

DEBATE

THE HOUSE OF ASSEMBLY

ON

Mr. Fisher's Amendment to the 5th Paragraph of the Address

IN ANSWER TO

His Excellency's Speech at the opening of the Legislature.

REPORTED BY T. HILL.

Friday, October 20, 1854.

Immediately after the Speaker read the Governor's Speech Mr. Brown rose, and read an Address in answer, which he laid on the Table, and after some conversation, it was agreed that its consideration should stand as the Order of the Day for Monday the 23rd day of October.

On Saturday, shortly before the adjournment, Mr. Fisher gave notice of his intention to move an amendment to the 5th paragraph of the Address, when it should come under consideration of the House, and laid the proposed amendment on the Table as a notice. He also read the paragraph of the Speech to which it referred, the 5th paragraph of the Address, and the amendment he proposed to substitute instead, which are as follow:—

Paragraph of Speech :

“By the terms of the Treaty, the consent of each of the Legislatures of the North American Provinces is specially required, before its provisions can have full operation.”

Paragraph of the Address :

“5. The assent of the Legislature of the respective Colonies affected by this Treaty, being necessary to its full operation, we hail as an additional mark of that liberal policy pursued by Her Majesty's Government towards the North American Colonies.”

Proposed amendment :

“It is with feelings of loyalty and attachment to Her Majesty's Person and Government, that we recognize in that

provision of the Treaty which requires the concurrence of this Legislature, a distinct avowal by the Imperial Government, of their determination to preserve inviolate the principles of self-government and to regard the Constitution of the Province as sacred as that of the Parent State. We regret that the conduct of the local Administration during the last four years has not been in accordance with these principles, and we feel constrained thus early most respectfully to state to your Excellency, that your Constitutional Advisers have not conducted the Government of the Province in the true spirit of our Colonial Constitution."

On Monday at twelve o'clock, the Honorable Attorney General moved the Order of the Day ; to this course exception was taken, on the ground that as Mr. Brown had moved the Address he should move the Order of the Day ; when it appeared that Mr. Brown declined to proceed any further with the Address, and intended to support the amendment ; that he had casually consented to move the Address, because it contained nothing political, and as he did not anticipate any political or other question moved or considered in the extra Session but the Treaty, for the ratification of which it had been specially holden ; now that the amendment had given a new character to the whole proceeding, he intended to take the course which was alone consistent with his political life, and vote for the amendment. After some further discussion as to the mode of proceeding, it was agreed to adhere to the Parliamentary rule of discussing the Address with the Speaker in the Chair, and allow the Attorney General to move the Order of the Day, open the debate, and close it, and speak once on the amendment. That the mover of the amendment should have a right to reply to the whole discussion on the amendment after all who desired to speak had spoken, and just before the Attorney General's final reply.

The Attorney General then made some general observations upon the Speech, and the Address in reply, and the House adopted the first four paragraphs of the Address with very little discussion or difference of opinion. When the 5th paragraph was read from the Chair, Mr. Fisher moved the amendment of which he had given notice, which being seconded by Mr. Gillmor—

Mr. Fisher then said—He rose to address the House for the first time since he had resigned his seat in the Councils of the Province, and he should claim their indulgence, if in the progress of his speech, he occupied their time in relating some matters which were personal. Many of the Members were new and might not be acquainted with his conduct in the House, and he must, in justification of the course he was about to pursue, appeal to the old Members for proof that he was not a man fond of much talking, and he particularly called upon the hon. Member for St. John (Mr. Partelow), and of Charlotte (Mr. Brown) to confirm this statement. He had stated his opinions upon the government openly and freely before the constituency of the great County that sent him there.

It was truly stated by the Hon. Attorney General that this was the first time the Imperial Government had submitted a Treaty to the Colonial Legislature. It shewed the progress of liberal principles, and proved the magnanimity of the British Government, and the magnanimity of the British people, who would tolerate no other policy towards the Colonies. Lord John Russell had well observed that England sent forth sons, the progenitors of a mighty race of people, to found new empires, colonize new countries, and build up new communities, where her laws, her language, and her religion would be disseminated and perpetuated. The dealings of the Mother Country with the Colonies of late years proved that she was actuated by the most benevolent and philanthropic intentions. The new Colonial system left the Colonies the greatest freedom of action and fullest scope for the development of all their powers. Look at Nova Scotia and Canada, where every reasonable request had been granted; in the latter country the Imperial Government had given to the Colonists the right to readjust the Clergy Reserves' question, the most complicated of all Colonial questions, and which had entered into all their local difficulties, though important interests were supposed to be affected by it. Unlimited self-government was the spirit of the age and the policy of the Empire. The strongest proof of that position, is to be found in the provisions of the present Treaty, requiring the assent of the Legislature, and it clearly proved the first proposition of the amendment.

Yonder portrait of the Third George that hung upon the wall, reminded him of the coming to the country of his ancestors, the old Loyalists. They came to plant British laws, British institutions, and British liberty, in this western wilderness. They were like a handful of corn upon the tops of the mountains, which had increased and covered the land. The flag that floated at the mastheads of the frail barks which carried them to this inhospitable clime, was the flag now floating in front of Government House, the same that floated on the

Castles of Windsor, of Edinburgh, and Dublin, and he hoped was now floating on the towers and battlements of Sebastopol. He gloried in the prosperity of the Empire, and in the institutions of the father land. He hoped they would not run into the wilds of unbridled democracy. He urged upon Members, particularly new ones, to remember, in any changes they proposed, that our government was mixed; that it was effectually one of checks and balances; that what might appear very appropriate and beautiful in the neighbouring Republic, was not adapted to our Monarchical institutions. Let them remove none of the ancient land marks. He advised them to stand in the old way. The surface was large enough. If they wished to preserve their freedom and transmit it to future ages intact, they must walk in the path of the constitution. It was so elastic as to adapt itself to every clime and every country, and preserve the outlines of its great original. They were members of one great family. They spoke the language of Milton, the language of Shakspeare. They had a common history. What might suit Australasia, might not exactly answer South Africa, and what might suit it, might not be applicable to Canada or Nova Scotia; still one principle pervaded the whole. Great Britain, with her mixed constitution, had outridden all the storms of revolution; and was now one of the grand depositaries of freedom in the world; from her, knowledge and Christianity were being diffused. In 1848, when the continental dynasties were crumbling to pieces, and Kings and Potentates falling like pins in a ball alley, she maintained her equilibrium, and offered the only refuge in Europe for the oppressed. The armies of Britain are now engaged in a conflict with the great Despot of the North—a conflict between civilization and barbarism—and he believed they would strike down the barriers, and open up that vast prison house, Siberia, to the blessings of civilization and Christianity.

Our constitution is a miniature of the parent state. In the old Colonies the forms of government were various. Ours is a Royal Government, so called, made in humble analogy to that of Britain: with three branches, in imitation of King, Lords, and Commons. It was the design of our fathers to establish the same kind of government as in England, as far as the circumstances of a small and poor country would admit.

The discussions of late years have revealed no new principles. As in the natural world new discoveries only bring to light hidden principles and elements which were always in existence, so in our constitution the elements in operation now were always lying at the bottom of our Institutions. The whole doctrine of Executive responsibility is no new theory. It has been in operation in England since the accession of the Prince of Orange, gradually ripening and maturing. It was what the

great men of the Revolution contended for. It was a dormant principle of our Colonial constitution, inactive it is true, but it only required vitality. It was always there, and has been only lately called into action. It is, in the language of Earl Grey, an incident to representative institutions in a certain stage of their progress.

The destinies of these smaller Provinces were much influenced by Canada. There, with the conflict of races, the controversy about the Clergy Reserves, and other local difficulties peculiar to that country, they became involved in a rebellion. Though it was suppressed by British power and authority, British justice and British freedom could not brook the existence of any real cause of discontent without providing a remedy. That great country was a bright jewel in the Royal Diadem, not to be heedlessly thrown away. Its boundless resources, the great extent of fertile country it comprised, its inland seas, and extensive water communication, afforded an exhaustless field for colonization and enterprise. It was a country eminently adapted to propagate the British race and British institutions.

The late lamented Earl of Durham was sent out as Governor General and Her Majesty's High Commissioner to enquire into the state of Canada, and recommend a remedy for her political disorders. His name will be remembered in Canada through every succeeding age, and his Report is a durable memorial of his administrative skill, political sagacity, and devoted patriotism in the service of his country. Its recommendations were now historical, but the principles enunciated in it were being worked out, and it was a good text-book upon Colonial constitutional law and practice. The same causes were in operation in all the Colonies, and the same remedies were applicable to all. At that time all sorts of vagaries were afloat, and each new politician had a nostrum of his own. Some required an elective Legislative Council; some one thing, and some another. Lord Durham probed the matter to the bottom, discovered the real cause of the political distemper, and prescribed a remedy which has proved itself completely efficacious. This Report will repay a perusal, and he would quote several extracts to shew his opinions and recommendations, and those recommendations are incorporated in the new Colonial system. [See page 28.]

“ When we examine into the system of government in these
 “ Colonies, it would almost seem as if the object of those by
 “ whom it was established had been the combining apparently
 “ popular institutions with an utter absence of all efficient
 “ control of the people over their rulers. Representative
 “ assemblies were established on the basis of a very wide, and,
 “ in some cases, almost universal suffrage; the annual meet-

"ings of these bodies were secured by positive enactments,
 "and their apparent attributes were locally nearly as extensive
 "as those of the English House of Commons. At the same
 "time the Crown almost entirely relied on its territorial
 "resources and on duties imposed by Imperial Acts, prior to
 "the introduction of the representative system, for carrying
 "on the government, without securing the assent of the repre-
 "sentative body, either to its policy or the persons by whom
 "that policy was to be administered." Again, on the same
 "page, he proceeds—"The powers for which the Assembly
 "contended appear, in both instances, to be such as it was
 "perfectly justified in demanding. It is difficult to conceive
 "what could have been their theory of government who imagined
 "that in a Colony of England, a body invested with the name
 "and character of a representative Assembly could be deprived
 "of any of those powers which, in the opinion of Englishmen,
 "are inherent in a popular Legislature." Again, on page 30,
 "he thus writes—"Since the Revolution of 1688, the stability
 "of the English Constitution has been secured by that wise
 "principle of our government which has vested the direction
 "of the national policy, and the distribution of patronage, in
 "the leaders of the Parliamentary majority. However partial
 "the Monarch might be to particular ministers, or however he
 "might have personally committed himself to their policy, he
 "has invariably been constrained to abandon both, as soon as
 "the opinion of the people has been irrevocably pronounced
 "against them through the medium of the House of Commons.
 "The practice of carrying on representative government on a
 "different principle seems to be the rock on which continental
 "imitations of the British Constitution have invariably split. *
 "* * "It is difficult to understand how any English statesman
 "could have imagined that representative and irresponsible
 "government could be successfully combined. There seems
 "to be an idea that the character of representative institutions
 "ought to be modified in the Colonies; that it is an incident
 "of Colonial dependence that the officers of the government
 "should be nominated by the Crown, without any reference
 "to the wishes of the community, whose interests are intrusted
 "to their keeping, It has never been very clearly explained
 "what are the imperial interests which require the complete
 "nullification of representative government. But if there is
 "such a necessity, it is quite clear that a representative
 "government in a Colony must be a mockery and a source of
 "confusion." Again, on page 33, he writes—"From the
 "commencement, therefore, to the end of the disputes which
 "mark the whole Parliamentary history of Lower Canada, I
 "look on the conduct of the Assembly as a constant warfare
 "with the Executive, for the purpose of obtaining the powers

“inherent in a representative body by the very nature of
“representative government.”

Mark the simplicity of the remedies proposed by this distinguished nobleman for the evils of the Colonial system—
[see page 106]—“I rely on the efficacy of reform in the constitutional system by which these Colonies are governed, for
“the removal of every abuse in their administration which
“defective institutions have engendered. If a system can be
“devised which shall lay in these countries the foundation of
“an efficient and popular government, ensure harmony in place
“of collision, between the various powers of the State, and
“bring the influence of a vigorous public opinion to bear on
“every detail of public affairs, we may rely on sufficient
“remedies being found for the present vices of the administrative system.”

It was not necessary to survey the present condition and recent history of Canada to see how fully these recommendations had been verified, and what success had attended the adoption of the suggestions of the Report.

In page 106 he then proceeds—“It needs no change in
“the principles of government—no invention of a new constitutional theory, to supply the remedy, which would, in
“my opinion, completely remove the existing political disorders. It needs but to follow out consistently the principles of the British Constitution, and introduce into the
“government of these great Colonies those wise provisions
“by which alone the working of the representative system can
“in any country be rendered harmonious and efficient.” *

* * “To conduct their government harmoniously, in accordance with its established principles, is now the business
“of its rulers; and I know not how it is possible to secure that
“harmony in any other way than by administering the government on those principles which have been found perfectly efficacious in Great Britain. I would not impair a
“single prerogative of the Crown; on the contrary, I believe
“that the interests of the people of these Colonies require the
“protection of prerogatives, which have not hitherto been exercised. But the Crown must, on the other hand, submit to
“the necessary consequence of representative institutions; and if it has to carry on the government in unison with a
“representative body, it must consent to carry it on by means
“of those in whom that representative body has confidence.”

Mark how few and simple are the direct means recommended to attain the end suggested in the paragraph he had read. [Refer to page 107]—“Every purpose of popular control might
“be combined with every advantage of vesting the immediate
“choice of advisers in the Crown, were the Colonial Governor
“to be instructed to secure the co-operation of the Assembly

“ in his policy, by intrusting its administration to such men as
 “ could command a majority, and if he were given to under-
 “ stand that he need count on no aid from home in any differ-
 “ ence with the Assembly that should not directly involve the
 “ relations between the Mother Country and the Colony. This
 “ change might be effected by a single Despatch containing
 “ such instructions.” * * * * *

“ I know that it has been urged that the principles which
 “ are productive of harmony and good government in the
 “ Mother Country are by no means applicable to a Colonial
 “ dependancy. It is said that it is necessary that the admin-
 “ istration of a Colony should be carried on by persons nomi-
 “ nated without any reference to the wishes of the people ;
 “ that they have to carry into effect the policy, not of that
 “ people, but of the authorities at home ; and that a Colony
 “ which should name all its administrative functionaries would,
 “ in fact, cease to be dependant. I admit that the system
 “ which I propose would, in fact, place the internal govern-
 “ ment of the Colony in the hands of the Colonists themselves ;
 “ and that we should thus leave to them the execution of the
 “ Laws of which we have long intrusted the making solely to
 “ them. Perfectly aware of the value of our Colonial posses-
 “ sions, and strongly impressed with the necessity of maintain-
 “ ing our connection with them, I know not in what respect it
 “ can be desirable that we should interfere with their internal
 “ legislation in matters which do not affect their relations with
 “ the Mother Country. The matters which so concern us are
 “ very few. The constitution of the form of government—
 “ the regulation of foreign relations, and of trade with the
 “ Mother Country, the other British Colonies, and Foreign
 “ Nations, and the disposal of the public lands—are the only
 “ points upon which the Mother Country require a control.”

Since this Report was written the disposal of the public lands had been entirely surrendered to the Colonies, and they had been left to legislate without restraint upon all matters of trade. This last was the greatest change ; for ever since the foundation of the Colonial Empire the Imperial Parliament had exercised the power of regulating the trade of the Colonies ; but so rapid had been the progress of self-government, that a few years since Lord John Russell introduced a Bill into the House of Commons, which passed into a Law, and enabled the Colonies to repeal the Laws relating to trade, and abolish the Custom House. This, to his mind, was the most important concession ever made to the Colonies, and now for the first time they are admitted to a participation of the treaty making power of the Empire. This proved how sacredly the principles of self-government were regarded by Her Majesty and Her constitutional advisers.

The last extract he should read was on page 108—"What-
 "ever inconveniences a consequent frequency of changes
 "among the holders of office may produce is a necessary dis-
 "advantage of free government, which will be amply com-
 "pensated by the perpetual harmony which the system must
 "produce between the people and its rulers. Nor do I fear
 "that the character of the public servants will, in any respect,
 "suffer from a more popular tenure of office. For I can
 "conceive no system so calculated to fill important posts with
 "inefficient persons, as the present, in which public opinion
 "is too little consulted in the original appointment, and in
 "which it is almost impossible to remove those who disappoint
 "the expectations of their usefulness, without inflicting a kind
 "of brand on their capacity or integrity."

He (Mr. Fisher) read these extracts because he believed the principles recommended were now in operation. He had no doubt that such were the instructions to the Colonial Governors. He had taken part in all the discussions relative to this principle of government since the new principles were first mooted in the Province. Hitherto political disputes had never been allowed to pollute the sanctities of social life; gentlemen had met in this Hall as politicians, and retired from the arena to enjoy the amenities of life as friends. He hoped this debate would be conducted in the same spirit; that they would draw a holy girdle around their domestic concerns, and preserve them sacred from the inroads of any political evil. They were engaged in discussing important principles, and the result of their deliberations would be felt when the actors in these scenes have passed away. They would soon run their race, but sound principles of government were indestructible. Under the old system a little knot of officials ruled the Province, and a little knot in each County who sympathised with them, ruled there. This was called the King's prerogative; but John Doe and Richard Roe got possession of the Governor's ears, and in reality ruled. In this way the prerogative was exercised, the Governor, poor man, was blamed for what some designing man behind the curtain really did, without responsibility to any one. It was centralization the most vicious that could be devised. Centralization was bad wherever found. It was that which occasioned so much trouble in France. The Republic of Paris was the Republic of France, the one controlled the other, and the destruction of the one was the destruction of the other. The more extensively power was distributed the better for all; the true theory of the British Government was that it created a great many depositories of power in the State; and that was what was required here. The less the people were brought into direct contact with the central Executive the better. The distribution of power

invigorated the whole and excited the sympathy of all the various parts. He only desired to secure for his country what the old Loyalists came here to establish. A friend of his once said to him "you want to make a little England of the country," and he admitted that was what he wanted. He desired the same privileges for all British subjects, to which they were equally entitled, whether they reside on the banks of the Thames, the Tweed, the Liffey, the Saint Lawrence, or the Saint John. The people of New Brunswick were easily governed; they were always disposed to support the government. It was a proper time in the first Session of a new House, and with a new Governor, to ascertain their political condition and rights. It was due to the Governor to deal frankly and fairly with him. He was the scion of a noble family; his revered father had for a series of years presided over the deliberations of the most august Assembly in the world. A son of the first Commoner of Great Britain and Ireland, gave promise of political, constitutional, and parliamentary knowledge, well adapted to insure confidence in his ability to occupy the position of a constitutional Governor with dignity and honor. If, as some supposed, Sir Edmund had met him in Boston, and informed him how he could rule his Council, and through them the country, that the Bluenoses had no pluck, that the new Members were divided and split into sections with internal jealousies and disputes, and could be easily beaten in detail; if such was the case it was only fair to disabuse his mind, and he (Mr. F.) believed this debate and its results could do it.

In 1841 the Canadas were united, and Mr. Poulet Thompson, subsequently Lord Sydenham, summoned the first United Parliament, and originated the first measures to inaugurate the new system. Responsible Government immediately followed the assembling of so great a representative body. The action of the Government in Canada influenced the discussions in the lower Provinces. In Nova Scotia the political conflicts were angry, and affected the whole framework of society. Both parties appealed to the Colonial Secretary, and Earl Grey who then held the Seals of the Colonial Office, wrote a Despatch defining the principles of Colonial Government. This was not known to the Country until after the Election of 1847, when the Liberals prevailed, defeated the Government, launched the new system, and published the Despatch. It was intimated to him that a copy of that Despatch had been sent to the New Brunswick Government, and on the 4th day of February 1848, he (Mr. F.) moved an Address for the production. On the 10th of February 1848, it was laid before the House by the Hon. Mr. Hazen, in these terms—" *The Hon. Mr. Hazen, a Member of Her Majesty's Executive Council, in pursuance of an Address of the House of the fifth instant, by command*

“ of His Excellency the Lieutenant Governor, laid before the House the following extract of a Despatch from the Right Hon. Earl Grey, Her Majesty’s Principal Secretary of State for the Colonies, to His Excellency Sir John Harvey, the Lieutenant Governor of Nova Scotia, and stated the said Despatch had been transmitted to His Excellency the Lieutenant Governor, by Earl Grey, as containing his Lordship’s views on the system of conducting Public affairs in the Administration of the Government of Nova Scotia; which do not merely relate to that Province, but are of general application to British North America.”—By reference to the Journals, (page 130 of 1848) it will appear that the entry is not made in the manner he (Mr. F.) had stated, and some hon. Members will remember that when the printed Journals came into the House he arraigned the entry; but the whole had been printed in Pamphlet form at the time, and he had preserved the Pamphlet, from which he now read in proof of the terms of the original Message. On the 23rd day of February he moved the House into Committee to consider the Despatch, and after two days debate, by a majority of 28 to 6 they agreed to a Resolution, approving of the principles of the Despatch and their application to this Province. He (Mr. F.) assumed the question was then settled. In Canada, the Resolutions affirming those principles, were moved by Mr. Harrison, the Secretary and Lord Sydenham’s confidential friend, and they were said to have been drawn up by his Lordship, who was a Privy Councillor, and had the full confidence of the British Ministry, and they were regarded there as the final settlement of the question. As Sir W. Colebrooke’s term of office was about completed, all parties consented that the new system should not be put into operation until the arrival of his successor.

He (Mr. F.) would read several extracts from the Despatch, as they have important bearing upon the present controversy, and particularly in relation to the appointment of the Judges. [Page 2 of the Pamphlet]—“ It is necessary that the Governor of the Province should, in administering its affairs, have the advice and assistance of those who can command the confidence of the Legislature, and more especially of that Branch of the Legislature which directly represents the people.” And again, on the bottom of the same page, referring to the tenure of office, he says—“ The exception, as in the case of those high public servants whom it is necessary to invest with such discretion as, really, to leave in their hands the whole direction of the policy of the Empire, in all its various departments, such power must, with a Representative Government, be subject to constant control by Parliament, and is therefore administered only by such persons as from time to time enjoy the confidence of Parliament, as well as of

“ the Crown. These Heads of Departments, or Ministers,
 “ together with their immediate subordinates, who are required
 “ to represent or support them in Parliament, are almost invari-
 “ ably Members of one or other House, and hold their offices
 “ only as long as they enjoy the confidence of Parliament.
 “ Though it is not without some inconveniences, I regard this
 “ system as possessing, upon the whole, very great advantages.
 “ We owe to it that the public servants of this country, as a body,
 “ are remarkable for their experience and knowledge of public
 “ affairs, and honorably distinguished by the zeal and integrity
 “ with which they discharge their duties, without reference to
 “ party feeling. We owe to it, also, that as the transfer of
 “ power from one party in the State to another is followed by
 “ no change in the holders of any but a few of the highest
 “ offices, political animosities are not, in general, carried
 “ to the same height, and do not so deeply agitate the whole
 “ frame of society, as in those countries in which a different
 “ practice prevails.” And on page 3 he states—“ In order to
 “ keep the Executive Government in harmony with the Legis-
 “ lature, it is doubtless necessary that the direction of the
 “ internal policy of the Colony should be intrusted to those who
 “ enjoy the confidence of the Provincial Parliament.” On
 page 4 an important constitutional principle is stated,
 which, judging from the opinions often expressed, appears
 not to be understood—“ The practical end of Responsible
 “ Government would be satisfied by the removability of a
 “ single public officer, provided that through him public
 “ opinion could influence the general administration of
 “ affairs.” On page 6—“ Those public servants who are to
 “ have the general direction of affairs, exercise that func-
 “ tion by virtue of their responsibility to the Legislature,
 “ which implies their being removable from office, and also
 “ that they should be Members either of the Assembly or of
 “ the Legislative Council. But this general direction of
 “ affairs, and the control of all subordinate officers, it is the
 “ duty of the Governor to exercise, through the Executive
 “ Council; hence the seats in that Council must be considered
 “ as in the nature of political offices, and if held in connection
 “ with other offices, must give to these also a political charac-
 “ ter.” The Despatch concludes with the opinion that there
 are no obstacles “ to the immediate adoption of that system
 “ of Parliamentary Government which has long prevailed in
 “ the Mother Country, and which seems to be a necessary
 “ part of Representative Institutions in a certain stage of their
 “ progress.”

