The Examiner.

A WEEKLY JOURNAL OF POLITICS, LITERATURE AND NEWS.

"This is true Liberty, when Freeborn Men, having to advise the Public, may speak free.'---Euripides.

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ALMANAC FOR MARCH.

MOON'S CHANGES.

Full Moon, 6th day, 11h. 27m eve., S.
Last Quarter, 13th day, 6h. 7m. even., N.
New Moon 50th day, 11h. 48m. even., N.
First Quarter, 29th day, 2h. 32m., morn., N. W.

D M	DAY WEEK	SUN rises	SUN sets	Sun slow clock	Moon's age	High Water	Day's length
		h m	h m	m s	d h	h m	h m
1	Wed	5 43	5 43	12 36	2 6	5 45	10 59
2	Thur	41	45	12 24	3 5	6 4	11 2
3	Frid	39	46	12 11	4 4	7 4	5
4	Sat	37	48	11 58	5 3	8 4	9
5	Sun	36	49	11 44	6 2	9 37	10 12
6	Mon	34	50	11 30	rise	10 27	15
7	Tues	32	51	11 16	6 37	11 15	18
8	Wed	31	52	11 1	7 5	11 57	21
9	Thur	30	53	10 46	9 9	even	23
10	Frid	28	54	10 30	10 22	1 23	26
11	Sat	26	55	10 14	1 33	2 7	29
12	Sun	23	57	0 58	Morn	2 54	11 34
13	Mon	19	58	9 43	0 52	3 49	36
14	Tues	17	59	9 25	2 4	4 48	42
15	Wed	15 6	1	9 8	3 6	5 57	46
16	Thur	14	2	8 51	4 2	7 8	48
17	Frid	13	3	8 33	4 50	8 16	50
18	Sat	11	4	8 15	5 18	9 16	53
19	Sun	9	5	7 58	5 51	10 8	11 56
20	Mon	9	5	7 40	sets	10 55	59
21	Tues	5	7	7 22	6 51	11 31	12 2
22	Wed	3	8	7 4	7 53	Morn	5
23	Thur	1	9	6 46	8 55	0 10	8
24	Frid	5 59	11	6 28	9 49	0 47	11
25	Sat	58	12	6 9	10 1	1 25	14
26	Sun	56	13	5 51	11 59	2 4	12 17
27	Mon	54	15	5 32	Morn	2 43	21
28	Tues	52	16	5 14	0 57	3 26	24
29	Wed	60	17	4 55	1 52	4 13	27
30	Thur	48	19	4 37	2 42	5 8	31
31	Fri	45	21	4 19	3 26	6 8	35

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May 31, 1869. tf

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Charlottetown, April 25, 1870.

BEBATES OF THE HOUSE OF ASSEMBLY.

(Continued from last week's Extra.)

"In the case of Paty, one of the Aylesbury men, brought up by Habeas Corpus, Mr. Justice Powell thus defined the jurisdiction of the Courts in matters of Privilege: 'This Court may judge of privilege, but not contrary to the judgment of the House of Commons." Again: 'This Court judges of Privilege only incidentally, for when an action is brought in this Court, it must be given one way or other. The Court of Parliament is a Superior Court, and though the King's Bench have a power to prevent excesses of jurisdiction in Courts, yet they cannot prevent such excesses in Parliament, because that is a Superior Court; and a prohibition was never moved for to the Parliament.' *Ib.* Citing 2 Lord Raym, 1105.

"It is laid down by Hawkins, that 'there can be no doubt but that the highest regard is to be paid to all the proceedings of either of these Houses — meaning the House of Lords or House of Commons—and that wherever the contrary does not plainly and expressly appear, it shall be presumed that they act within their jurisdiction, and agreeably to the usuages of Parliament, and the rules of law and justice' *Ib.* Citing Pleas of the Crown, c. 15, s. 73.

"And Lord Chief Baron Comyn, following the opinion of Sir Edward Coke, affirms that 'all matters moved concerning the Peers and Commons in Parliament, ought to be determined according to the usage and customs of Parliament, and not by the Law of any inferior Court.'—*Ib.* Citing 3 Digest. Parliament G. I.

