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1813

EXTRACT OF PROCEEDINGS
OF THE
HOUSE OF ASSEMBLY
IN A CASE OF LIBEL AND BREACH OF PRIVILEGE
BY
W. L. MACKENZIE, Esq.
MEMBER FOR THE COUNTY OF YORK.

HOUSE OF ASSEMBLY.

TUESDAY, 6th DECEMBER, 1831.

Mr. John Willson, seconded by *Mr. Burwell*, moves that it be resolved, that the privileges of Parliament were established for the support and maintenance of the independent and fearless discharge of its high functions, and that it is to the uncompromising assertion and maintenance of these privileges in the earlier periods of English History, that we are chiefly indebted for the free institutions, which have been transmitted to us by our ancestors.

In amendment, *Mr. Bidwell*, seconded by *Mr. Perry*, moves that all be expunged after the word "Resolved," and the following inserted, "That so much of the Journals of this House, as relates to the Report of a Select Committee during last Session, on the Printing of the Journals, be read."

On which the House divided, and the yeas and nays were taken as follows:—

Yeas, Messrs. Beardsley, Bidwell, Campbell, Clark, Cook, Howard, Ketchum, Lyons, M'Call, M'Donald, A. Mackenzie, Perry, Roblin, Shaver, White,—15.

Nays, Messrs. Attorney General, Berezy, Boulton, Burwell, Chisholm, Crooks, Duncombe, Elliott, Fraser, A. Fraser, R. Jarvis, Jones, Lewis, M'Martin, MacNab, Magon, Mount, Samson, Shade, Solicitor General, Thomson, Warren, Werden, Willson J. and Wilson, W.—25.

The question of amendment was decided in the negative, by a majority of ten.

In amendment to the Original Question, *Mr. Bidwell*, seconded by *Mr. Perry*, moves that after the words "English History," in the original Resolution, the following words be inserted, "and a free press in more modern and enlightened times, notwithstanding many different attempts to destroy its liberty."

On which the House divided, and the yeas and nays were taken as follows:—

Yeas, Messrs. Beardsley, Bidwell, Buell, Campbell, Cook, Howard, Ketchum, Lyons, M'Call, Mackenzie, Perry, Randal, Roblin, Shaver, Werden, White,—16.

Nays, Messrs. Attorney General, Berezy, Boulton, Burwell, Chisholm, Clark, Crooks, Elliott, Fraser, A. Fraser, R. Jarvis, Jones, Lewis, McDonald A. M'Martin, Magon, Mount, Samson, Shade, Solicitor General, Thomson, Warren, Willson, J. and Wilson, W.—24.

The question of Amendment was decided in the negative, by a majority of eight.

In amendment, *Mr. Samson*, seconded by *Mr. Thomson*, moves, that after the word "Resolved," the whole of the original Resolution be expunged, and the following inserted, "that an article published in the newspaper called the Colonial Advocate, of the date 24th November, 1831, in the following words,

"State of the Colony,"

"The people of this Province will probably be able to form a tolerably fair estimate of the manner in which their Petitions on public affairs are likely to be treated in the representative branch of the Legislature, when they learn the manner in which the first of the series has been disposed of. The Petition of the people of Vaughan, unanimously agreed upon at their Town Meeting, and signed by the Chairman, Secretary, and from two to three hundred freeholders and other inhabitants, was the first presented to the House—and after it had been read, and had lain two days on the table, Mr. Mackenzie, a Representative of the people, from whom it came, moved, that it should be referred to a Committee of five members, viz:—Mr. Ketchum, the other member for the County in which the Petition was voted, and Messrs. Buell, Perry and Shaver, with the mover, as a matter of course—Mr. Thomson, of Frontenac, the Editor of the Kingston Herald, who had previously expressed great bitterness against the Petitioners and their Petition, in the public Journals, immediately rose and objected to referring the Petition to its friends, and allowing them to consider of and introduce any measures desired by the Petitioners, and which they might consider expedient, to the notice of the Legislature."