In May 1848, Sir Edmund Head assumed the administra-
 tion of the Government, and he immediately reorganized his
 Council. He (Mr. Fisher) was offered a seat, and accepted it.

Some of his friends had since blamed him for joining the Council. While he gave them full credit for honesty of intention, he claimed the same for himself. His object was to assist in carrying out the new principle, and he went in with the concurrence of a large portion of the then Assembly. He had declined office, though there was a valuable office vacant, which he could have got at the time had he wished it, for the Government could not have been formed without Mr. Wilmot, and he declined going in unless he (Mr. F.) went too. He had stated to his friend Mr. Chandler, who called upon him at the time, and wished to know if he wanted any office, that he did not ; that he was tolerably independent in his circumstances, and his professional income enabled him to save something ; he stated that he wished his friend Wilmot to have what he wanted, and that he would bide his time ; that he did not wish that the advent to power of the Liberals should verify the predictions of their opponents, and be distinguished as a scramble for office. Sir Edmund Head had stated distinctly he came to carry out Responsible Government ; and he (Mr. F.) would not have accepted the seat in the Council upon any other condition.

In Canada, Responsible Government had been fully carried out by Lord Elgin, and he had recently in a Speech at an Agricultural Fair, in London, Canada West, stated the whole secret of his success in a few short words, on being congratulated upon it. He replied that there was no mystery about it, it was the simplest thing imaginable ; said he "I put my confidence in the men in whom the people put their confidence;" a noble sentiment of a noble man. Here the reverse had been the case, and he believed the Executive Council had quailed before the Governor, and were therefore powerless for any political good. During the whole time he (Mr. F.) remained in the Council, until the appointment of the Judges, the Governor had always acted on the advice of a majority of the Council. There were often differences of opinion as in all such bodies, but the majority ruled. The advice tendered by the majority was invariably acted upon.

On the 24th of October 1850, the Council met at Government House, and His Excellency handed them a sealed envelope containing the following Memorandum :—

"His Excellency the Lieutenant Governor lays before the Committee of Council, a letter from his Honor the Chief Justice, announcing his intention of resigning his seat on the Bench, at the end of the current year. No formal appointment can of course be made until the vacancy actually occurs. And it is not the intention of His Excellency to make any provisional appointment. He is desirous, however, of advising Earl Grey with as little delay as may be consistent with due consideration of the question, as to the appointment of a successor. His Excellency therefore requests the Council to give him their advice in the course of to-morrow or the next day, with reference to this important subject.

"His Excellency begs to call attention to the fact that, by what he always

considered a defect in the Act of 1849, relating to the Judges' salaries, any one of the present Judges in accepting the office of Chief Justice would lose a portion of his actual salary. So that, as the law now stands, such an appointment would effect a saving in two salaries instead of one.

"This saving would be trifling, but it would be secured without injuring the public service, or breach of the public faith to any individual, as the acceptance of the office of Chief Justice by a Puisne Judge would be a voluntary act.

"His Excellency desires therefore to be advised on this point, as well as to receive the opinion of his Council with reference to the individuals to be selected. He reserves of course to himself the liberty of making such recommendations to the Secretary of State, as may seem to him expedient for guiding the ultimate decision of Her Majesty's Government."

The Council retired to the Secretary's Office, where they generally transacted their business, when they opened the envelope and read the enclosure. The communication was unusual; during the whole time he (Mr. F.) had been in the Council no similar case had occurred, and the Members of Council not being satisfied with the terms of the Memorandum sent to His Excellency the following Minute:—

"The Council having perused the Memorandum submitted by His Excellency, relating to the resignation of His Honor the Chief Justice, and the recommendation of a person as his successor, observe the following paragraph in conclusion:—

"He reserves of course to himself the liberty of making such recommendations to the Secretary of State as may seem to him expedient, for guiding the ultimate decision of Her Majesty's Government."

"As the above paragraph is open to the construction that His Excellency reserves to himself the right of making recommendations adverse to the opinion and advice of the Executive Council, they have thought it advisable, before proceeding to make any recommendation, to request His Excellency to inform them whether this construction is in accordance with His Excellency's intentions."

To which His Excellency sent the following reply:—

"Government House, Fredericton, October 24, 1850."

"In reply to the memorandum of this day forwarded by the Committee of the Executive Council, His Excellency the Lieutenant Governor begs to say, that he conceives it to be his duty to ask the advice of his Council on such a matter as the appointment of a Chief Justice.

"In this, however, as in many other matters, the recommendations which His Excellency may ultimately make to Her Majesty's Secretary of State, are made on his own responsibility, and not necessarily on that of his Council. If those recommendations are at variance with the advice of the Executive Council, it is open to the Members of that body to take their own course. All that His Excellency means by the words referred to is that he does not pledge himself beforehand to concur in the opinion expressed by his Council, whatever it may be. Nor does he believe that any such pledge was ever held to be implied by his relation to the Council and to Her Majesty's Government."

The Council were not satisfied with the last Memorandum, and before they proceeded to discuss the matter, they went again to the Government House and had an interview with the Governor. He had written another paper which he tore up at the table, as the constitutional relationship and the rights of the parties appeared to be fully understood. Any person can easily understand by reading these papers what the point of

the difference was. When the first Minute was read, he (Mr. F.) saw at once what the Governor desired, and he stated to Wilmot that he wanted to appoint Judge Carter, Chief Justice. The mere reading of the Minute must convince any one of that fact. After discussing the matter, a majority of the Council agreed, and handed the Governor as their advice the following Memorandum :—

“ The Committee of Council having had under consideration the resignation of his Honor the Chief Justice, and His Excellency’s Memorandum accompanying the same, and having duly deliberated thereupon, are of opinion that it is not advisable to appoint any person to the vacant office, and that such a revision of the Judiciary should be made by the Legislature, as will secure the efficient discharge of the Judicial duties by three Judges of the Supreme Court, together with the Master of the Rolls, and that the necessary preparations should be made to carry out the arrangements at the next Session of the Legislature.

(Signed)	E. B. CHANDLER,	R. L. HAZEN,
	GEO. S. HILL,	L. A. WILMOT,
	J. R. PARTELOW,	D. HANINGTON.

Committee Room, 25th Oct. 1850.”

He (Mr. F.) had his own opinion of the object of that Minute when it was made, and dissented from it, and gave his reasons in writing to the Governor for his dissent, which are published on pages 310-11 of Journals, 1851. The day after the Council left Fredericton, Mr. Wilmot wrote to the Governor, withdrawing his name from the Minute, and wrote to the same effect to Members of the Council out of Fredericton. Still it was the advice of a majority, and he (Mr. F.) had no doubt, and he believed the other Members of the Council also thought so, that the matter would rest till winter. It never entered his mind that the Governor would write a Despatch to Earl Grey of an adverse character, or move in the matter at all, and that was the opinion then of other Members of the Council. He (Mr. F.) differed from the majority, but as it was a question of a purely local character, and the majority had referred it to the Legislature, he believed that the Legislature was the only constitutional tribunal to settle it. In opposing a reduction of the public expenses, which the reduction of the Judges would appear to effect, he gave his opinion in writing that the real reasons might appear. As the Council were to meet early in January, he supposed the whole question would then come up and be settled, either by the appointment of the Chief Justice, or the preparation of a measure to take the opinion of the Legislature on the propriety of the reduction of the number. There was no reason for any other course, and nothing in the state of things then existing to lead him to suppose any other course would be adopted. There would be no vacancy until January, no Court till February, and the Country had often been with only three Judges. He was therefore not prepared to see principles trampled upon under such circumstances. If this was not a question of “internal

policy," he did not know what was. The Legislature was the body to settle the question; and in the vacation, the Executive Council, as having the confidence and embodying the mind of the Legislature.

A quorum of the Council met early in December, and transacted some routine business requiring attention; no allusion was made to the appointment of the Chief Justice, and he took it for granted that it remained in abeyance. On the 2nd of January 1851, the Secretary called at his office, and left word that he wished to see him. On his return home, he went over to the Secretary's house, and to his surprise he informed him that Judge Carter had been appointed Chief Justice, and Mr. Wilmot Puisne Judge. He also shewed him the advertisement for the Gazette in the hand writing of the Governor, and said His Excellency had only been induced to delay the immediate publication at his urgent solicitation. He (Mr. F.) stated at once that it was a violation of all principle, and he would not submit to it; the Secretary urged him not to be excited. As the Council were to meet on the Monday following, the 6th of January, he concluded to wait till their arrival, and see the Despatch; and then supposed that they would all resign together. Winter's storm delayed the Members of Council, who did not come until the evening of the eighth. On the morning of the 9th there was a Court of Error, which he did not attend, as he had determined never to do another public act as Councillor, and he supposed when the Members from abroad came they would all resign. In the afternoon he went to the Government House with the Council, and saw the Despatches. What transpired there he should not refer to, but when he left the Government House they all knew he intended to resign, and he had stated his intention several times before. It was near dark before they left; the next day he sent his resignation to the Governor. Had the Council resigned, His Excellency would have been compelled to abandon the appointment or get another Council to sustain him. In the case of Mr. Reade, the Council resigned on that ground, and though the principle was in a very crude state he called a new Council, against whom the House passed a vote of no confidence, and Mr. Reade's appointment was finally cancelled. He would shew that the Governor erred knowing the truth. In his Minute he says—"*If those recommendations are at variance with the advice of the Executive Council it is open to the Members of that body to take their own course.*" He (Mr. F.) did not complain of the political doctrines concealed in this sentence, it was correct; he quoted it to prove that Sir Edmund knew what the true principle was. In plain English, if the Council were not satisfied with his recommendations they could resign. If he appointed adversely to their advice they could resign; if they did not they were res-

possible, for they must defend the appointment. The dilemma the Governor was in was, that with the full knowledge of that constitutional principle he had made a recommendation adverse to their advice, and never shewed them or apprised them of it; how, in his own language, could they *take their own course*? they were in ignorance of *his course*, how could they take theirs? In this the whole difficulty consisted. He (Mr. F.) had no doubt, when Lord Grey authorized the appointment, he did it under the impression that the recommendation of the Governor had been shewn to the Council as it ought to have been, and as they had neither remonstrated or resigned, that they had deferred to it. Depend upon it, Lord Grey never would have authorized the appointment in any other way; he never would have interfered with the local patronage to gratify any Governor. After the Governor saw that the Council would tamely submit to such a proceeding, he knew that he had them at his feet. From that day they were prostrate, and to it may be attributed all the subsequent acts of the Government. His whole administration after that had been a government by Despatches, and effort after effort to curtail the principle of self-government and magnify the Colonial Office.

Refer to the official notice of the appointment of the Chief Justice, and see what a production it was for a free country just entering upon the second half of the nineteenth century. The whole business appears to have been transacted in England, and the Governor the mere instrument to carry out the wishes of the Colonial Office, and this is attempted to be palmed off upon the New Brunswickers as the mode of Colonial Government, after the concessions to Nova Scotia and Canada; and the Executive Council succumb and tamely submit to it. The official notice, too, was in the hand-writing of the Governor. Now he (Mr. F.) had understood the old prerogative principle to be, that the King could do no wrong. Why? Because his ministers were responsible, and it was necessary that every official act should be counter-signed by a minister to fix that responsibility. The same rule applied to the Governor in local matters, but he appeared as his own minister, and had in fact annihilated his ministry for any useful purpose. He (Mr. F.) only referred to Sir Edmund as a public man; he wished to speak of him with respect; he had always treated him (Mr. F.) with respect, and his kindness to him in the time of his greatest domestic affliction, when the very iron entered into his soul, he (Mr. F.) would not soon forget. These explanations were due to himself, he had been maligned and misrepresented for four years, and he rejoiced that the day had arrived, when in these Legislative Halls he could unfold the whole subject. He had an abiding faith in the moral government of the world, and knew that such a period would occur,

and if his voice was now heard here for the last time he would depart in peace. He could this day, before the assembled representatives of the people, vindicate his character from the foul aspersions that had been cast against him. He had never explained these matters at the hustings, it was not the proper place. It was due to himself and to his children that he should bring to light all the transactions connected with these appointments. He had, at the time, discussed the whole subject in a letter to Earl Grey which he held in his hand, and which he would publish to the world to shew that he had not forgotten what was due to his own character and position.* It was fortunate that he had written that letter as it refreshed his memory with regard to all the occurrences.

In revealing Minutes of Council he was abusing no confidence, he obtained the Governor's permission to explain them, and this day was the first proper opportunity he ever had. [Here Mr. F. read a copy of his Note of resignation and the Letter accompanying it.]

" To His Excellency Sir Edmund Walker Head, Baronet, Lieutenant Governor of the Province of New Brunswick, &c. &c. &c.

" May it please Your Excellency,

" The course pursued in filling up the vacancy occasioned by the resignation of the Chief Justice, has left me no alternative consistent with my ideas of Responsible Government, but respectfully to tender to Your Excellency the resignation of my seat in the Executive Council.

" I have the honor to be Your Excellency's obedient servant,

CHARLES FISHER."

" Fredericton, 10th January, 1851.

" My dear Sir Edmund,

" I enclose the formal resignation of my seat in the Executive Council. I am convinced whatever course a public man takes, there are those who will attribute all sorts of motives to him; in this case I have considered seriously, and with an earnest desire to do what is right, and whatever may occur, I shall always have the satisfaction in my own mind of having acted on this occasion, as I always desire to do, from principle. I retire from the Council with good feelings towards and upon good terms with Your Excellency, and every Member of the Board, and desire to cultivate that feeling in future. I have experienced many acts of friendship and kindness from some of them which I shall not soon forget.

" In haste, yours very faithfully,

CHARLES FISHER."

Sir Edmund W. Head.

To which His Excellency replied as follows:—

" Government House, Fredericton, January 10, 1851.

" My Dear Sir,

" I have received your resignation, which I have no alternative but to accept provisionally, and I will immediately forward a copy of it to the Secretary of State.

I beg to thank you very sincerely for your assistance while you have been a Member of the Government, I know and respect the principles on which you have acted on the present occasion.

" Believe me, yours very faithfully,

EDMUND HEAD."

Honorable Charles Fisher.

* See his Letter to Earl Grey at the end of this Pamphlet.

This Letter shewed what His Excellency thought of him; though as will appear by a subsequent Note, on reflection he qualified his words, but he (Mr. F.) claimed the benefit of his first impressions, when the words came fresh from his heart.

A retiring Minister has a right to be absolved from the oath of secrecy to enable him to explain his conduct; if this is refused, the presumption would be altogether in his favour and against the Crown, and the privilege is invariably granted. He (Mr. F.) wishing to obtain it, wrote His Excellency the following Note:—

“ Fredericton, 13th January.

“ My dear Sir Edmund,

“ I write respectfully to request that you will give me permission to explain the reasons of my resignation of the office of Executive Councillor and to make use of your reply to my note if necessary. I request this as I don't know what misrepresentations may be made.

“ In haste, yours faithfully,

CHARLES FISHER.”

Sir Edmund W. Head.

Here is the reply:—

(Private)

“ Government House, January 13, 1851.

“ My dear Sir,

“ There can be no reason why you should not enter into an explanation of the views which led you to resign, and there is nothing in my Note which I can object to your using.

“ Yours very faithfully,

EDMUND HEAD.”

Charles Fisher.

It is marked private, but from the correspondence the House will see he (Mr. F.) had authority to use it. Not satisfied with His Excellency's answer, he wrote the following Letter:—

“ Somerville, 13th January, 1851.

“ My dear Sir Edmund,

“ You must excuse my troubling you again. I find your Note in reply to mine of this morning is marked private as well as the envelope, a precaution you did not adopt in the others; I do hope you will not suppose that I considered the other in any other light than private. I might have thought myself justified in shewing it to some particular friend in strict confidence, beyond that I would not go.

“ I understand the constitutional principle to be such that an Executive Councillor must be absolved by the Governor from the oath of secrecy before he can state the grounds of his resignation, and that permission is invariably granted, and I infer from your Note you have given this permission. When and where I may make a full explanation I know not; it must depend upon circumstances, and it is a very inconvenient thing to be compelled to do so, or to discuss constitutional questions of such delicacy, in popular meetings out of Parliament. What I should be inclined to do generally would be to shew my formal Letter of resignation and your reply, which was the reason of my including your Note in the permission. If a fitting occasion presented itself, and I deemed it necessary to take up the whole subject, I would be in a position to do so.

“ I entertain certain opinions upon the working of our constitution from which you may dissent. It is perfectly consistent with that difference of opinion

that I may state it frankly, and the circumstances illustrative of it, without being guilty of any disrespect to you as the Queen's Representative, or without transgressing the limits that etiquette prescribes for gentlemen in their intercourse with each other. I remember that Sir William Colebrooke never forgave Wilmot for reading a private Note in debate, I wish to avoid any such difficulty. I don't imagine I can state much that is new in this case, as I heard the main facts in the streets of Fredericton before the Council met.

"In haste, yours faithfully,

CHARLES FISHER."

Sir Edmund W. Head.

To which His Excellency replied thus:—

"Government House, Fredericton, January 15, 1851.

"My dear Sir,

"So far as I myself am concerned, I cannot reasonably or properly object to your declaring the cause of your resignation, and I have no scruple whatever as to your using my Letter accepting that resignation, provided my words "I know and respect the principles, &c." are not construed as implying that I approve of the act of resignation itself. It is obvious enough that I may respect a man's principles without thinking them rightly applied in a particular case.

"I do not consider this as a private Letter, and I beg to add that I have perfect faith in your sense of propriety and good feeling.

"Yours very faithfully,

EDMUND HEAD."

Charles Fisher, Esquire.

It did not appear to him (Mr. F.) that he had the full authority that he required, and whether he wrote His Excellency another Note or not he could not remember, but he thought His Excellency sent his Secretary to say that he would see him. He (Mr. F.) went to the Government House and had an interview with the Governor; he asked him what permission he wanted, and he (Mr. F.) said he wanted liberty to explain the whole of the proceedings in connection with the appointment of the Judges, which the Governor gave him. In the conversation he (Mr. F.) complained of the mode of proceeding as violating those principles that he had come to this Province to carry out, and stated that the government was the same as in Canada. The Governor replied that in Canada they had Heads of Departments. He (Mr. F.) observed that did not affect the principle of the accountability of the Executive, it was more convenient for the Council; but if in this country the Council chose to be responsible for departments not in the government, they could do so; that if this was Responsible Government it was a mere delusion.

It appears by the Despatches that have been published, Judge Carter's opinion had been called for; that Sir Edmund had passed over his constitutional advisers, and taken the opinion of a Judge who was interested in the very question. The letter of the Secretary he did not remember ever seeing until he read it from the Journals, though the Secretary might have shewn it to him. What business was it of Earl Grey whether they had three or four Judges; he was not, like the Executive Coun-

eil, responsible to the people for the number. He (Mr. F.) never changed his own opinion that the number ought not to be reduced, still it was entirely a question for the Legislature and the people of the Province to determine, and one with which the Colonial Secretary had no right to interfere, and he did not believe he would do so if he knew the facts.

It was impossible for any one to form a correct opinion of the state of this controversy from the Despatches, and the manner in which they were sent down ; but they could, with the narrative he had given, discover the true state of the question, and they must be satisfied that the Council had quailed before the Governor. Earl Grey in his Despatch of 31st January 1851, on page 157 of Journal of 1852, states distinctly that he had no intention of departing, or directing the Governor to depart, from the system of government established in the Province.

By reference to the Journals of 1852, page 138, it would appear that the Council had sent to the Secretary of State for the Colonies, what they called a grave remonstrance. This was an extraordinary production. The great complaint was that Wilmot had been appointed Judge ; no doubt it would pollute the ermine to make a Judge of such a radical as Wilmot was. The most ludicrous part of this paper was the statement that the Minute of Council of the 24th of October 1850, recommending the reduction of the number of the Judges, was a virtual recommendation of Judge Carter for the Chief Justiceship ; now let any one read that Minute and see if it was possible to discover any such recommendation. Refer to the Governor's Despatch on page 147 of the Journals of 1851, and they have his opinion of the Minute. His words are—"Your Lordship will observe " moreover, that the Council have tendered me no advice " whatever as to the person to be appointed, although I solicited " such advice." Sir Edmund would have been too glad to have *found a virtual recommendation* of Judge Carter for Chief Justice. The most extraordinary thing in this Minute was a statement that the appointment was at variance with those principles of government *understood* to be now in force in the Province ; why understood to be, as if it were a question of doubt, and this signed by the gentleman who laid Earl Grey's Despatch on the Table? Was the constitution of so doubtful a character? No wonder if such was their opinion that they succumbed to the Governor. He would now leave this grave remonstrance, and let it be buried for ever in the tomb of all the Capulets. Before he left the Despatch, there was a remark of the Governor's worthy of note. He says "I confess myself to be in great perplexity." That was a state of mind a Governor with constitutional advisers ought never to be in ; why need he perplex himself whether there were three or six Judges, or who should hold one office or the other? His

whole difficulty arose from his desire to have his own way, and do as he pleased, and had he been met with that independence and firmness that the rights of the people required, he would have been in much greater perplexity. It must not be supposed that he wished to deprive the Governor of what was his constitutional prerogative. He (Mr. F.) considered the maintenance of the prerogative of the Crown as essential to the liberty of the subject, as the protection of the rights of the people.

In this state of things the Attorney General joined the Government. He (Mr. F.) understood that he had called it politically corrupt. [Dishonest, from Hon. Atty. General]. Well, he begged his pardon, politically dishonest, an important distinction it is true. After Wilmot, Hanington, and he (Mr. F.) had left it, and the Attorney General had gone in, its whole character was changed—it was then as pure as amber and clear as crystal. It had no spot or blemish, or any such thing. As near perfection as any thing human could be. The Attorney General, on being called upon, had stated that he could not accept office, as he was opposed to any reduction of the salaries, and the Governor pulled out his drawer and shewed him a Despatch, in which Earl Grey had stated that he could not consent to such reduction; this satisfied the Attorney General. A Despatch in his (the Attorney General's) estimation, was of more political value than the action of the Local Legislature.

He (Mr. F.) had hesitated sometime before he came to the conclusion to interfere with the salaries of incumbents; but upon much consideration he had made up his mind that the Legislature had a clear right to alter, amend, or revise the salary of any subordinate officer in the Province whenever the interests of the public required it, irrespective of the opinion of any Colonial Secretary, and it was simply a question of propriety.

