

But I will not conceal the general regret with which I have received the Resolutions of the Assembly on this subject. When I addressed your Lordship in my Despatch No. 74 of the 25th January, 1832, I could not but suppose that there was some erroneous statement in the case of Mr Christie as represented by himself. I could not until the Assembly had considered his representations, and had supplied such information on them as it might deem meet to convey to his Majesty, assume that the House had pursued a course which certainly did to my apprehension appear opposed to principles solemnly recognized by the Parliament in this country. Now, however, I learn that the Assembly distinctly asserts its right to expel one of its members, on no other ground than that on which he was expelled by a former Assembly. A former House having expelled Mr Christie, the present House had in three successive sessions renewed the expulsion without the assignment of any new cause; and finally, has declared that this proceeding is the exercise of an unquestionable privilege belonging to the Assembly. According to this doctrine Mr Christie can never be admitted to the House, the ground of exclusion being always the same, there will be no reason why he should be admitted on the occasion of his next election more than on any previous occasion; and the Assembly, if it act consistently, must continue to expel Mr Christie as long as his Constituents shall continue to return him. If to pursue such a course be one of the privileges of the House of Assembly, the House is possessed of a privilege not merely to expel a member for any one session, but virtually to declare him disqualified for life, and to disfranchise, until one party or the other shall abandon the contest, the body of Electors by which the same member is continually selected.

The Resolutions state, that in expelling Mr Christie, the House exercised a privilege frequently exercised by the House of Commons. I am not aware how this opinion is reconciled with the principle established by the Resolution on Mr Wilkes' case, passed by the House of Commons on the 3d May, 1782.

The decision there recorded appears to be sufficiently explanatory of the doctrine adopted by the House of Commons for its own guidance on the great constitutional question which is now raised by the Assembly of Lower Canada. But it is said that the occasion of the original expulsion makes a difference, and that if the offence be flagrant, then a repeated expulsion on the same ground is justifiable. I cannot admit that the proposition is consistent with the doctrine to be drawn from Wilkes' case. The principle established in that case appears to me to be plainly and beyond all controversy this, that the House of Commons is the Judge whether an offence committed by a Member is sufficient ground to disqualify him from sitting after the occurrence of an opportunity for a new election. When the House of Commons acknowledged the existence of error in its previous proceedings on Mr Wilkes' Elections, and by the precedent established in its Resolutions on that subject, disclaimed for the future, the power of rendering an individual permanently incapable of sitting in Parliament, no condition respecting the nature of the original offence was implied. Had the power of repeated expulsion not been totally disclaimed, but only been implied to be conditional upon the gravity of the first offence, it would in fact have received no effectual limit at all. For under the most violent proceedings against any individual member; it could not be deemed that the House signified by those very acts its own opinion that the offence justified the visitation. The truth is, that the House of Commons has, by its own decision, excluded all questions respecting the occasion of the first expulsion. In times of political excitements, those who are subject to its influence will probably always believe the particular occasion in which they are interested to be one of special importance, and peculiar character, and it is not to the judgment of parties in such moments of agitation, that the rights of electors have been left in this country. If the original ground of expulsion be really flagrant, it is to be hoped that the good sense of the Electors themselves, whether in Great-Britain or in Canada, will afford the best security that the expelled Member will not again find a seat among the Representatives of the people.

In the preceding observations I would by no means be understood as questioning the constitutional right of the House of Assembly of Lower Canada, in like manner as the House of Commons in this country, is alone competent to determine its own privileges—and that if it resolve to expel a Member on any ground whatever, the resolution is irreversible, except by the Assembly itself. In all free states, the supreme Legislative Chambers are unavoidably entrusted with power to which there is no strictly assigned limit, not indeed because the abuse of those powers is impossible, but because there do not exist in such states, any higher authorities to which the control of the Legislative Bodies can be committed. I cannot too clearly express to your Lordship my entire acknowledgment that it is not for the Executive Government to interfere with such privileges. The exercise of the high but irresponsible powers of this nature, with which the Imperial Parliament and the General Assemblies in the British Colonies are entrusted for the common good, is always watched by the public at large with a careful scrutiny, and it is only in the public opinion, thus formed; and in their own sense of justice, that there can be any control over those exalted bodies which the law exempts from all direct interference with their proceedings.