"'That though the Lord Chancellor and Judges are competent judges in their Courts, they are not so in Parliament.'

"'That it should be entered in the Journal Book of the House.'

"'That the first election is good; and that the knights then chosen, were received and allowed as Members of the House not out of any respect the House had or gave to the Lord Chancellor's judgement therein passed, but merely by reason of the resolution of the House itself, by which the said election had been approved.'

"'That there should be no Message sent to the Lord Chancellor, not so much as to let him know what was done therein because it was derogatory to the power and privilege of the said House.'

"'It also appears, That Sir Edmond Anderson, Lord Chief Justice of the Common Pleas, was acquainted 'That the explanation and ordering of the cause appertained only to the censure of the House of Commons, not to the Lord Chancellor and the Judges; and that they should take no notice of their having done anything in it.'

"'Accordingly, Mr Farmer and Mr Gresham were received into the House, and took the oaths; being admitted only upon the censure of the House, not as allowed by the Lord Chancellor or the Judges; and so ordered to be set down and entered by the Clerk.'

"'And this right of the Commons to determine their own Elections has never been disputed since the case of Sir Francis Goodwyn, 1st *Jac.*, I. when the Lords would have inquired into the proceeding of the House of Commons, upon his election. But the Commons, then told their Lordships, 'It did not stand with the honor of the House to give account to their Lordships of any of their proceedings or doings.'

"'And in the reasons of their proceedings in that case, which they laid by Petition before the King, among other things they say, 'They are a part of the body to make new laws; yet for any matter of privileges of their House, they are, and ever have been, a court of themselves, of sufficient power to discern and determine without the Lords, as the Lords have always used to do theirs without them.'

"'In which reasons, as well as in their apology afterwards to that Prince, the House of Commons did above a hundred years since so clearly, and with so much strength of reason, assert their rights in the matter of the election of their members, that the Commons think it their duty to resist all attempts whatsoever to invade them.

"'And upon this occasion, it may not be improper to cite the opinion the House of Commons had of the Judges intermeddling in matters of their Elections as they have delivered it in the aforesaid apology in these words, (videlicet):

"'Neither thought we that the Judges' opinion (which yet in due place we greatly reverence) being delivered with the common law (which extends only to inferior and standing courts) ought to bring any prejudice to this High Court of Parliament, whose power being above the law, is not founded on the common laws; but they have their rights and privileges peculiar to themselves.'

"'When the Earl of Shattesbury was Lord Chancellor, Writs issued, during a prorogation of Parliament, for electing members in the room of those that were dead; the King himself was so cautious, as to the regularity of this proceedings, and had so much regard to the privileges of the House of Commons that, at the next Session of the Parliament, 5th February, 1672, he spoke to the Commons from the Throne, in these words:

"'One thing I forgot to mention when happened during this prorogation. I did give orders for the issuing of some writs for the election of members, instead of those that are dead, that the House might be full at their meeting; and I am mistaken if this be not according to former precedents. But I desire you will not fail to other business till you have examined that particular; and I doubt not but precedents will justify what is done. I am as careful of all your privileges as of my own prerogative.'

"'Sixth February, 1672, the House of Commons took that matter into consideration; and several precedents being cited, and the matter at large debated, and the general sense and opinion of the House being, "That during the continuance of the High Court of Parliament, the right and power of issuing Writs for electing members to serve in this House, in such places as are vacant, is in this House who are the proper judges also of elections and returns of their members. Thereupon it was resolved, 'That all the elections upon the writs issued since the last Session are void; and that Mr. Speaker do issue out his warrant to the Clerk of the Crown, to make out new writs for those places.' Which was done accordingly.'

"'No other Court than the House of Commons hath ever had the determination of the elections, or any cognizance of such causes, except where by Acts of Parliament directed. And such an action as those against the late Constables of Aylesbury, to bring the right of voting in an election in question in the Courts of Law, is a new invention never heard of before; which (as new devices in the Law are generally attended with inconveniences and absurdities) was plainly to subject the elections of all the members of the House of Commons to the determination of other Courts.'

"'This undoubted privilege and jurisdiction, the Commons think, will warrant these commitments, if the late declaration (which is agreeable to, and cannot lessen their ancient right), had never been made.'

