

own Attorney and Solicitor are not to be heeded? In conclusion, Sir, I now call upon the hon. Speaker to name the Snatcher Magistrate he alluded to. The hon. member having waited some time for an answer, again called upon the hon. Speaker, when the Chairman replied that the hon. Speaker declined to name, as the individual was not on his trial. Mr. Mooney then sat down.

Mr. D. Maclean said, he did not interfere at the Election, either for one or the other, out of courtesy to his colleague, or he could have changed the position of McCallum's poll. I heard that Mr. Mooney had written a letter to the people, in which charges were made against me; and it was said that if I did not answer them it would be thought they were true. Mr. Mooney came down to New London at the Election. I invited him to the Hustings, assured him of his personal safety, and requested him to speak freely. I considered he had adopted a mean subterfuge. Confusion, and cry of "take down the words;" in the midst of which

Mr. Clark rose to order, and said, I am sorry, Sir, to see a smile on the countenance of the hon. Speaker on my rising to secure peace and order, when he himself has been the cause of the excitement. (The hon. Speaker reminded the hon. member that he was out of order, Mr. Maclean being in possession of the chair.)

Mr. D. Maclean resumed. I was told the letter was a forgery, and I believe it to be a fact. [On motion of Mr. Mooney, the hon. member's words were taken down. Then Dr. Conroy rose, and said, The charge against myself is false, and this may be taken down too.] Mr. Warburton rose to order. Dr. Conroy was proceeding to explain his conduct at New London, when he was again called to order by Mr. Warburton. Dr. Conroy, with much warmth, said he would not place his character in the keeping of Mr. Warburton; to which the latter replied, he should be very sorry to take the charge of the hon. member's character. Mr. Mooney said he would not be put down by the swell and bluster of the — Mr. F. Longworth rose, and said, he could not sit still any longer. An end must be put to such proceedings; for, instead of being the wise deliberations of a parliamentary body, they more resembled those of a bear-garden. The first thing to be determined ought to be, whether the Hon. George Coles is entitled to remain within the bar of the House.

Mr. Le Lacheur said, this outbreak, as it was in 1836, and at many other times, is solely caused by the hon. Speaker; and if the learned member for Charlottetown were as mindful to reprove him, as he is Mr. Mooney or myself, he would not then be so liable to be accused of partiality. Let the hon. Speaker, from this time forward, set a better example: then our minds will not be irritated, and such scenes as this will not transpire.

The Speaker said it was bringing the House into contempt. If he had been out of order the proper time for reprehension was passed. If he wished for gentlemanly feeling, he certainly should not expect to find it in Mr. Le Lacheur. In his observations, he had not mentioned names.

Mr. Rae was sorry to say that he thought the hon. Speaker's disclaimer was at variance with the fact; for he had even just then, in his last remarks, made direct allusion to members.

Mr. Palmer entreated the Committee to confine themselves to the business before them.

Mr. Coles rose; but was immediately objected to, and prevented from speaking; the Speaker contending he had not only no right to address the Committee but equally so, had none to remain inside the Bar of the House. Then, rejoined Mr. Rae, why do you not order the Sergeant at Arms to take him outside, and then the public will see how business is done within these walls? I ask for just and manly treatment. The hon. member then quoted a case to shew that the Hon. Mr. Coles had both a right to speak and hold his seat till the question was decided, as to his being a member or not.

Mr. Haviland quoted a recent authority to the contrary; and fully agreed with what had fallen from the hon. Speaker.

Mr. Coles read from the celebrated Westminster case of Charles James Fox, in 1784, who remained in the House of Commons, and claimed the privilege of taking down members' words, which case the hon. member argued was precisely similar to his own.

Considerable discussion ensued. The hon. Speaker was supported by Messrs. Hugh McDonald, J. Longworth, Thornton, and Palmer; and opposed by Messrs. Rae, Warburton, and Le Lacheur, but no decision was come to.

