

the words which actually fell from Mr. Roby, he had no further explanation to make—nothing more either to retract or admit; and he stood upon his character as a soldier, and his birthright as a gentleman, which he could not but feel had been reflected upon by most unmerited suspicion.

The last document in this transaction is a communication from Sir J. Macdonald to the Commander of the Northern District, Sir Charles Napier. After recapitulating the circumstances of the case, Sir John goes on to say, with reference to the above proceedings,—

“It is most painful to Lord Hill to observe that, upon their own showing, Colonel Thomas and the other officers in question have placed themselves in the mortifying predicament of being obliged to confess that they lent their presence to a meeting of a strong party character, at which expressions were uttered which they are unprepared to prove the propriety of towards the person of their Sovereign.

“In this state of a case, on every account very distressing to him, it remains for Lord Hill but to order that you convey to Colonel Thomas, and to every other officer belonging to the forces now serving under your command who was present upon the above occasion, the expression of His Lordship's most pointed and decided displeasure, reminding them that, as military servants, they are bound to confine themselves to their military duties, and that when they thus venture to connect themselves with any party association, under any circumstances or upon any pretence whatsoever, they incur a heavy responsibility, and expose themselves to the heaviest blame.

“In Colonel Thomas's first letter to the Adjutant-General upon this unpleasant subject, he states that he was invited by this Conservative Association ‘as a Member of Parliament.’ In reference to that part of the Colonel's statement, I have it specially in command to declare that, whilst Lord Hill yields to no one in respect for the privileges of a Member of Parliament, His Lordship will not suffer any officer of the Army to build his justification upon them when he thinks fit to resort to a measure calculated to compromise the character and discipline of his profession.”

#### APPENDIX D.

*Extract from “Law and Practice of Legislative Assemblies,” by L. S. Cushing.*

FREEDOM of speech and debate has always been enjoyed by the members of both Houses of the British Parliament, as one of their most ancient and necessary rights and privileges, and entirely essential to the free and independent exercise of their functions. This privilege, though originally intended as a protection against the power of the Crown, has always been equally effectual to protect the Members against the attacks of their fellow-subjects. After many controversies between the two Houses themselves, or one of them and some other Court or authority, it was finally settled at the Revolution, and expressly declared by the Bill of Rights, as one of the fundamental liberties of the people, that “the freedom of speech and debates, and proceedings in Parliament, ought not to be impeached or questioned in any Court or place out of Parliament.”

In this country, this privilege has been expressly declared by Constitution in favour of the members of all our Legislative Assemblies, except those of Virginia, North Carolina, South Carolina, Mississippi, Iowa, Texas, and California, in substantially the same form as above stated, and with the same legal effect, though, in general, somewhat more tersely expressed, the language being, for the most part, that “for any speech or debate, in either House, Members shall not be questioned in any other place.” In the States above mentioned there does not appear to be any provision of Constitution on this subject; but the Constitutions of Mississippi and Iowa, after conferring certain specified powers and privileges upon the Houses of their Legislative Assemblies, contain a general grant to them of all other necessary powers; and in South Carolina, the existence of the privilege, as a constitutional one, is only to be inferred from its being therein made a punishable offence to threaten harm to any Member for anything said or done in the House of which he is a member. There can be no doubt, however, that according to the principles already laid down, the privilege of freedom of speech and debate exists in these States as fully and effectually as if it had been expressly provided.