

DEBATES OF THE HOUSE OF ASSEMBLY.

(Continued from first page of this week's Examiner.)

Hon. LEADER OF THE GOVERNMENT thought it was but wasting time to prolong the discussion as it was then carried on. In the morning he expressed a wish that the question should be calmly discussed, and was anxious that a wise and deliberate decision should be come to. It did appear that on Declaration Day the Sheriff of Queen's County proclaimed Messrs Sinclair and Laird elected, but it was also well known that Mr. Cameron had polled more than sixty votes over Mr. Laird. They knew that it was the Hon. Mr. Davies who found fault with Sheriff McGill for what he did and declared openly that for a less offence in England, that gentleman would have been sent to the Tower. He, therefore (the Hon. Leader of the Government) was the more surprised when he heard afterwards that that hon. gentleman had with Hon. Mr. Callbeck, signed a notification informing the Lieut. Governor that Mr. Laird had resigned and had a seat to get up and say that he should then be admitted and sworn in. Such an idea was absurd. The Return for that district differed from all others which had been sent in, and showed clearly on its face that the Sheriff intended that the facts and circumstances connected with that election were to come before the House to be dealt with. He felt surprised that any hon. gentleman should find fault with the Lieut. Governor because he consulted with the Crown Law Officers. His Honor had but recently come to the country, and it was not to be supposed that he knew who were or were not members of the House of Assembly. It appeared the Returning Officers and Poll Clerks were sworn but some of them omitted to sign their names to the affidavits, and the question then was, should that informally invalidate the whole of the proceedings? The Government left the matter to be decided by the House of Assembly. If the conclusion arrived at should be that the election was illegal, new writs should forth with issue for both candidates, for they in a legal point of view, were in precisely the same position. If that Committee considered that there had been a fair and impartial election, and that the spirit of the Law in its true intent and meaning had been carried out by the Hon. Leader of the Government thought it would be wrong to give a seat to the candidate who had 60 or 70 votes less than Mr. Cameron. He had hurriedly prepared an amendment to the Resolution of the Hon. B. Davies which he would

opinion was that Messrs. Sinclair and Laird had been returned, and believed the Sheriff thought so too. But supposing that the same difficulty had occurred in all other Districts, the result might have been that they would have all been excluded from the Legislature; nor would it be hard to show that serious consequences might ensue therefrom. He (Mr. McNeill) had to give an answer to his constituents, and would not hesitate to say that, in his opinion, a serious infringement had been made upon the privilege of the House of Assembly when those gentlemen, publicly declared elected by the Sheriff, were not allowed to take their seats. Encroachments upon the rights of the people always commenced by small degrees—nor had they to go back to the days of Charles the First for an instance of that kind. He (Mr. McNeill) saw, yesterday, in that building, an old Member (Mr. MacIntosh) from King's County, who had been unjustly incarcerated. It was King's County which then suffered. Allow infringements to take place, and Queen's and Prince Counties may come next. Believing that the Sheriff returned Messrs. Sinclair and Laird, they should, he thought, have been allowed to have taken their seats. Hon. Mr. McEACHEN could not see the matter as the hon. gentleman did who had last spoken, as he could not, from the Sheriff's Return, draw any information which convinced him (Mr. McEachen) that the Sheriff had positively returned any of the candidates for the First District of Queen's County. But it was clear that the only error was, that in some of the Polling Divisions the Returning Officers and Poll Clerks had omitted to sign the necessary oaths which to his (Mr. McE's) mind were duly administered; and he believed the omission occurred because those men did not know that the oaths they had taken should have been subscribed. The votes in all the Polling Divisions of the District, he was satisfied, were properly taken, and therefore could not see any valid reason why the candidates which the electors placed at the head of the Poll should not be permitted to take their seats. Were he governed by his own feelings, he would most certainly prefer seeing Mr. Laird in the House; but, acting under oath, as he then was, he had to be guided by a sense of strict justice to the electors and candidates, and would regret if the question should be regarded as a party one. All the candidates were opposed to the Government, and he therefore could not see how any hon. gentleman on the Government side of the House could be actuated by wrong motives. Reference had been made to Charles the First, the Star Chamber, and other scenes of a by-gone age, and also to those godly men who filled the lobbies of the House of Parliament with dragons, and displayed their love of liberty by dispersing the Members even as they manifested their hatred of tyranny in becoming tyrants themselves, which they evidenced in beheading their King. The great Liberals of that day had in their ranks some of those Whigs who sold their King, not for a great, as had been falsely said, but for £100,000 sterling.