Mr. Palmer then rose, and said, In former times, when a vacancy occurred in the House of Commons, during the recess, there existed no method as to the issuing of a new writ; but if it took place during the sitting of the House, the Speaker issued his warrant, so tenacious were they even at that early period, that they would not allow any one but themselves to interfere with their privileges; and if any persons were returned by any other authority than that of the Commons, they were expelled the House. The hon. member quoted from "Rogers on the law of Elections," and contended that two members of the House having informed the Speaker of a vacancy existing in the case of Mr. Coles, the House was bound to presume that they did what was in accordance with law, and these two were the proper judges whether a vacancy had in reality occurred. The Attorney and Solicitor Generals have decided that an acceptance of a seat in the Executive does not vacate a seat in the Assembly. I do not feel disposed to quarrel with them,

said the hon. member; they looked at it as a question of dry law, and in that case I might have given the same opinion. But that is not the proper way of viewing it; it is a question affecting our own privileges, and consequently beyond the reach of every one beside ourselves. It is a maxim in law that when a case has been once adjudicated, it cannot be reversed or recalled; it has been thus treated by the two members who gave notice that a vacancy had occurred. An acceptance of office that a vacancy forfeits a seat in all representative bodies. So jealous were the House of Commons on this point, that when one of their members was appointed Tutor to the Prince of Wales, and although the opinion of the then Lord Chancellor went to declare his seat not forfeited, yet the House determined the reverse. It is stated that the practice of the Island ought to be adhered to, and that as the hon. Speaker, the Hon. J. S. McDonald and myself did not return to our constituents under similar circumstances, that the Hon. Mr. Coles and the Hon. Mr. Warburton ought not. We say we did not know of the existence of the law; and where, I would like to know, can be found any lawyer or judge who has all the laws at his finger's end. Do we not often see proof of this; and why then should a knowledge of this particular law be expected of us? I knew many sections of the Act in question were repealed, but the one bearing upon this remains in full force till repealed by the Legislature. I would be the last to dispute the opinion of the Crown Law Officers, if it did not affect our privileges, but we are supposed to be the best and only judges of them, and we should keep our eye as steady fixed upon them as a mariner does upon the pole star. It is, Sir, from this regard for our privileges I am led to advocate the resolution before you, and although both the gentlemen whose seats are called in question may be displaced, I have no doubt they will soon again make their appearance in this House. But personal considerations are not to blind us to the interests of the people, or to the duty we owe to those who have sent us here, who will see, I hope, that we have sufficient moral courage to stand up in vindication of their rights, without being influenced by fear or party feeling.

The Speaker quoted several authorities to shew that parliament, and parliament alone, are the sole judges of all questions relative to Elections; but held it to be very unparliamentary in hon. members to insinuate, that, if the Committee should decide the seat to be vacant, His Excellency would not issue another writ.

Mr. Macintosh said, he was as jealous of the privileges of the House as any one; but, in opposing the motion, he did not consider he was surrendering them. He was of the same opinion now as he was last year. The hon. Speaker said he would be a traitor if he did not support the motion; but he (Mr. M.) had witnessed many other acts of his which were more like treachery, than would be the supporting of the present motion. He should remember his own case, and mete out the same justice to the Hon. Mr. Coles.

Mr. Le Lacheur explained that he only gave his own opinion, when he said he did not see how His Excellency could issue another writ, having once refused to do so, and was of opinion the only action that could be taken, would be to dissolve the House. We have no petition or complaint from the other candidate, why not then call upon the Sheriff to amend his writ? A simple resolution, even if it had passed unanimously, cannot supersede a law of the land.

Mr. Haviland. Sir, the question under consideration having been so ably discussed, I feel little remains to be said; but, in a matter affecting our constitutional privileges, I cannot give a silent vote, or sell them for a mess of pottage. I do not look at the question as one requiring that display of eloquence to which we have listened, but more as one of dry law. And when so many precedents can be produced, shewing that we alone are the judges of our own acts, I scarcely know where to begin. One hon. member (Mr. Le Lacheur) has stated that he still adheres to the opinion he maintained last year; but, if I mistake not, he then supported Mr. Rae's ideas relative to the clause in the Act. The resolution, last year, did not emanate from this side of the House: it was introduced by those who had advocated, as a part of a system of Responsible Government, the taking of four members from this House to sit at the Council Board, and that, on accepting office, they should return to their constituents. I cannot, therefore, see what ground of support they have for their present conduct, unless, indeed, it is the wonderful opinion of these legal gentlemen, so often referred to. But, Sir, I would like to know, if their opinion had been asked on the question of Escheat or the Fishery Reserves, whether they would have been bound by it, if it did not accord with their own. No, Sir, I trow they would not. The men of yesterday are not the men of to-day: their opinions change according to circumstances. The argument drawn from the fact that there is no petition from the other candidate, I hold to be a weak one, as he demanded a scrutiny at the time of the Election, and that shewed he was not satisfied. It is contended that the clause of the Act in question, was applicable to the time when the Legislative and Executive Councils were one body. In another Act it was stipulated that no member of the Council should vote upon certain occasions. If this were construed to mean a Legislative Councillor, why was the phraseology altered? Much has been said about the hon. gentlemen, the Speaker, McDonald and Palmer, not losing their seats when they were chosen to seats in the Council; but though it is now convenient to

