second range in the township of Durham.

By Mr. Thorburn, the petition of John L. Alma, late Returning officer of the Town of Niagara.

By Mr. Price, the petition of George Nichols of Johnstown, and the petition of John Carley of the Township of Dunwich, County of Middlesex.

By Mr. Price, the petition of Alfred Patrick, stating that for eleven years previous to the last, his average yearly pay as a clerk in the office of the late house of Assembly of Upper Canada, was two hundred pounds, and that last year it amounted only to one hundred and forty pounds three shillings and four pence, and praying that it may be increased to two hundred pounds for the past year.

On motion of Mr. Price, seconded by Mr. Durand.

Ordered, That the said petition be now read, and that the rule of this house of the twenty eighth of June last be dispensed with, as to the present petition.

The said petition was read accordingly.

Pursuant to the order of the day the following petitions were read.

John Reid and Robert Shepherd of Brockville, praying that the Legislative Assembly will cause to be paid to them the amount of their claims as contractors for the Locks and excavations on the St. Lawrence Canal, against the Commissioners of the said Canal.

Of James George, Moderator of the Synod of the Presbyterian Church of Canada, in behalf of the said church, praying that an enactment be made for the use of the Bible in all schools in this Province.

Of Joseph L. Dowsley and others, inhabitants of the Township of Escott, praying to be separated from Yonge for all local purposes.

Of Robert Gourlay, of Kingston, complaining of losses sustained by him at the hands of the Executive Government of Upper Canada, and praying relief.

Of the Revd. Andrew Belfour, of the Township of Waterloo, County of Shefford, praying for an aid for a school.

Of Charles Bockus and others, Freeholders and inhabitant of the Township of Hallowell, praying that the bill for repealing the law now in force for the recovery of small debts, now before the house, may not be passed.

Petitions referred:

The petition of Alfred Patrick.

The petition of H. Robinson and others, of the county of Shefford.

The petition of W. W. Baldwin and others of the County of York and City of Toronto.

The Petition of John Reid and Robert Sheppard, of Brockville.

The petitions of divers inhabitants of Oakland. Of Samuel Carnsey and others, inhabitants of the Township of Bayham, and of James Covernton and others, Magistrates and inhabitants of the District of Talbot.

MONDAY, 2d August.

The following petitions were severally brought up and laid on the table:

By Mr. Baldwin, the petition of Neil McDonald and others, school trustees of the township of Georgiana.

By Mr. Small, the petition of William Cox, Ezra Ames and others, of the township of Whitby.

By Mr. Holmes, the petition of John E. Mills and others, in behalf of the American Free School of Montreal.

By Mr. Thompson, the petition of Warner Nelles and other inhabitants of the county of Haldimand, the petition of John DeCen and other inhabitants of the county of Haldimand, and the petition of Daniel Woever and others of the township of Walpole, in the county of Haldimand.

An engrossed bill to require justices of the peace to make returns of convictions and fines, was read for the third time.

Resolved, That the bill do pass, and that the title be "An Act to require Justices of the Peace to make returns of convictions and for other purposes therein mentioned."

Ordered, That Mr Attorney General Draper do carry the said bill to the Legislative Council and desire their concurrence.

Pursuant to the order of the day the following petitions were read:

Of W. Millar and others of the township Roxborough and Finch, county of Stormont, praying for an aid to complete a road.

Of Henry Weeks of Yonge, district of Johnstown, praying for a compensation of ejection from his lot, owing to an error in the government survey.

Of George Percival Ridout and others of the Board of Trade of Toronto, praying for a Bankrupt law.

Of James McCrae and others, inhabitants of the east settlement in the Seignory of Argenteuil, county of the Lake of Two mountains, praying for an aid in support of a school in Lot No. 17, in the said settlement.

Of William Wheeler of Russeltown, county of Beauharnois, stating that his farm was burned by refugee Canadians, and praying for relief.

Of Peter Row of Russeltown, county of Beauharnois, stating that his farm was burned by refugee Canadians, and praying for relief.

Of James B. Ewart and others of the township of West Flamboro, Beverly and other places, praying that the memorial of the Desjardins Canal Company, offering to surrender to government the property of the said canal until the advances made for its completion shall have been paid to government, be favorably received.

Of William Burton and other freeholders, inhabitants of the county of Bonaventure, praying that at future elections polls be held at different places in that county.

Of Jean Baptiste Milliette and others, inhabitants and proprietors of the parish of Longue Point and other places, complaining of the ordinance of the third Victoria, ch 31, Draper do carry the said bill to the Legislative Council and desire their concurrence.

Of Bernard Smith and others, inhabitants of the second range of the township of Durham, praying that the petition of divers inhabitants of the county of Durham in Lower Canada, to ascertain a certain disputed boundary line in that township, referred to a special committee of the Legislative Assembly, be referred to Courts of Justice.

Of John L. Alma, late returning officer of the town of Niagara, praying to be allowed to vindicate his character from charges preferred against him in a petition of Robert Melville and John McBride of Niagara.