"We told the people of York last July, that this would be the result of any application to the Assembly; and therefore the more earnestly requested them to unite in addressing the King's Government, as by this means distinct propositions could be submitted to a new Assembly called as in England, on the Reform Bill.—We now urge all those intrusted with the general petitions to the King and House of Assembly, to send them to York by mail, on the earliest possible day, in order that the former be forwarded to London, and the latter submitted to the Assembly now in Session. We learn that Chief Justice Robinson's successor in the Law business, Mr. Draper, either has gone off this week to London, or is now about to set off, to oppose the general Petitions, and advocate the interests of the Executive faction here, with His Majesty's Government. They take the utmost pains to conceal their weakness in the estimation of the country; and one of their able assistants leaves his own private business and prospects to watch the signs of the times at home—Mr. Thomson's amendment already spoken of was a Resolution—"That the petition of the people of Vaughan, with all other Petitions relating to the same subject, be referred to a Select Committee of seven members, to be chosen at twelve o'clock to-morrow. The Attorney General characterised the petitions as the expression of a few people,"—"a few individuals,"—"mere casual meetings,"—"he happened to have seen some of these meetings, but a few respectable farmers met together, did not at all understand the subject," and termed the Committee "a one-sided Committee,"—"the Petitions he had never seen till that day—they had been got up by some body or other."

"The Solicitor General wished the petitions to be referred to a committee of the whole house and thus be got rid of at once and not referred to the committee named by Mr. Mackenzie, who would call witnesses where none were wanted, and thus increase the expenses of the session. He asserted this, although there was nothing in the motion that gave the committee any power to call a single witness." Messrs. Burwell, Jarvis and others opposed to the rights of the people were of course in favor of Mr. Thomson's amendment, the votes in favor of which were as follows:—Messrs. Shade, Henry J. and George Boulton, Burwell, Elliott, A. Fraser, R. D. Fraser, Sheriff Jarvis, Lewis, McNab, McMartin, Sol. General, Magon, Mount, Samson, Thomson, Warren, and W. Wilson.—The members opposed to Mr. Thomson's amendment (introducing a species of vote in which the constituents of members could not learn how they had acted) and who would have intrusted the petitions to a committee of persons favourable to the prayer of the petitioners, were Messrs. Buell, Campbell, Cook, Duncombe, Howard, Ketchum, McCall, Mackenzie, Perry, Roblin, Shaver and White.—The Executive faction carried their measure by a majority of 6."

"And also a certain other article in the said paper called the Colonial Advocate, of the date 1st December, 1831, in the following words:—"Excellent example of Lower Canada."

(2)

"The harmony which subsists between the Governor in Chief, the H. of A. [meaning house of Assembly] and the Colonial Secretary, Lord Viscount Goderich, must be pleasing and gratifying to every true friend of Representative Government, for it is evidently the consequence of a just and honorable course of procedure, in these high parties, towards the people of Lower Canada. We are glad to perceive by Lord Goderich's despatch, in answer to the Assembly's petition sent home last Spring by Mr. Viger, that all the Judges are to be dismissed from the Executive and Legislative Council; that the revenues of the Jesuits estates are to be applied by the Province to educate the Canadians; that the power of regulating trade is to be exercised in future with great attention to the interests of the Colony; that provincial bills for giving corporate powers and making local regulations will be sanctioned; that the right of the Colonists to regulate their internal affairs is fully admitted; that offices of trust and profit are to be more equally distributed in future; that officers who have lost the confidence of the country are to be dismissed, if the complaints made against them are proved; that all the proper influence of government is to be given to the satisfaction of the colony; and that any colonial law increasing the responsibility and accountability of public officers will be sanctioned by England:—In the Assembly we see noble and patriotic efforts made to increase the happiness of the people, enlighten their understandings, and watch diligently over their rights and privileges; and on the part of the Governor in Chief there does really appear to be a willingness to act with the house of Assembly and faithfully to assist them in securing for the country the inestimable advantage of good laws and free institutions.