The next subject he should refer to was the Act to abolish the Judges' Fees; it had passed the House by a majority of 31 to 4,—[See page 262, Journals of 1851]—and received the assent of the Legislative Council. Now, where the opinion of the Legislature had been so clearly expressed, it was the duty of the Government to endeavour to give it effect. Instead of that, the representations of the Judges had been transmitted to the Colonial Office without an observation from the Council. If the Legislature had not authority to legislate upon such a subject they were powerless enough. He (Mr. F.) was always opposed to the payment of those fees; it was beneath the dignity of a Judge to take fees, and they felt the difficulty themselves, for the small portion they actually performed any service for, such as Special Bail, they had some years since directed by Rule of Court should be paid to the Clerk of the

Pleas for their benefit. The principal fee was for a service they did not perform ; 10s. was paid to the Judge for the first motion in any cause ; now no motion was really made. The Attorneys filed an entry of the cause with a memorandum called a rule to plead, and were charged the fee. Suppose they were entitled to these fees, the Chief Justice and Judge Wilmot had not a shadow of claim, as they had only been appointed a few weeks before the passing of this Bill, and knew well the state of the question and the determination of the Legislature. Judge Street had been appointed since Lord Glenelg's Despatch upon the salaries, so that assuming the old doctrine to hold, only one Judge, Mr. Parker, had any claim. The letters of the Judges on page 128 of the Journals of 1852, unanswered, shewed the imbecility and subserviency of the Executive Government. Some parts of these letters were a standing disgrace to the Journals. He believed they were unparalleled in the annals of Parliamentary history ; they discussed the question as if the word "*salary*" had a doubtful meaning ; any Dictionary would acquaint them that it meant "*stated hire,*" "*annual payment ;*" they contend it only meant part payment. One of these learned Judges with whom he now sympathised, but to whose production public duty required him to refer, thus speaks of two Members of the Government, complimenting his own brother—"The Act in its passage through "the Lower House was supported by the Secretary of the "Province, a leading Member of the Government, even without "a suspending clause, while it was strenuously opposed by the "present Attorney General, the leader of the Government in "that House, upon those high minded honorable principles "that have ever governed both his political and private career, "declaring it to be a measure not only in direct defiance of the "before mentioned Despatch of your Lordship, but an act of "great injustice to the Judges, and a breach of public faith." He then refers to the Act of 1849, which he says expressly reserved to them their fees. That Act granted £600 as and for a salary, and £700 to the Chief Justice. If salary means only a part of the income then is he right, but he (Mr. F.) imagined the Dictionary would find against the Judge on this point ; and of course he says Judge Wilmot and the Chief Justice accepted their appointments under the provision of that Act, and in full confidence that all their fees and emoluments would be permanently preserved. This was an unfortunate reference, for after the passing of the Act of 1849, Judge Wilmot voted for a Bill which was introduced to abolish those fees. [See Journals of 1850, page 330.] Mr. F. then read from the letter thus—"This must shew to your Lordship "how little regard the majority of the present Members "of our local Legislature have to former engagements or

“enactments, or to public faith, in respect to the Judicial establishment of this Province, and how recklessly they are disposed to go on from year to year, reducing our incomes according as they think it popular out of doors.” This was the sort of language used towards this Branch of the Legislature, and the Executive had allowed it to go to the Colonial Office without an observation. Not satisfied with stigmatizing the conduct of the Assembly, motives were imputed to them; that they only acted so as to court popularity out of doors. If charity was a virtue any where it should distinguish a Judge. Charity suffereth long, is kind, envieth not, vaunteth not itself, is not easily puffed up. O delightful christian virtue! would it not have dignified the Judicial robes. He (Mr. F.) would make no comment on the last part of the letter, as to the losses the learned Judge sustained by his elevation to the Bench. He remembered his predecessor, Judge Botsford; his paternal kindness; with what fatherly affection he treated the young members of the profession on their first entrance into the Court. He (Mr. F.) always had been taught to look on him as one of the fathers of the country. There was urbanity in his manner, and sweetness in his disposition; and when he had read the correspondence on his retirement, he could only come to one conclusion, that some how or other he had been jostled off the course. He (Mr. F.) with pain had felt himself constrained to oppose any retired allowance to him, and he knew how His Honor the Speaker felt, by being, from a sense of public duty, compelled to adopt the same course.

He was amused at Judge Wilmot's letter, which he had never read till the last day or two; all it amounted to, was, if the Bill passed, it would diminish his income, and he could not consent to it. All very proper, just what any one would say. I wont consent to lose £75 if I can help it; he knew better than to discuss the propriety of it or the apparent right, and merely confined his short letter to his dissent. He (Mr. F.) was glad to find this from his old friend Wilmot in just such terms. The inaction of the Government with regard to the Bill proved they were powerless. The Governor and the Judges—or rather the Judges—overruled the Legislature. It might be supposed that the Judges were poorly paid; they were the best paid officers in the Province, their salaries were equal to the highest political officers, and the Chief had £100 more. Remember no class of men were so favoured, they could enjoy their income, and have moderate employ in the evening of their days; besides professional men who attain the Bench have generally acquired considerable property, and have a tolerable private fortune.

The next subject he would refer to was the Despatch relative to the Legislative Council. It was a new idea of the

Duke of Newcastle that in future no resignation of a seat in the Legislative Council should be deemed accepted otherwise than by the Colonial Secretary. This was an attempt to interfere with self-government. Hitherto it was supposed that appointments and resignations were made and accepted provisionally in the Province, but now it appeared that if a Member of the Legislative Council desired to resign his seat for the purpose of going into the Assembly to meet some case of pressing emergency, he must wait, and the Country must wait for months, until the Secretary for the Colonies granted permission. He (Mr. F.) would like to see an attempt to carry the Despatch into effect, he told Mr. Brown, last spring, to pay no attention to it, and to come to the House if he wished. The Executive had allowed this to pass without remark or remonstrance, though it was a direct attempt to restrict them in the right to self-government.

He (Mr. F.) would now turn to their legislation. He did not agree with those who contended that the Government should originate every thing. The Executive Council was a body essentially administrative, not legislative; and any Member of the House could bring forward what he chose. There were certain measures though that should emanate from the Government, as it had greater means and facilities for dealing with them than any other persons could have. Earl Grey in his Despatch says—"It is one of the first duties of the Government to suggest improvements where they are wanted." Now in 1850 and 1851 there was a great excitement in the country, and men's minds were turned to the attainment of various political objects. It was believed that the establishment of Municipalities would be beneficial, and he (Mr. F.) regarded those institutions as absolutely necessary to train men in the principles of self-government; they would bring to light much of the knowledge and intellect that lay dormant; they would train men for public business, and excite political knowledge and public spirit. Young men would be brought forward, and taught to take an interest in public business. The petty business done in the Legislature could be better done in the localities, whilst men were fitted for that House. It would assume a more respectable and a larger character. The Roads, the Schools, and a variety of local matters could never be well managed without those institutions. Canada had benefited largely by them, and they had worked admirably there, and in fact must everywhere. Look at the effect of the organization of the Sons of Temperance and Agricultural Societies, how they had trained men's minds for public business.

In the Session of 1851 the Governor recommended Municipalities in his Speech, and the House in their answer responded to it. The Attorney General introduced a Bill, which passed, and

if there ever was a political abortion it was. If it was framed to make such institutions distasteful, it had attained the object. Before it could be accepted it required two thirds of the County to agree. This enabled the little knots who had always ruled the County to rally their friends and frighten the timid by taxation or the like bugbears, and rule the majority. When Carleton accepted it they found the Council had not the power of appointing a Fireward, and its authority in all respects was limited. The only marvel was that even there they did not become disgusted with it, when they ascertained how their authority was limited. In fact this Law had itself soured men's minds against such institutions, because of its provisions. In Victoria, the Government had refused the Charter, after the two thirds vote had been certified in its favour.

The next measure he would refer to was the Election Law ; instead of providing for a simple suffrage and a simple registration, the evils of the present system were perpetuated and increased ; he thought the present system worse than universal suffrage, a system he abhorred, and the only change proposed by the Government Bill was to render the ascertainment of the real electoral body more difficult, by the extension of the franchise to a certain kind of leaseholders in different classes. How these rights were to be defined it does not appear. Now bad as the present system was, it only enfranchised a freeholder of a small amount, but the new plan referred to term of holding, value of rent, and kind of covenant, each of which could in a certain state of things make a qualification, and the result must have been that every man would vote. He believed a proper law was a measure the Government ought to have introduced and carried. If he could in the four years do no more than improve the electoral system, he should feel that his coming to the House was not in vain, and that he had done good service to the State. Upon this point the Government were culpable. This was an act of omission.

He was about to conclude : he had shewn that by allowing Sir Edmund to appoint the Judges, the Council had quailed before him ; and they were ever after politically at his feet. That they had allowed the Province to be governed by Despatches, and inroad after inroad to be made upon the principles of self-government. He (Mr. F.) had shewn that in their measures they had failed because they disliked the new system, and did not enter into it with any real political fervour or heartiness ; and that they had not done what they ought to have done.

He thanked the House for their patience ; he felt proud that he, before the assembled representatives of the Province in that political arena, had an opportunity of expressing his opinion. He believed he had selected the proper time to move the amend-

ment. It was a new House ; they had a new Governor, and he ought to know their opinion ; it was due to him. This discussion would put an end to government by Despatches. It would teach all future governments to act like men of spirit and independence, and not to truckle to any Governor or Colonial Secretary. It was the time to ascertain the principles of government, to lay their foundations broad and deep. The Treaty was a measure of vast moment, and hereafter he should support it ; but what were cattle, and corn, and timber, and minerals? They were as dust in the balance when placed in opposition to the liberties of the people. Let them settle the principles of government and define their political rights, before they proceeded to questions affecting their material interests. The best nursery for trade, commerce, and internal prosperity, was a free government, free institutions, and a free people. They were upon the advent of a vast change in their commercial relations ; they were about to enter into intercommunity with the great Republic adjoining. Then the broad Continent of America was to be opened to them as a market ; nearly thirty millions of people on their borders were to be introduced as new customers. He foresaw glorious visions of industrial progress and material wealth looming in the distant future. The hæmorrhage that his learned friend from Gloucester had spoken of five years ago was about to be stopped ; and a bright prospect was opening up to their common country. Let them pause and look back upon the past, to see their true position, and how they were adapted to take their stand among the great commonwealth of nations. Look at the time this Continent was discovered. It appeared to be just at the appointed time to secure its colonization by a noble race. Men's minds had been excited with new ideas, and their souls stirred to their inmost depths ; their intellectual powers had received a new impulse, and a spirit of inquiry unknown before was abroad. These clearly appeared to him as providential arrangements which must influence the settlement and destiny of the New World. Come further down and call to mind the character of the men who first came over to Plymouth in the Mayflower, and planted the Old Colony, the germ of New England. Who can contemplate the landing of the Pilgrims on the shores of the Old Bay State, without the most tender emotions? Remember how they left their homes in old England ; remember too, their trials, and their difficulties ; how they arrived in Holland ; the sufferings, the privations they endured. Remember who they were ; the time they emigrated ; what moved their minds to expatriate themselves. The men of the Long Parliament were as great men as the world ever saw. The main principles they were contending for have been incorporated into the British Constitution ; they are indestructible.

The Pilgrim Fathers were some of these men, or trained in the same School.—Go further south, and see how New York was settled by the Dutch and Germans, a phlegmatic people, sober, industrious. Still further you find Maryland and Virginia colonized under Lord Baltimore with another race and another class. These various settlements were the founders of the thirteen Provinces which composed the British Colonies at the time of the Revolution; from these their fathers sprang. What a sublime spectacle, what an exhibition of moral grandeur did, the old Loyalists who came to this inhospitable clime, present to the world! They left comfortable homes in a pleasant land, and planted themselves in the wilderness, through their attachment to the British Crown. They and their children, and the emigrants from the British Isles mingling with them, were forming a new race of men, a mixture of the Caucasian and Celt, comprising the advantages of both, but with the Anglo Saxon, the most energetic, preponderating. These were the men who were prepared to enter upon the new fields of enterprise now opening to them, to develop the great and manifold resources of this country, and to advance her material interests; and his prayer to God would be in the beautiful language of the Liturgy, so often offered up within these walls,—“that all things might be so ordered and settled, by their endeavours, upon the best and surest foundation, that peace and happiness, truth and justice, religion and piety, might be established among them for all generations.”

Mr. Brown said he was asked by the Hon. Attorney General to move the Address, and seeing nothing political in it he consented to do so. At that time he had not the slightest idea that an amendment of this nature would be moved. He could subscribe to every word of the Address, and he could subscribe to the Amendment also (laughter); but the latter put a new face on the matter, and what was not political before had now become a political matter of the highest importance. He came to the Legislature to support the Reciprocity Bill, for he believed the Treaty would open up a trade of the greatest benefit to us. He was extremely reluctant to vote against the Government: he had no desire to deprive them of their seats—but he was in the same position his countrymen were in 110 years ago, when two Kings claimed their allegiance—they were compelled to choose between the two. He had recently come across an appropriate motto in a volume of Scott (or Scott's) Novels, which ran thus:—

“Which King, Byzantium?
Speak or die.”

[The hon. member then stated that it was twenty four years since he first entered the House, and he had held his seat

there 20 years out of the 24. He enumerated the many reforms that had taken place since, and among them the separation of the Legislative and Executive Councils, the abolition of the Quit Rents, the exclusion of the Judges from the Legislative Council, the passing of the Civil List Bill, &c.] He had voted for all of those measures of reform; how, then, could he now turn round and give a vote that would be in direct opposition to the whole tenor of his political life? (Hear, hear). Although his principles had always been antagonistic to those professed by the Hon. Attorney General, he begged to assure the House that he was neither radical or rebel. He had always been a liberal, and nothing more. (Hear, hear.) He had left the Upper House to come back to his seat once more, at the request of many of his old constituents. It was then said he could not take his seat in this House, on account of the doctrine laid down in the Duke of Newcastle's Despatch; but he sat down and wrote a letter to the Queen in his own hand, tendering his resignation, and requesting her to accept it. In this letter he told her the whole story, knowing that Her Majesty would not refuse him, and she had graciously granted his request. A canvass was made against him in Charlotte on account of the position in which he stood, but he told the people, "if you'll only elect me, I'll risk taking my seat." (Laughter). He thought the hon. mover of the amendment had sustained his charges against the Government, but he would not attempt to follow him through all these charges—he would not trespass on the time of the House; he would, therefore, confine his remarks to the Election Law, the more especially as he was sent to the House pledged to do his utmost to procure the passing of a new law. The Election Bill introduced by the Hon. Attorney General in 1853 was far from being perfect; still it might have been amended so as to be a great improvement on the present law, and ought not to have been abandoned by the Government because the ballot system was introduced. They ought to have gone on with it, and made it as perfect as possible. He certainly must consider the Government guilty of the sin of omission in this instance. They had abandoned a bill in 1853, and brought no new bill forward at the last election. When he formerly held a seat in this House he had introduced bills for the registration of voters, and he must do the Hon. Attorney General the justice to say that upon those occasions he supported him. Last Session, perceiving that the Government would not move in the matter, he introduced a Registration Bill in the other House. He was met first with the objection that it was unconstitutional, and secondly that it must pass with a suspending clause, and that before Her Majesty's assent could be procured the election would be over. He was aware that no money clauses could be

inserted in a bill originating in the Upper Branch, but these might have been added below, and the bill sent back. This House, however, considered the bill an infringement upon their privileges, and gave it the go by. It was lamentable to think that 16 Members' seats were petitioned against, and he hoped never to see another election in this Province until there is a new law. Were the Government anxious upon the subject, he believed they might have had a new law in operation at the last general election.

Tuesday, 24th October.

The Honorable Attorney General in rising to reply to the attack made upon him yesterday,—and he did not deny that the hon. Member, had made an eloquent speech—felt himself in a position where a great deal of moral courage was required—a moral courage that few men possessed. It was not that he cared for what the hon. Member said about him, but on account of the conduct of hon. Members around him. When he saw the hon. Member who had moved the Address decline moving it again when it was necessary to do so as the order of the day, and without having heard a word declared, that he would support the amendment—when he heard that a paper had been handed round, and that a great many Members had signed it—when he heard that caucuses had been held, and every effort made to induce hon. Members to pledge themselves to oppose the Government—[An hon. Member—Who said so?—He would not make the assertion, but he heard it, and he would be glad to hear it contradicted—When he heard all this, it required a good deal of moral courage to rise on his feet and defend the Government. The Government was prejudged, and he hoped for hon. Members' own sakes that they would not make up their minds irrevocably until they had given the Government Members a fair trial. If what he had been told was true, he had never heard or seen any thing like it in parliamentary or political history; nor could the hon. mover of the amendment find it in his political bible, Lord Durham's Report. He meant no disrespect to the memory of that talented nobleman, but nothing like it could be found in his writings. He hoped they would have a fair trial, and he would answer all the charges brought against the Government seriatim, although he was placed at a disadvantage, for he did not pretend to the same eloquence as several hon. Members opposed to him, nor did he know the nature of the attack until yesterday, and therefore had but little time to prepare himself. He would not follow the hon. Member through the early part of his speech. The description he gave of the rise of this Province was all very good. The hon. Member then quoted from Lord Durham's work, and that he would not try to con-

trovert. The hon. Member next spoke of the old form of government, that once existed in this country—the government of the minority. He was not there to defend that, as he had given in his adhesion to responsible government in 1848, when the Hon. Mr. Hazen brought down to the House Earl Grey's Despatch. The hon. Member had then stated that the Government quailed under Sir E. Head. He had seen nothing of it; and if they actually did quail under him it must have been while he (Mr. Fisher) was in the Government, and the hon. Member left it immediately before he joined it. He was not there, nor did he feel inclined, to defend any Government to which the hon. Member belonged—he had enough to do at present to defend the Government for the time he himself had belonged to it. The hon. Member had eulogized Sir Edmund for the kind attentions he showed when his family was afflicted. That showed a good trait in Sir Edmund's personal character, but they had nothing to do with it here. The hon. Member had then produced, and read, certain correspondence, of which he (Hon. Attorney General) never before had the slightest knowledge. It was only the Members of the Government that knew all the secrets of Government, and he knew nothing about this affair, which happened before he joined. He never knew before what the hon. Member had informed them, that it was Sir Edmund Head's determination to make Judge Carter Chief Justice.

Mr. Fisher—I said that I drew the inference from the Minute of Council, and the message sent to them.

Hon. Attorney General had read the documents carefully, and must say that he could draw no such inference from them. He found that the Minute in Council of the 25th of October was signed by six Members, and that the Hon. Mr. Fisher had refused to sign. [The hon. Member then read an extract from Mr. Fisher's letter to the Governor, in which he gave his reasons why there ought to be four Judges.] Sir Edmund's Despatch to Earl Grey was dated the 5th Nov., and although the mover of this amendment differed with his colleagues, he clung to office until the 10th January—knowing all the time what had been done.

Mr. Fisher—I did not know.

Hon. Attorney General—Then he ought to know. (Cries of "yes," and laughter). So imbued as the hon. Member was with love for responsible government, he still held on to office, notwithstanding the manner in which the Governor behaved, of which he complained so bitterly now. The Chief Justice and Judge Wilmot's appointment took place on the 2nd of January, but the hon. Member still held on to office until the 10th—he held on until the last moment. Besides all this he was rejected by the people of York at the general election of

1850, but he still held on from June till January. It was one of the charges brought against the Government in 1851 that they had allowed the hon. Member to remain so long, when he held no seat in the Assembly. The hon. Member held on until he (Hon. Attorney General) was sent for to join the Government; he was sent for to Government House; he was there, but not sworn in, for he stipulated that he would not join until the hon. Member had left: well, while he was there the hon. Member's resignation came in. The hon. Member had talked about the attractions of the silk gown, but he had never looked for one, nor wished for it, until it had been resigned by the former possessor; but the hon. Member who had talked so much about it was a candidate for the gown that had just fallen from the present Judge Wilmot's shoulders at the time it was offered to him; but he could not have held it if he had got it, as he was rejected by the electors of York at the election, to supply the vacancy occasioned by Judge Wilmot's promotion, the electors choosing Mr. Macpherson in preference. Now the hon. Member was a candidate for the silk gown again, and was trying to pull it from his (Hon. Attorney General's) shoulders. On the opening of the Session of 1851 the honorable and learned Member for Saint John (Mr. Ritchie) moved a vote of want of confidence in the Government, similar to that moved yesterday. He (Hon. Attorney General) had just been appointed Attorney General, and his hands were completely tied, for although there might be a question whether he should go back to his constituents or not, he thought proper to do so. He went back, and although it was at a period of commercial depression, he told the electors candidly that he had not changed his mind upon the question of Judicial salaries; he was returned by a show of hands, when he came to the House and took his seat as a Member of the Executive Council and leader of the Government on the floor of this House. Late in the Session another attempt was made to upset the Government, and failed. Now he thought the hon. Member for York must be hard pushed for argument, and for something whereon he could base his charges against the Government, when he ransacked the old musty Journals for evidence against them, and brought forward what took place four or five years ago, and had been twice adjudicated upon. The hon. Member was rejected by the constituency of his own County, and yet he held on to the Government a long time—until he was obliged to let go—and the transactions of which he now complains so bitterly happened during the time he was thus holding on. Why did the hon. Member now take up the time of the House in putting the Government upon their third trial; upon the two former occasions the hon. Member was not in the House, and probably he did not like

the manner in which the subject had been handled by the honorable and learned Members for St. John ; he had therefore been preparing himself during the last four years. He would ask if this was fair, to be forever bringing the subject up. Was it fair towards him for the hon. Member to charge him with what he himself had been guilty of, when he was not in the Government when it happened, and knew nothing about it ? Was it fair towards four of his colleagues in the Government, who did not join until some time after the two former trials ? The hon. Member for Charlotte (Mr. Brown) must have changed his mind from out-door influence, for he changed before he heard a word upon the subject in the House ; thus the hon. Member, with his talent, was arrayed against the Government, and he knew of no man who was better qualified to make the worst appear the better reason. He had sometimes thought, when listening to the hon. Member speaking, that when he commenced he thought he was wrong, but as he proceeded he convinced himself by his own arguments. (Laughter.) He would next ask, what was there to show that the Government had lost the confidence of the people ? When the Hon. Surveyor General accepted office he went back to his constituents, and was returned by a sweeping majority. Then at the last general election every Member of the Government who had a seat in the lower House, was returned high on the poll. He was returned second on the poll, and within a few votes of the first man. His hon. friend from Restigouche, and his hon. friend from Sunbury, both led the poll ; and the other three were returned first, second, and third on the poll for the City and County of Saint John, while the honorable and learned member who, he supposed, would take a prominent part in the Opposition, came in at the small end of the poll. (Hear and laughter.) He fully recognized the principles of responsible government, and did not wish to hold office any longer than he retained the confidence of the people ; but was it fair for men to endeavour to upset the Government in this manner, when they had been twice sustained in the House, and then triumphantly sustained by the country, and upon a charge of what happened four or five years ago, although a majority of the present Council were not Members of the Government of that period ? This was all the hon. mover of the amendment could find wherewith to charge the Government, for his complaints as to their conduct during the last three years, were frivolous—mere clap-trap. The hon. Member had not said a word against any Member of the Government but him. He had gone back and quoted from his (Hon. Attorney General's) speech on the hustings in 1850, when he said he considered the Government politically dishonest. That was when the hon. member

belonged to it, and when he joined the hon. member was no longer there—he resigned the same day.

Mr. Fisher—You knew I was going to resign.

Hon. Attorney General—Just as well as you knew I was going to be Attorney General. (Laughter.)

Mr. Fisher—I did not know it.

Hon. Attorney General continued—When he was appointed the silk gown was vacant; he did not covet it while it hung over another's shoulders, but the hon. Member did not wait for a vacancy, but endeavoured to get rid of him that he might get the gown. And yet the hon. Member disclaimed any thing personal in his attack. Why, it was easy to see the hon. Member's drift last election, for he eulogized his friend (Hon. Mr. Partelow) on the hustings, and called him (Hon. Attorney General) an obstructive, who wanted the minority to rule.

Mr. Fisher—Yes, I said so.

Hon. Attorney General—Then it was evident what it was for. The hon. Member wanted to get him out of the Government. Then on the meeting of the present House an active canvass had been made, which was not denied.

Mr. Fisher—Who canvassed hon. Members? I did not.

Hon. Attorney General—There was a rumour afloat, too, that the Hon. Secretary, and one or two other Members of the present Government, were to join the new Government; although for his part he did not see how they could. No man having an honourable mind could join the men who had just voted that they had no confidence in him. In reference to the charge about the Judges' fees, he had never flinched from expressing his opinion that a permanent arrangement was made in 1849, and that the House had no right to meddle with the income of the incumbents, although they had a perfect right to deal with the question in perspective. In 1849 the then Attorney General (Judge Wilmot) said the same, and brought in a bill to that effect, which passed into a law. That hon. gentleman had made one of the soundest constitutional speeches on the occasion ever delivered in that House, and as it was in print it might be referred to. But the next year the same hon. gentleman, in the face of all he had said in 1849, supported a bill which was passed to abolish the Judges' fees. He (Honorable Attorney General) opposed it because it was unjust. The bill was sent home, and was rejected by Her Majesty's Government. In 1851 the bill was re-introduced, passed this House, and was rejected by the Legislative Council. In 1853 it was brought in again, fully discussed, and lost by the casting vote of Mr. Hatheway, who was in the chair. He (Hon. Attorney General) opposed the bill all through, and he had since been tried by his country and had not been found wanting. The hon. Member said the salaries of public officers

were under the control of the House. Who ever disputed it? But there was a difference of opinion as to the amount proper to be paid to the several officials, and he had always contended that while the House should adjudicate as to the rate of the salaries in perspective, they had no right to reduce the salaries of incumbents. The hon. Member had next commented upon the Judges' letters, which he thought he might as well have left alone. He (Hon. Atty. General) had never seen those letters until they came before the House, and why should he be held responsible for their contents?