Of George Nichols of Johnstown, stating that he has been wounded in her Majesty's service, and praying relief.

Of John Carley of the township of Dunwich, county of Middlesex, praying for a pension for services rendered during the rebellion.

Petitions referred:

The petition of G. O'Brien and others, justices of the peace for the county of Simcoe.

The petitions of Edward Ellice and others, inhabitants of the county of Beauharnois, and of William Wheeler of Russeltown, county of Beauharnois.

Tuesday, August 3.

The following petitions were severally brought up and laid on the table:

By Mr. Child, the petition of the Trustees of the Stanstead Seminary.

By the Hon. Mr. Moffatt, the petition of the clergy and members of the church of England in the parish of Montreal.

By Mr. Prince, the petition of Lewis Davenport and others, of Windsor; the petition of Bernard Fitzpatrick and others, confined in the gaol of the Midland District.

By Mr. Boswell, the petition of N. H. Baird, civil engineer.

By Mr. Roblin, the petition of Guy Young and others, freeholders and inhabitants of the township of Athol.

By Captain Steele, the petition of John Clinie and others, of the township of Innes.

PETITIONS REFERRED.—The petition of Bernard Smith and others, inhabitants of the second range of the township of Durham; and the petition of divers proprietors residing in the third range of the township of Durham, county of Drummond.

The petition of A. M. Farewell, Abram Butterfield, and others, of the township of Whitby and Darlington.

The petition of Robert Armour and others, merchants of the city of Montreal.

WEDNESDAY, August 4.

The following petitions were severally brought up and laid on the table:

By Mr. Cartwright, the petition of the Commissioners of the Midland District Turnpike Trust.

By Mr. Baldwin, the petition of Margaret Brisbane, of the township of Emily, District of Newcastle.

By Mr. Thorburn, the petition of the Directors of the Erie and Ontario Rail Road Company.

By Mr. Cameron, the petition of the Rev. R. V. Hall and others, inhabitants of the township of Stanstead, county of Stanstead.

An engrossed bill to facilitate the dispatch of business in the Court of Queen's Bench of Upper Canada was read for the third time.

Resolved, That the bill do pass.

Resolved, That Mr. Attorney General Draper do carry the said bill to the Legislative Council and desire their concurrence.

THE CANADIAN MIRROR

OF PARLIAMENT.

EDITED BY H. FOWLER, Esq. }

Kineston, August 10, 1841.

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HOUSE OF ASSEMBLY.

TUESDAY, August 3.

MUNICIPAL CORPORATIONS—CONTINUED.

Mr. CAMERON said it was certainly very evident that there was a great diversity of opinion both in the country and in that house with regard to this measure. Some hon members consider it not sufficiently liberal—others that it is too liberal. The hon gentleman from Durham has attacked the bill in a very indirect manner. That hon gentleman is a Magistrate of the Newcastle District, where, no doubt, they are very honorable and pure. But they are far from being so in the county which I have the honor to represent. The funds of the District are expended in a manner that is not very creditable to them; partially, ignorantly and injuriously to the interests of the District. And with respect to the statute labor, their conduct has in many instances been unjust and oppressive. And it is upon this ground that the Magistrates are not the proper persons to have the control of the public funds, that this bill is so imperatively required.

Capt. STEELE said that the conduct of the Magistracy of the Home District called loudly for amendment: it was runk with abuses. Gentlemen of the lower Province, beware how you listen to the declamatory language of those who have a personal interest in the defeat of this measure. Depend upon it, if you unite with the opponents of this measure you will have reason to regret the day you did so. I want to see these Provinces what they have been, united in loyalty.—(Hear, hear.) It is only by the adoption of liberal institutions of this kind that the connection of these Provinces with the mother country can be perpetuated. (Hear, hear.) I do sincerely deprecate any thing like the existence of an invidious distinction between the upper and lower sections of the Province. I will unite with you in endeavoring to obtain those liberal institutions with reference to the whole Province which the country has a right to expect from the government. This measure I look upon as one of that description. I am perfectly satisfied that a greater boon could not be granted to the country. The Israelites never looked with greater eagerness for the promised land than the country has looked for this measure. (Hear, hear.) It will be the foundation of our future greatness. The principle of the bill shall receive my most determined support, and if we unite in securing its adoption we shall never have occasion hereafter to envy any nation upon earth. (Hear, hear.) We have now the means within our power of producing a better state of things. But if you look with jealousy upon this measure, if you unite with its enemies, depend upon it you will lament the course you have taken. (Hear, hear.)