"The contrast between their Executive and ours, betwixt the materiel of our Assembly and their's, and between the use they make of an invaluable constitution and our abuse of it, is any thing but satisfactory to the friends of freedom and social order in Upper Canada. Our representative body has degenerated into a sycophantic office for registering the decrees of as mean and mercenary an Executive as ever was given as a punishment for the sins of any part of north America, in the nineteenth century. We boast of our superior intelligence, of our love of liberty: but where are the fruits? has not the subservience of our Legislature to a worthless Executive, become a bye-word and a reproach throughout the Colonies? Are we not now, even during the present week, about to give to the municipal officers of the government, as a banking monopoly, a power over the people, which, added to their already overgrown influence, must render their sway nearly as arbitrary and despotic as the iron rule of the Czar of Muscovy? Last winter the majority of our Assembly, with our Speaker at their head, felt inclined to make contemptuous comparisons between the French inhabitants of the sister Colony and the enlightened constituents who had returned them, the said majority. In our estimation, and judging of the tree by its fruit, the lower Canadians are by far the most deserving population of the constitution they enjoy, for they show themselves aware of its value, while judging of the people, merely by the representatives they return, it might be reasonably inferred that the constituents of the McLens, Vankoughnetts, Jarvices, Robinsons, Burwells, Willsons, Boultons, MacNabs, MacMartins, Frasers, Chisholms, Crookes, Elliotts, Browns, Joneses, Maçons, Samsons & Hagermen had emigrated from Grand Tartary, Russia or Algiers, the week proceeding the last general election; for although in the turgid veins of their members there may be British blood, there certainly is not the appearance of much British feeling," are gross scandalous and malicious libels, intended and calculated to bring this house and the government of this Province into contempt, and to excite groundless suspicion and distrust in the minds of the inhabitants of this Province, as to the proceedings and motives of their representatives; and is therefore a breach of the privileges of this house, and William Lyon Mackenzie, Esq, a member of this house having avowed himself the author of the said articles, be now called upon for his defence.

On which debates ensued.

Mr. John Willson, seconded by Mr. Attorney General, moves that the further debates on the privilege question, now under consideration, be deferred until to-morrow.

On which the House divided, and the yeas and nays were taken as follows:

Yeas—Messrs. Attorney General, Berezy, Boulton, Burwell, Chisholm, Crooks, Elliot, Fraser A. Fraser R. Jarvis, Jones, Lewis, McM Martin, Maçon, Mount, Samson, Shade, Solicitor General, Thomson, Warren, Wenden, Willson J. and Wilson W.—23.

Nays—Messrs. Beardsley, Bidwell, Buell, Campbell, Clark, Cook, Howard, Ketchum, Lyons, McCall, McDonald A. Mackenzie, Perry, Randal, Roblin, Shaver and White.—17.

The question was carried in the affirmative by a majority of six.

Wednesday, 7th December, 1831.

Agreeably to the order of the day, the debate on the question, on breach of privilege, was called, the motion of Mr. Willson, of Wentworth, of yesterday, with Mr. Samson's amendment, was then read, whereupon the debate was resumed.

In amendment to Mr. Samson's amendment, Mr. Bidwell, seconded by Mr. Perry, moves that the amendment be amended, by expunging all the words in said amendment after the word "that," commencing with the words "an article," and the following inserted, "a committee of privilege be appointed, consisting of Messrs. Attorney General, Berezy, Beardsley, Duncombe and Ketchum, with power to send for persons and papers, and to enquire and report to this House whether any libels have been published during the present session of the Legislature, in any newspapers printed in this province."

Mr. Berezy, seconded by Mr. Thomson, moves that the debate on the question of privilege, be postponed until to-morrow, and that it be the first item on the order of the day.

Which was carried.

Thursday 8th December, 1831.

Agreeably to the order of the day, the debate on the question of privilege, adjourned from yesterday, was called.

Mr. Bidwell's amendment, to Mr. Samson's amendment of the preceding day, to the above question, was read.

On a question of order being raised on the said amendment, it was decided to be out of order. The debate was resumed.

Mr. Mackenzie, Member for the county of York, was called upon his defence, which he proceeded in. Mr. Morris, seconded by Mr. Attorney General, moves that the defence of the Member for the county of York, W. L. Mackenzie, Esq. be adjourned till to-morrow, and that it be the first item on the order of the day. Which was carried

Friday, 9th December, 1831.

Agreeably to the order of the day, the honorable Member for the county of York, W. L. Mackenzie, Esq. resumed his defence, at half past five, P. M. closed the same, and retired.

Mr. Morris, seconded by Mr. Samson, moves that, the member for the county of York, W. L. Mackenzie, Esq. having closed his defence, the debate on the question of privilege be adjourned till to-morrow, and that it be the first item on the order of the day.

Saturday 10th December, 1831.

Mr. Perry, seconded by Mr. Cook, moves that the order of the day for the adjourned debate on the privilege question, be discharged.