Mr. Fisher—For that reason, if for nothing else.

Hon. Attorney General would deny the responsibility. But supposing he had been responsible at the time, it happened so long ago, the whole subject had been so thoroughly discussed, and the Government having been twice acquitted, it was unjust to bring up the charge afresh. Then the hon. Member had commented, with some severity, upon the circumstances connected with Judge Botsford—a gentleman who had been an honour to his country, and whom he respected very highly. He regretted the Hon. Judge had been placed in a position where he felt himself aggrieved, but he contended that he had tendered his resignation unequivocally and unconditionally; he threw himself upon the mercy of the Imperial Government, and the answer from the Colonial Minister was that it was the duty of the Local Government to provide for him out of the Surplus Civil List Fund; and this the House of Assembly refused to do. He (Hon. Attorney General) had searched the official papers of the day through most carefully, and could discover nothing wrong on the part of the Government. But why bring up matters of this nature, that happened years before he was a Member of the Executive? The next subject commented upon by the hon. Member was in reference to the resignation of his seat in the Legislative Council by the hon. Member for Carleton (Mr. Connell), and the Despatch from the Duke of Newcastle, consequent thereon. Now, the hon. Member received his Commission as Councillor from Her Majesty, and it did not appear to him a very great hardship if his resignation required Her sanction. If the hon. Member was offered the situation of Attorney General, he did not think he would refuse it because the Commission came from England. The hon. Member for Charlotte (Mr. Brown) had tendered his resignation of a seat in the Legislative Council to the Queen direct, and it had been accepted as a matter of course. The next thing the hon. Member found fault with was the present Municipal Corporation Law. But the people could obtain a Charter of Incorporation for their respective Counties if they wished it; and in a matter of so much importance he thought proper precautions should be taken to make sure the people

really did want it, before the change was made. The hon. Member could find fault—that was easy—but Municipal Corporations were called for while he was in the Government, and why did not he bring in, and pass, a better bill? He denied, however, that the Government was responsible for the present law as it stood. It was quite different now from the bill as it was when first introduced. Amendment after amendment was proposed as it passed through Committee, and some of those amendments were moved with the intention of defeating the bill. Some of the amendments were rejected, and others carried; therefore, the House, and not the Government, was responsible for the law as it stood. It was true he had supported the Section requiring the two-thirds vote, and he put it to the House, if a great constitutional change like this should be carried by a bare majority? The principle of a two-third vote was established, and that was the principle adopted long ago by the United States—Congress could not alter the Constitution without a two-third vote. Subsequently it had been found that County meetings, to decide the question of incorporation, were inconvenient, and he had advocated the amendment which was carried, providing for parochial meetings instead thereof. Did this show that he was opposed to all measures of progress? The next charge against the Government was their failing to pass an Election Law. He had been most anxious to do so before the last Session of the Legislature, and in 1853 a bill was prepared and introduced. He (Hon. Atty. General) was opposed to the ballot system, and his friend the Hon. Provincial Secretary was in favour of it, so they left that an open question. The introduction of the ballot was tried several times, and at last was passed by a majority of one, when several hon. Members were absent. It was then late in the Session, and he concluded it was best to let it lie over. At the last Session he was again most anxious to have a new Election Law passed, but there were pressing reasons for having an early election, before the bill could possibly receive the Royal assent, and be returned and Gazetted. The hon. Member for Charlotte (Mr. Brown) had introduced a bill in the Legislative Council, and in his speech yesterday he accused the Government of burking it, as it would be more advantageous to go to the country under the old law.

Mr. Brown—I did not say that.

Hon. Attorney General—Then what did the hon. Member say?

Mr. Brown—I did not say the hon. Members of Government thought it more advantageous to go back to the country under the old law; I merely said I thought so. (Laughter.)

Hon. Attorney General—The hon. Member's bill was not

brought under the consideration of this House, but he would appeal to hon. Members if there was not a general feeling against the bill on account of its interfering with the privileges of the House? (Hear, hear). How, then, did the Government prevent its passing into law? As to a registration of voters, he had long been in favour of it, and had introduced bills to establish it years ago, but could not carry it; and he appealed to the hon. Member for Charlotte if he did not support the registration bill that hon. Member introduced in this House several years ago? [Mr. Brown—Yes, you did.]—Then as to the charge of the Executive Council having quailed before the Governor, and submitting to be governed by Despatches, he apprehended they must submit to the latter in some degree while we remained a Colony. But Sir E. Head was an honorable man, as well as a talented, and he did not believe him capable of treating his Council either rudely or tyrannically. He had never attempted to control them while he (Hon. Attorney General) was in the Government, whatever he might have done when the hon. Member for York was there; and if he had attempted it, he (Hon. Attorney General) would have resigned; and he believed his hon. colleagues would have resigned also. He had now answered all the charges brought against the Government, and they amounted to nothing. Not an iota had the hon. mover of the amendment made out, although he had scraped up against him (Hon. Attorney General) every thing he possibly could. It was he, and he only, that stood in the hon. gentleman's way, and whom he wanted to get rid of; but the facts did not bear out his assumptions. When he saw the hon. Member come forward with all the charges he had been able to make up in four years—when he saw a combination of political and personal enemies, in order to oust him from the office he then held—when he saw the young, inexperienced Members inveighed into the signing of a pledge to oppose the Government, whether they were right or wrong, he asked himself, and he would ask the House, if this be constitutional? If it were true that a paper of that description were handed round and signed—and no hon. Member had as yet contradicted it—a more unconstitutional act never was perpetrated. (Laughter.) That laugh disclosed a great deal. He repeated that such a combination was unfair and unprecedented.

Mr. Brown rose to order. The denial which the hon. Attorney General had challenged could only be made individually, and he rose to deny on his own part that he had ever seen a paper handed round, or been requested to sign one. (Hear.)

Hon. Attorney General did not assert, as a fact coming within his own knowledge, that such a paper had been handed

round, but he had been informed that such was the case, and if it had, he repeated that it was an unconstitutional act. He had also heard of a canvass going on out of doors, that the Opposition would not disturb the Hon. Provincial Secretary and the Hon. Surveyor General. If this was their intention, he could tell them that it was a course no honorable man could defend. The hon. mover of the amendment had concluded his long address with prayer—prayer after all the frivolous and far-fetched charges he had trumped up to deprive him of his office. His prayer was, that religion and piety, truth and justice might prevail. Well, he was glad to see the hon. Member so pious; but if his speech was a specimen of his truth and justice, from *such* truth and justice good Lord deliver us! (Hear and laughter.) He could perceive the hon. Member's animus. He (Hon. Mr. S.) wished to hold the office of Attorney General just so long as he held the confidence of the people, and no longer, and he had never sought to take the silk gown off another's shoulders. He was surprised at the conduct of the hon. Member for Charlotte (Mr. Brown). The first day of the Session he had asked the hon. Member if he would move the Address. The hon. Member took it home with him, perused it over, and next morning consented to move it, saying there was nothing in it he could object to. The conduct of the hon. Member in declining to have any thing more to do with it after he had moved it, was any thing but parliamentary, and must have been prejudicial to the Government in the minds of the new Members. The hon. Member was sent here by his constituents to endeavour to amend the road system and the election law. The latter—the loss of his own bill in the other Branch last Session—was all that he pleaded to justify his conduct, and he (Hon. Atty. Gen.) had shewn how fallacious was that plea. It was impossible that the Government should have anticipated the present movement, and if the hon. mover had given notice that he would move a vote of want of confidence in the Government next Session, there would have been some fair play in it. (Laughter.) They all admitted that they could go for the Address, but this amendment was lugged in for the express purpose of upsetting the present Government. (Hear, and laughter.) It was said the canvass going on was that all should not be turned out, but that this one or that one should be saved. He could only repeat that if the amendment pass, and the present Government be turned out by a vote of want of confidence, not one of the present Members could join the new Government without being guilty of a dishonorable act. He relied upon the justice of his cause, and hoped, for the honor of the House, that they would act impartially.

Mr. Ritchie said he had frequently been in the lobby of the House several years ago—long before he ever held a seat there—and listened with great pleasure to the speeches of Mr. Wilmot—now the Hon. Judge Wilmot—and Mr. Fisher, when the country was governed by an oligarchical party, and they were struggling for reform; and it afforded him much pleasure yesterday to listen once more to one of the hon. member's (Mr. Fisher's) constitutional speeches. The two gentlemen he had named opposed the system of sycophancy and truckling to the Government for the time being, but it was always his opinion that they committed an error when they went in as members of a Government where they had not sufficient influence to carry their principles into effect. He might be wrong, but such had always been his opinion; and he thought it was the reason why his friend the Hon. Judge Wilmot had retired in the manner he did from political life. The Hon. Attorney General had challenged the hon. member from Charlotte with having adopted a course prejudicial to the Government, but surely the hon. gentleman did not suppose he was going to have that hon. member's vote on his side upon the present occasion. The same rule would apply to the hon. mover of the Resolution. If the Hon. Attorney General's objection held good how could he (Mr. Fisher) move at all in the matter. The Hon. Attorney General had alluded to what was said out of doors—old women's tales. Now he would tell the hon. member that he had nothing to do with what was not his business. The opposition were charged with being bound together to overturn the Government, and the Government were angry with them because they would not break up. (Hear, hear.) He came here to oppose the Government, but had not made up his mind as to the manner in which it should be done until he consulted with other hon. members belonging to the liberal party. He had since consulted with them, and he considered it quite proper for him to do so, otherwise how could they decide upon their policy for the next four years? The speech the Hon. Attorney General had just delivered was unconstitutional, and, in his opinion, unbecoming the leader of the Government—he meant when he taunted the hon. member for York with being desirous to take his silk gown from him. It did not come well from the hon. member, as he had shown as much love for office as any one—so much that it prevented him from bringing in such measures as the country required, lest he should risk his seat thereby. He (Mr. Ritchie) was not looking for any one's place at all events, nor did he know who would go out, or who come in; he would not shrink from taking office, however, if it were necessary to carry out his principles. The Hon. Attorney General had commented upon the out door tittle-tattle, that the new government would take in some one or two of the members of the old Government, and that seemed to make him angry. Now, although they were all on board the same ship, and the Hon. Attorney General chose to cling to the wreck, he ought not to try to keep the crew there until they all went down together, but give a chance to escape if possible. The

Hon. Attorney General had attacked the hon. member for Charlotte, (Mr. Brown). Now, that hon. member had not altered his mind; he had acted consistently, for when he moved the Address he knew not that this discussion would be brought up; but when he saw the amendment he said, why these are my sentiments, and I must vote for it. But the Hon. Attorney General accused the hon. member from Charlotte with being the ablest man in the House to make the worst appear the better reason, and probably, on that very account, he wanted his services, (laughter). The hon. member pleaded two acquittals. He (Mr. Ritchie) protested against the validity of that plea. But new evidence had been brought out yesterday by the hon. member for York, which clearly implicated the Government of the day, and as the hon. member joined them shortly afterward, he endorsed this act. This new evidence was known to the Government, and three years ago, when put on their trial, they suppressed it; they were called upon for all the evidence, and had suppressed Sir Edmund Head's letter, in which he told his Councillors what he intended doing, and if they did not like it they might walk. (Hear, hear.) In 1851 that letter was not before the House; still they considered they had enough evidence to convict the Government. He (Mr. R.) saw at the time that the documents sent down were mutilated, and certain parts suppressed. There was no doubt but they were kept back for Government purposes, and to deceive the House. [The hon. member then read the first of the series of Resolutions moved in 1851]. That Resolution they were unable to carry, but he held that the Government were tried and condemned at the last general election. In 1851 the hon. mover of the amendment had no opportunity of justifying himself. He had been misrepresented, and had no opportunity until yesterday of setting himself right before the country; and he must say that gross injustice had been done that hon. gentleman by the Government, by suppressing the evidence in 1851; and if they had not suppressed the evidence, it would have been conclusive, and there would have been no possibility of escape. When the Hon. Surveyor General and his hon. colleague went in the Government, it was their bounden duty to have searched the archives, and found the documents brought in yesterday, and at the next Session to have laid them before the House, in justice to Mr. Fisher. On the 21st of February 1851, he (Mr. Ritchie) had moved the following Resolution in the House, which was carried without a division, viz:—

“*Resolved*, That an humble Address be presented to His Excellency the Lieutenant Governor, praying that His Excellency will be pleased to furnish, for the information of the House, copies of all Despatches, Minutes of Council, Memorials, Documents, or Correspondence that may have been written by His Excellency, or transmitted through him, to the Colonial Secretary or the Government of the Mother Country, on the subject of the Resolutions passed at the last Session of the Legislature, on the question of the reduction of the salaries of certain officers; as also, all Despatches, Minutes of Council, Memorials, Documents, or Correspondence

that may have been written by His Excellency, or transmitted through him, to the Colonial Secretary or Government of the Mother Country, on the subject of the resignation of the late Chief Justice, and the appointment of the present Chief Justice and Puisne Judge, together with copies of all Despatches or Correspondence relative thereto, received from the Colonial Secretary or Government of the Mother Country; and also, all Despatches, Minutes of Council, Memorials, Documents, or Correspondence written by His Excellency the then Lieutenant Governor, or transmitted through him, to the Colonial Secretary or Government of the Mother Country, with reference to the resignation of the Hon. William Botsford as Puisne Judge, and the appointment of his successor, together with copies of all Despatches or Correspondence relating thereto, received from the Colonial Secretary or Government of the Mother Country, and not already furnished the Legislature."

Here was a Resolution plain and distinct—that could not by any possibility be misunderstood: and in what shape were the Documents that were sent down in answer to the Address? All the formalities were there, but whenever the pith and marrow of the subject was approached it was omitted, and a line of asterisks inserted instead. He said at the time that something of importance was omitted—as the hon. mover of the amendment had now proved—and on the 28th of April following he moved the following Resolutions:—

"*Resolved*, That this House has a right to receive and require from the Lieutenant Governor or Administrator of the Government of this Province, full copies of all Despatches, Correspondence and Documents which may have been written by the Lieutenant Governor, or transmitted to him, or which may have been received from the Colonial Secretary, on all matters connected with the local affairs of this Province, so that this House may be furnished with full information to enable them to deal in a satisfactory manner with all questions of a local character; and further

"*Resolved*, That the information furnished by His Excellency in reply to the Address of this House of the 21st day of February last is unsatisfactory, the same being merely extracts of Despatches, while full copies were asked for and deemed by this House necessary to enable them satisfactorily to deal with the important questions of a local nature therein referred to."

To this an amendment was moved, to expunge the whole of the said Resolutions after the words "local affairs of this Province," &c., and substitute—

"So far as is consistent with the public service, so that this House may be furnished with full information to enable them to deal in a satisfactory manner with all questions of a local character."

This was an attempt to give the question the go-by, and allow the Governor to mangle the Despatches he submitted to the House as he chose.—And who voted for it? He found the names of the

Hon. Messrs. Rankin, Partelow, and Street, and Messrs. Williston Montgomery, M'Phelim, Robinson, Thomson, Porter, and Stiles; while the amendment was negatived, and the original resolution sustained, by the Hon. Speaker, and by Messrs. Ritchie, Hanington, Johnson, Crane, Barberie, Read, Gordon, Chapman, Botsford, Tilley, Hatheway, Rice, Earle, Taylor, English, Pickard, M'Leod, Purdy, Ryan, Fitzgerald, Cutler, Gilbert, Hayward, Gray, Wilmot, Macpherson, Needham, Steves, and Beardsley—thirty to ten.

Thus was responsible government vindicated by an overwhelming majority of the House; it was a distinct expression of public opinion, and Government ought to have understood therefrom that they must obey the wishes of the people in carrying out local self-government, or retire. But they had still held on to their places, and still suppressed the evidence, until yesterday it was brought to light by the hon. mover of the amendment. He contended, then, that the Government, by acting in this manner had proved recreant to their duty. With regard to Sir Edmund Head he wished to avoid using harsh terms in commenting upon his conduct, for he had always treated him (Mr. R.) personally, with proper respect; but what did he say to the *grave remonstrance* of his advisers? "If you do not like it you may take your own course!" The only conclusion any reasonable man could come to after this, was that they were determined to hold on to their offices at any sacrifice of principle, and any sacrifice of the people's privileges (hear, hear). The Hon. Attorney General was in the Government when the Despatches were brought down mutilated, and the evidence suppressed; he could not plead that *that* happened before he joined the Government, nor could he plead that his conduct was not condemned by a two-thirds vote (laughter), as the division was thirty to ten. When he (Mr. R.) moved a resolution on the 28th of April 1851, condemning the manner in which the Judges had been appointed as unconstitutional, the hon. Attorney General moved as an amendment, that—

"In the opinion of this Committee the mode of such appointments should have been the subject of *grave remonstrance* by the Council to Her Majesty's Government."

This amendment was carried, and it was subsequently ascertained that the *grave remonstrance* had actually been made on the 10th of January previous—the day on which the Hon. Attorney General was sworn into office. Let them look at it:—

"The Executive Council in Committee, having had under consideration the recent provisional appointments of the Hon. L. A. Wilmot to the office of a Puisne Judge in this Province, deem it their imperative duty to bring under the consideration of the Secretary of State for the Colonies their opinion of the unusual mode of this appointment."

What! Did they say the appointment was a breach of the constitution of the country! No: they merely complained of the *unusual mode*; and then added—

"The Council are willing to admit, that the Minute of Council

of the 21st October last, on the subject of the Chief Justice's resignation, might be considered as a virtual recommendation of the then senior Puisne Judge of the Supreme Court to the office of Chief Justice."

Now, he entertained a high personal respect for the Hon. Messrs. Chandler, Kinnear, Partelow, and Hazen, who had signed this Minute in Council, (Mr. Hill he did not know much about,) and knew them to be men of great ability, and he was sorry for their own credit to see their names attached to such a document. The paragraph he had just quoted from concluded thus—

"But with regard to the appointment of Mr. Wilmot to a seat on the Bench, by the direction and authority of the Secretary of State, *even provisionally*, without the previous advice or recommendation of any responsible Executive Council within the Province, the Committee cannot but consider it as at variance with those principles of responsible government understood to be now in force in this Province."

Understood (!) to be in force! after it had been formally adopted by an almost unanimous vote approving of Earl Grey's Despatch in 1848! He did not see how any man endowed with the smallest degree of reasoning power, could, after that, withhold his approval from the amendment now under consideration of the House. The Hon. Attorney General had contended that the Government possessed the confidence of the country, because the six members who held seats in the lower House had all been returned high on the poll at the last general election. He would not stop to argue against the fallacy of such a doctrine, for if no improper influence had been brought to bear by the Government, three or four Counties did not constitute the Province. But supposing all the Generals and Lieutenant Generals had escaped unhurt, what had become of the rank and file? In St. John, if he stood low on the poll, he had to contend with all the influence four members of the Government could bring to bear against him—for an hon. member of the Government, not in this House, took an active part in the election—and no one knew what that opposition was but those who had experienced it. It was true the Generals and Lieutenant Generals escaped; their feathers bore them in at the top of the tree—they flew so high the smell of the powder smoke was not on them; but their followers, the rank and file, were routed ignominiously (hear, hear). Let them glance at them, as they lay fallen. There was Mr. Barberie, one of the Government's staunch supporters; he, it appeared, was afraid to come forward as a candidate at the late election, and a good liberal had been returned in his stead. In Gloucester, one of the staunchest supporters of the Government had been defeated by an overwhelming majority, and the other, who was afraid to offer, had been promoted to the other branch—his losing the confidence of the people qualified him! In Westmorland an hon. member of the late House, who voted with the Government in 1851, had been defeated by a thorough-going liberal. An hon. member for Kent, who supported the Govern-

ment in 1851, was returned again, but if he was rightly informed, he was now opposed to them.

Mr. M'Phelim—I have made no pledge.

Mr. Ritchie—In Charlotte neither Dr. Thomson, who used to move the Addresses for the Government, nor Captain Robinson, had offered; they knew it was no use for them to do so after the course they had taken. Mr. Porter offered, but was defeated, and stood very low on the poll. Thus, there were ten who supported the Government in 1851, not wounded in the late engagement, but killed. The hon. member for York (Mr. Taylor) had got back, and he did not know whether he was wounded or not. On the other side, out of all who supported the Opposition movement, only three (Messrs. Needham, Pickard, and Chapman) were missing. It was enunciated just before the election that his hon. friend, Mr. Johnson, was to be snuffed out in Miramichi, but he was back again. Then who had the people supported at the last general election? Had they supported Messrs. Barberie, Read, Thomson, Robinson, and Porter—men who supported the Government through thick and thin—or had they, by their votes, testified their approval of the conduct of the Opposition in the late House? They had rejected all who took an active part in favour of the Government, excepting the Generals themselves. The Hon. Surveyor General had said in St. John, at the close of the late election, “Now the Government is safe;” but he may yet find that he was counting without his host; for although the Generals were here, where could they find their army? He would much rather see the Hon. Attorney General and Hon. Provincial Secretary in the House than have them absent. He had often heard the Hon. Attorney General say he liked a good wholesome Opposition, and he was now quite willing to let the hon. gentlemen down from being leaders of the Government to be leaders of the Opposition (laughter.) The Hon. Attorney General had intimated that he did not fear him (Mr. R.) He need not fear him; he (Mr. R.) had business enough to attend to in St. John, and whatever reason the hon. gentleman had to fear the hon. mover of the amendment, he had no reason to fear him (Mr. R.) for he did not want his silk gown. He only hoped that when the hon. members found themselves in opposition, they would take things as good humouredly as he had done. He must now take up the question of being governed by Despatches, and the conduct of the Hon. Attorney General thereon. On the 28th April 1851, he (Mr. R.) moved the following Resolution:—

“*Resolved*, That while this House should always receive, with respect, the advice of the Colonial Secretary, this House cannot but look on the extract of the Despatch of Earl Grey, dated the 25th day of November 1850, submitted by His Excellency by Message of the 13th day of February last, as a dictation inconsistent not only with the interests of the country, but in direct opposition to the principles of self-government, heretofore conceded, and which, if successfully persisted in, makes responsible government a mere mockery and delusion.”

This Resolution passed the House by a majority of 32 against 8, and he contended that the Hon. Attorney General, who was then in the Government, and the three hon. members (Hon. Messrs. Wilmot, Gray, and Hayward) who joined the Government shortly afterward, were each and all responsible for seeing the principle of the resolution carried into effect, and recognized upon all occasions by the Colonial Secretary. The Hon. Attorney General had intimated that he was not at liberty to divulge what took place at Government House on the day when he accepted office, but he made no secret of it in 1851; he then informed the House that he stipulated that he should not be called upon to give his assent to reduce in any manner the pay of the Judges of the Supreme Court then holding office. Now, this was manly enough, so far as the Hon. Attorney General was concerned, but, according to the principles of responsible government, when he differed in opinion with the people, as expressed by such an overwhelming majority of their representatives, it was his duty to resign. Upon the occasion referred to (28th April 1851,) he (Mr. R.) had moved a Resolution—

“ That it is the duty of the Local Government to bring forward measures of reduction and retrenchment, beginning with the salary of the Lieutenant Governor, and going through the Public Departments,” &c.