Mr. HOWAT thought the amendment of the Hon. Leader of the Government bore a self-contradiction on its face, for it first said that the Election Law had not been complied with, and in the next place affirmed that the election had been fairly taken. He (Mr. H.) could not see how it could be regarded as a fair election when the law in all particulars had not been complied with. Upon that point that hon. Committee would have to come to a decision. For his part, he could not see his way clear to affirm that it was a fair election, when the law had not been strictly adhered to. If the Statutes demanded that certain instructions were to be observed and some of those in that case had not, then he did not see how that hon. Committee could draw a line between what duties were to be attended to and those which were not; and if that hon. Committee allowed a departure from the legal requirements of the Acts of the Legislature, it was difficult to say what it might lead to—perhaps to depriving them of their seats. If the Law required that certain conditions were to be complied with, he (Mr. H.) was at a loss to know under what circumstances hereafter they were to say when and where these conditions were and were not to be observed. If certain votes were illegal, a vote of that hon. Committee could not make them legal. That many of them were such was what he (Mr. H.) believed; nor could that Committee make an illegally taken vote valid.

Hon. ATTORNEY GENERAL admitted the correctness of much that had been said by the hon. gentleman, yet believed if that Committee was satisfied that the oaths were administered and taken by the Returning Officers and Poll Clerks, the omission of their signatures was a mere technical objection, which should not be regarded as one that ought not to influence that hon. Committee to set aside the recorded wish of the electors. Unquestionably the Law had been substantially complied with and Messrs. Sinclair and Cameron should be admitted to their seats. Mr. HOWAT said there were two classes of voters returned by the Sheriff, and if one of those was legal, the other was not, and before Mr. Cameron could be admitted to a seat those votes not legally taken had to be declared legal which he believed was not in the power of that hon. Committee to do. Hon. ATTORNEY GENERAL contended that, by the reasoning of the hon. gentleman, he placed the Sheriff above the House of Assembly. As he (the Hon. Attorney General) had before said, the Sheriff simply returned the facts for the House of Assembly to dispose of as it, in its wisdom, might deem right. While he (Hon. Atty Gen.) knew that the Act was explicit in its requirements, and that the House of Assembly in the exercise of its great powers, should use them with discretion, yet it was a nice point to decide and say that that hon. Committee was compelled to set aside the wish of the majority of the electors because a slight formality had not been observed. He (Hon. Atty Gen.) thought that that hon. Committee, if it was satisfied on the main points, might overlook the technical objection. If, however, any hon. gentleman on that Committee thought fuller information was required, he should say so, yet if they were satisfied on the main points, he