On which the House divided, and the yeas and nays were taken as follows:

Yeas—Messrs. Beardsley, Bidwell, Buell, Campbell, Clark, Cook, Howard, Ketchum, Lyons, McCall, Perry, Randal, Roblin, Shaver and White—15.

Nays, Messrs. Attorney General, Berczy, Boulton, Brown, Burwell, Chisholm, Duncombe, Elliott, Fraser, A. Fraser, R. Ingersoll, Jones, Lewis, M^cMartin, M^cNab, Magon, Morris, Mount, Robinson, Samson, Shade, Solicitor General, Thomson, Van Koughnett, Warren, Werden, and Wilson, W.—27.

The question was decided in the negative by a majority of twelve.

On the order of the day being called for renewing the adjourned debate.

Mr. Attorney General, seconded by Mr. Berczy, moves in amendment to the amendment, to the original motion, that after the words "motives of their Representatives," in the said amendment, the remainder be expunged.

On which the House divided, and the Yeas and Nays were taken as follows:

Yeas—Messrs. Attorney General, Berczy, Boulton, Brown, Burwell, Chisholm, Duncombe, Elliott, Fraser, A. Fraser, R. Ingersoll, Jones, Lewis, M^cMartin, M^cNab, Magon, Morris, Mount, Robinson, Samson, Shade, Solicitor General, Thomson, Van Koughnett, Warren, Werden, Wilson, W.—27.

Nays, — Messrs. Beardsley, Bidwell, Buell, Campbell, Clark, Cook, Howard, Ketchum, Lyons, M^cCall, Perry, Randal, Roblin, Shaver, and White—15.

The question was carried in the affirmative, by a majority of twelve.

The debate on Mr. Samson's amendment, (as amended,) to Mr. John Willson's motion, of the sixth instant, was resumed

On the question for the adoption of the amendment, as amended, being put, the House divided, and the yeas and nays were taken as follows:

Yeas.—Messrs. Atty. General, Berczy, Boulton, Brown, Burwell, Chisholm, Duncombe, Elliott, Fraser, A. Fraser, R. Ingersoll, Jones, Lewis, M^cMartin, MacNab, Magon, Morris, Mount, Robinson, Samson, Shade, Solicitor General, Thomson, Van Koughnett, Warren, Werden, Wilson, W.—27.

Nays,—Messrs. Beardsley, Bidwell, Buell, Campbell, Clark, Cook, Howard, Ketchum, Lyons, M^cCall, Perry, Randal, Roblin, Shaver, and White,—15.

The question of amendment, as amended, was carried in the affirmative, by a majority of twelve.

The original question as amended, was then put, and carried as follows:

Resolved—"That an article published in the newspaper called the Colonial Advocate, of the date 24th November, 1831, in the following words:—

"STATE OF THE COLONY."

"The people of this Province, will probably be able to form a tolerably fair estimate of the manner in which their petitions on public affairs are likely to be treated in the representative branch of the Legislature, when they learn the manner in which the first of the series has been disposed of. The Petition of the people of Vaughan, unanimously agreed upon at their Town Meeting, and signed by the Chairman, Secretary, and, from two to three hundred freeholders and other inhabitants, was the first presented to the House—and after it had been read, and had lain two days on the table, Mr. Mackenzie, a representative of the people from whom it came, moved, that it should be referred to a Committee of five members, viz:—Mr. Ketchum, the other member for the County in which the Petition was voted, and Messrs. Buell, Perry and Shaver, with the mover, as a matter of course—Mr. Thomson, of Frontenac, the Editor of the Kingston Herald, who had previously expressed great bitterness against the Petitioners and their Petition, in the public journals, immediately rose and objected to referring the petition to its friends, and allowing them to consider of and introduce any measures desired by the petitioners, and which they might consider expedient to the notice of the Legislature."