"'For it is the ancient and undoubted right of the House of Commons to commit for breach of privilege; and the instances of their committing persons (not members of the House) for breach of privilege, and that to and of Her Majesty's prisons, are ancient, so many, and so well known to your Lordships, that the Commons think it needless to produce them.

"'And it being the privilege of the House of Commons, to have the sole examination and determination of all causes relating to their elections, as aforesaid.

"'It follows that any attempt to draw such causes to the determination of any other Court is a breach of the privilege of the House of Commons, for which the person offending, may be committed by the Commons.

"'And here, we cannot but notice of that unreasonable, as well as unnatural insinuation, whereby your Lordships endeavour to separate the interests of the people from their Representatives in Parliament; who pretend to no privileges, but upon their account and for their benefit, and are sorry to say, they are thus severely reflected on by your Lordships, for no other reason but for their interposing to prevent the rights of the people, and their liberties from your Lordships arbitrary determinations.' 3 Hats. Precd. 313.

The Report of the Committee having been referred to a Committee of the whole House, the following resolutions were reported—

1. RESOLVED, As the opinion of this Committee, that the authority vested in the Administrator of the Government, by the Colonial Act of 7th Will. 4th, cap. 13, whereby it is enacted, 'That it shall be lawful for the Administrator of the Government for the time being, and he is hereby required, within seven days next after information thereof, shall be by him received in writing, under the hand of the Speaker of the House of Assembly, to issue a Writ for the election of a Member or Members, to fill the place or places which may be so vacated, as aforesaid,' is only ministerial and not judicial, in like manner as exercised by the Clerk of the Crown in the English Court of Chancery, whose duty it is to issue Writs of Election upon the Warrant of the Speaker of the House of Commons. In this Island there being no Clerk of the Crown in Chancery the Speaker's notice is therefore directed to the Chancellor himself to perform a mere ministerial act in causing the Writ of Election to be issued from that Court; the judicial authority being vested in the House alone whilst in Session and delegated by the said Act only to two Members of the House, and its Speaker, in vacation. Were the judicial power of determining what shall constitute a vacancy in the House, conceded to the Administrator of the Government, the Crown might virtually disfranchise any District or Town, as is now done with reference to the First Electoral District of Prince County, as often as a vacancy might arise, and thus deprive the people of one of their dearest and most valued privileges that of being represented in Parliament. Nor does it appear to this Committee that such a power is at all essential to the due maintenance of the Prerogative of the Crown; nor is it requisite in preventing an undue exercise of authority by the Commons, which the Crown has at all times in its power to control by a dissolution. This Committee do not feel themselves called on to defend nor to express any opinion, at this time, on the policy of the Act requiring Members of the Assembly to vacate their seats, on the acceptance of a seat in the Executive Council, further than to state that the House would have no objection to take into its consideration the expediency of repealing that part of the said Act, should it be found in practice to present any obstruction to the proper and constitutional administration of the Government. But the Representatives of the people cannot permit a privilege so ancient, and so essential to their independence as a co-ordinate branch of the Legislature, as that of determining what shall constitute a vacancy in the seats of its Members to be wrested from them by a bare opinion of the Law Officers of the Crown, whose authority or jurisdiction in matters relating to the right of persons to sit in Parliament, or that of the highest Law Courts, have never been recognized by the Constitution, nor allowed by the Commons House of Parliament of Great Britain.

2. RESOLVED, That the foregoing Resolution, together with the Report of the Special Committee appointed to search for Precedents; as also a copy of the Hon. the Speakers letter to His Excellency the Lieut. Governor, requesting a Writ of Election to be issued for a Member, in room of the Hon. James Warburton; and of His Excellency's letter in reply thereto, be communicated to His Excellency the Lieut Governor, together with an Address from the House, praying that His Excellency will be pleased to transmit the said documents to the Right Honorable the Secretary of State for the Colonies, for the consideration of Her Majesty's Government.