Mr. PRICE said he was decidedly in favor of the bill, from knowing that the county which he had the honor to represent were almost unanimous in its favor; and he believed that every thinking man must also admit that it is one of those measures which the country requires. With regard to the details some of them he would feel it his

duty to oppose. There was a power given to the Executive which he could not see the utility or the policy of conceding. He was decidedly opposed to the power of dissolving the Council being given to the Executive Government. It might be proper provided we had got, not in name only but in reality that system of government which has made Great Britain what she is. But he had yet to hear that in this Province that system existed, or if it exists, that it can be considered secure. We do not know what result the elections in England may produce. (hear, hear.) or who may succeed Lord Sydenham in the government of this Province. (Hear, hear.) I am not prepared to place implicit confidence in the stability of responsible government, and I would not therefore consent that powers such as those expressed in this bill should be placed in the hands of the Executive Government. (Hear, hear.) The people are perfectly competent to manage their own affairs. The learned Knight from Hamilton is perfectly right in giving a strong opposition to this measure. He has ever been a consistent Tory, and it is a principle of Toryism to keep as much as possible all power from the people. (Hear, hear.) But I am satisfied that the measure is one which is desired by nine-tenths of the people. A great deal had been said about the conduct of Magistrates. This much he (Mr. Price) would say, if they were as regardless of the public funds as they were of the lives of their fellow-subjects, they could scarcely be considered good and faithful stewards. (Hear, hear.) He could scarcely bring himself to believe that men who would stand calmly by and see their fellow-subjects murdered in cold blood without raising the arm of power to rescue them, would be faithful guardians of the public purse. He hoped hon members would manage to improve the bill so as to give it to the country as a real boon, and it would meet with his decided support.

Mr. BOSWELL.—The matter at present engaging the attention of this hon. committee, is one of very considerable importance, and I regret exceedingly that my hon. friend should meet it in a spirit of hostility. The question is, is a change necessary? Is it necessary to create any new machinery for the expenditure of taxation throughout the Province? Is it possible for this legislature to attend to all matters great and small which require to be regulated throughout the province? And let this question be put to every hon. gentleman on the floor of this house; are you willing to entrust the magistrates of this Province with the power of levying taxes and expending them? (No.) The question then will be what sort of institutions shall be introduced? In the consideration of this question it will be necessary to ascertain whether the people are sufficient by educated and enlightened to be entrusted with a power of this description. (Yes.) I have lived among them for twenty years, and I do not hesitate to assert, that there is not a more intelligent people on the face of the earth. (Hear, hear.) If it can be said that they are not to be entrusted with a power of this description, how is it that we have an Assembly of this description? (Hear, hear.) The very existence of the Legislature shows that the people are

fitted for the exercise of even higher powers than those contemplated by this bill.

Mr. CARTWRIGHT said he was almost inclined to believe from the manner in which this measure had been introduced that the intention of the government was to pave the way for the introduction of republican institutions into this province. (Hear, hear.) Every one at all acquainted with democratic institutions, knows that whenever you make a concession, however slight and unimportant, you may be assured you will have to follow it up with further concession, or else all you have done goes for nothing. (Hear, hear.) It has been said that this measure has long been sought for by the people. I deny it, because if they were desirous of having a measure of this description, we should have had petitions sent to the house praying for the passing of the Bill. The people could not have imagined that such a bill would have been introduced by the government, because the principle was repudiated by the Imperial Parliament. (Hear, hear.) What does this bill propose to do? To establish seventeen subordinate Parliaments in this Province, (hear, hear), and in a little time these little councils will become great councils, and before ten years the governor of this province will be elected by the people. (Hear, hear.) Hon. gentlemen may laugh, but we have seen things as strange as this and that within the last few years. I do not think it necessary to go very minutely into the details of the bill: I think there are some which the hon. and learned gentlemen on the treasury benches themselves will not support. The bill will virtually prevent any poor man from purchasing property for the benefit of his posterity, because the taxes upon it in ten years time would consume the whole. By the operation of this bill taxes will be increased ten fold. (Hear, hear.) The hon. gentleman from Oxford cries hear, I have no doubt he would like to see republican institutions introduced into this province. I give him full credit for sincerity in his support of this measure.

Mr. BOSWELL said it was out of order to question the motives of the hon. member.

Mr. CARTWRIGHT. I assure the hon. gentleman from South Northumberland I do not question his motives; they are perfectly apparent; he is looking for something besides the country's good in supporting this ministerial measure. (Hear, hear, much laughter.)

[Mr. BOSWELL.—The hon. and learned gentleman is altogether out of order.]

Mr. CARTWRIGHT continued. An hon. gentleman in the course of the debate made use of this remark—when I see an organic change about to be introduced I wish that the new system should be as perfect as possible, that it may give entire satisfaction to the people." That hon. gentleman has acted against me not only in this house but in previous parliaments of Upper Canada; but I entirely subscribe to this doctrine. The present is unquestionably an important measure, because it is a measure which is at variance with the constitution. (Hear, hear.) I think we ought to hesitate before we introduce a measure which has been already rejected by the Imperial Legislature. A good

deal has been said with regard to the old system; it is very well known that under the old system, magistrates have very little power with regard to the expenditure of the District funds; and if they do any thing wrong the law is open to the aggrieved party or to complaint on the part of the public, and I believe you will get more speedy justice against magistrates than you will ever be able to get from the District councils. (Hear, hear.) In the multitude of Councillors there may be safety, but it will be safety for the Councillors themselves and not for the public. You will have seven hundred persons elected in the province of Upper Canada, one third of whom are to be renewed every year: where then will be the peace and quietness and freedom from turmoil and disturbance which was thought so desirable the other day when the bill to naturalize foreigners was under discussion and there was a forcible comparison drawn between our own institutions and those of the United States? This bill instead of being productive of those benefits which are so loudly vaunted by hon. members, will be, in my opinion, destructive of the prosperity of the country.