Considering, therefore, the undeniable right of the Assembly to follow whatever course it may deem meet respecting Mr Christie, it would neither be decorous nor conducive to any useful purpose, that the Government should enter into a discussion on the subject. His Majesty has fulfilled the task that he deemed incumbent on him, by referring the alleged grievance of a Petitioner to that body by which it could most appropriately be examined, and if found just, be redressed. That body has decided that there is no grievance. His Majesty's Government has no power to alter nor consequently any obligation to

question this decision. Being of opinion, therefore, that it is not fitting to originate any new communication to the Assembly on the subject, I do not instruct your Lordship to transmit by Message the present Despatch; neither, however, do I instruct you to withhold it, if the Assembly shall apply to you for copies of any communications received respecting the Resolutions passed on the 30th November last. There is nothing in the observations I have made which I wish to conceal; and if I have deemed it my duty to acquaint you explicitly with my sentiments respecting an affair which is so important to the inhabitants of Lower Canada, and on which, although it is not a proper subject for further discussion with the Assembly, the Members of His Majesty's Government are liable at any time to be called upon by a Petition from the inhabitants of Gaspe to declare their opinion in their places in Parliament, I should feel bound to state my opinion, that the Electors of Gaspe have been placed under an inconvenience to which no Body of Electors in this Kingdom could be subjected. I have the honor to be your Lordship's most obedient Servant.

GODERICH.

*From the Montreal Gazette.*

The case of Mr. Christie has been again introduced to the attention of the public, by the communication received through the Hon. D. B. Viger, of a despatch addressed by Viscount Goderich to Lord Aylmer, in reply to the resolutions passed by our Assembly during its last session. This document, proceeding from the ex-Secretary for the Colonies, though not so boldly and forcibly expressed as any of those which have proceeded from his honourable successor, is still decidedly against the pretensions of our Assembly, by at once declaring that the Commons of England do not possess, and do not claim the power of declaring any individual, by their own vote, incapable of holding a seat within Parliament. This unfortunate case has been, by many writers, considered to be essentially and virtually different from that of Mr. Mackenzie, in Upper Canada, and though some of the most enlightened of our brethren, and the most able of the writers for the press in that Province, have condemned the line of argument we have adopted on this question, we still continue to maintain the opinion we have hitherto advanced, that they are precisely alike, and equally unconstitutional and impolitic.

Mr. Christie has probably some particular circumstances in his case, which render it more glaringly unjust and unconstitutional than that of Mr. Mackenzie. The acts, for which our Assembly proceed to punish Mr. Christie, were (without any question being at present raised as to their offering any reasonable ground for such extreme severity,) committed before he was a Member of the Assembly. As well might he have been made amenable to their jurisdiction, for any other offence of which he might be accused, as that which formed "the head and front of his offending." We will also, for the sake of argument, allow that the House could justly expel Mr. Christie even for the charges laid to him, and we will leave altogether out of the present question, the manner in which the accusation was conducted, the spirit and feeling in which it was managed, and the absolute denial to the assumed criminal, of every opportunity of defence. The House of Assembly, for the time being, not only punished him, but the succeeding House, acting upon no other charge than that he had been previously expelled, have declared Mr. Christie incompetent to sit in Parliament, and, by their mere vote, he is now completely disqualified. This, we contend, (and we must persevere in maintaining that opinion, when we see authorities of weight in our favor, and the declarations of those for whose Parliamentary learning and experience we necessarily entertain a high respect,) cannot be effected by the simple vote of one branch of the Legislature, but must result from the combined consent of its several component branches. Our own Legislative history proves the necessity of such a combined measure, for, in the case of C. B. Boue, an Act of Parliament was required to declare that this individual, by his condemnation in a Court of Justice, had forfeited all his title to the confidence of the people, and was ineligible as a Member of the Provincial Legislature. The Assembly, also, at another period, disapproved of Judges being Members of the Lower House, and considering that their seats in the Representative body, depended on the popular voice, which Judges, from their situation, ought to despise and disregard, a law was very properly introduced and passed all the branches, disqualifying them from holding a seat within that House. If, in such cases, it became necessary to consecrate the principle by a solemn Act of the Legislature, how much more cautious ought the Assembly to have been in disqualifying an individual, whose supposed offences did not amount to any thing like criminality—or whose seat in the House would not prevent his maintaining that complete impartiality to all parties, which ought to accompany the unsullied ermine of the Judge.