Now, Sir, in that case, the House emphatically asserted the principle that the decision of its rights was exclusively vested in themselves, and are we now to submit to the dictation of any government in a matter of this nature. I now submit the following Resolution:—

Whereas, it has long since been established as the undoubted and sole right and privilege of the House of Assembly, to examine into and determine upon all questions affecting its own members, or in any wise relating to the legality or illegality of their returns as Representatives.

And *whereas* the infringement of such right and privilege by any body or person would prove dangerous to the independence of the House, and might be used to deprive the people of one of their direct and most valued privileges, that of being represented in Parliament.

And *whereas* it appears from the records of the Court of the High Sheriff for Queen's County and the Return of the said Sheriff, that after having held an Election, in the First Electoral District of Queen's County, the said Sheriff did, as by law directed, proclaim Peter Sinclair and David Laird, as having the majority of votes, to be duly elected members, to serve in the said General Assembly of the Island. And did afterwards Return, that they had been elected as the Representatives of the First Electoral District of Queen's County.

And *whereas* it further appears, that the Crown Law Officers did advise the Lieutenant Governor, that no legal Return had been made by the said Sheriff, and in accordance with that opinion, the said Peter Sinclair and David Laird have not been summoned to take their seats in the present House of Assembly.

Therefore Resolved as the opinion of this Committee, that the authority vested in the Administrator of the Government, by the Government, by the Colonial Statutes, and the Common Law, is purely ministerial and not judicial, and gives him no power or right to determine the legality or validity of any Return made by the Sheriff, of members to serve in the House of Assembly, or of what should constitute a vacancy in their seats of its members, that being the sole privilege of the House itself, and that the refusal to swear in, and the exclusion from their seats, of the two members returned by the Sheriff, as elected to serve in the House for the First Electoral District of Queen's County is in direct violation of one of the most sacred and valuable of the privileges of the House.

Resolved further, that in order to assert and maintain the undoubted right and privilege of the House, this Committee is of the opinion that the said Peter Sinclair and David Laird, being the members returned, by the said Sheriff should be immediately summoned to take the oaths, and their seats, as the Representatives of the First Electoral District of Queen's County—and that the said House should afterwards proceed to determine the validity or invalidity of their election in the proper constitutional way.

Hon. ATTORNEY GENERAL.—Last night, Mr. Chairman, the hon. member declared that it was monstrous that Mr. Cameron had not been returned. Now he comes, armed with his brief, and has treated us to a long discussion of legal principles. There is not one of the cases he has cited to which I do not give my hearty assent. I want no stronger justification of my argument and the action of the Government in the matter of this election, than the authorities he or his friends have kindly adduced. The case of the Hon. Mr. Warburton, in 1848 supports my view of the matter in the clearest manner and his numerous quotations adduced to prove the power of Parliament, though not required. I can supplement by one which he omitted. It has been stated by high legal authority, that Parliament is competent to do anything but make a man a woman. The letter of the Lieutenant Governor manifests the highest degree of respect for the privileges of Parliament, and how His Honor could manifest his sense of those privileges more decidedly than by referring the whole matter to this House, I am at a loss to conceive. All authorities concur to justify the course pursued by His Honor. The Government, and hon. members who support it, are anxious to settle this question and would have done so ere this, had they not been thwarted by the hon. member. As to the case of Hon. Mr Warburton, in 1848, it must be borne in mind that at that time party feeling ran unusually high, and I have always considered the transaction to which I have reference as being the most Tory act to be found in the records of the Conservative party. But Sir, I will ask the Hon. Member for Belfast, how with professions of his zeal for political liberty on his lips, he dare advise or approve of the disfranchisement of the people? I recollect quite well, how, on the day of Declaration of the Polls in Charlottetown, that gentleman's bosom seemed to swell with patriotic ardor, as he denounced the Sheriff for having, by his proclamation of Messrs Sinclair and Laird, disfranchised the electors. The facts of Mr. Warburton's case are briefly these. The House of Assembly having declared his seat vacant, Sir Donald Campbell, then Lieutenant Governor, took the advice of the Law Officers of the Crown, and in accordance with their opinion that the seat was not vacated, declined to return the writ. But the House, in the exercise of its undoubted privileges, decided the matter. In that case the House requested the Executive to interfere, and the request was not complied with. In the case before the Committee, has any request been made to the Government, and been refused? If there has been, I have not heard of it The hon member well knows that there is nothing of the kind, and now in the interest of a disappointed candidate, would fain have Mr. Laird and his friends to decide the case The Government and their supporters are on the side of liberty and popular rights, and it His Honor the Lieutenant Governor had been induced to issue a writ for a new election, the object of the hon. member would have been gained, and loud and long would have been his denunciations of the outrage committed upon the privileges of the people. I am at a loss to discover how the Government could have infringed the privileges of this House by not returning those whom the Sheriff had not returned. I repeat, Sir, that unless there were an unequivocal return, the Lieutenant Governor had no right to act otherwise than he has done The Sheriff's return is before us, for us to deliberate and decide upon; in fact, to act judicially in the matter. Had Mr Laird's resignation been accepted, His Honor would have been exercising judicial functions in a case where his official conduct should be only ministerial. But the mind of the hon member is so prejudiced that he cannot believe that any good can come from his political opponents.