Mr. BALDWIN said he could not concur with the hon and learned gentleman from Lenox and Addington. Although he was willing to attribute to that hon and learned gentleman, on all occasions, due credit for candor and sincerity, yet he had drawn such a frightful picture of little republics about to be established by this bill, and of one district making war upon another, that he (Mr. Baldwin) really thought the hon and learned gentleman must be laboring under some hallucination. If the hon and learned gentleman would look into the history of municipal institutions as they exist in England, and even in this province; in the city of Toronto, and in the present metropolis, he would have little reason to be apprehensive as to their operation; he would find that the bloodshed and battery which he dreads exists only in his imagination. He (Mr Baldwin) did not wish to be pressed into a vote upon this bill without full consideration, and until he learned from the hon and learned gentleman who brought the measure forward what modification he was willing to admit.

Mr. MORIN said it was difficult for him to determine whether to vote for this measure or not, as the Upper Canada members were so much divided upon it: at all events he was not prepared to give his vote for the bill as it stands. He believed it was good in principle, but decidedly bad in its details.

Mr. NEILSON said he believed that a majority of that house desired that the power of local self government should be given to the people of both provinces. He confessed, however, that the project did not seem calculated to give them that local self government. [Hear, hear.] If they were not to have a free and correct representation it would have an injurious effect; the interests of the many would be sacrificed to the interests of the few. If persons are to be appointed by the Governor to preside at these Councils, and to fill the offices connected with them, there will be a want of confidence on the part of the people; and of all things a want of confidence is the most fatal in the affairs of government. Such a system can not prevail; it will be put down by the force of public opinion. He (Mr Neilson) was not inclined to say that all the power should be given to the people: it must be only such power as is known to the British Constitution; but as the bill stands it gives a semblance only of self government, while in reality it is a complete system of despotism.

Mr. BALDWIN moved that the committee rise and report progress.

Mr. HIXON said, before the question was put he hoped the committee would indulge him in replying to some observations which had been made by the hon and learned gentleman from Lenox and Addington. The hon gentleman was pleased to give me credit for candor and sincerity, and at the same time to state that I am in favor of republican institutions. I defy that hon gentleman to make good his assertion. [Hear.] I have advocated, it is true, the principles of responsible government, but when hon gentlemen state that I have ever penned a line in favor of the introduction of republican institutions into this country, it is a gross libel. [Hear, hear.] With reference to taxation, I say the people of Upper Canada are willing to be taxed more than they are, provided those taxes are expended judiciously in public improvements. [Hear.]

Mr. PARENT said, although he was not accustomed to speak very often or very long in that house, it might be proper on this occasion that he should express his views with regard to the bill. He would readily have joined with members from the western section of the province in framing a general law, based on liberal and proper principles, which should be applicable to both provinces. He was in favor of municipal government, but he was also in favor of equal justice. His ideas upon the subject were based upon the broad principles of an enlightened policy.

Mr. ATTORNEY GENERAL DRAPER, in the absence of his hon friend who had introduced the bill, assented to the proposition that the committee rise, report progress, and ask leave to sit again, which was accordingly done.

THURSDAY, August 5.

Shortly after the meeting of the House this day,

Mr. CAMERON moved that the petition of the Rev. Mr. Hall and others, of the county of Stanstead, on the subject of Education and the propriety of using the Bible in Common Schools, be referred to a select committee of seven members, with power to send for persons and papers, and to report thereon.

Upon this motion a debate ensued. When the Reporter entered the House, he found Col. PRINCE addressing the Speaker. He had the greatest pleasure in supporting the motion, and he could scarcely trust himself to speak with calmness and moderation upon the conduct of those hon. members who had opposed it. But the subject was too solemn to be debated with excited feelings. By the vote about to be given upon this question, the character of that house would be stamped with honor or branded with disgrace [hear, hear]. The motion merely asks for reference of the subject to a select committee; if we refuse that motion, we virtually repudiate the admission into our schools of that sacred volume upon which all our hopes in a future state depend. Looking at the Bible as the most ancient book of history—as a specimen of language the most concise and elegant, and perfect, I contend that it ought to be admitted as a class book for the instruction of our youth, and I feel assured that not one Roman Catholic, of education, in one hundred, will dissent from this proposition [hear, hear]. Then, sir, why hesitate to support this motion? But I put the sacred volume upon higher grounds; I look upon it as the rock upon which our future hopes are built; I consider that part of it called the New Testament as the best and greatest consolation that man can look to for happiness in this life or in the life to come.—And though I am no bigot in religion and will cheerfully concede the point that there are many roads to heaven—(and God grant we may all meet there after the disputes, turmoils, and troubles of this life have passed