"We told the people of York, last July, that this would be the result of any application to the Assembly; and therefore the more earnestly requested them to unite in addressing the King's Government, as by this means distinct propositions could be submitted to a new Assembly called as in England, on the Reform Bill. We now urge all those intrusted with the general petitions to the King and House of Assembly, to send them to York by mail on the earliest possible day, in order that the former be forwarded to London, and the latter submitted to the Assembly now in Session. We learn that Chief Justice Robinson's successor in the Law business, Mr. Draper, either has gone off this week to London, or is now about to set off, to oppose the General Petitions, and advocate the interests of the Executive Faction here, with His Majesty's Government. They take the utmost pains to conceal their weakness in the estimation of the country; and one of their ablest assistants leaves his own private business and prospects to watch the signs of the times at home—Mr. Thomson's amendment already spoken of, was a Resolution—"That the Petition of the people of Vaughan with all other petitions relating to the same subject, be referred to a Select Committee of seven members, to be chosen at twelve o'clock to-morrow. The Attorney General characterised the Petitions as, "the expression of a few people,"—"a few individuals,"—"mere casual meetings"—"he happened to have seen some of these meetings, but a few respectable farmers met together did not at all understand the subject," and termed

“the Committee “a one-sided Committee”—“the Petitions he had never seen till that day—they had been got up by some body or other.”

“The Solicitor General wished the Petitions to be referred to a Committee of the whole House, and thus be got rid of at once, and not referred to the Committee named by Mr. Mackenzie, who would call witnesses where none were wanted, and thus increase the expenses of the Session.—He asserted this, altho’ there was nothing in the motion that gave the Committee any power to call a single witness.—Messrs. Burwell, Jarvis, and others opposed to the rights of the people, were of course in favor of Mr. Thomson’s amendment, the votes in favor of which were as follows—Messrs. Shade, Henry. J. and George Boulton, Burwell, Elliott, A. Eraser, R. D. Fraser, Sheriff Jarvis, Lewis, Mac Nab, M^cMartin, Solicitor General, Magon, Mount Samson, Thomson, Warren, and W. Wilson.—The members opposed to Mr. Thomson’s amendment, (introducing a species of vote, in which the constituents of members could not learn how they had acted,) and who would have intrusted the Petitions to a Committee of persons favorable to the prayer of the Petitioners, were Messrs. Buell, Campbell, Cook, Duncombe, Howard, Ketchum, M^cCall, Mackenzie, Perry, Roblin, Shaver and White.—The Executive faction carried their measure by a majority of 6.”

“And also a certain other article in the said paper called the Colonial Advocate, of the date 1st December, 1831, in the following words” “Excellent example of Lower Canada.”

“The Harmony which subsists between the Governor in Chief, the H. of A. [meaning the House of Assembly] and the Colonial Secretary Lord Viscount Goderich must be pleasing and gratifying to every true friend of representative government, for it is evidently the consequence of a just and honorable course of procedure in these high parties towards the people of Lower Canada. We are glad to perceive by Lord Goderich’s despatch in answer to the Assembly’s petition sent home last Spring by Mr. Viger that all the Judges are to be dismissed from the Executive and Legislative Council, that the revenues of the Jesuits estates are to be applied by the Province to educate the Canadians, that the power of regulating trade is to be exercised in future with great attention to the interests of the Colony, that provincial bills for giving corporate powers and making local regulations will be sanctioned, that the right of the Colonists to regulate their internal affairs is fully admitted, that offices of trust and profit are to be more equally distributed in future, that officers who have lost the confidence of the country are to be dismissed if the complaints made against them are proved, that all the proper influence of government is to be given to the satisfaction of the Colony, and that any Colonial law increasing the responsibility and accountability of public officers will be sanctioned by England. In the Assembly we see noble and patriotic efforts made to increase the happiness of the people, enlighten their understandings, and watch diligently over their rights and privileges; and on the part of the Governor in Chief there does really appear to be a willingness to act with the house of Assembly and faithfully to assist them in securing for the country the inestimable advantage of good laws and free institutions.”