Hon. B. DAVIES did not, in 1849 join the Government of the Hon. Joseph Pope, but that gentleman united with the Liberals, and gave them, by his ability and experience, much valuable aid in obtaining Responsible Government and he (Mr D.) was glad to acknowledge it, for he doubted not but that Mr. Pope at that time felt he did right: and any man who left the wrong to follow the right deserved credit for so doing. He thought the learned Attorney General failed to prove the charges he had made against him (Mr D.), or to shew that the Government, in the course it pursued, had done right, or that it had any authority to interfere with the privileges of the House of Assembly. He (Mr. D.) felt he had only discharged his duty as a representative of the people, which was not a pleasant one, and having done so would leave the matter with that hon committee to be dealt with as it might see fit.

Hon. D DAVIES would, as the document was at hand, for the purpose of comparison, read the return made by the Sheriff of Prince County of two members, and contrast it with the one before that hon. committee The Sheriff on the back of the Writ says:—

"In obedience to the within writ, and in conformity with the Acts of the General Assembly, as their recited, I caused public notice and proclamation to be made, and polls to be holden; and I now return the Hon. James Colledge Pope and Cornelius Howat, Esquire, they having had a majority of votes at the said polls, and having been declared duly elected, by me, on the twenty-ninth day of July last past in accordance with law, to serve as members in the House of Assembly for the Fourth Electoral District of Prince County, according to the within writ, and as will more fully appear by the Poll Books herewith returned,

"Given under my hand and seal at St. Eleanors, in Prince County this Third day of August, A. D., 1870.

"(Signed) WILLIAM T. HUNT
"Sheriff of Prince County.

In this case the return was clear and unequivocal, but in that of the one before the committee the High Sheriff of Queen's County returned the facts as he found them on the Poll Books, but made no positive return of any candidates. No doubt Sheriff McGill availed himself of the advice of able counsel, and did well in doing so, and returned the special facts and circumstances so that they might be dealt with hereafter, and he (Mr. D.) thought that hon. committee would see that those facts had been sent to the proper tribunal to be disposed of. In offering a few remarks upon the question he would merely observe that it did not appear that any interference with the electors had taken place. They came to the polls and recorded their votes as they thought proper. The officers had all been sworn and everything done as the Statutes required except the slight informality of the Returning Officers and Poll Clerks omitting to subscribe the oaths, and that omission appeared to be owing to the fact that those officers did not seem to know that their signatures thereto were required. Looking, therefore, at all the facts and circumstances he thought Messrs. Sinclair and Cameron should take their seats. In his (Mr. D.) case the facts were different. Some electors by their own act disfranchised themselves. There was not the slightest analogy between the two cases. It was certain that Messrs. Sinclair and Cameron had a clear majority at the Polls. He was free to admit that if all the special votes in his case had been put in, Mr. Dodd would have had a majority, but if certain parties disfranchised themselves it was different from that of the case under consideration.