away)—yet I cannot conceive that we should even indirectly cast a slur upon the holy bible by voting against the motion of my honorable friend. What, sir, will the country say to us? what will the country think of this the first United Parliament, which deliberately refuses for the first time [and this the only instance on record] to refer to a select committee the petition of any man, and above all the petition of the reverend divine who has so piously, so honorably, so creditably for his own reputation, petitioned us. Sir, I will say no more; by the decision of this question the character of this house will be for ever stamped—will be finally determined. Enquiry and information before a select committee can do no harm, and if you refuse that, you will be justly branded with a cold indifference to the truth of that religion which every christian, be he Roman Catholic or be he Protestant, at least affects to venerate [hear, hear].

The motion was granted.

MUNICIPAL CORPORATIONS.

On motion of Mr. MORIN to refer the ordinance of the Special Council of Lower Canada on the subject of the establishment of District Councils to the committee of the whole house to which was referred the bill to provide for the establishment of similar institutions in the western part of the province—

Mr. Secretary HARRISON rose and said he hoped hon members were not going to mix up the discussion of the ordinance of the Special Council with that of this measure, which had nothing to do with it. The principle of this measure had been already discussed, and it was admitted on all hands to be a boon which was anxiously desired by the people. It was a measure which created an important extension of popular influence. That extension he (Mr. Harrison) would be most happy to see granted so far as it could be safely done, as long as it were guarded by proper restrictions. He had brought forward this liberal measure with the expectation that it would become a law. If, however, it were intended by hon members of that house to embarrass the measure with alterations and amendments, it would have the effect of destroying the munificent intentions of the government. (Hear, hear.) The question seems to reduce itself into a very narrow compass; it amounts to this, whether this house has confidence in the government or not. If not, there is a very obvious course to be taken; if it has, then that confidence should be sufficient to induce the house to adopt the measure as it is proposed. The measure has been brought forward in compliance with the wishes of the people, and if it be now destroyed by this house, the fault must not rest with the government but with the representatives of the people themselves. (Hear.) It is upon these grounds that I shall hold to the bill, the whole bill, and nothing but the bill. (Hear, hear, hear.) I place the responsibility of the government upon this bill. If the house are dissatisfied with it they will proceed in that course which is open to them constitutionally. That the measure will give satisfaction I have no doubt; that it might also be advantageously amended in some particulars I have no doubt, (hear, hear,) but it was not the duty of the government to bring forward a measure different from that which has been provided for Lower Canada; and that it is but now going into operation is a sufficient reason why the Legislature should for the present abstain from amending it. When experience has shown that an error has been committed, then come forward and make those amendments which may be considered necessary. With these observations I shall leave the matter to be treated as this house

sees proper, and by the vote which will be taken will be determined whether this house has confidence in the government or not. (Hear, hear.) The very fact of a measure of this popular nature being conceded shows that the government is sincere in its determination to meet the wishes of the people, and it only remains to be seen whether the people's representatives will sustain them in these liberal intentions. (Hear, hear, hear.)

Mr. VIGER said he was surprised to hear the hon and learned gentleman deny the right of that house to examine and compare the measure now proposed with that which was about to go into operation in Lower Canada, and to the provisions of which it professed to correspond. He tells us in as many words, it may be unjust in its operation, it may require amendment, but you cannot examine it because it is but just going into operation; and you must pass a measure exactly similar to it for this part of the Province before you ascertain how it is going to work! The hon gentleman has not been able to show a precedent for such a measure, and yet we are not to examine it! The proposition is monstrous. But the hon gentleman says, oh, it is the best law possible, and therefore we must adopt it without examination or consideration. It is an excellent law in all its provisions, and precisely conformable to the wishes of the people. I have, I confess, very strong doubts upon this point. I deny that the people desire the Governor to appoint the person who shall preside in these Councils, and that he shall parcel out the Province as he pleases, and that he shall appoint the place of meeting of these Councils. I am aware that in some instances very improper places have been selected in Lower Canada. In that part of the Province the people have never been consulted as to their wishes with regard to this law, and will the hon gentleman say that this is the principle which ought to be adopted in this United Legislature? I wish I could convey my feelings in the English language, I would impress upon this House the abhorrence which I myself entertain of such legislation.