To this the Honorable Attorney General moved an amendment, which was carried by a majority of two; but there was not the slightest doubt but the original resolution embodied the sentiments of the people. He would ask, then, whether in reference to the Despatches and Minutes of Council about the appointment of the Judges, or whether in carrying out responsible government, and the resolutions passed from time to time in this House—whether in reference to the reduction of salaries, or the Judges' Fee Bill—the Government had done their duty, and fulfilled the expectations of the people? He contended they had not, but had proved recreant to their duty. But he would go farther, and condemn them out of their own mouths. The Hon. Attorney General had stated that the Government had been obstructed by a factious opposition. That he denied: he had assisted cheerfully in carrying out their railway measures. At that time (1851) he placed confidence in his two hon. colleagues (Messrs. Wilmot and Gray.) They were acting together, fighting side by side in the ranks of the Opposition, and his confidence in them was sincere, as he believed theirs was in him. He regretted extremely the course they had since taken, which compelled him now to come forward to oppose them. In the year when he retired from the House in consequence of the course taken by his hon. colleagues, the Government fell into the railway scheme of Mr. Howe of Nova Scotia. That gentleman had misled the people by visions of bags of gold, which never had any existence but in his own fevered imagination. Had the first scheme been persevered in and pushed on with vigour, the great railway then in contemplation would now have been approach-

ing rapidly towards completion, because at that time labour, railway materials, provisions, and everything else was cheap ; but they had wasted the time planning impracticable schemes, until everything became dear. The Hon. Attorney General asked what the Opposition complained of ? He replied that they complained of the Executive Council sacrificing the great principles of self-government by cringing to the Governor (hear, hear.) The great offices of the Crown were established for the benefit of the country, and if a man took office he ought to be prepared to leave it whenever the country required it. Such language as the Hon. Attorney General made use of ought never be heard in a Legislative Hall. Talk about taking off a man's coat, taking the bread out of his mouth, and taking away his silk gown ! Why, it was not *his* : it belonged to the people ; and if one could not give it up like a man, without whining, and moaning, and groaning, it showed that he was unfit for the office, and ought never to have taken it. Then what had the Government done since 1851, when the House showed what they expected of them by the Resolutions they passed, and the Government narrowly escaped the vote of want of confidence ? Where were their great measures for the benefit of the country ? Their Municipal Bill was a failure, their Election Bill was abandoned ; and where were the public improvements the country required ? Instead of opening up great roads to enable emigrants to penetrate the country and settle, they had left the old roads without proper repairs, and the bridges impassable. They had admitted this by their mouth-piece, Dr. Thomson, who moved the Address in reply to the Governor's Speech, at the opening of the last Session of the Legislature. The Government, however, made use of the roads if they did not repair them. They were essentially a peripatetic Government ; they had appointed themselves Commissioners to go to Washington, to travel to Canada, to visit and inspect Saint Andrews Railway, to visit and inspect a College on Rhode Island, and one of their number went through the country examining the bridges, and dictating what should be done here, and what should be done there. Against that system he entered his formal protest (hear, hear.) As to the Election Bill, the members of the Government found they differed in opinion upon an important point, and although they brought it down as a Government measure, they took good care to inform the House that they left the ballot an open question. How easy the method they adopted to get rid of a difficulty ! How could they ever bring a Government to account when they acted in that manner ? The Hon. Secretary was in favour of the ballot, but the Hon. Attorney General and Hon. Surveyor General were both bitterly opposed to it. Then the Hon. Attorney General said he was in favour of a registry of voters, but when a bill was introduced to establish a registry by Commissioners, he said it was far above our means. That showed that while he professed to be in favour of a registry, he was in reality opposed to it. He (Mr. R.) was in favour of the ballot system ; he considered it the only fair way. Had the ballot

been in force, the last election in Saint John might have terminated in a different manner. But he had to contend with all the opposition the Government could bring to bear. The House was dissolved on the 4th of May, and the election did not take place until the 9th of June, and yet the Road Commissioners for the County of Saint John were not appointed until after the election. What was the inference to be drawn from this circumstance? Was it designed to have an influence upon the election, or was it purely accidental? Had the ballot system been in operation, no influence of that nature could have been exercised, as no one could tell how another voted. There was another thing to which he must allude; he meant the stupendous fraud attempted in the County of Saint John to manufacture 250 fictitious votes. That proved the necessity for altering the law, and no Government ought to have remained in office if they could not agree upon a new Election Bill. With the present law they were placed in an awkward predicament, as two-thirds of next Session would, in all probability, be taken up in election scrutinies. He would not take up the time of the House longer; he was prepared to vote for the amendment because the Government had cringed to the Governor, suppressed the evidence, sacrificed the rights and privileges of the people, and had failed to bring forward such measures as the country required at their hands. He hoped that whatever Government came in it would uphold and protect the rights of the people, respect the rights of property, labour for the general good, and when the time should come that they would be required to retire, they would do so without whining or groaning.

Hon. Mr. Gray said he regretted that he was absent yesterday, and had not heard the opening of the debate. He was absent from the Province on public business, which he trusted would yet result in much benefit, and had naturally supposed when he heard that the Legislature had been called together, that it was to take into consideration the great question of reciprocity, to which the commercial men of the Province were then looking with much anxiety. But since hon. gentlemen thought proper to adopt another course, he would not shrink from the responsibility; neither did he think a fair and manly discussion between the Government and the Opposition would do any harm. He was glad to hear his hon. and learned colleague (Mr. Ritchie) avow that he did not intend to bring up anything that could imbitter the feelings, and he responded to it. He expected to meet with opposition on the opening of the new House, but he did not think it was for the good of the country to bring up the present question, at the present time; the leaders of the Opposition might have let it stand over until January, when the regular Session would take place, as the people of this country were suffering for the ratification of the Treaty, and other Colonies were waiting for us to take action

in the premises. It was a question involving their interests as well as ours—a question affecting the whole of British North America. Had it not been the first Session—had the benches been filled with old Members, who had some experience—there might have been less impropriety in bringing forward the present question; but when he looked round and saw sixteen or eighteen new Members, and heard the report—not an old woman's tale—that they had signed a pledge to oppose the Government, almost before entering the House, and knowing nothing of the Government but by hearsay—he would put it boldly, and say that if twenty four members had, under those circumstances, signed a pledge to oppose the Government, to prejudge a question of public importance before discussion—to condemn without a hearing, such a thing was never before heard of in the annals of legislation. If the report was true, a constraint had been put upon young Members, who were ignorant of the circumstances, as it could not be expected that many of them had devoted their minds much to politics before they were elected to serve in this House; he would, therefore, appeal to the people, and to a higher power, from a verdict bargained for and obtained by such unfair means. All he asked was justice. If what he had heard was true, as he had reason to believe it was, it was of no use for him, or any other Member of the Government, to speak in their defence, because their case was prejudged. It was right and proper the Government should be fairly tried, that the country should know what they had been guilty of, and that their judges should be impartial. If they were adjudicating upon any matter in private life—between man and man—what would be said of arbitrators who decided without enquiry, and condemned because they had predetermined to do so. It was folly to suppose that what would be unfair and dishonorable in private transactions, would not be equally so in public; the judgment which was not founded on truth and justice would be as ineffectual in the one case as in the other. One Member of the opposition (Mr. Brown) had risen in his place and denied that he had seen any paper handed round, or signed any pledge, but that was no denial for the other twenty three. Would they also deny it? [*He paused for a reply.*] As for Responsible Government, he was as desirous of seeing it properly carried out as any Member of the opposition; he considered it the only form of government under which this Colony could be properly governed; (Hear, hear,) and he, for one, was ready to leave the Government whenever the people wished it; but if a government was turned out by improper means, that very act would paralyze their successors, and they would fail. He contended that if inexperienced men had been misled, and find it out during the course of the debate, they ought

to be allowed to withdraw their names; and he believed that their constituents would demand it at their hands. His honorable colleague (Mr. Ritchie) had said the Government should be tried by their words and deeds. He (Mr. Gray) contended that they should be tried by their acts, and he challenged any hon. Member to show that, from and after the time when he joined it, the Government had acted in violation of the rules of Responsible Government. He was sorry he was not there to hear the honorable mover's opening speech. It was generally difficult to gather, second hand, exactly a party's meaning—it might be materially altered or modified by the understanding of the party conveying it—but he had endeavored to gather from others, who had heard the hon. Member, his positions. He was told that the hon. Member charged the Government with what happened before he joined them. He (Mr. G.) had opposed the Government in 1851, on the ground that they had submitted tamely to the Governor's appointment of the Chief Justice and a Puisne Judge, in violation of the Constitution; but, although such might be the opinion of the House now, it was not the opinion of the House in 1851, and he was left in a minority. And was he to be tried now for what happened before he became a Member of the Government, and for what he had denounced on the floor of the House, but was overpowered by numbers? The hon. Member who now accused him and his colleagues in the Government, had been a member of that very Government, for the act of which he now sought to condemn the present Government,—had taken his course of resignation then—which he (Mr. Gray) had before openly on the floors of that House, approved of; but nevertheless, so contrary was public opinion at that time, that he (Mr. Fisher) had not been sustained in his own County—he had been twice rejected by the intelligent constituents of York. He acknowledged the ability of the hon. Member—he had heard him on the floor of the House years ago, contending with the eloquent Wilmot for Responsible Government, and other measures of reform, but after all the hon. Member's conduct had dissatisfied his constituents. His hon. colleague (Mr. Ritchie) had stated that it was his duty, and the duty of the Hon. Surveyor General, when they joined the Government, to search the Archives, and hunt up the missing portion of the Despatches sent down in the Session of 1851. He denied it, and if the hon. Member took office in the new Government when it was formed, he would find that he would have enough to do, attending to the public business, coming to Fredericton once a month, and with perhaps hundreds of important questions before the Board to decide—he would find enough to do besides hunting up old musty records. But when they joined

the Government in August 1851, his hon. friend the Surveyor General, went back to his constituents and was re-elected by a large majority. Thus the Government were tried and acquitted before he joined them, and the electors of St. John testified their approval of their act when he and his hon. friend joined the Government. In what position, then, would he and his hon. friend be placed, if they hunted the Archives for evidence to destroy the character of their colleagues, with whom they had united to carry out great public measures, after those colleagues had been previously tried, acquitted, and sustained by the Legislature and the public. If that was the line of conduct the House expected them to pursue he protested against it, and appealed from their judgment to the people—he would appeal from Philip to Philip's master. His hon. colleague (Mr. Ritchie) had in former days denounced in the strongest language, the coalition formed by Mr. Wilmot and Mr. Fisher in 1848, with certain Members of the present Government, Messrs. Partelow, Chandler, and Hazen. He had treated it as a political crime—capable of no atonement—and to be expiated only by political death.

Mr. Ritchie—I rise to order—I never used any such language.

Mr. Gray—Did not say the hon. gentleman used that language, but those were the expressions to be gathered from what he did say. He had been acting with Mr. Wilmot and Mr. Fisher in opposition to the then Government, and that coalition destroyed his then prospects of advancement; his language but embodied his feelings at that time. Now when he is about to form, or that he has formed a coalition with Mr. Fisher himself, in view of the political nuptials, he speaks of that same act, in very different terms—only as a “little error.” It reminded him of the girl who under somewhat similar circumstances, justified a mistake she had previously made, by saying,—But oh, Mamma, it was only a “little baby.” The fact was, the hon. member was inclined to overlook and palliate the sins of those with whom it was said he was inclined to co-operate, and yet he would condemn him (hon. Mr. G.) and the Hon. Surveyor General, for the sins committed by that very party previous to himself and his hon. friend joining them! He had been told that the hon. mover of the amendment said yesterday, the Government had quailed and trembled before Sir E. Head, and he was astonished at it. The hon. Member was in the Government two and a-half years, and was it possible the Government, and that hon. gentleman as a Member of it, quailed and shrank before the Governor during that period, and lay prostrate at his feet, while the hon. Member stood forth on the floor of this House as the champion of Responsible Government! Did he merely sit there trembling

and crouching to note down the edicts of his master, and then come into this House and vaunt about the rights of the people? Why was he not in one place what he professed to be in the other? If such was the case when the hon. Member belonged to the Government, it was quite the reverse since he (hon. Mr. Gray) belonged to it. Sir Edmund Head was an exceedingly clever man, well educated, and experienced; he had travelled and seen the practical working of that which we only knew in theory. Such a man must have a great deal of influence wherever he went, that influence which always awaits upon a clear head and quick perceptions, when combined with experience; but instead of Sir Edmund being overbearing, he consulted with his Council and adopted their suggestions. If he was such as the hon. Member described him, when he was a Member of the Government, he was different afterwards, when he had other men to deal with.

Mr. Fisher—I did not accuse the Governor of being overbearing or self-willed except in the one act of appointing the Judges, and then I tendered my resignation. The hon. Member is only excusable because he was not here, and did not know what I said.

Hon. Mr. Gray—Then it was only one winter the Governor had it all his own way. Well, the Council could put up with that—they could suck their paws one winter, like the bears. He thanked the hon. Member for the explanation. He (Hon. Mr. Gray,) joined the Government in August, 1851, and if in any one instance since that period the constitution, according to the rules of Responsible Government, had been violated, he was ready and willing to give up his seat at the Council board; and he challenged enquiry. The Municipal Corporation Bill had been found fault with, but he had voted for giving any County a Charter when asked for by a majority of the people, assembled simultaneously at meetings held in the several Parishes; a majority of the House, however, had decided otherwise. He was strongly in favour of Municipal institutions, not only because he wished to see the people manage their own local affairs, but because they trained up the youth of the country, and enabled them to fill important political situations in after life. (Hear hear). The Government had been found fault with because they had not brought in and carried a new Election Bill. The reasons why they had not done so had been pointed out by the Hon. Attorney General. But if the present election law was bad, he turned to the father of the child (Mr. Fisher,) and challenged him with its defects. Why had he not made it more perfect when he introduced it? Why had he not introduced the ballot system in it? [Mr. Fisher—I got all I could.] Then the hon. Member talked so much about the principles of responsible government, but why did

he not resign his seat at the Council Board until January, when he was rejected by the people of York in the June previous? He then resigned, stood another election, and was again rejected. Why did he not then acknowledge that it was the judgment of the people upon his conduct?

The hon. Member had brought forward the conduct of the present government in reference to the Judges' Fees Bill, as one of the charges against them, but the Despatch from the Colonial Secretary disallowing that bill was received early in December, when the hon. Member was in the Government, and the hon. Member did not tender his resignation until the 10th of January, and then he did not urge that as one of the causes of his resigning, but that he resigned solely on account of the appointments to the Bench.

Mr. Fisher—I did not see the Despatch in reference to the Judges' Fees Bill until the last Council meeting I ever attended.

Hon. Mr. Gray—It was an established rule that the Imperial Government might take two years to consider whether they will advise Her Majesty to assent to a Colonial Bill or not, and he denied that the rejection of the Judges' Fees Bill was any violation of the constitution of this Colony. Why pass a bill with a suspending clause, and send it home, if Her Majesty's Government are to exercise no judgment in the matter? The very fact of sending it home with a suspending clause, was an admission of the power of rejection. He denied also that the Duke of Newcastle's Despatch, on the subject of Mr. Connell's resignation as a Member of the Legislative Council, was a violation of our constitution. If it was imperative, and acted upon, it would have been another affair, but it had not been acted upon, and never would be, and it is useless to agitate the country for nothing. The hon. Member's next charge was that the Government was not progressive. It was idle to bandy terms, and men should be judged by their measures, but this he would say, that men who call themselves Liberals were frequently the most illiberal. The mere assumption of the name did not make a man a Liberal, any more than wearing a suit of clothes would entitle the thief to be called the owner. He would take up the Railway measures, which his hon. colleague (Mr. Ritchie,) now called in question. In 1851 the House passed railway facility bills. He was then in opposition, and it was not a Government measure, but brought forward and supported by Members of the House, without reference to the Government. In passing those Bills the Legislature of this Province relied upon the co-operation of Nova Scotia and the State of Maine. They failed, and credit could not be obtained in the money market on our bills alone. It was idle to suppose, and subsequent events proved it correct, that credit could be obtained upon New Brunswick debentures alone,

based only upon a part of the scheme. The concurrent action of Maine and Nova Scotia were essentially necessary. It never was contemplated to act without them, and their withdrawal rendered nugatory the action of our Legislature. The hon. Member for the City of Saint John (Mr. Tilley,) knows this. Mr. Howe then went to England, and the construction he (Hon. Mr. Gray) and the Government with which he was connected, put upon that gentleman's letters, was that money could be obtained in England, under the guarantee of the Imperial Government, for both the Canada Trunk, and the European and North American lines.—Were they wrong in putting this construction upon Mr. Howe's letters? Did not the whole country put the same construction upon them? On the reconstruction of the Government in 1851, before he and the Hon. Surveyor General went into the Government, a Minute of Council had been placed on record that this Province would not accept of a loan to build the Halifax and Quebec Trunk line, unless money was obtained at the same time to construct the European and North American line. Subsequently, in December, out came Lord Grey's Despatch negating the construction put upon his words—every body was wrong.—What then? Did the Government abandon all Railway efforts? No. Communications were immediately opened with the Government of Canada. Shortly after, three Members of the Canadian Ministry visited this Province; they went on to Halifax, accompanied by an hon. Member of the Government of this Province, and there they agreed upon a scheme for the construction of a railroad to Canada, by the way of the valley of the Saint John. They sent delegates to England, but could not get the money to carry out that scheme. They then embraced an opportunity which offered itself, and contracted with a powerful English firm for the construction of the European and North American Railway, which was now going on. It was true that circumstances over which neither the Government nor the House had any control—circumstances in which the prosperity of the whole Empire was involved, had prevented the work from going forward as rapidly as it otherwise would have done: but in three or four months the locomotive would be running from Shediac to the Bend, uniting the waters of the Gulf of Saint Lawrence and the Bay of Fundy. That was progressive. He contended that the Government had made all the progression in reference to railways that any Government could have made under the circumstances. Another measure the Government had brought forward and carried was the law reform—the revision and condensing of the Statutes.

Mr. End—The idea is ten years old.

Hon. Mr. Gray thanked the hon. Member for the hint. The

hon. mover of the amendment was in the Government then, and why did he not introduce the measure and carry it through? Why did not the hon. Member for York do it when he was in the Government.

Mr. Fisher—I began it.

Hon. Mr. Gray—And now the hon. Member had the honor of finishing it, and of course all the credit was his. At all events it was a Government measure, and one member of the Government, the Hon. Solicitor General, had laboured assiduously on the Commission. The undertaking was a great one, and there could be no doubt but the condensing and simplifying the Statutes, so that they were all embodied in one small volume, would have a tendency to prevent litigation, and prove highly beneficial to the people. Another thing the Government had done was paying off the funded debt, thereby saving the interest to the Province. Then again their conduct had been of service to the country in reference to the Reciprocity Treaty.—When the official papers were laid before the House it would be seen that the Government had not been remiss in their duty. They had taken a stand years ago, and exerted themselves to induce Great Britain to send out a squadron to protect our fisheries, and to prevent their being given away unless we received an equivalent, and he had no doubt but that the action they had taken had had a material bearing upon the treaty, and mainly contributed to the insertion of those provisions, which were deemed essential for the interest of this Province, and would hereafter be regarded as a great boon to this country. And here he must mention a circumstance which would show how nearly the fisheries were given away without any such equivalent. Some years ago some apprehensions were entertained for the safety of one of the Cunard Steamers, as she did not arrive in time. It turned out that she had been detained by the British Government, to bring out Despatches to Washington. Those Despatches, it was said, contained the basis for a treaty by which our fisheries would have been given away; but in the meantime a remonstrance from the Government of this Province arrived at Downing Street, and nothing further was heard of the matter. Now, he would ask, with these facts before them, was this Government non-progressive? It would not be thought so years hence, when it had passed away. The new Government—the Government that was to be, might finish the work—they might decorate the pillar—they might add the capital to the column, but its foundations had been laid broad and deep in those great measures for the public welfare, which had been introduced and carried by the Government which was passing away, the benefit of which would be felt and admitted, when the injustice with which that Government had been assailed would be forgotten, and the

actors themselves in this day's proceedings had ceased to have a name. And he would again ask were they to be turned out without a fair trial and with scarcely a hearing? But it was said a canvass had been made, and such a canvass he had never before heard of. To the friend of a certain member of the Government, if he had been correctly informed, it had been said, "Oh, you need not fear for your *friend*; he will go into the new Government!" And to another, "Oh, you need have no fears for *your* friend; he will be taken care of!"

Mr. Fisher—You have been humbugged.

Hon. Mr. Gray—Then you are the humbugging party, and so the country will find it before long. Now, they could not humbug the members of the Government, or their friends, in this manner. No member of the present Government could take office with the new Government, after the passing of the amendment then before the House. He considered the voice of the people at the polls the test of the popularity of the Government.

Hon. Mr. Fisher—The true test is the voice of this House.

Hon. Mr. Gray—The test is the voice of the people at the polls, when the question is brought before them. He denied that at the last election Members were returned to oppose the Government; there were not half a dozen in the House who avowed themselves at the polls as opposed to the Government; the country was satisfied. In 1850, it was entirely different, then there was a majority of the representatives returned to oppose the Government, but before the House met the present hon. Attorney General had joined the Government, and whatever they might say about him, his advent was the means of sustaining the Government in 1851. Now, the last election was very different from that of 1850. In 1850, in many Counties it was made a point whether a candidate was in favour of the Government or opposed to them, and a majority was returned opposed to the Government. At the last election the question was not generally mooted, but the six Members of the Government in this House were all returned high on the poll. The hon. Attorney General had beaten the hon. and learned Member who was supposed to be the popular candidate in Northumberland, and in every instance they had beaten their opponents. His hon. colleague who now took an active part in the opposition, was returned the lowest of the four on the poll. He ascribed it to the influence of four Members of the Government against him; but what was that influence to the influence he (hon. Mr. Gray) and the hon. Surveyor General had to contend with. His learned colleague had appealed to the Speaker to know if he had ever contested an election with four Members of the Government against him, but he (Mr. Gray) would appeal to the Speaker to know if he had ever

contested an election with the head of a powerful Church against him? If he had ever had the power, and might, and influence of the Roman Catholic Church brought to bear against him? How was it that the hon. Provincial Secretary shot ahead of him and the hon. Surveyor General? He had the interests of a party that was opposed to them; let them look at the names on the poll books, and it would be seen; but he cared not for their opposition. He would ask once more, however, which opposition was the worst to contend against? The hon. Member (Mr. Ritchie) complained that the Road Commissioners were not appointed before the election; but if they had been appointed just on the eve of an election, would they not have heard worse complaints than they did as it was? Would it not have been said that Mr. so and so is appointed because his friends A. and B. have votes? (Hear, hear.) Then they were found fault with for delaying the appointment of the Inspector of Steamboats until after the election, but the law did not allow the office to be filled up sooner. If the complaints, then, were groundless in these instances, it was but reasonable to suppose that they were groundless in others. As to the attempt to manufacture votes, was it the particular duty of the Government to investigate the case? Why their duty more than other honorable Members? The hon. and learned Member for Northumberland (Mr. Johnson) brought in a Bill upon the subject, but let it drop; why did he not carry it through? He denied that it was the business of the Government more than the business of others. He believed the hon. Member (Mr. R.) would admit that only one of those persons voted, and he voted on his wife's property. The Government had done all they could in the matter, they had called the election so early that these voters had not time to qualify. The attempt to manufacture votes in Saint John showed plainly how the elections in that City and County would turn were there a more extended franchise. He would not trespass longer upon the time of the House. He was glad the Debate had been conducted thus far with good feeling, and hoped it would be conducted in that manner to the end.

Wednesday, 25th October.