Hon. ATTORNEY GENERAL.—The hon. member for Belfast attaches much importance to the proclamation of the Sheriff on Declaration Day, in which he stated that the Hon Peter Sinclair and David Laird, Esq., were returned, but that hon gentleman should recollect that that declaration formed no part of the Sheriff's return with the writ, and were that hon. committee to attach that declaration to the return it would only make matters more complicated. The Sheriff's Declaration Book is not required by law, it was merely a private record which the Sheriff kept for his own convenience. That committee could be guided only by the return with the writ The law required that the return should be absolute and unequivocal. All the principles in the Resolution he (Hon. Attorney General) approved of, as no person had a right to interfere with the rights of electors, but it would be well for that hon. committee to take under its favorable consideration the hint thrown out by the Hon. Leader of the Government, and avoid viewing the question as a party one. He (Hon. Att'y Gen.) had too much faith in the good sense and intelligence of that committee to suppose it would view the remarks of his hon. friend (Hon. B. Davies), otherwise than as an endorsement of the remarks made and view taken of the question by him (Hon. Attorney General).

Hon. Mr. CALLBECK said the return under consideration came before that hon committee accompanied with certain documents, and in referring to those the Hon. Attorney General alluded to the one signed by himself (Hon. Mr Callbeck), and his hon. friend, Mr. Davies, in a manner which was he thought unnecessary.

Hon. ATTORNEY GENERAL had said that if those two honorable gentlemen embodied in themselves the powers of the Legislature they might decide that Mr. Laird had had a seat in the Legislature, and consequently had a right to resign it.

Hon. Mr. CALLBECK presumed the *Islander* was the organ of the Government, and it recognized the fact that Mr. Laird had sent in his resignation. He (Hon. Mr. Callbeck) was not aware of the step Mr. Laird took until after he had sent his resignation in. A document was brought to him (Hon Mr. Callbeck), signed by the Hon. Mr Palmer, for his (Mr. C.) signature, and as he (Hon. Mr. Callbeck) was then under the impression that a protest under similar circumstances had been entered against himself he did not like to add more disturbance to the troubled waters, yet on reflection thought it would be a cowardly act on his part if he should refuse to discharge a public duty, but did not in doing so think otherwise than that Mr. Laird had a seat to resign inasmuch, as on Declaration Day he heard the High Sheriff proclaim him elected, and considered that Mr. Laird in resigning had only exercised a privilege which he then had, nor was he (Hon. Mr. Callbeck) ashamed of what he then did. It did appear to him (Hon. Mr Callbeck) that the Sheriff's proclamation was, when made, intended to convey what it stated, viz:—"That Mr. Laird was elected to a seat in this House" It had been asked how could Mr. Laird come then before that committee as he had resigned his seat? But he (Hon Mr. Callbeck) thought, in a certain sense, Hon. Mr Sinclair occupied the same position, for it could not be shown that the return for the First Electoral District of Queen's County was a proper one, therefore he must say the Government, in his opinion, adopted the proper course when it reserved the matter for the only tribunal to decide that had a right to do so. It was the duty of the Government and of that hon. committee to see that the rights and privileges of Parliament were preserved inviolate. The whole matter was contained in a nutshell. The officers had all been sworn, the electors had had every opportunity for recording their votes, and did so in a quiet and orderly manner. No mans' rights were in the least interfered with, and the question that hon. committee had to consider was, whether all that constituted a return of those having a majority of votes in the whole district, or if those having the majority of votes polled where the officers complied with all the requirements of the law have been returned by the Sheriff and allowed to have taken their seats.

Hon. ATTORNEY GENERAL said the Hon Mr. Callbeck was perfectly correct. Nor did he (Hon. Attorney General) mean to insinuate that the honorable gentleman did anything in the matter for which he should feel ashamed. The cases brought forward by the Hon. Mr. Davies were not parallel. If Mr. Laird had been legally returned a new writ should issue, and it was for that hon. committee to say whether his return was legal or not. The Lieut. Governor in the course he pursued acted the part of a preserver of the constitutional privileges of the House of Assembly and of the people, for which he deserved their thanks. The question might indeed be raised whether Mr. Laird's return was legal or not, but the responsibilty of proving that did not rest with the Lieut. Governor, who only did his duty when he took the opinion of the Law Officers of the Crown thereon.