Mr. BALDWIN said he had on a former occasion declared his approbation of the principle of the bill. He had been and still was in favor of it; but at the same time he was also in favor of its being placed upon such a footing as would be productive of substantial advantages, and produce satisfaction in the minds of the people with respect to its machinery. He was also in favor of another principle, namely, that the same measure of justice should be meted out to both Provinces. And if ever there was an occasion when a government professing to administer the affairs of the country according to the wishes of the people, should come forward and redeem their pledge, the present is that occasion. (Hear, hear.) I wish to call the attention of hon members to the circumstances under which this ordinance, which it is now proposed shall be referred to the committee, was passed. It was passed by the Special Council, a body which did not represent the people of Lower Canada, after the Imperial Parliament had passed an act uniting these Provinces, and after striking out from that act of union the clause relating to this subject, with the express view of referring its consideration to the representatives of the people. If ever there was a question, therefore, which should be left to the decision of the people it is this question. It is not necessary to our present purpose to enquire whether there were circumstances which required those in whose hands the power was placed to pass that ordinance. My own opinion is, it was inexpedient. But it was done, and unless this house have now

the power of examining that ordinance, and amending it if necessary, the people of Lower Canada must continue to be subjected to the operation of a law which they had no voice in passing. There may have been a necessity, or an imagined necessity—I am not willing to admit that it was a real necessity. The Union Bill was passed—the government had been strongly established—Lower Canada had been deprived of a large portion of her members—you gave to Lower Canada a law which was unasked for, and which was never consented to by the people of that Province—and you now come down to this house and tell us we are to pursue the same system; that this is the great measure of the session upon which the government rests its responsibility, and that you are determined to have the bill, the whole bill, and nothing but the bill. (Hear, hear.) And you call this popular government, and it is in this manner that you expect to win your way to the hearts of the people.—(Hear, hear, hear.) And I would like to know what confidence the people of Lower Canada can have in that administration of which you form a part? There are none of them among you! (Hear, hear.) And yet you pretend to be strong in the confidence of the people of the Province. (Hear, hear, hear.) I say this is only another step in the course of that injustice towards Lower Canada which I have ever deprecated, and ever must deprecate. If I believed the people of Upper Canada desire to do them injustice, I would scorn to be their representative.—(Hear, hear.) It is in vain for you to tell us you desire that we should go on happily together, so long as you draw these distinctions. I for one will always set my face against it. The learned and hon gentleman says the ordinance should not be disturbed because it is going into operation. My hon and venerable friend from Richelieu has already shown the fallacy and absurdity of this argument. If it be inapplicable to the state of the country, the sooner it is remedied the better; the sooner will those learned and hon gentlemen be relieved from the disgrace attending the failure of a measure which they advocate. (Hear, hear.) But, says the hon and learned gentleman, it is just going into operation. Well, is this a reason the people should be saddled with a system which is badly adapted to the purposes for which it is intended? (Hear, hear.) This appears to me the worst and weakest of all reasons, and such a one as this house will not listen to for a moment. I am in favor of the main principles of municipal institutions, but I would have them placed upon such a footing as will prevent collision between the people and the head of the government, and I would also have both sections of the Province placed upon an equal footing. I would rather have a worse bill which should be precisely similar to that which our fellow subjects enjoy, than have a better bill which shall be different. (Hear, hear.) Upon these grounds I would make a last appeal to the hon. and learned member who brought the measure forward, to withdraw his opposition to the present motion and allow both measures to be considered together by the committee; not to attempt to impose upon either portion of the province a measure ill adapted to its wishes; and to drop now and forever all invidious distinctions. (Hear, hear.)

Colonel PRINCE said he had unfortunately not heard the whole of the hon. and learned gentleman's eloquent speech, as he had but just entered the house, but from his concluding remarks the hon. gentleman seemed apprehensive that a distinction was attempted to be made between the present measure and the ordinance now in force in

Lower Canada. He [Colonel Prince] had not been able to discover the difference, although he looked through both the ordinance and the bill, and he really thought it was only a chimera that existed in the brain of the hon. and learned gentleman. [Hear, hear.] But suppose them to be different, the question is, are we Upper Canadians to be deprived of the benefits of this salutary measure, merely on that account? He [Colonel Prince] hoped the bill would pass as it is; the bill, the whole bill, and nothing but the bill. Let each be considered upon its separate merits, and if there be any thing oppressive in the operation of the law as regards Lower Canada, he [Col. Prince] would be one of the proudest to assist in amending it.

Mr. MOFFATT said it was unnecessary at the present moment to go into a discussion of the merits of either measure. The question to be determined was, whether there was anything unparliamentary in referring to the committee a law which is already in existence in the lower section of the province. [Hear.] He could see nothing unparliamentary in the course proposed, therefore he would support the motion.

Mr. JOHNSTON said he was opposed to the measure both in its principle and in its details; he was satisfied that an act of Parliament was not requisite to allow the people to tax themselves. [Hear, hear.]

Mr. QUESNEL said he had no objection to the motion as it did not pledge the house to any particular course. If the Upper Canadians desired the adoption of the bill as it stands, he [Mr. Quesnel] would offer no opposition to it; or if they desired to amend it, they should be at liberty to do so; but he would not be in favor of compelling them to adopt a measure precisely similar to that in Lower Canada, which might have the effect of rendering it inapplicable.—(Hear, hear.)