“The contrast between their Executive and ours, betwixt the materiel of our Assembly and theirs, and between the use they make of an invaluable constitution and our abuse of it, is any thing but satisfactory to the friends of freedom and social order in Upper Canada. Our representative body has degenerated into a sycophantic office for registering the decrees of as mean and mercenary an Executive as ever was given as a punishment for the sins of any part of North America, in the nineteenth century.—We boast of our superior intelligence, of our love of liberty; but where are the fruits? Has not the subservience of our Legislature to a worthless Executive become a bye-word and a reproach throughout the Colonies? Are we not now, even during the present week, about to give to the municipal officers of the Government, as a banking monopoly, a power over the people, which added to their already overgrown influence, must render their sway nearly as arbitrary and despotic as the iron rule of the Czar of Muscovy? Last winter the majority of our Assembly, with our Speaker at their head, felt inclined to make contemptuous comparisons between the French inhabitants of the sister Colony and the enlightened constituents who had returned them the said majority. In our estimation and judging of the tree by its fruits, the Lower Canadians are by far the most deserving population of the constitution they enjoy, for they show themselves aware of its value; while judging of the people here, merely by the representatives they return, it might be reasonably inferred that the constituents of the McLeans, Vankoughnetts, Jarvises, Robinsons, Burwells, Willsons, Boultons, MacNabs, McMartins, Frasers, Chisholms, Crookses, Elliots, Browns, Joneses, Magon, Samsons and Hagermen, had emigrated from grand Tartary, Russia or Algiers, the week preceding the last general election; for although in the turgid veins of their members there may be British Blood, there certainly is not the appearance of much British feeling,” are gross scandalous and malicious libels intended and calculated to bring this house and the government of this Province into contempt, and to excite groundless suspicion and distrust in the minds of the inhabitants of this province, as to the proceedings and motives of their representatives.”

Mr. Samson, seconded by Mr. Robinson, moves that the further consideration of the question of privilege, be adjourned until Monday next, and that it be the first item on the order of the day. Ordered.

Monday, 12th December, 1831.

Mr. Samson, seconded by Mr. MacNab, moves that it be resolved, That William Lyon Mackenzie, Esq. a member of this House, having avowed himself the author of the articles published in the newspaper called the Colonial Advocate, mentioned in the resolution of this House, on Saturday last, which articles are grossly false, scandalous and defamatory, and having been heard in his place in defence of the same, has, by the whole tenor of such defence, flagrantly aggravated the charge brought against him, and is therefore guilty of a high breach of the privileges of this House.

In amendment, Mr. Perry, seconded by Mr. Lyons, moves that after the word “Resolved” in the original, the whole be expunged and the following words inserted:

“That as this House has allowed many other publications to pass without punishment or censure, reflecting on the character and motives of its members, for many years past, and as addresses to the head of the provincial government, for the time being, have been published in the Official Gazette, containing such reflections, with answers of his Excellency, the then Lieutenant Governor, expressing his thanks for such addresses; and as this House has by the resolution, adopted on Saturday last, asserted its privileges, and shewn its determination, hereafter, to take notice of such offensive publications, it is not expedient to take any further notice of the said libels published in the Colonial Advocate.

On which the House divided, and the yeas and nays were taken as follows:

Yeas—Messrs. Beardsley, Bidwell, Buell, Campbell, Clark, Cook, Howard, Ketchum, Lyons, McCall Perry, Randal, Roblin and Shaver. 14.

Nays—Messrs. Attorney General, Berczy, Boulton, Brown, Burwell, Duncombe, Elliott, Fraser A. Fraser R. Ingersoll, Jones, Lewis, McMartin, McNab, Maçon, Morris, Mount, Robinson, Samson, Shade, Solicitor General, Thomson, VanKoughnett, Warren, Werden, and Wilson W. 26.

The question of amendment was decided in the negative by a majority of twelve.

In amendment, Mr. Attorney General, seconded by Mr. Berczy, moves that the word "therefore," in the original resolution, be expunged.

On which the House divided, and the yeas and nays were taken as follows:

Yeas—Messrs. Attorney General, Berczy, Boulton, Brown, Burwell, Duncombe, Elliott, Fraser A. Fraser R. Ingersoll, Jones, Lewis, McMartin, MacNab, Maçon, Morris, Mount, Robinson, Samson, Shade, Solicitor General, Thomson, VanKoughnett, Warren, Werden, and Wilson W. 26.

Nays—Messrs. Beardsley, Bidwell, Buell, Campbell, Clark, Cook, Howard, Ketchum, Lyons, McCall Perry, Randal, Roblin and Shaver. 14.

The question of amendment was carried in the affirmative by a majority of twelve.

On the original question as amended, being put, the House divided, and the yeas and nays were taken as follows:

Yeas—Messrs. Attorney General, Berczy, Boulton, Brown, Burwell, Duncombe, Elliott, Fraser A. Fraser R. Ingersoll, Jones, Lewis, McMartin, McNab, Maçon, Morris, Mount, Robinson, Samson, Shade, Solicitor General, Thomson, VanKoughnett, Warren, Werden and W. Wilson. 26.