Mr. Tilley said he rose thus early in the debate in order that he might pass some remarks on what fell from the hon. member for the County of Saint John (Hon. Mr. Gray) yesterday. That hon. member had based one of his principal objections to the course the Opposition was pursuing, upon the assumption that the time of the country was improperly taken up when the country was suffering for the want of the Reciprocity Treaty. Now, he contended that this was the very time to test the question whether the country had confidence or not in the present Ministry. He (Mr. Tilley) was

in the House in 1851, when the hon. and learned member for the County of Saint John (Mr. Ritchie) moved an amendment to the Address, which he supported, and the objection then urged was, "Oh! you are interfering with the business of the Session: turn out the Government and there will be a dissolution, and the country will suffer." If it was proper to put the Government on their trial at any time during the four years the present House would probably exist, this was the very time. If they put it off to the General Session in February, the Government would say, "Why did you not put us on our trial at the Special Session?" He looked upon this as the sophistry of a lawyer. The hon. member (Mr. G.) had tried his best to make the people believe that the Government had been treated unfairly, and had told the House that he would appeal from "Philip to Philip's master," meaning the people. Now, he was ready for that appeal at any time, but he would not be put in a wrong position. (Hear, hear.) The hon. member had said the Government were prejudged—that they were condemned before they were tried, and much more of the same import; he had also stated that an unfair advantage had been taken of the young members, in inducing them to sign a pledge before they understood the question at issue. But when the hon. member argued on the other side of the question, he assumed that the character of the Hon. Surveyor General was endorsed by the people of Saint John, when he accepted office, and went back to his constituents and was returned by a large majority. Now, mark the consistency of the hon. member's argument. It was boasted of in the House that the Hon. Surveyor's character was endorsed by the people of Saint John, but it was denied that the new members knew any thing of politics until they came to the House. Now, if the new members, who probably had made politics their study for some years, knew nothing of the question at issue, how was it to be expected that the majority who returned the Hon. Surveyor General in 1851, were better informed? (Hear, hear.) In reference to the Reciprocity Treaty, he contended that no time was lost, as the Hon. Caleb Cushing, Attorney General of the United States, had declared it as his opinion that the Treaty could not go into operation until the assent of the four Colonies, and also of the Imperial Parliament, were obtained to it; and as the Nova Scotian Legislature had not been called, and as the Imperial Parliament would not assemble for some time to come, no time was lost by the course the Opposition had pursued. The hon. member (Mr. Gray) had explained and defended the conduct of the Government in reference to Railways; and here he must acknowledge that some hon. members of the Government had done all they could in furtherance of Railways—they had acted energetically; but he did not think they were wholly free from error. When the sum of £7,000,000 sterling was offered, under the guarantee of the Imperial Parliament, to construct the Halifax and Quebec Great Trunk Line, our Government had refused to accept it unless the Imperial guarantee was also extended to the European and North American Line; thus an opportunity

was lost, the recurrence of which was not to be thought of. The hon. member (Mr. Gray) had spoken of the Law Reform, as one of the Government's measures of progress. He had represented the condensed Statutes as being so simplified that "he who runs may read," and he that reads can understand. If the hon. member's eulogium be correct, the people must very soon understand the law so well that there must be an end of litigation. If this view of the case was correct, the Provincial Secretary might be promoted to the Bench, for no previous study of the law was necessary; give that hon. gentleman the book just issued from the press, and he would at once understand the business. Again, if the laws were so simplified, they might at once reduce the salaries of the Judges, as it was no longer necessary for a man to study for years before he could understand them. The hon. member had taken credit to the Government for the course they had pursued during the negotiation of the Reciprocity Treaty, but what had they done? He found in the Journals of 1853 a Joint Address of the two Houses to Her Majesty, on the subject of yielding up the Fisheries for Reciprocal Trade, and in that Address he found, after enumerating the articles to be mutually admitted duty free, the following passage:—

"And also upon consideration that the American Government admit Colonial built ships to registry in American Ports, in the same manner, and with the like privileges that American vessels are admitted to registry in any Port of the British Empire; and further that they permit the vessels of New Brunswick to trade and carry cargoes between the different States of the Union, as American ships are now permitted to trade between Colony and Colony, and between the United Kingdom and the Colonies; we would be willing to admit the American fishermen to a free participation with British subjects in the in-shore and bay fisheries on the coasts of New Brunswick, with permission to land upon the coasts for the purpose of drying their nets and curing their fish," &c.

Here the registry of our ships in American Ports, and a participation in the American coasting trade, was laid down as the basis for such a treaty as would induce us to throw open our in-shore fisheries to the Americans. He did not say that he would not accept of the treaty because these things were omitted, but he would have been delighted had the treaty been concluded upon the basis laid down in 1853, and he called upon the Government to say why that basis was departed from. As to paying off the funded debt when there was a surplus revenue, he did not think the Government deserved credit for that; an individual under similar circumstances would pay off his debt to save the interest, and the Government of the country had simply done their duty—they had done no more than any mercantile man would have done for his own benefit. He differed upon one point with some hon. members who had spoken. He did not think those hon. members of the Government who joined in 1851 were answerable for what had been done by the Government before they joined. But the hon.

member for Saint John (Mr. Gray) had challenged them to point out one unconstitutional act the Government had been guilty of since he joined. Now, if they would turn to the Journals of 1853, page 280, they would find a Report from the Committee on Public Accounts, wherein they censure the Government for issuing Warrants unauthorized by law, in 1851, and drawing from the Treasury the sum of £94 12 2; and in 1852 drawing in the same manner the sum of £5,165 7 4. [The hon. member then read the Report.] This Report was signed by Messrs. Cutler, Botsford, Smith, Hatheway, Harding, Johnson, Kerr, M'Leod, and Williston. This Committee pronounced the act unconstitutional.

Hon. Provincial Secretary—Over £3,000 of that sum was paid to meet the deficiency in the Post Office Department, occasioned by the reduction of postage.

Mr. Tilley was aware that circumstances would sometimes arise when the Government must draw upon the Treasury to meet the exigency, but it then became their duty to give the House the earliest information upon the subject, and this they had failed to do. This was *one* unconstitutional act of which they were guilty. He would now mention another thing which happened after the hon. member (Mr. Gray) joined the Government. In 1851 a resolution was moved for the reduction of salaries, to which an amendment was offered that the Government should bring in a measure to reduce such salaries as were practicable, "with a due regard to the public service." This amendment was carried, the hon. member (Mr. Gray) and the Hon. Surveyor General voting for it, and this was the last they had heard of the matter; therefore that was a dereliction of duty in which every member of the Government was alike implicated. He (Mr. T.) voted for the original resolution, although, perhaps, he would not support a similar resolution at the present day, as public officers had suffered lately by the high prices of all kinds of goods. He considered the salaries of public officers in this Province just about fair in the present state of the country, but the time might come when gold would decrease in value, and then salaries would bear reduction. In 1851 the Hon. Attorney General said those who voted for the reduction of salaries were swayed by popular opinion. If that was the case he contended that they were right. It had been complained of by the hon. member from Saint John (Mr. Gray) that there was a combination to overturn the present Government. Supposing it was so, the honorable member was the last that should complain, for in 1851 he combined with others to turn out the Government of the day. He (Mr. Tilley) considered himself justified in the course he was pursuing. He had shown that the Government had acted unconstitutionally after the new members joined, and he contended that the country wanted measures of reform which the Government had failed to introduce. He cared not who the men were that carried on the Government of the country, provided it was conducted in accordance with the wishes of the people, and with a view to public improvement (hear, hear.)

Mr. Gilmore said he rose with some diffidence. He had listened with much pleasure to the debate, especially to that part of it which suited his own views (laughter). He was a young member, but he did not come there to form his political opinions—he did not think it was the right place for it—(hear, hear). He had made a close canvass throughout the County of Charlotte, after having been pressed to come out, and he found the people not so ignorant as some hon. members were inclined to represent them; even the old women and children in that County knew the difference betwixt a Liberal and a Tory. He had been called out by a requisition, signed by upwards of three hundred freeholders, and in his election card he set forth liberal views, so that there could be no mistake about it—every one knew his opinions; and upon those principles he was elected. He could not agree with the hon. member who had spoken yesterday (Hon. Mr. Gray), that the present was a progressive Government; what measures they had brought forward for the public good were in consequence of the people pushing them along, and not voluntary on their part. Honorable members were sometimes thrust out of the Government, not so much for any particular sins, but because they did nothing; and that, as he took it, was the principal cause of complaint against the present Government. As to the County of Saint John, she had a large share in the Executive Council of the country, and perhaps the people were determined to hold on to it, even though they should sacrifice principle to do it; that, perhaps, would account for their returning three Government members at the head of the poll. They had too much of their own way during the last three years, and he considered the people, and not the Government, entitled to the sympathies of the House. When responsible Government was introduced, the members of the Government, who formerly belonged to the old party, had put on the breeching, and, like a stubborn horse going down hill, they would go no faster than they were driven with the whip (laughter). The hon. members complained of combination, but he contended nothing could be done without it. He came there with his principles fixed, and he should go on regardless of the consequences (hear, hear). He believed that liberalism was bound to prevail, and he was determined to do what he conceived to be his duty, and if his constituents did not approve of his conduct they might turn him out at the next general election.

Mr. Smith said this was a most important case. He had been in the House but two years, and this was the first opportunity he ever had of replying to the members of Government in reference to the sins with which they were charged. The honorable member of the Government who spoke yesterday (Hon. Mr. Gray) had made a very eloquent appeal, but what he intended as argument was mere sophistry. The hon. member had represented that the time of the Legislature was taken up in this debate, which time should have been devoted to the passing of the Reciprocity

measure, and that the country would suffer in consequence. Now, this was not true, as the Treaty could not go into effect until the assent of the four Colonies was had to it, and the Legislature of Nova Scotia had not yet been called together to consult on the measure. He knew the feelings of his own constituents, one of the largest and most enlightened constituency in the Province—they were anxious for the Reciprocity Treaty to go into effect, but he believed they would willingly forego that pleasure until this question was settled. The hon. member had challenged the Opposition to put a finger upon one unconstitutional act of the Government since he and the Hon. Surveyor General were sworn in as Executive Councillors. Why, the advent of the hon. member and his hon. friend did not alter the character of the Government; they were merely a patch upon the old Government, and were responsible for their acts (hear, hear.) The appointment of the Chief Justice and Judge Wilmot by Sir E. Head was a flagrant breach of the constitution, and the defence set up was special pleading. The Government of the day should have resigned; there was no excuse for them. He would now quote a Resolution from the Journals, moved in April 1851:—

“*Resolved*, That all Provincial appointments should be made in this Province by the Administrator of the Government for the time being, by and with the advice of the Executive Council, who are and should be responsible for the same; and that the late appointments of Chief Justice and Puisne Judge, by the Colonial Minister, without reference to the Local Government, were wholly inconsistent with the principles of responsible government, an undue interference with the local concerns of this Province, and a direct violation of a principle heretofore solemnly conceded to the people of this Province; and that in the opinion of this Committee, it was due to the rights and interests of the people of this Province, and to the dignity of their own position, that the members of the Executive Council of this Province should forthwith, upon the announcement of these appointments, have resigned their situations.”

Honorable Mr. Gray—That Resolution was not carried.

Mr. Smith—True; it was defeated by a majority of *two*, the Government proposing instead thereof a “*grave remonstrance* ;” but the Resolution he had just read expressed the sentiments of the people of this Province; there could no longer be any doubt on that point. Were they to permit a stranger to come here and distribute the patronage of this Country? Could it be credited that a Resolution such as he had read would not pass in this House? By the members of the Executive Council offering an amendment that it should form a subject for grave remonstrance, they practically admitted the *right* of the Governor to distribute the patronage of the country, and acknowledged that all they could do in the case was to gravely remonstrate. If their position was correct, responsible government was a mockery and a delusion. The fact was, the members of the present Government cringed to the Governor,

and were trampled upon. If the Executive Council of the day had resigned, there was no doubt but the people would have supported them. Let them look to the division on the Journals, and see what names were there that belong to the Government of the present day. The first name was that of the Hon. Attorney General; he voted against responsible government, and to sustain the men he had joined in their unconstitutional course. He then found the names of the Hon. Surveyor General, and the Hon. Mr. Gray voting in favour of the original Resolution, and yet they had since joined the Government, thereby justifying them in their course. They contended against this, but were they prepared to show that the Government had abandoned their principles of April when they joined them in August? (hear, hear). Did the Hon. Attorney General tell them his views were modified, and that he was prepared to carry out responsible government in all its integrity? No: they could not show it; and they, by joining the Government, endorsed the Hon. Attorney General's opinions. Supposing one of the members of the present Government had joined but a fortnight ago, he might say "no constitutional question has come up since I joined, and it would be unfair to turn me out." But he (Mr. Smith) contended that there would be nothing unfair about it, if by joining he supported the Government in their unconstitutional conduct. The hon. member of the Government who spoke last evening (Hon. Mr. Gray) had endeavoured to show that the present was a progressive Government, and had among other things instanced the Elective Legislative Council Bill; but when the members of the Government in this House assented to the measure, they well knew what its fate would be in the other branch. The very fact that it is the practice to appoint to the other branch those who were opposed to measures of advancement, to use a vulgar phrase, looked fishy. To recur to the amendment carried in 1851—which was moved by the Hon. Attorney General—it did not say how the remonstrance should be worded; it was merely stated that it should be a grave one. Well, they made their grave remonstrance, and what was it. [The hon. member then read the following from the Journals of the House of Assembly for 1852, page 138:]-

"The Executive Council in Committee, having had under consideration the recent provisional appointment of the Hon. L. A. Wilmot to the office of a Puisne Judge in this Province, deem it their imperative duty to bring under the consideration of the Secretary of State for the Colonies their opinion of the unusual mode of this appointment.

"The Council are willing to admit that the Minute of Council of the 21st October last, on the subject of the Chief Justice's resignation, might be considered as a virtual recommendation of the then senior Puisne Judge of the Supreme Court to the office of Chief Justice; but with regard to the appointment of Mr. Wilmot to a seat on the Bench, by the direction and authority of the Secretary of State, *even provisionally*, without the previous

advice or recommendation of any responsible Executive Council within the Province, the Committee cannot but consider it as at variance with those principles of responsible government understood to be now in force in this Province.

“ The Committee respectfully request that His Excellency the Lieutenant Governor will be pleased to forward this Minute of Council to the Right Honorable the Secretary of State for the Colonies.

(Signed)

E. B. CHANDLER.
G. S. HILL.
W. B. KINNEAR.
J. R. PARTELOW.
R. L. HAZEN.

Committee Room, 10th January, 1851.”

Mr. Smith continued—Here the Council admitted that an inference might be drawn from the Minute of Council of October 25th, 1851, that warranted the Colonial Secretary to appoint Mr. Justice Carter Chief Justice of the Province. [The hon. member then read the Minute of Council of October 25th, 1851.] There was nothing of the kind in it, and the admission was made simply to give some colour to what the Government had done. They had taken some three months to consider upon it, and he contended that by their subserviency they had sacrificed the rights and privileges of the people, and rendered responsible government a mockery and a delusion. Were these the men to express a doubt upon the right of self-government, as proffered by Earl Grey, and adopted almost unanimously by this House, and say it is *understood* to be in force. They were over-ridden by the Governor, and had yielded up the privileges of the people, as the hon. mover of the amendment had very properly expressed it. There were only a few old members in the present House who had struggled consistently for liberty, and the hon. member (Mr. Fisher) was one of them. It was but a few years ago that there was no such thing as constitutional liberty known in New Brunswick—the country was governed by an oligarchy (hear, hear.) The patronage was then distributed among a few families. It had at length given way before the force of public opinion, and the Imperial Government had made concessions whenever they were asked for it in a constitutional and energetic manner; but the men who opposed the introduction of responsible government, and obstructed its being fully carried out, were still in power (hear, hear.) As to the Judges of the Supreme Court, he had no desire to reduce their salaries below what was necessary to maintain the dignity of their offices, and to live like gentlemen; and it was a pleasure to him to say that they maintained that character in private life. But, should they over-ride the country? The present Government yielded up to them a power to which they had no right. He believed the Home Government did not wish to interfere with the local affairs of this Province, and believing that, and knowing the

opinions held by the Executive Council of New Brunswick, might he not draw the conclusion that something else had been sent to England at that period, besides the Judges' letters? The Hon. Attorney General said he did not see the Judges' letters; but he ought to have seen them, and ought to have remonstrated against them. If he did not see them he knew their import, and the Government should have sent a Despatch to counteract their effects. He believed that it was done with the privity of all concerned, and that the Judges' letters were allowed to go, in order that they might have the effect of defeating the bill. He would put it to the Hon. Attorney General if he ever wrote to Her Majesty's Government requesting them to pass the Bill?

Hon. Attorney General—I never wrote any Despatch on the subject.

Mr. Smith—Then he (Mr. S.) contended that the Hon. Attorney General ought to have written, and he condemned him out of his own mouth.

Hon. Attorney General—I considered the Bill a very unjust measure, and I was glad it did not receive the Royal assent and become law (hear, and laughter.)

Mr. Smith—Yes, and depend upon it while we have a Government with the present Attorney General at its head, no Bill will receive the Royal assent if he dislikes it. (Hear, hear.) When a Bill was passed by a majority of 20 to 4 to abolish fees that were obnoxious to the people, were they to be told by the Attorney General that he had done nothing to assist its passing, and that he was glad the Royal assent was withheld! Was this Responsible Government? Was this carrying out the wishes of the people? (Hear, hear.) The Hon. Attorney General contended against an overwhelming majority of this House that the Judges should receive ten shillings for every suit entered for trial, when they neither did any thing to earn it, nor did they know the suit was entered, or know the parties. Last Session the Bill was introduced again, and was lost by the casting vote of the Chairman, (Mr. Hatheway.) He (Mr. S.) was well aware that the Chairman voted in the manner he did because he knew it would be futile to pass the Bill, as it would be defeated elsewhere, and because he anticipated the very discussion that was going on at that moment. (Hear, hear.) He would next refer to the case of the Hon. Thomas H. Peters, late Deputy Treasurer at Miramichi. The case was investigated by a Committee in the Session of 1853, and they reported him as holding in his hands the sum of £519; which Report was accepted by the House, their being only seven "nays," and all the rest being "ayes." Now this Mr. Peters was a rich man, and held two or three offices besides that of Deputy Treasurer; his Accounts were carefully audited; but what did the Government do, after an overwhelming majority decided that "it is the opinion of this House that the Government should call on the Hon. Thomas H. Peters to refund the sum of £519," &c. What did the Government do? He (Mr. S.) went home thinking they would do some-

thing after this expression of opinion—he did not think the wishes of the people thus unequivocally expressed would be set at nought. But when he returned to the House last Session he found that nothing had been done. The Hon. Attorney General's first excuse was that Mr. Peters went to England. True he went to England, but he was only absent about three months. This was very important information, truly! but the House did not care where he had been; they wanted the money, and found that no suit had been entered. Then came the second excuse, viz: that no formal Address had been passed to His Excellency, calling upon him to instruct the Hon. Attorney General to commence proceedings against Mr. Peters; and at last they compelled the Hon. Attorney General to acknowledge that he had never served Mr. Peters with a notice, and that that hon. gentleman probably knew nothing of the proceedings, unless he saw the Report in the Journals of this House by accident. He held every member of the Government responsible for this gross neglect; and he would now like to know what they had done in the case in the present year, after the Address to His Excellency which passed last Session. Mr. Peters had recently resigned his office of Deputy Treasurer, and it was said his successor was Mr. Williston, who was a member of this House the last four years, and was defeated at the last election. Perhaps his defeat qualified him in the estimation of the Government; and it was the prevailing opinion in the north, that if a man was defeated at an election it immediately qualified him for office. Certainly three defeated candidates in Northumberland had been appointed to office within a few years; he meant Messrs. Cranney, Carman, and Williston. Then see how they distribute Government patronage elsewhere. In Saint John a man in the health and vigour of life had resigned, and willed his office to his brother. He knew that under the old system a man retiring from office always willed it to his brother or son, but he did not know that such wills were valid under the present system. It appeared, however, that he was ignorant in the matter, for the office to which he referred was first willed by the father to the son, and then by the son to his brother. He had every respect for the present incumbent, but his own intimate friends condemned the principle. It was a hideous system. Similar things occurred in his own County, and he believed in every County of the Province. And again, the Government took care to appoint themselves to almost every office except those of a local character. They appointed themselves Commissioners to proceed to Canada, Commissioners to go to Washington, Railroad Directors, Commissioners of Bridges, and he did not know what more. And here he would remark that they would never let the House know how much they were paid, how they were paid, or whether they were paid at all. It was due to the House that all accounts of this nature should be laid before them annually, and if they served for nothing, why, let them have the credit of it. [The hon.

member here went into the details of the proceedings in reference to the Audit Office in 1853 and 1854.]

Hon. Attorney General—The Report of 1853 was not adopted by the House.

Hon. Mr. Gray—Why go back to 1853, when the subject was fully discussed at the last Session?

Mr. Smith continued—He had never before heard a Government plead a formal acquittal.—Why, the very reason why the people at the late general election returned a majority opposed to the Government was that the decision of the late House might be reversed; and they had a right to do so if the matter was twenty years old. The hon. members of the Government spoke as though they had a right to hold their situations for life, and therefore it would be unjust to turn them out. That was not the case; the offices belonged to the people, who could call whomsoever they chose to fill them. [The hon. member then related certain details connected with the passing of the College Bill, at the last Session.] Who brought in the amendment for the appointment of a Commission? It was the Hon. Attorney General; and he promised at the time that the Commission should cost nothing. A Commission consisting of five gentlemen had since been appointed; one Rev. gentleman from Canada, a gentleman from Nova Scotia, one member of the Government, and two other gentlemen belonging to this Province. The gentlemen from Canada and Nova Scotia had to come here, and two of the Commissioners had since been to the United States, to examine some of the educational institutions there. Did any one suppose that all this would cost nothing? Would not the Commissioners be paid? He had no doubt but they would, and believed that it would do no good after all.

Hon. Mr. Gray—You will like their Report yourself.

Mr. Smith should be glad if it turned out so, but he did not believe it. He would now ask the Hon. Attorney General if he would repeat what he stated last Session—that the Commission would cost nothing. The hon. member for St. John (Hon. Mr. Gray) had made a very eloquent speech, but had complained of having been condemned without a hearing, precisely as though it was a case of life and death. It was not so; they were tried before they came to the House—tried by the constituencies by whom the members of the House were returned. The hon. member complained of a paper having been signed, and appealed to the House saying, “wont you give us a fair trial, as Englishmen?” Were they to be dictated to by the hon. member? Had not the majority of the House the right to do as they liked in this matter? If they had signed a paper it showed their cordial feeling towards each other, and that they were not ashamed of it. For his part he considered it a duty to combine. How did the hon. member (Hon. Mr. Gray) act in 1850? He was returned to oppose the Government, and came to the House determined to do so. Was not the Government of that day condemned by the hon. member without a trial? The hon. member collected all the election cards published in the

Province, and pasted them in a book, in order that he might be able to show that they *signed the paper* (laughter). Let him back out of it if he could. Then the hon. member complained of caucus meetings, but what did the members of the Government do? Did not they hold caucus meetings? Before he sat down he would give the hon. member credit for the good feeling he had displayed; he was glad to see it, and hoped it would prevail; but any hon. member in the House had a right to talk about the Government politically. He was returned by a large County, and polled over fifteen hundred votes. He knew the feelings of his constituents, and knew that the Government was unpopular there, and that the people wished to see them turned out. But the hon. member who spoke last evening had threatened to appeal from "Philip to Philips' master," which any one could understand.

Hon. Mr. Gray disclaimed all intentions of threatening the House with a dissolution.

Mr. Smith—Well, the hon. member's language might fairly be construed in that way, and he (Mr. S.) considered it at the time as thrown out to frighten young members. He would trespass upon the time of the House no longer. Every hon. member in the House would be responsible to his constituents and to his own conscience for the vote he was about to give, and he (Mr. S.) would do what he believed was right and just.

Hon. Mr. Montgomery said he would not have risen if the hon. member who had just sat down had not made use of unparliamentary language. The hon. member had accused members of the Government of stating what was not true, and he would retort, and tell the hon. member that what he had stated was not correct. The hon. member stated that the Government had cringed to the Governor, but as far as he was concerned it was not the case. While he was in the Government Sir E. Head had never attempted to ride over any one, but had consulted with his Council on all matters that came before them; and he was not the man to allow any man to ride over him. He repudiated the idea of being held responsible for what took place while he was not in the Government, but he held himself fully responsible for all the acts of the Government since he joined them.