Mr. CAMERON said, the hon. gentleman who had spoken last had, he thought, taken a very fair practical view of the question, and a very liberal view. The ordinance of Lower Canada had been passed it is true, by a body which had not the confidence of the people in the smallest degree, but that ordinance was now ready to be put into operation, the appointments had been made and the machinery perfected previous to the meeting of this Legislature. It was very improbable, therefore, that the same executive under whose direction that ordinance was framed would be willing to make any alteration in it, until it had been acted upon at least, and to bring up the consideration of that law at present, he believed would have the effect of endangering the passing of the bill. The hon. and learned gentleman from Hastings had denounced it as one of the acts of injustice which have been inflicted upon Lower Canada, but he had not pointed out in what way it would act so very injuriously. He hoped the success of this measure which is so justly eulogized for its liberality would not be allowed to be endangered by mixing up with it the consideration of the ordinance of Lower Canada. It might be a difficult matter to obtain from another executive of a less liberal character a measure so popular as the one now offered.

Sir ALLAN McNAB said it appeared exceedingly singular, if this measure were so very popular, that the Executive Government had not waited, particularly as the Union Bill had already been passed, until the people of Lower Canada had elected their representatives, and allowed the question to be submitted to the Legislature for their adoption. If this is so good a measure as the hon and learned gentleman would have us believe, why is he not willing to

leave it in the hands of the representatives of the people? His own opinion was, the people of Upper Canada do not desire the bill, and he thought, therefore, it would be the duty of the house to reject it. (Hear, hear.) He (Sir Allan) had as fair an opportunity of knowing what were the wishes of the people as the right hon. gentleman who cries hear, and who has the honor of representing the town of Kingston. [Hear, hear.] The hon. and learned gentleman declares the bill must pass exactly as it is; the bill he will have, the whole bill, and nothing but the bill. Therefore hon. members who were more desirous of preventing a dissolution of the house than of doing substantial justice to their constituents, would of course vote for the bill, the whole bill, and nothing but the bill. For his own part he would not be deterred from the fulfilment of his duty by any such threats.

Mr. SMALL said he had the honor of holding a seat in Parliament as long as the learned Knight, and he believed he was as well acquainted with the wishes of the people. At all events he believed he spoke the well understood wishes of the Home District when he declared that they were decidedly in favor of the bill. He hoped the members from Lower Canada would not be led astray by any declaration of the gallant Knight, nor assist in depriving Upper Canada of a valuable measure, because they may have had a bad measure thrust upon them. The passage of a liberal measure of this kind in this section of the Province will facilitate the procuring of a similar one in Lower Canada. He hoped the amendment would be withdrawn.

Mr. MERRITT said this was not the proper time for discussing the principles or the details of the bill. He thought there could be no objection to the adoption of the motion.

Mr. J. S. McDONELL said he should vote for the motion. It would be impossible for the administration to carry the measure through that house unless they were willing to grant a liberal measure to Lower Canada. He was of opinion that the Eastern District does not require a measure of this kind. It would require stronger arguments than he had yet heard to convince him of its necessity.

Hon. Mr. DAY said he felt himself called upon to offer a most determined resistance to the motion of the hon. member from Nicolet, because he considered it was an attack upon the bill itself. It appeared to him to be one of those artful strokes of policy which are sometimes made use of in the place of open opposition, to attack in an indirect manner a measure to which an hon. member happened to be hostile (hear, hear). I cannot without some degree of admiration observe the triple alliance which has been formed in this house (hear, hear). We find the learned and gallant knight from Hamilton in a state of perfect concord and good understanding with the hon. and learned gentleman from Hastings, and no doubt the reformers of Canada will regard with satisfaction the new combination of parties, and will regard the learned knight with all that confidence to which the hon. and learned gentleman from Hastings is entitled. But I am persuaded the motion is levelled at the measure itself (hear, hear). In point of fact, the Ordinance and the Bill are the same (hear, hear). It is the intention of the administration that the same measure of justice shall be meted out to both Provinces. It is therefore a fallacy to suppose that it is necessary to refer that Ordinance to the committee in order to provide a more liberal measure for Upper Canada. It may be necessary with respect to the ordinance of Lower Canada to make one observation. I cannot believe that any valid objections to that ordinance can be founded upon the source from

whence it is derived. I can easily conceive that there should be opposition to it; it is natural to suppose that those who were smarting under the withdrawal of the Constitution should look with distrust upon the acts of the Council. But it must be recollected that that Council sprung from the necessity of the times; that it was created by the paramount power of the realm, and that it was legitimately entitled to the powers of legislation. I do not mean to stand up as the defender of that sort of legislation, but I do say that that body has passed measures equal in their importance and in their beneficial effects upon the community to any measure to be found upon the Statute Book of Lower Canada.— (Hear, hear.) As to the question of order respecting referring this ordinance to the committee for alteration, I will not undertake to decide; but will merely say, in few words, that the new mode is calculated and intended to defeat the bill.