taunt and not believe them, when they declare they were ignorant of the existence of the clause; yet Mr. Rae was not aware of it till last Session, and, when he made the discovery, rejoiced at it, and said he wished he had known of it before (no! no! from Mr. Rae.) Then again much stress is laid upon Lord Stanley's opinion on a similar case, in New Brunswick; but that had been ably answered by the hon. Speaker. Ours is an old law; but in New Brunswick, they were about to make one, Circumstances change with time. A few years ago, the agitation of the great question of Responsible Government in the Colonies, would have been objected to by the Home Government. The learned gentleman read many authorities relative to the rules of Parliament, which he said bore him out in asserting, that the House are the properly constituted judges of all things relating to themselves; and that to give way to the opinions of the Crown Law Officers, or even to that of Lord Stanley, would be a virtual surrender of their own and the people's rights and privileges. If there is any ambiguity in the clause, continued he, we are the judges to interpret and explain it, and all other powers must be bound by our decision. That the office of Executive Councillor is more an office of emolument than many others that are so considered, I think cannot be disputed; since, as has been truly stated, Executive Councillors are privileged by virtue of their office, to sit in the Vice Admiralty and other Courts, and receive fees therein; and are also Justices of the Peace throughout the Island. I, Sir, well remember, in the time of Mr. Speaker Cooper, an address being presented to the then Lieutenant Governor, informing him that several seats were vacated in consequence of members having accepted office as Justices of the Peace only; yet, if this side of the House should now come to a similar conclusion, I fancy the other side would be very clamorous against it. How such incongruities are to be reconciled, I know not; for I cannot see why what was then considered the law, as affecting members appointed Justices of the Peace, should not now affect those who then so construed it.

(To be continued.)

News by the last English Mail.

REVENUE.

The quarterly abstract of the Revenue accounts for the quarter ending the 5th January will be found in another column, and, as was fully anticipated, exhibits a marked deficiency in the income of the country. The gross decrease on the year is no less than £2,217,454, and on the quarter 1,155,313l; but rejecting those items, such as the China money, the repayment of advances, &c., which do not form the usual revenue of the country, and are accidental receipts, the ordinary revenue shows a decrease on the year of 1,065,540l. and on the quarter of 925,642l. As the comparison on the year and on the quarter may be impeached as not exactly showing the most correct view of the case, we may add that a comparison on the last six months of 1846 and 1847 exhibits a decrease of 2,202,554l. In fact, by the rigorous examination of the yearly accounts, it would appear that, including a balance which remained in the Exchequer on the 5th January, 1846, of 482,907l, the yearly expenditure of the country has exceeded the income by no less a sum than £2,700,000. The payment into the Treasury of the Irish loan has, however, enabled the Chancellor of the Exchequer to meet the January dividends without a temporary loan from the Bank, and, in fact, to have a balance in the Treasury on the 5th inst., of 882,548l.

TRADE.—The new year has not yet developed any signs of returning prosperity.—Further failures in London, Glasgow, and on the continent, together with the unsatisfactory state of the quarterly revenue accounts, have tended to counteract the little improvement which was beginning to manifest itself in the trade and industry of the country. The price of stocks have however advanced, and the corn market is firm.

FOREIGN SUPPLIES.—The attention of the cotton trade is fixed upon the U. States, deeply interested but as regards the supply of the raw material from that quarter, and no less anxious respecting the future demands of that important market for the manufactured article. The greatly increased shipments to the U. States during the past year, in consequence of the diminished tariff on the one side, and the removal of the duty on bread-stuffs on the other, have produced the only auspicious feature in the general trade of the kingdom upon which we can dwell with unmingled pleasure.

CORN MARKET.—During the first week of the year the Corn market continued to present the same general unaltered features as reported in our last. In Mark-lane the best descriptions of good dry wheat realised previous rates, but all other sorts were about 1s. per qr. cheaper: In Liverpool the business was to a moderate extent, and a slight improvement on the first market day took place in the best and old dry parcels, but as the week advanced it was not maintained. Fine qualities still obtained previous rates, and were taken rather freely, but at the close of the market the demand became more languid. Prices of the best qualities still remain unaltered.

The condition of last year's crop of wheat, owing to the quantity of rain which has fallen, is represented as being very indifferent, and there can be no doubt has