mittee neglected to have had those men brought forward and examined. Mr. MUNRO thought hon. gentlemen on the Opposition Benches were disappointed that the Government did not see its way clear to issue new Writs. He (Mr. Munro) knew that Mr. Laird would be quite an acquisition to the House, and would be glad to see him in it, yet, however much he might personally wish to see that gentleman among them, that hon. Committee, in considering the matter, had simply to discharge the duty it owed alike to the Candidates, Constituents in that district, and the House of Assembly. Nor could he fail to be impressed with the fact, that whatever decision should be arrived at, it would hereafter form a precedent which would be pointed to in the future. The case under consideration, and that quoted as having occurred in Georgetown, were not parallel. In the latter case the officer neglected to take the oath, and therefore the House of Assembly had no security that the poll had been fairly and impartially taken. In the one case it was not that the presiding officers had not been duly sworn, but that they omitted to sign the affidavits to which they had sworn. The Magistrates, however, who administered the oaths signed their names in the jurat and that certainly carried on the face of it prima facie evidence that the omission of the signature of the presiding officer was purely accidental. On that point he (Mr. Munro) had had some doubts, but on examining the poll books, they were removed; and he felt satisfied the affidavits were taken, though not subscribed. That the returning officers had each taken the oath and kissed the Book, he felt very certain and thought that hon. Committee had every reason to presume those officers acted under the responsibility which their oath imposed. He could not view the return of the Sheriff as absolute; nor did he attach much importance to what occurred on the day of Declaration. Between the Return and Declaration there was a material interval. His Honor the Lieutenant Governor, acted wisely in adopting the course he did, as he was not supposed to know being then a stranger in the Colony, whether Mr. Laird had, or had not, taken the oath in the Legislature. People sometimes did foolish things, and sometimes imagined that they were not doing so. He believed that the return of the Sheriff, Mr. Laird was reasonably led to suppose that he had been duly returned, but, under any circumstance of that kind, it was the duty of the Lieutenant Governor to avail himself of the advice of the Law Officers of the Crown. No hon. gentleman could say that the Sheriff's Return was not clear and gave a sound advice when they advised that the case should be sent to the House of Assembly for ultimate decision. If the oaths were not administered, there was no election; but, if that hon. Committee felt satisfied that the officers were sworn, he (Mr. Munro) thought the omission of the signatures was not a material point. Viewing the matter in all its bearings, he would deem it his duty to support the amendment of the Hon. Leader of the Government, and allow those gentlemen who had the majority at the polls to take their seats. Hon. D. DAVIES thought every gentleman who took the oath should be admitted to the House, and that the Returning Officers and Poll Clerks had been sworn. One hon. gentleman asked for further information. It was not far to New London, and perhaps it would be well to send and have them brought to the Bar of the House, and examine them as to whether they felt satisfied that if hon. gentleman would carefully examine the Poll Books they would readily arrive at the conclusion that the oaths had all been duly taken, and that the only omission was the accidental neglect of the Returning Officers in signing the affidavits. George McKay, Esquire, of New London, was one of the magistrates who administered those oaths, and subscribed the jurat certifying that the Returning Officer had been sworn, and he thought no one would for a moment suppose that Mr. McKay would put his name to that which was incorrect. It was the same with all the other magistrates, and he believed that the oaths were not signed by any of the officers appointed by Sheriff McGill, possibly neglect to be sworn, and that gentleman in the instructions which he gave had been particularly careful in pointing out that, and every other duty which the law required of them. Therefore he (Hon. Mr. H.) contended that the return of the Sheriff, in that respect had been substantially complied with, and he could not arrive at the conclusion that any of the voters duly returned on the Poll Books ought to have been struck off. There was nothing before that Committee to show that the slightest wrong or injustice had been done to any man. None, he presumed, would say that Mr. Sinclair ought to be sent back to his constituents, nor did he think Mr. Cameron should either. Mr. MUNRO.—Before the question was put would merely say, from what he had said it might be thought that he was an unscrupulous supporter of the Government. Such a charge was not intended. He was not so because he considered it was composed of the best metal, and emanated the policy of which he approved. And, therefore it was that he made no apology for giving it his support. He was under no obligations to do so, but felt in the course he was pursuing that he was consulting the interests of the country at large. He never held an office under any Government, nor did he expect on that. On all matters which the Government would bring forward he (Mr. Munro) would endeavor to arrive at a correct conclusion thereon, and pursue that course which he should regard as best for those he had the honor to represent. In the present instance, before that hon. gentleman was thought, under the circumstances, the amendment should be carried. Mr. Laird had honorably made it known that he would not accept a seat unless he received it from a clear majority of his constituents, and that if the decision of the Sheriff on Declaration Day should be in favor of Laird, he would not feel justified in taking a seat so conferred upon him, and he (Mr. Munro) thought Mr. Laird deserved much credit for the open and straightforward course he had pursued. It was proper for a man to take a seat in the House when voted to by a majority of the electors of a District, but not otherwise. The amendment was then put and carried, when House resumed and the Chairman reported the amendment agreed to in committee.