Mr. M'Adam hoped the House would bear with him while he offered two or three remarks, as this was his first attempt to speak on the floor of the House, nor was he accustomed to public speaking elsewhere. He was elected and sent to the House as a liberal, and he had made up his mind to support the amendment. From what he knew of the Hon. Attorney General, and from what the people of Charlotte knew of him, they believed him to be the man who mangled and marred every measure of reform that was brought forward for the good of the country. It was he that had mangled the Liquor Law, and rendered it nugatory; it was he that had introduced the present imperfect Municipal Corporation Law; and

it was he who was the cause of their not having a better Election Law. He could not support a Government having such a leader.

Mr. Boyd said he was not one of those who thought so very bad of the Government as some hon. members did, and he did not see what they had done which merited a dismissal. The test in Charlotte at the late election was not between liberalism and toryism, as his hon. colleague (Mr. Gilmor) had stated. He was as well acquainted with the County, and the feelings of the people as that hon. member, and so far from the late election having turned upon a point in politics, the people of Charlotte were rejoiced when they heard that three members of the Government were returned by the County of St. John. In fact the complaints throughout the country were more frequently levelled against the Legislature than against the Government. He had no office under the Government, and received no pecuniary benefit whatever from their being in power; yet he was willing to try them a little longer. Lord Elgin had been praised for the way in which he managed the Ministry and the Legislature—by placing confidence in the men whom the people sent to advise him, or in other words, by giving the Ministry their own way in every thing; but it was only a few years since His Excellency's easy way of doing things did not work so harmoniously, when he gave his assent to the Rebellion Losses Bill. As to the Election Law introduced by the Hon. Attorney General in 1853, that hon. gentleman was opposed to the ballot system, while he (Mr. Boyd) was in favour of it; but imperfect as the measure was, he had suffered so much by contested elections under the old system, that he was willing to take it as an instalment. In reference to the appointment of the Judges, and the conduct of the Government upon that occasion, the hon. member who now complained (Mr. Fisher) ought to have resigned immediately, if he resigned because he believed the constitution to be violated—he ought not to have stayed there an hour. But he stopped until the very day when the present Attorney General accepted office, and then resigned. And since that he had been taken care of—the very Government he was now opposing had given him an office, as Registrar of the College, and had appointed him one of the Commissioners to revise the Laws, for which he got well paid.—If the hon. member thought proper to come before the House with his complaints against the Government, he should have come with clean hands. If blame was to be attributed anywhere with respect to the election bill, the House was as much to blame as the Hon. Attorney General, for why did they not go through with it? They ought not to have gone back to their constituents in 1850 without a new election law. He believed the Government had done the best they could for the country, and that they were more politically honest than the members of the Opposition. No doubt a combination had been organized to overturn the Government; new members, who had no political experience, had been drawn into it; all sorts of canvassing had been resorted to, and a paper

handed round for the members to sign. All this had produced its effect, and he supposed there was a majority in favour of the amendment; but he would raise his warning voice, and caution hon. members; if this course was resorted to, and proved successful once, it would be resorted to again, and henceforth the Province would be ruled by party governments (hear, hear). He considered a party government a curse to a country, but he saw plain enough that it was coming. An hon. member had said that the members of the Government in the Lower House voted for the Elective Legislative Council Bill knowing it would be defeated up stairs, and had insinuated that the Government exercised their influence to defeat it in the Upper Branch; but by reference to the Journals of the Council he saw that when the question was taken up, there were only two members of the Government present—Hon. Messrs. Chandler and Kinnear—and that they both voted for the Bill; therefore that charge fell to the ground. It was of a piece with other charges, and never, since he had been a member of this House, had he heard so much special pleading as he had heard during this debate from the legal members in the Opposition. The hon. and learned member from St. John (Mr. Ritchie) had, in enumerating the changes which took place at the last election, assumed that three of the old members for Charlotte had lost their seats in consequence of their supporting the Government. Such was not the case. Dr. Thomson did not offer because he stood pledged, since the former election, to retire in favour of his nephew; had he offered there was no doubt but he would have been returned instead of an hon. member who then sat near him. Captain Robinson did not offer, because the men for whom he had done so much, in reference to the railway, should have done something for him; he, therefore, declined incurring the expenses of a contested election. Mr. Porter offered and was defeated. He supported the Government through thick and thin while he was in the House—nothing could beat him off the track. He (Mr. Boyd) had cautioned him a thousand times, but in vain (laughter). But Mr. Porter did not lose his election because he supported the Government; he lost it on account of his vote in reference to Hacmatack Knees, and his votes on the Municipal Corporation and Orange Bills (laughter). The hon. and learned member for St. John (Mr. Ritchie) had charged the Government with withholding the appointment of Road Commissioners with a design to influence the elections, but if they wished to influence the elections they should have acted quite the reverse. They had a Board of Works, however, to attend to the bridges on the great roads—he meant the hon. member from Sunbury (laughter): and at the last Session the House had placed £11,500 under the control of the Government, for the construction and repairs of roads and bridges. That proved the confidence the late House placed in the Government. He repeated that the Government, in his opinion, had done the best they could, and he did not believe they could form a Government out of the Opposition that would do better. He thought

they were neglecting the business of the country by spending their time in this debate. The country was suffering for want of the Reciprocity Treaty going into operation. True it had been said that the Treaty could not go into effect without the consent of the Imperial Parliament, but that rested upon no better authority than the Attorney General of the United States, Mr. Cushing, and what had this country to do with his opinions? Let them pass the Reciprocity Bill first, and then if they had time let them discuss political questions. He contended that the government members being all returned high on the poll by their respective constituencies was a fair test of public opinion, and he believed that if the House was dissolved—and he cared not whether it were or not—and they were sent back to their constituencies, the members of the Government and their supporters would all be sustained, and that many of the Opposition would never show their noses their again. He believed he was right in the course he was now pursuing, and that the people would sustain him, and if a majority had combined to support the amendment he would at all events die game.

Mr. McClellan said he did not come to the House quite ignorant of politics, as an hon. member of the Government would insinuate with respect to the new members. He had made up his mind as to the course he would pursue—if nothing transpired in the meantime to convince him that he was wrong—before he left his County. The County of Albert was essentially liberal, and had no confidence in the present Government. He had listened attentively to the debate thus far, and had heard nothing that would tend to alter his mind. The speech he had just listened to from the hon. member for Charlotte but tended to confirm his previous impressions; the arguments that hon. member had advanced all told against the Government.—In reference to the paper it was said was handed round, he had not seen it, but if twenty four members had signed it he was willing to be the twenty fifth (hear, hear). The hon. member from Charlotte (Mr. Boyd) had stated that the late House of Assembly placed such confidence in the Government that they placed £11,500 under their control. Probably that was the reason that so many of them lost their seats at the last election. He was prepared to support the amendment regardless of the consequence, knowing that his constituents would sustain him in opposing the present Government.

Mr. Steadman thought he was called upon as one of the new members to offer a few remarks upon the subject then under discussion. A curious doctrine had been advanced by the honorable members of the Government, that because three members of that Government were returned by the County of St. John, that was a test of the popularity of the Government throughout the Province. If he never gave the members of the Government credit for originating any thing before, he certainly would give them credit for

originating that idea (hear, and laughter). What! were half of the representatives of St. John to rule the Province? Then the new members were told, "Oh! you are young and inexperienced, you should not make up your minds until you have heard all the explanations the hon. and learned member for St. John (Hon. Mr. Gray) and the Hon. Attorney General can give." This was the first time he had ever been told that he could not think for himself—that he was not endowed with reasoning powers, and had no mind of his own (hear, hear). As to signing a paper, there was a paper handed round in St. John some years ago, when the Colonial Association was formed, and if he was correctly informed the hon. member (Mr. Gray) had signed it, and now he comes to the House and says, "Oh, it is very wrong—very dishonorable and unparliamentary—to sign a paper!" (hear, hear). How had the hon. member got in the present Government? He found he could not turn them out, and so just turned round and joined them, and no sooner had he got in and been closetted with them, then he found he had previously mistaken their character, and instead of being what he had described them in his speech of 1851, they were his particular friends and generals, under whose banners he was content to serve. The hon. member asserted that they were a Government of progress, and challenged contradiction; but what had they done?—Where were the great measures they had introduced for the benefit of the country? They should point them out if possible, and when they could not do so, and found that they no longer possessed the confidence of the House, they should resign if they were honorable men, or appeal to the people by a dissolution, as the hon. member (Mr. Gray) had intimated yesterday they would do. The hon. member contended that the Government had not violated the constitution, but if they had not done so themselves they had permitted the Governor and Colonial Minister to do so, and therefore, they were equally guilty (hear, hear). When the Bill passed the two branches of the Legislature for the abolition of the Judges' fees, the Government were bound to give it their support: for, living under a free constitution, the Government were bound to carry out the wishes of the people or resign. It was their duty, therefore, to recommend the Bill to the Colonial Minister, and to have resigned when the Royal Assent was withheld. Neither of those things had they done, and had, therefore, failed in their duty. For these reasons he had, previous to the election, made up his mind to vote against the Government if he was returned, and when he was elected it was perfectly understood throughout Westmorland that he was coming to the House to oppose the Government. He would vote against them, believing, as he did, that by upsetting them the last vestige of the old rotten system of government in this Province would be destroyed.

Mr M'Naughton said, one would suppose while listening to the honorables, that they possessed all the wisdom, and all the patriotism among themselves, and that there were no politics in

the country, no reasoning powers among the people, and no press to inform them, outside the pale of Government; nay, one would almost think, to hear the hon. member from Saint John (Mr. Gray) that the patronage of the Government extended to heaven, and that the recent fine weather was to be ascribed to them (laughter.) He would not go into details to show the errors committed by the Government, where there were so many honorable members better qualified, nor would he dwell upon the defects of the Election Bill introduced by the Government in 1853; there was one clause in that Bill, however, he could not help noticing—a man who ate American cheese was not eligible to a seat in the Assembly (laughter.) It was established on no less authority than Lord Stanley, that responsible government meant party government, and if that was the case they surely had enough of it in the County of Gloucester. A short time previous to the election which took place in consequence of Mr. Read accepting the office of Deputy Treasurer at Bathurst, Mr. Henry Baldwin, the Sheriff, casually let fall a word or two more favourable to Mr. End than to Mr. Read, and the latter gentleman thought proper to make it the subject of a serious charge, and called upon the Government to have it investigated; accordingly Mr. Jack was sent over as a Commissioner, who investigated the subject, and in his Report entirely acquitted Mr. Baldwin of all blame; he considered the charge frivolous and vexatious. This passed and Mr. Baldwin was reinstated, and supposed he would hear nothing more of it; but the ensuing Spring, when the annual appointment of Sheriffs took place, his name was omitted, and the present incumbent appointed in his stead. At the same time an old man named Sewall, who held an inferior office, and had served the Government faithfully for many years, was summarily dismissed because he was somewhat loth to come forward and repeat the conversation that took place betwixt Mr. Baldwin and himself. Many other things that were disagreeable, and showed by whom the Government was influenced, had taken place in Gloucester, but it would neither be chivalrous or charitable to mention them upon the present occasion. These things had stirred up a feeling in that County hostile towards the present Government, and he having been elected by that party it was needless for him to say he would support the amendment. He had no objection to some hon. members of the Government; he believed they would be good men had they Liberals for their colleagues; but as matters stood he could not vote against one without voting against them as a body; they must, therefore, all fare alike.

Mr. M'Phelim said he had supported the Government in 1851, because he wished to give them a further trial. He did not lay so much stress upon the alleged violation of the constitution in 1850 as some hon. members did, but he should be influenced in the vote he was about to give by the conduct of the Government subsequent to the Session of 1851. He had studiously avoided giving any

indications how he would vote while he had been listening to the debate, but he now declared that he would oppose the Government on account of the manner in which they had dealt with him, and with the local affairs of his County. He was held responsible by his constituents for the recommendations he made of persons to act as Road Commissioners. It was usual for members to recommend those officers, and for the Government to appoint them; but his recommendations had been overlooked and set at nought, and another set of men appointed. Who they were recommended by was but too evident—the fact was that the County was governed by a Secret Committee, whose advice was taken and acted upon by the Government in preference to the advice of the men who possessed the confidence of the people. On this account he made up his mind to oppose the Government, and he told the people so at the polls at the late election—although no power on earth would compel him to a declaration of the kind, if he was not disposed to do so voluntarily. And he now would tell the Government that he was glad the day had arrived when his vote would assist to turn them out.

Mr. Macpherson said the Government had been once tried and acquitted in 1851, before he entered the House. Upon their second trial, which took place in April following, he had voted with the minority against the Government. The Government now pleaded the benefit of those acquittals, but whatever might have been his opinion as to their being tried again for the same offence, there could be no doubt upon his mind after the new evidence adduced by the hon. mover of the amendment, which evidence had been suppressed by the Government in 1851. As to the paper said to have been handed round, he had not signed it, nor had he seen it, nor had he been asked to vote on one side or the other. It had been said that the Government had done all they could to advance the interests of the country, and he must acknowledge that some of them in their individual capacity filled their respective offices with credit to themselves, and to the general satisfaction of those who had to transact business with them. He believed those offices were never better conducted than during the last three years. But he could not say so much for the Government as a whole; he did not think they were entitled to the support of the House, as they had not brought forward the measures required for the advancement of the country. His constituents were suffering for the want of those measures—the poor back settlers were suffering for the want of proper roads, bridges, and schools, and believing that the Government did not possess the confidence of his constituents, he was bound to vote against them or resign his seat. On these grounds he would support the amendment.

Mr. Hatheway said he had voted for the Resolutions moved by the opposition in 1851, and endeavoured upon two occasions to upset the Government. Since that period, however, he had

differed with some hon. members with whom he voted then, as to the proper course to pursue. He saw that they were beaten, and would have no chance to overturn the Government until there should be a general election, and he considered it useless to keep up a running fire against them. Those who differed with him in this view of the case had earned for themselves the title of "a factious opposition." He had not changed his mind, and had never been inclined to support the Government whenever a question should arise like the present one—as had been rumoured out of doors—but had merely waited for the proper time. The hon. members of the Government complained that the motion then under consideration was brought forward at the special Session, immediately on the assembling of the new House. But what did they do in 1851? Did they not put the Hon. Attorney General upon his trial immediately on the House meeting, when he had only been in office one month? Then why should not they be put on their trial, who had been in office three or four years? The time he had foreseen would come—the time he had long waited for—had at length arrived. The time had come when Liberalism must and would prevail in this Province; the opportunity was too precious to be lost. The casting vote he had given, while in the Chair, against the Bill in favour of the Elective Legislative Council, was simply because he saw the day for Liberal principles to prevail had not arrived, and it was useless to take up the time of the Legislature in the discussion of any such measures. In 1851 there were all sorts of rumours afloat as to what would result if the vote of want of confidence was carried, some believing that if the member for Saint John (Mr. Ritchie) became Attorney General, he would move the seat of Government to Saint John; and he had no doubt but some of these rumours had an effect upon the House. He regretted to hear an hon. member (Hon. Mr. Gray) yesterday allude to party feeling in Saint John, and say he was opposed by a powerful Church. If the hon. member met with the opposition he spoke of, he had the support of another body of men just as powerful—a body whose opposition, he (Mr. Hatheway) had felt at the last election. He considered these allusions to party on the floor of the House wrong; for his own part while there attending to his duties he knew no party, and he supposed none of them would be accused of having too much religion. With regard to the hon. mover of the amendment, he considered the explanations he had given, a complete justification of his conduct in reference to the Judges' appointment, and the large vote he received at the last election showed that the people of York placed confidence in his statesmanship. He (Mr. H) cared not what set of men formed the new Government; if they did not do what was right let them be turned out in their turn (hear, hear.) The hon. member for Charlotte (Mr. Boyd) had stated that Dr. Thomson retired in consequence of a pledge he had given his nephew, and that if the Doctor had offered he would have been returned; but it appeared the Doctor's influence, and all the other influences they could bring

to bear, were not sufficient to return the nephew. The hon. member had also contended that the large amount of money placed under Executive control last Session was proof of the confidence that House placed in the Government; but the hon. member knew—as every member of the late House knew—that the vote was capable of no such construction. It was an appropriation of necessity, called for by the exigencies of the times, immense damage having been done to the Bridges by the late fall freshet of 1853.

Hon. Surveyor General said events showed how unfortunate it was that the necessary evil of a connection between the Government and the House existed. He cared not what was said, or what charges were brought against them, but he would conscientiously assert that since he had been in the Government he had done his best for the general good. And let those who complained look at the country, and say if it was ever in a more prosperous condition than during the past year. Commerce was good, the people were contented and happy, and not a complaint was to be heard among the industrial classes. The Government had called a special Session, that they might pass a Bill to give the Reciprocity Treaty effect, as both lumbermen and merchants wanted it, but they anticipated nothing like what had happened; they did not think the time of the country would be taken up in discussing abstract political questions, while the trade of the country was suffering. He stood there however, prepared to defend his own conduct, as the head of a department, from the time he took office. He believed he had discharged the duties of his office to the general satisfaction of the lumberers and others, who had business transactions with that office, and that they were benefited by the head of that office having a seat at the Council Board. [The hon. member then went into details, showing the increase of revenue received at the Crown Land Office during the last three years.] His political course had been animadverted upon, but he was prepared to defend that too. In 1850 the County of St. John returned four members, all of them being expected to oppose the existing Government. Early in 1851 the House met and the Government was twice put upon its trial. The St. John members all voted against the Government but in vain—it was sustained by a majority of the House. Some months after this he was offered the situation he now holds—he never sought it—it being thought advisable that the populous and commercial City and County of St. John should be represented at the Council Board. Before giving an answer either way he went to St. John to consult his friends and constituents, and all he consulted with, excepting one man, advised him to accept office. He went back to St. John for re-election, and was returned by a triumphant majority, the people thus testifying their approval of his course. At that election he had to fight against all the influence three of the members for the City and County could bring to bear, and they resigned because he was returned. At the last election he was again approved of, three members of the Government having been returned

for the County of St. John at the head of the poll. As to the office being of any pecuniary benefit to him, it was quite the reverse; he had actually lost money by holding it. His hon. colleague, in his speech yesterday, had spoken of the hostility of the Roman Catholics. He (Hon. Surveyor General) did not wish to stir up any party feeling. He was no party man, as his acts showed. While in office he never made the slightest distinction betwixt parties on account of their religion, and he had a Roman Catholic servant who had lived with him twenty eight years, and reared up a large family there; and another who lived with him sixteen years. But he had been proscribed and persecuted by that party, and at the late election out of five hundred Roman Catholic votes in the County he only got five! And how did his hon. colleague opposite (Mr. Ritchie) stand? He got *all* the Roman Catholic votes in the County, and was returned by a majority of *one*! And how did he get even that majority? Why—as it was afterwards proved—by one man voting for him three times, and another twice! And if the hon. member wished, let them both resign, and he (Hon. Surveyor General) was ready to go back and run him a single race, and thereby test the question now at issue. He never flinched from any charge that could be brought against him, and he desired to hold office no longer than he retained the confidence of the people. But he could tell his opponent that if a Colonial Executive Council were to resign every time a Despatch was received from the Colonial Secretary not in strict accordance with Colonial Responsible Government, no Government could exist long enough to attend to the affairs of the country, and they would be left undone.

Mr. Johnson* said, he had refrained from speaking until this late stage of the debate, not that he desired information as to the course he should pursue, for hon. members could not doubt on which side his vote would be given, he had delayed because having to speak often when there were few in the House to support his views, he wished to retire from the first and perform his part in a humbler sphere when older and abler politicians among the liberals were on the floor of this House. He had intended to confine his remarks to a few leading points upon which he meant to arraign the Government, but so many preliminary objections had been taken by the Hon. Attorney General and the hon. member of the Government from Saint John (Mr. Gray) that he found it necessary to brush these away ere he could approach the real question.

It was contended that the Government had been tried for their offences by the last House, and that a previous acquittal was a complete answer to the charges now brought. Those hon. members as lawyers would allow him to reply in their own professional style. The former verdict was contrary to evidence, and a new trial must be had; the country at the late elections had condemned

* Part of this speech was delivered on Wednesday evening, and the remainder when the debate was resumed on Thursday.

the jury and their verdict, where was the standing Government majority in this House? echo answered where, and the country would say sweet echo! New evidence had been discovered and furnished to the House by the hon. mover of the amendment (Mr. Fisher) that evidence too was in the possession of the Government since 1850, and was by them intentionally and improperly kept back; had that been produced in 1851 the verdict of even that jury would have been condemnatory of the Government. The House too was trying them for repetitions of those offences and misconduct not then charged. It was next said that the country was the proper tribunal, and that the constituencies had determined in favour of the Government by returning the six members of it now in the House. If this were a correct position (which it certainly was not) let the House consider how little the Government had to boast of on this score; Saint John returned three of the Government and three in opposition; in 1850 Restigouche returned two Government supporters, while in 1854 that County returned one member of Government and one in opposition; in 1850 Sunbury returned two Government supporters, but in 1854 one member of Government with a member who might vote with the opposition now, and in 1850 Northumberland returned three Government supporters and himself (Mr. J.) in opposition, but in 1854 the Attorney General was returned for that County with three in the opposition. It was true that the Attorney General was second on the poll and led him (Mr. J.) 18 votes, but it was also true that he (Mr. J.) had more than the Attorney General's favourite two third vote, and the return was three to one against the Government. The hon. members must not therefore urge their election as a vote of confidence, they required all the influence of place and patronage to secure themselves, and had left their "tame followers" behind. It surely would not be argued that if two Counties had returned the six members of Government the whole Province had confidence in those men. It might rather be said that the country having sent a large majority to defeat the Government had returned the members of Government to form an opposition and watch the new administration, and such at least would prove the result of last elections.

The aggregate returns as they counted in this House was the voice of the Province on all questions of general politics, and that voice was the concentrated condemnation of the Government and their past conduct, sounding from every corner of New Brunswick. It was next argued that the Government were taken by surprise; this was an amusing admission; the Government were really ignorant of the public feeling, of the opinions of the press, and of the result of the general elections; did they expect the Country ignorant of their past conduct, or did they claim a formal three months notice to quit. They next said that the House had been called together for a special purpose, and their doings should be confined to that alone, they should at least finish that business first; this was a new political doctrine, the gentleman usher would in such

case announce His Excellency's pleasure that they wait upon him in the Council Chamber, and ere they again met measures might be taken to strengthen the Government or break up the Opposition. If they had met on a summons from the Government, they came at least to do the people's work, and an important part of that work was to inform His Excellency what the people thought of his advisers; now was the proper time for many reasons; a new Governor should not be misled, a new House should begin at the right end, and remove all obstacles to that progressive legislation for which the country called; let a fair start be made and the Winter's Session would take up the general business with a new and healthy administration; but if the Government should not be defeated till the Winter much time would be lost, the business would be delayed while the new officials were running the elections, the measures of a new Government could not be prepared during the Session, and those of the old would have been prepared in vain. The hon. member from St. John now in the Government (Mr. Gray) did not consider it unfair in 1851 to support a resolution of want of confidence, instead of replying to the speech, nor that young members in a new House, and himself among the number, should serve an apprenticeship here to learn politics, or to discover what the Government had been doing and leaving undone in past years; he came prepared to turn them out at once without notice, untried and unheard, as he now complained that young members were about to serve him. But that hon. member said again, that the present was a different Government, he and the Surveyor General had since joined it; this argument had been used in 1851, and that hon. member, then in opposition, had asked what chemical property the Attorney General possessed which could thus change the whole compound. He (Mr. J.) would leave the hon. member to answer in 1854 the question he had asked in 1851. He said they joined to carry out the railroad policy, could he not have aided in those measures and yet retain his political consistency (hear, hear). Should he have deserted his political party and foregone important constitutional principles to aid a railroad, or did he manifest his liberality by making it a condition that the money for the Quebec and Halifax road should not be taken at $3\frac{1}{2}$ per cent. unless Great Britain would also advance the means for the road from St. John to Portland. It was next complained that some paper had been signed by the Opposition, if this were so, he (Mr. J.) did not conceive it such a heinous offence. Had not the hon. member (Hon. Mr. Gray) joined a Colonial Association in 1850, he (Mr. J.) held now the printed circular of that body, had he not subscribed to these doctrines; and was he not one of a Committee of a Reform Club at St. John in 1850, and as such did he not call upon a candidate and former member of the Assembly to subscribe to its doctrines prior to the election; did he not meet in caucus in 1851, and agree to oppose the Government before he heard their defence. He said no paper had then been signed, but it might be that while none was then thought necessary, the subsequent desertions

from that opposition had induced the present to bind its members more solemnly, and to lay down a political platform. He (Mr. J.) had replied to these objections, because while they could not mislead the House, they might be intended for the public. It was at least but begging the question, and an attempt to escape justice by some alleged informality in the proceedings, or worse, through some tampering with a former jury; then the absurdity of the argument that all the members of Government were elected was palpable. It amounted to saying—if not returned no want of confidence should pass because the Government were out, nor if returned because they were in (laughter),—if supported by a corrupt House they must remain in during the next—if the next, then for ever, and thus work out responsible government.