Hon. Mr. WIGHTMAN had heard nothing which convinced him why such a descrepancy existed between the Writ and the Declaration of the High Sheriff; nor could he understand why that officer was not called upon to explain the cause of that descrepancy. He (Hon. Mr. Wightman) in order to be fully satisfied on that point, would like to hear why that officer's Return, with the Writ, was different from his declaration. In looking at the Poll Books it was clear that Mr. Cameron had a less number of votes than Mr. Sinclair, but more than Mr. Laird; and if the wishes of the people were to be consulted, that hon. Committee would have to confirm the decision as taken at the Polls and admit Messrs. Sinclair and Cameron to their seats. But how was that hon. Committee to reconcile a descrepancy which the Sheriff alone could explain. Reference had been made to the election which took place in Georgetown in 1852, and they had the opinion thereon of the ablest men the Island then had, some of which he would read, as the cases were to a great extent similar. The Hon. Mr. Palmer on that occasion moved the following Resolution.

Resolved That the presiding officer at the Poll, held on the 9th day of December last, for the election of a member of Assembly for Georgetown, having omitted to take the oath, prescribed by the 39th section of the Election Law, in verification of the correctness of the Poll Books, therefore, that the return made by the Sheriff of King's County upon the Writ issued for the said Election, whereby Roderick Macaulay, Esquire, was declareed duly elected, is not valid in Law; and that a new Writ should issue for the return of a member of Assembly for Georgetown aforesaid, in the place of the said R. Macaulay, Esquire.

In his speech in support of the resolution, Mr. Palmer said:

"The only thing for them to say was, he thought, whether the omission of the oath—a very great and serious omission—and the omission to seal up the Poll Books as directed by the law, were sufficient to invalidate the Election. He would defy any one to show by the Act that the House ought to do what the Sheriff had improperly omitted to do. All that they had power to say was that he had done his duty; and that consequently the election was void. With respect to the allegations setting forth the omission of the oath by the presiding officer, and the neglecting to seal the Poll Books, he admitted that either of them if true, was sufficient to invalidate the election; and with respect to the last of them, he freely admitted that what Mr. Coles had said was quite correct, for if the Poll Books were in the possession of the Returning Officer, unsealed, for ever so short a time, a falsification of them was possible."

Hon. Mr. Coles thought that, "With respect to the omission of the oath, the law was express. The omission was of itself sufficient to invalidate the Return. With respect to the sealing of the Poll Books, the law was equally express. The omission, if proved was likewise of itself sufficient to set aside the whole proceedings. It would be best he thought, to take up the matter in a Committee of privileges, and if prosecuted and decided therein, without favor or affection, their proceedings would give satisfaction to the friends of both parties. If the Poll Books prove the allegations to be true, the House will have sufficient evidence to justify their declaring the election void."

They had the opinion also of the Hon. Mr. Haviland than, whom none stood higher, who declared the election was invalidated by the officers neglecting to close the Polls according to Law.

Hon. LEADER OF THE GOVERNMENT.—That was not a legal opinion.

Hon. Mr. WIGHTMAN.—It was nevertheless a correct one. The election under consideration was just as much invalidated by the omission of duty on the part of the Returning Officers as the Georgetown one was. Believing that Hon. Mr Sinclair had a clear majority of votes recorded in his favor he saw no reason why he should not be allowed to take his seat. As for Messrs. Laird and Cameron, they had the opinion of the electors on the Poll Books and that of the Sheriff with the Return, and the question was between them; and it was for that hon. Committee to say which should be admitted.

Hon B. DAVIES was glad to hear that His Honor the Lieut. Governor had protected the constitutional rights of the House of Assembly, but was not disposed to think the Government did so, nor should that Hon. Committee submit to such interference with its prerogatives. He could not but notice how carefully the Hon. Attorney General had avoided the points to which he (Mr. D.) had specially alluded. They, the members of that hon. Committee had to respect themselves and he thought that Committee would not be at a loss in discovering what were or were not the constitutional powers of the Executive Government.

Hon. ATTORNEY GENERAL believed if the Hon. Mr. B. Davies would reflect a moment he would find that he (Hon Attorney General) had not avoided any point fairly before that Committee, but there were cases where ignorance was bliss and when it would be folly to be wise.

(Continued in this week's Extra.)

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