Nays—Messrs. Beardsley, Bidwell, Buell, Campbell, Clark, Cook, Howard, Ketchum, Lyons, McCall, Perry, Randal, Roblin and Shaver. 14.

The original question as amended, was carried in the affirmative by a majority of twelve, and is as follows:

Resolved, that William Lyon Mackenzie, Esq. a member of this house, having avowed himself the author of the articles published in the Newspaper called the Colonial Advocate, mentioned in the resolution of this house, on Saturday last, which articles are grossly false, scandalous, and defamatory, and having been heard in his place in defence of the same, has, by the whole tenor of such defence, flagrantly aggravated the charge brought against him, and is guilty of a high breach of the privileges of this house.

Mr. Samson, seconded by Mr. Werden, moves that it be Resolved, That William Lyon Mackenzie, Esquire, be expelled this House.

In amendment, Mr. Perry, seconded by Mr. Lyons, moves, that after the word "moves" in the original, the whole be expunged, and the following inserted, "that this House having fully asserted its privileges, by resolving some particular remarks contained in the Colonial Advocate of the 24th of November, and of the first of December, reflecting on the proceedings of this Assembly, and some of its members, to be a libel, and a high breach of the privileges of this House, it is expedient to appoint a Committee of Privilege, to enquire and report to this House, what other, if any, libels have been published against the proceedings of this House, or any of its members, since the commencement of this present Session, and that Messrs. Attorney General, Berczy, Duncombe, Beardsley and Ketchum, do compose said Committee.

On which the House divided, and the yeas and nays were taken as follows:—

Yeas,—Messrs. Beardsley, Bidwell, Buell, Campbell, Clark, Cook, Howard, Ketchum, Lyons, McCall, Perry, Randal, Roblin, Shaver,—14.

Nays,—Messrs. Attorney General, Berczy, Boulton, Brown, Burwell, Duncombe, Elliott, Fraser, A. Fraser, R. Ingersoll, Jones, Lewis, McMartin, Mac Nab, Maçon, Morris, Mount, Robinson, Samson, Shade, Solicitor General, Thomson, Van Koughnett and Werden,—24.

The question of amendment was decided in the negative, by a majority of ten.

In amendment to Mr. Samson's motion, for the expulsion of W. L. Mackenzie, Esquire, Mr. Duncombe, seconded by Mr. Randal, moves that after the word "moves," in the original motion, the whole be expunged, and the following be inserted, Resolved that William Lyon Mackenzie, Esquire, be called to the bar of this House, and that he be reprimanded by the Speaker.

On which the House divided; and the yeas and nays were taken as follows:

Yeas,—Messrs. Bidwell, Cook, Duncombe, Ketchum, McCall, Perry, and Randal,—7.

Nays,—Messrs. Attorney General, Beardsley, Berczy, Boulton, Brown, Buell, Burwell, Campbell, Clark, Elliott, Fraser, A. Fraser, R. Howard, Ingersoll, Jones, Lewis, Lyons, McMartin, Mac Nab, Maçon, Morris, Mount, Robinson, Roblin, Samson, Shade, Solicitor General, Thomson, Van Koughnett, Warren, and Werden,—31.

The question of amendment was decided in the negative by a majority of twenty-four.

On the original question, the House divided, and the yeas and nays were taken as follows:

Yeas—Messrs. Attorney General, Berczy, Boulton, Brown, Burwell, Elliott, Fraser A. Fraser R. Ingersoll, Jones, Lewis, McMartin, MacNab, Maçon, Morris, Mount, Robinson, Samson, Shade, Solicitor General, Thomson, VanKoughnett, Warren and Werden. 24.

Nays—Messrs. Beardsley, Bidwell, Buell, Campbell, Clark, Cook, Duncombe, Howard, Ketchum, Lyons, McCall, Perry, Randal, Roblin, and Shaver,—15.

The question was carried in the affirmative, by a majority of nine.

Mr. Samson, seconded by Mr. Van Koughnett, moves, that it be Resolved, that the Speaker do direct his warrant to the Clerk of the Crown in Chancery to issue a new writ for the election of a Knight, to serve in this present Parliament, for the County of York, in the place of William Lyon Mackenzie, Esquire, expelled this House. Ordered.