We contend, and as to this we would limit the case, that the Assembly may interpret its own privileges as it thinks proper, and may defend by resolution, when those privileges and its own honour have been violated. It is wielding them with an immense power certainly, and if in England it has never been exercised to suit party feeling, or revenge political animosity, its possession may be regarded as absolutely essential to the existence of the Representative body. However much it has been abused and desecrated here, we should be far from wishing our Assembly to be deprived of the power, trusting to the progress of education and enlightened sentiments among us, to prevent its being again used as an engine of political persecution. But we would also contend, that in the exercise of those privileges, the punishment of the House must be limited to one single and isolated expulsion, (if it adopt not imprisonment), and that the expelled Member, returned by his constituents, stands as fair before the public, or the House, on the question of assumed guilt, as the prisoner, who has undergone his term of punish-

ment, or the criminal who has had the mercy of his Sovereign extended to him. The case, therefore, resolves itself to this, that we do not so much condemn the original expulsion of Mr. Christie (though most unjustly awarded), as we enter our protest against making that expulsion, however correctly or illegally ordered, the ground of succeeding expulsions in the same or following Parliaments. It is this violation of the plainest principles of justice that we condemn, expose, and repudiate.

By a postscript in the latest Montreal paper, we perceive, that the Castle of St. Lewis, at Quebec, the residence of the Lieutenant Governor of Lower Canada, was discovered to be on fire. The flames had made such rapid progress that there was no hope of saving the building when the Courier left with the mail.

A fire broke out this morning in a building situated in the lower part of Chatham, owned by Mr Patrick Donn, and occupied as a barn and Carpenter's Shop, which was entirely consumed, together with the greater part of its contents.

We have to-day another communication on Banking. There is hardly a person, we believe, who has given the subject a thought, but admits, that great and lasting benefits would accrue to Miramichi, if a Bank conducted on the Scotch principle, were founded among us; and as the most feasible plan to effect so desirable an object is, to have a Branch of the contemplated new Bank of St. John established here, something ought to be done to induce the Legislature to insert a clause in the Charter of said Institution, to extend its ramifications to this as well as to the County of York.

All this is admitted, still nothing is done, toward informing the Legislature that this is our desire. Will no person draw out a requisition to the Sheriff, and get it signed, requesting him to call a meeting of the inhabitants, when they may collectively express their sentiments on this question, and make our Representatives acquainted therewith?

It may be said—it is late, and that it ought to have been done ere this;—granted—but it is never too late to do good, and if promptly executed, there is yet sufficient time to accomplish our object.

In another page we have copied His Excellency's Speech at the opening of the Legislature of this Province, together with some extracts from the Journals. We perceive by the St. John papers, that Mr Blatch has been again employed as a Reporter to the House, and is at his post.

UNDER the Novascotia Legislative head will be found two highly interesting Despatches from the Hon. E. Stanley,—one on the Casual Revenue, and the other on the Quit Rents. Similar documents we may expect will be laid before our Legislature, during its present session.

HALIFAX NOVA SCOTIAN. THE CURRENCY.—The Assembly, after two days debate, came yesterday to a unanimous Resolution, that Specie payments should be resumed. The principles upon which that resumption is to be effected, are not yet arranged.

JOHN LEE, the person convicted of high way robbery, was executed yesterday. His confessions will appear in our next.

MARRIED on Tuesday, 28th January, by the Rev. A. C. Somerville, Rector of Bathurst, SAMUEL L. BISHOP, Esq., to CATHERINE, youngest daughter of Mr WM. PALLEN, of same place.

### SHIP NEWS.

From Lloyd's List of Nov. 15.—Teignmouth 12 arrived, Elizabeth, Miramichi; Penzance 12, Ann, do; Off Liverpool 11, British Tar, Richibucto; Leith 10, Roscoe, Miramichi; 11th, Isabella, do; Margaret Bogle, do; Shields 11th, Ann & Margaret, Halifax; John, Miramichi; Sunderland 11th, Margaret, Miramichi; Sussex, do.

November 19—Penzance 12, Ann, Miramichi; St. Ives 14th, Phoebe, Miramichi; Shields 12, Planter, Bathurst.

November 22—Arrived.—Off Penzance 17, Queen Adelaide, Miramichi; Stockton, Credo, Miramichi.

Port of Saint John, Cleared, February 3—ships Edmond, Liverpool; John Bently, do.

The brig Hibernia, Driscoll, from Magaguadavic, for Kinsale, having been blown up the Bay some time since, went ashore in the storm of Sunday evening, in Musquash Harbour, and it is feared will become a total wreck. Several of the crew were slightly frost-bitten.

INFORMATION TO MARINERS.—We are authorised by the Commissioners for Light Houses in the Bay of Fundy, to state, that for the better distinguishing the Gannet Rock Light from the Light on Briar Island, they intend making the former a Flash Light, to have it in operation some time in April next,—previous to which public notice will be given, with a particular description of the Light.

It is much to be desired, for the safety of vessels bound to ports in the Bay of Fundy, after the time named, that the above notice should be very generally circulated.—Courier.