the Magistrates to the jurats were genuine. Nor could he see that the Sheriff could have made any return but the one he did. The Lieutenant Governor, Counsel for the Crown, and Government, in their respective places, he believed, acted throughout a fair and honest part, and deserved the thanks of all. The original Resolution was then put, and lost on the following division—  
Yeas—Hons. B. Davies, Wightman, Callbeck, Messrs. Howat, McMillan, McLaur, Hooper, McNeill—5.  
Nays—Hons. J. Pope, Owen, Howland, Brocken, Duncan, D. Davies, Kelly, MacEachen, Perry, Messrs. Munro, Robertson, Beer, Arnesaux, J. A. McDonald, Richards, A. C. McDonald, Moor—15.  
Hon. Mr. DAVIES said, as the main motion was lost, he would not vote against the amendment of the Hon. Leader of the Government. (Hear.)  
The amendment was then agreed to without a division, when the Sheriff for Queen's County, (Mr. McGill) appeared at the Bar of the House, and presented the Letters, in accordance with the order of the House, with the names of the Hon. Peter Sinclair and Donald Cameron, as the Members elect for the First Electoral District of Queen's County.  
SATURDAY, Feb. 18th.  
House met and again adjourned, till ten o'clock on Monday next.  
I. O.  
MONDAY, Feb. 20th.  
Hon. Mr. WIGHTMAN wished to present a petition for the accommodation of Steamers at Murray Harbor, but the House declined to receive it, as the application should have been made to the Executive, according to the rule giving to that body the initiation of money grants.  
The petition of William W. Sullivan, Esq., and others, electors of the Third District of Queen's County, against the Return of Messrs. Kelly and Beer, was read, and the House having resolved that the allegations contained in it were sufficient to justify an investigation, was made the Order of the Day for Thursday next. The respective parties to give security for costs, as required by law.  
Hon. Mr. KELLY, from the Committee for receiving tenders for printing the Journals, reported in favor of Mr. Cooper's tender, which was accepted.  
Dr. Robertson reported the Draft Address in reply to the Speech with which His Honor the Lieutenant Governor opened the Session.  
The Draft Address was read, and is as follows:—  
To His Honor WILLIAM CLAVES FRANCIS ROBERTS, Esquire, Lieutenant Governor and Commander in Chief, &c., &c., &c.  
MAY IT PLEASE YOUR HONOR:—  
We, Her Majesty's dutiful and loyal subjects, the House of Assembly of Prince Edward Island, thank you for the Speech with which you have opened the present Session of the Legislature.  
We also thank you for the expression of your satisfaction at the inauguration of your term of office, and we are glad to be happy to co-operate with you in the discharge of those responsible duties which Her Majesty has been pleased to entrust to your care.  
We fully appreciate the desire you evince for the public good, and sincerely hope that in all your future proceedings you will be remembered among the most prosperous and happy in the history of our Colony.  
We are pleased to notice the deep interest you take in the Agricultural and Industrial pursuits of the Colony, as manifested by your attendance at the General Exhibition, held in Charlottetown in October last; and we will at all times be most happy to render every assistance to your Honor for the development of those resources.  
We have great cause to be thankful for the protection vouchsafed to us during the past year,—an abundant harvest, general attendance at the General Exhibition, held in Charlottetown in October last; and we will at all times be most happy to render every assistance to your Honor for the development of those resources.  
We endeavor to provide for the requirements of the current year, with as liberality as we can, and in such a manner as will enable your Government fully to maintain all departments of the public service.  
All papers which you may be pleased to lay before us will receive due consideration.  
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