Mr. AYLWIN said if any thing were wanting to show that the motion of the hon. member for Nicolet was a good one, it would be found in the circumstance referred to by the hon. and learned gentleman from Ottawa, of the triple alliance, as the hon. and learned gentleman facetiously designated it, which had been formed in that house by the union of parties of opposite political sentiments. When he (Mr. Aylwin) saw persons of opposite opinions meeting in support of any particular motion, he desired no more forcible reason for concluding that the motion is a good one. (Hear, hear.) He (Mr. Aylwin) might retort the sarcasm of the hon. and learned Solicitor, and say that a much more extraordinary alliance has taken place between that hon. and learned gentleman and some of his hon. and learned colleagues. If there be, said Mr. Aylwin, any union to be wondered at, it is an union which I find in the Ministerial benches—an union of Reformers and Liberals with those who are the very antipodes of Liberal. (Hear, hear.) The hon. and learned gentleman has said there has been an attempt to mystify. Now God forbid there should be any attempt to mystify on this subject at all events. I am sorry if I am less cautious than the hon. and learned gentleman, but truth compels me to say that there is certainly mystification on the side of the house to which that hon. and learned gentleman belongs, although, perhaps, it is more properly attributable to the hon. and learned member who brought the bill before the house. Whatever may be the actuating motive of the learned and gallant Knight from Hamilton for his opposition to this bill, I can assure hon. gentlemen that my opposition shall be quite as strenuous as that of the hon. and learned gentleman, but my opposition shall proceed from diametrically opposite grounds—upon the ground that the measure is essentially despotic and tyrannical. I invite hon. gentlemen to examine the acts of the Special Council of Lower Canada, and point out, if it be possible, half a dozen of their acts of legislation which are above contempt. (Hear, hear.) Let gentlemen who represent our Upper Canadian constituency weigh well the consequences of the adoption of a measure similar to one which has been enforced upon Lower Canada. Let them hesitate before they accept the supposed boon. They will find it is the wooden horse. (Hear.) There are Simons in this house. I will not now point out who they are. (Hear, hear.) Hon. gentlemen must remember that the power of this house is exceedingly small, and it is perfectly evident that it is the intention of the bill to deprive us of what little remains of power we have. (Hear, hear.) It is a deadly blow aimed at the house itself. We have been told, pass this bill, give it a fair trial, and if it be not found to work well repeal it. I would put hon. members upon

their guard against the fallacy of such a supposition. Why should the people of Upper Canada be subjected to inconvenience until they see the result in Lower Canada? I feel that I have trespassed too long upon the patience of the committee.

Mr. HINCKS said he could not, after the speech which he had heard from the Solicitor, give a silent vote upon this question. The learned gentleman had stated that the object of the motion was to defeat the Bill. If he (Mr. Hincks) believed that the hon. gentleman from Nicolet had any such intention, he would be the very first to resist the motion. He (Mr. Hincks) was decidedly in favor of the bill, he would therefore be extremely sorry to see any steps taken which would have the effect of destroying it, or even to embarrass the proceedings; but he was convinced that the best course to be taken was to refer the ordinance of the Special Council of Lower Canada with reference to the municipal institutions to the same committee, because he was determined as far at least as his vote was concerned, to place both sections of the Province upon an equal footing, (hear, hear): although there were some of its provisions of which he disapproved, yet he was bound to state that on the whole it must be regarded as a boon, and it was far better to have the bill as it is rather than have none at all. (Hear, hear.) He felt bound to say also, that he had no confidence in the administration as it is at present formed; so long as there is no one belonging to that administration who speaks the sentiments of Lower Canada. If a vote of want of confidence were brought forward he would be disposed to vote for it, but he would prefer that it should be upon any other measure than the one now before them. (Hear, hear.) Believing as he did, that this motion would not prejudice the bill he would vote for it.

Mr. BOSWELL said he should not feel that he was acting right by giving a silent vote upon a question of this kind. Various shades of opinion among members of both sides of the house seem to be entertained with reference to the question now under discussion. But he had not heard, in the whole course of the arguments advanced by hon. members on the floor of that house, any substantial reason why the house should be encumbered with two questions at the same time [hear, hear]. There was no one who entertained a higher opinion of the hon. gentleman from whom the present motion had proceeded than he (Mr. Boswell) did; he believed the intention of that hon. gentleman was perfectly pure, but the question with him (Mr. Boswell) was, would the motion impede the action of the house? Is it pretended by any hon. member on the floor of this house that these measures can be so assimilated that they may be included in one act? If it were possible to reduce the two into one act, which should be applicable to both sections of the Province, he (Mr. Boswell) would have no hesitation in supporting the motion; but he believed he would be borne out in saying that it would be impossible to frame such a measure.

A great deal had been said with regard to the Special Council of Lower Canada; hon. members from that part of the Province could of course speak as to the correctness of the complaints which had been urged against the arbitrary measures of that council, but this much he (Mr. Boswell) would say that if the ordinance now complained of was to be taken as a test of their liberality, he thought they had certainly evinced more liberality than the legislature of Lower Canada itself during its existence had ever exhibited. (Hear, hear.) Yes, he would go further, and say there was no measure of the same liberality on the Statute Book of either province. (Hear.)

TO BE CONTINUED.