His objections to the Government would be included in three general heads. They had left undone those things which they ought to have done, they had done those things which they ought not to have done, and there was no political health in them. He would prove these positions by a few facts and arguments, and he expected to convince the hon. member from St. John (Hon. Mr. Gray) by quoting his own speech in 1851.

The present Government had not brought forward a single measure for the advancement of the country on their own responsibility. The railway had been alluded to; in 1851 they declared their opposition to Government railways. In 1852 they agreed to take British money and build as a Government work; this measure was so shaped as to get a majority in the House, but so twisted out of shape that the mission to Britain failed, and the bright prospect which had lured the hon. member (Hon. Mr. Gray) and the Surveyor General to join the Government proved an ignis fatuis; they next fell back upon a Company with Government Stock, and having heard of the engine running four miles the other day, and after four years legislation, he trusted this Government would get the first ride on the rail. But they had codified the laws and made them so simple that any man could understand them. He (Mr. J.) did not wish to detract from the merits of the Commissioners, but thought the lawyers would find material for fun and profit yet, the very nature of such a work must give rise to numberless questions of construction, and the Government had increased the difficulties; the Attorney and Surveyor Generals were on the Commission but informed the House that they had taken no part in the work. Instead of assuming any responsibility they had thrown it upon the tender mercies of the House to cut and carve, and alter or amend as in the hurry of legislation, and heat of debate, every lawyer, merchant, and farmer might see fit. We take no responsibility, said they, while it was passing; we claim all the credit, said they, now when it is done by paid Commissioners, and revised if not amended by independent legislators of all political opinions. Next they had claimed to have abolished the Court of Chancery; this was neither their act nor their suggestion; the Law Commissioners had but followed out an old idea which the Legislature

adopted independent of Government if not against their own wishes. Fourthly, among their boasted good works they had paid off the funded debt, they had taken a surplus revenue raised by heavy taxation upon the trade of the country, and increased by commercial prosperity, and with this money of the people, paid the people's debt without waiting for the consent of the Legislature, and this that they might take the credit to themselves, lest the people should do with their own what to them seemed good. This too was not the only money they expended without asking or accounting for; there was a Report of the Committee on public accounts in the Journals of 1853, which showed large sums expended by the Government in the two previous years without the consent of this House, and without any return or report to the House until expressly called for by Address, and up to this hour no grant had been made for those sums, which amounted to some thousands; there was one item in that report which had been paid by the Government, though twice applied for and lost in supply the previous Session, and the serious charges against the Government contained in that report yet remained unanswered, an effort to evade them having proved unsuccessful. The fifth and last great measure for which they claimed credit was the Reciprocity Treaty. He (Mr. J.) did not consider our Government the originators of a treaty, wherein the interests of the United States and Canada were mainly provided for at the expense of New Brunswick and Nova Scotia. Our Fisheries were given up without any compensation, the Registry of our Ships, and coasting trade of the United States were due to us; if not in return for those privileges already possessed by the Americans in our waters, at least as some compensation for our fisheries. An Address of our Legislature to Her Majesty in 1853 had expressly claimed these privileges, and if our Government had not insisted upon them they had disregarded the unanimous opinion of this House. If they had the power they were censurable for not obtaining this, and if the Treaty was not theirs, but the act of the British Government, they could not claim the credit. He did not wish to be misunderstood. He was a Free Trader, and should like to see all nations dealing as man and man on equal footing, but he would not oppose the Treaty and the good it contained because it had with it some injustice which we could not avoid. If Great Britain withdrew her protection to our fisheries we could not protect them, but he (Mr. J.) firmly believed that had she claimed the coasting trade and registration of shipping as a condition the Americans would ere long yield because they must have our fish.

There was one great objection to the Government which in his opinion completely outweighed all others, because our rights as a free people were involved. They had allowed the Colonial Secretary to over-ride the Legislature of the country, and the Governor to set his advisers at nought; there was the appointment of the Chief Justice and Mr. Justice Wilmot contrary to the written advice of Council. Then the Judges' Fee Bill, a purely

local matter, had passed the Legislature against a minority of four in this House. The Judges had written to the Colonial Secretary, these letters could only be sent through the Governor, and he must have been furnished with copies that he might judge of their contents and reply if necessary. One of these letters reflected on this House in the most unpardonable language, and such as but one man in the Province could have used, and yet no steps were taken to inform the House or undeceive the Colonial Minister; that letter ought not to have been transmitted, and in reference to the whole matter the Government had failed to do justice to the House and people according to whose well understood wishes they professed to govern. He (Mr. J.) did not say that the Judges were too well paid, or that he would not increase their salaries when the fees were abolished; but he did say that the question was entirely local, and he would not consent that such increase should be made a condition upon which alone the Royal assent should be given; it was not a matter of money but principle; we were the proper judges, it was our sole right, untrammelled by any despatch. What was the opinion of the hon. member of the Government (Mr. Gray) in 1851 upon a more difficult question than fees—salaries provided for in the Civil List; he said—

“ In 1836 a compact was entered into with the British Government for the surrender of the casual and territorial revenues of this Province, guaranteeing the sum of £14,500 per annum to the Crown for the support of certain offices then borne on the Civil List of this Province. This compact was ratified by a Provincial statute limited in its operation to ten years, but in 1839 this Act was made perpetual. It would be seen by a reference to the despatch of Lord Glenelg on this subject, that the right to revise these salaries, or abolish offices which might become unnecessary, was clearly reserved. Upon a fair and legitimate construction of that Act he was inclined to believe that the reduction of the salaries of public offices borne on the Civil List, but appointed subsequent to that compact having been made, was no violation of the original agreement, and he therefore claimed the right of reducing such salaries on the ground that the entire control of local affairs had been ceded to the Province, consequently such reductions could be made at any time when the exigencies of the public service required that such a step should be taken.”

And he would now refer to that hon. member while in opposition in 1851, as against himself in the Government in 1854. On the appointment of the Judges he then referred to the course taken on the appointment of Mr. Reade as Provincial Secretary, and contended that the same course should have been pursued in the case of the Judges, the Hon. Secretary then said that Mr. Reade's appointment was made by the Governor and the hon. member (Mr. Gray) replied—

“ So much the worse. Would the Hon. Secretary venture to allude to this distinction as a matter of triumph? Certainly it was

worse for a Colonial Secretary living three thousand miles off to make these local appointments, than it could possibly be for the Governor residing in the Province to make them. In the one case, the party making the appointment had some knowledge of the local wants and the local feeling in the country, as well as some personal knowledge of the parties on whom the appointments were bestowed; in the other, the appointments must necessarily be based on imperfect information on all these points, and that conveyed through a channel over which the people had no control. In the case of Mr. Reade, the Colonial Secretary approved of the action of the House; the provisional appointment was cancelled, and the Councillors who then resigned their seats had again been called to the Council board, and had remained in power ever since. Had the Council followed the example of their colleague, the Hon. Mr. Fisher, who had taken the constitutional course, there could not be the shadow of a doubt that they would have been sustained by that House and by the country, and would have secured the sympathy and support of a large majority of the people in every quarter of the Province."

In reference to the remonstrance on this subject, he said—

"The amendment proposed by the Government recommended remonstrance, and it was more than hinted that a remonstrance had already gone home from the Executive Council. But what could a remonstrance effect? If a remonstrance had already gone home and had been suffered to lie for four months without any notice being taken of the matter, he thought it exceedingly unlikely that another remonstrance would meet with a better fate. If in 1775 when the stamp duties were imposed on the old Colonies, what would have been the effect if these Colonies had contented themselves with simply remonstrating against the imposition of this tax? Would a remonstrance have relieved the old Colonies of this odious burthen? He feared not, and the colonists of that day did not trust to remonstrance, but acted with energy and decision, and from that moment burst forth a gleam of light which, increasing in intensity, shed its rays far beyond the country in which it was first kindled, and has continued ever since to burn with a steady brilliancy; the influence is felt throughout Europe; and throughout the civilized world."

Again, on the Despatch regarding Bounties, he said in 1851—

"The amendment to this Resolution was artfully drawn, for although the Attorney General acknowledged the correctness of the principle of granting Bounties, he sheltered himself and his Government under the plea that they were not responsible for despatches written by Her Majesty's Secretary of State for the Colonies. This plea would not, however, avail the Government, for he did not attempt to make the Government responsible for the doctrine enunciated in these despatches, but for the adoption of that doctrine. If the local Government were permitted to escape on a plea of this kind, the effect would be that so long as they conformed to despatches received from the Colonial Office, so long were they entitled to remain in power, as they were in no wise responsible

for such despatches, no matter what the effect to the country might be.”

Though now he says the despatch is no violation of the Constitution, and the Government are not responsible. Upon the subject of mutilated despatches sent down to this House, he then said—

“The next point to which he would allude, was the mutilation of despatches sent down to the House. During a pending negotiation there might be some show of reason for these mutilations, but after the matter had been finally settled, he thought there was no good reason why all the despatches bearing on the question should not be sent down in full.”

And yet we find the same thing done while that hon. member is in the Government, and supported by despatch law on the Journals of 1852. Now what was there to change the constitutional course to be adopted in 1854 from that pointed out by the hon. member in 1851. He (Mr. J.) was quite prepared to send the speech of the hon. member in 1851 forth to the country as the answer to the speech delivered by the same hon. gentleman during the present debate. The Attorney General had said during this debate, that he was glad the Royal assent had been withheld from the Bill abolishing Judges' fees. Now were this vote to rest upon that declaration alone, it was sufficient to condemn the present Government. They were not only responsible for the acts of the Governor, unless they repudiated those acts by immediate resignation, but for the acts and declarations of each member of the Government, when made or done in his political character, unless they at once caused him to resign, or resigned themselves. The Attorney General's declaration was but in accordance with his universal conduct and feelings. He had taken office upon being assured that the despatch of the Colonial Minister prevented the fair and legitimate action of the Legislature in reference to salaries of present incumbents, the ground upon which a liberal would refuse to take office. He had during his long political existence opposed the introduction of Responsible Government, and when he consented to take office under this system, commenced his career by making it a condition that it must be carried on subject to the dictation of a Colonial Minister three thousand miles away, irresponsible to the people he sought to govern, and ignorant alike of their wants and feelings; and he had ever met those measures required by the House and country, but to which he was individually opposed, by the oft repeated argument of despatch law. On the very Bill referred to he was one of the minority of four, and openly rejoiced in the face of the Legislature and country that their doings in a mere local matter had been vetoed by a despatch from Downing Street. He professed to govern according to the well understood wishes of the people of New Brunswick, and told the assembled representatives that he was glad the minority had been backed up and the majority defeated. If he were right in his opposition why did he not take the responsibility of advising the Governor to reject that bill, and if that advice were

disregarded resign his seat in the Executive, this would have been constitutional and disinterested, but to remain in a Government which had sanctioned the bill and then rejoice in its defeat did not appear to him (Mr. J.) an act of political consistency or disinterestedness. He would not enter into minor questions, other things innumerable might be urged, and much had already been alleged by other hon. members to prove the two first objections as to doing and leaving undone, but that there was no political health in this Government must be evident. It was composed of heterogeneous material, nothing but the pressure from without had kept them together, fear of the opposition and self preservation had been their sole bond of union; look at their Election Bill, a Government measure proposing to deprive the House of its first and dearest privilege, the sole right of determining who should sit among them, and to refer all contested elections to Government nominees; then the question of franchise, whether freeholders or leaseholders, upon which they divided among themselves; and next the vote, whether open or by ballot, the Government again dividing on the ground that it was an open question and these but matters of detail. If such were mere details, where in the name of common sense were the principles of the bill? these, in fact, were the only vital points, and all else on which they agreed but matters of detail, and when the ballot was carried the Attorney and Surveyor General at once declared their opposition to the bill, and professed to avoid defeat by reporting progress to kill their own measure. Take the Militia Bill of last Winter, announced as an important Government Bill, and when a large majority determined against it, shelved by its originators upon a motion to report progress; in fact every measure introduced had proved a failure, and their political discord was evidenced by the Attorney General joining in 1851 a government which he had on the hustings, in June previous, denounced as politically dishonest; again in August 1851 the Surveyor General and his hon. colleague (Mr. Gray) joined this Government which they had been elected to oppose, and which they had opposed in two votes of want of confidence in February and April previous.

This would be a proud day for New Brunswick, and whatever might be the fate of a new administration, responsible government would be a fixed fact from this day, no Government would hereafter dare to meet the people's representatives unless they were prepared to support their rights and liberties. He (Mr. J.) had been called a republican by the tory press, on the contrary however he was so much attached to the British constitution that while he claimed nothing more he would be content with nothing less. He sought the same rights for Her Majesty's subjects in New Brunswick which they possessed in the mother country. Let the people resist the aggressions of an irresponsible Colonial minister at the outset, and he must give way; but if they were submissive the grounds for dissatisfaction would increase—the difficulties would accumulate, and a feeling of resistance might at length be raised which neither concession could assuage nor force remove; let those

who now boasted of a loyalty which run counter to their reason, who cried peace, peace, when there was no peace, take the responsibility if they opposed the just rights of a free people. Loyalty was no where to be found stronger than in the breasts of our New Brunswickers, but that feeling which would close our ears to reason, and our hearts to love of Country and of liberty, was mere truculence; there was no desire on the other side of the Atlantic to make us less than British subjects, all aggressions must originate on this side, and being endorsed by some underling in Downing Street, came back upon our people, and would so continue, until we resisted in the only constitutional way, by holding the local government responsible. What was the language of Lord Durham on this subject, "It is not, said he, in the terrors of the law, or the might of our armies, that the secure and honorable bond of connexion is to be found; it exists in the beneficial operation of those British institutions which link the most development of freedom and civilization with the stable authority of an hereditary monarchy, and which, if rightly organized and fairly administered in the Colonies, as in Great Britain, would render a change of Institutions only an additional evil to the loss of the protection and commerce of the British Empire." Such had been the language of an experienced British Statesman, speaking from actual observation in the Colonies, and such was the feeling of every true liberal in New Brunswick. If there was one thing more powerful than another in cementing the Colonies to the mother Country, it was the full establishment of responsible government, because, thus would all grievances be redressed without any collision with the parent state; while the local Government were irresponsible, all grievances were at once attributed to the Home Government, and the people saw no remedy short of redress from the Sovereign; let them once feel that the Governor like the Sovereign could do no colonial wrong, that they could only be injured by their own consent in supporting a colonial administration who inflict the injury, and all feelings of bitterness would loose themselves ere they reached even the Sovereign's representative, the injury would be redressed by removing the local administration. By this means would the bond of union be strengthened, and the connexion perpetuated; by this means would our people be satisfied that with the love of Country, they had a share in the honor, glory and protection of the British Nation, and a beneficial interest in Her free institutions, and Her just laws. Affection and interest would be twin sisters, and the glorious fact realized that to be British is to be free. Nor did he deem it disloyal to add that if the period should arrive, when in the course of things these Colonies increased beyond the size and importance of mere appendages, when the Anglo-Saxon race should overspread the world, and this Continent produce Nations, which might rival the mother Country in greatness, and the British Provinces become an independent Country, it would add lustre to the British glory, and aid in the advancement of liberty, morality and religion—in a word, Great Britain,

long the mistress of the world, would thus prove herself the nursing Mother of Nations.

N. B.—Mr. J. quoted largely from an article in the Colonial Magazine, entitled Sir Charles Metcalfe in Canada, but we have omitted the quotations for the sake of brevity.

Thursday, 26th October.

Mr. Connell said he did not think it was the wish of the Imperial Government to interfere with this Province in the management of her local affairs, and whenever any thing of the kind had happened it was the fault of our own Government, who, for the sake of clinging to their places, had sacrificed the rights of the people. It was for this, and for other charges brought against them, that they were now arraigned and put upon their trial. With respect to their measures during the last four years, he considered them most culpable for abandoning the Election Bill. It had caused the evils that are now apparent, and the time of the House would be taken up in trying the scrutinies that were demanded, instead of proceeding with the business of the country. Then there was the School Law—a law that worked badly, and gave great dissatisfaction throughout the country. It had been said, during the debate, that the large amount of money placed in the hands of the Executive at the last Session, was tantamount to a vote of confidence. He denied it—it was a work of necessity, and not of choice. All the Government had done during the last three years had been dragged out of them by the people, and now, should they find a majority against them, they ought to see at once that public opinion condemned their conduct, and they ought to retire. An hon. member had stated that they had established a Board of Works, and he took it as one good cause of complaint at their conduct. He did not think it right to pay a member of the Legislature to travel through the country to investigate the state of the bridges, and decide what should be done; and he was glad to see an hon. member (Mr. Cutler) prepared with a Bill not to allow any public officer—the members of Government excepted—to hold a seat in the House. He hoped the Bill would pass, and be carried into effect. He next came to the financial state of the Province. Some check was required, but the present Audit Office was found to be no check at all. He was one of the Committee on Accounts last Session, and on the 8th of March Mr. Cutler, Chairman of that Committee, moved the following Resolution:—

“*Resolved*—That an humble Address be presented to His Excellency the Lieutenant Governor, praying that His Excellency will be pleased to cause to be laid before the House a list of Warrants drawn on the Provincial Treasury during the years 1851, 1852, and 1853, and also up to the 31st January, 1854; the same to be classified as follows, viz:—

“ Warrants drawn under Legislative enactment.

“ Warrants drawn under Special Acts of Appropriation.

“Warrants drawn without any authority of the Legislature, giving the names of parties in whose favour these Warrants were drawn respectively, and the services.

“Also—a return from the Central Bank, giving a detailed statement of all moneys drawn by order of the Government, with the names of the parties in whose favour, and the services for which such sums were drawn, and for which Warrants were subsequently issued; the return to extend over the same periods, 1851, 1852, and 1853; also to 31st January, 1854.

“Also—a statement of all sums advanced by Banks to any Public Officers on the faith of Public Grants made or to be made at the instance of Government, and which now stand charged against the Government or any Public Officer.”

This was simply an application for information it was necessary the Committee should have. Messrs. Cutler, Ryan, and English were appointed a Committee to wait upon His Excellency with the Address; and what was His Excellency's reply: His Excellency was pleased to say, “He would have much pleasure in complying with the wishes of the House *so far as the information can be obtained.*” Now, would any hon. member of the Government tell him that the whole of the information sought for could not be obtained? The House ought to have been furnished with the whole, and when a part of it was kept back the Government best knew for what reason. The Committee reported on the 29th of March—[Here the hon. member read the Report from the Journals, page 235.] Was there any thing wrong in that Report? Was it not a plain, unvarnished statement of facts? And yet, when Mr. Cutler moved that the Report be adopted, the hon. Provincial Secretary said it would amount to a vote of want of confidence in the Government, and that if the House adopted the Report he would resign. He (Mr. Connell) had returned to his constituents since, and they had testified their approval of his conduct by re-electing him; and he found much dissatisfaction prevailing at the attempt to concealment by the Government, in withholding public documents from the House. He hoped the new Government, whoever the men might be, would act differently. Some of the members of the present Government were his personal friends, but when public men do wrong they must take the consequences.

Mr. Harding said that they had now been four days in debate, and it was probably the most important debate ever witnessed in that House. The argument made use of by the Government was, that the Legislature was summoned for a special purpose, and that the present debate was interfering with the business of the country. But he contended that there could be no better time for discussing the subject than under consideration; they did not interfere with the business of the country, except so far as the members were personally concerned; they did not prevent a ship from leaving the harbour when she was ready to sail; and the Government could not show that the business of the country would suffer in the

slightest degree by deciding the present question previous to passing the Reciprocity Bill. Then they had objected to their being judged so hastily by young members, who were inexperienced, but that objection could not apply to him, who had been in the House for years; nor did he think the new members were so very ignorant in politics as the Government would have them believe. As to the story that a paper had been handed round, and that many of the members had signed it, he considered it a paltry thing for the Government to drag into the debate. They had a perfect right to sign a paper if they choose, and the leaders of the opposition had a perfect right to lay down a platform, and ascertain how many members would adhere to it, before attempting to overturn the Government. The Hon. Surveyor General had pleaded in justification, that since he first joined the Government, he had been twice returned by the County of Saint John. But that was no test. A large portion of the constituency voted without any reference to politics, and many who voted for the Hon. Surveyor General also voted for him (Mr. Harding.) Probably they wanted to return men of different politics, in order that they might watch each other. He believed the Hon. Surveyor General had given very general satisfaction in the department over which he presided, but they were not trying him for his conduct in that capacity, but for his conduct as political Surveyor General. When the hon. member spoke of his hon. friend (Mr. Ritchie) as having been returned by a majority of one, and that majority got by one man voting for him three times, and another twice, he ought to have had the candour to add that those votes were struck off on the scrutiny, and that his hon. friend was then returned by a majority of seven. However, the House had nothing to do with that question—the Government was being tried by the House, as it happened to be constituted. In regard to railways, the House had passed several Bills introduced by the Government, as they wanted to get hold of the bag of gold held out to their view; but the gold eluded their grasp, and then they were obliged to bring in English capitalists to assist them. Then the hon. member of the Government (Hon. Mr. Gray) had alluded to the Reciprocity Treaty, and taken credit to the Government for what they had done to forward it. The measure was first moved in Congress in 1818, by Mr. Grinnell, when Canada immediately sent a Delegate to Washington to urge its adoption, and had kept an agent there nearly all the time since. But what had the Government of this Province done? The Hon. Attorney General, in a speech he delivered in the House in the Session of 1853, said the Government had done all they could in favour of the treaty, and stated that by order of the Imperial Government they had sent M. H. Perley, Esquire, to Washington, to confer with Mr. Crampton and the American Secretary of State. Now, Mr. Perley was well versed in the history of the Province, and its geography; he knew every stream and lake in it, and where the best trout could be caught; but it was impossible he could possess a knowledge of

commerce necessary to enable him to negotiate a commercial treaty properly. Last year the House stipulated for a right to the American coasting trade, and the right to register ships in their ports, in exchange for our fisheries, but the treaty was concluded without giving us either: our fisheries were gone for nothing, after all the cost of protecting them. He should vote for the Reciprocity Bill nevertheless, as he would not refuse to accept of what had been secured, merely because we had not got all we ought to have had.

Mr. Botsford would probably not have risen were it not for some remarks that had fallen concerning a near relative of his. The hon. mover of the amendment had thought proper to eulogize him, and allude to the circumstances connected with his retirement from the Bench; whereupon the Hon. Attorney General had taken occasion to assert that Judge Botsford resigned unconditionally. This he (Mr. B.) as positively denied, and he was borne out in his statement both by Earl Grey and the House of Assembly. In reference to what had been said about the young members being too inexperienced to take up a question so important as the one then under consideration, his reply was that they studied politics at home, and qualified themselves to hold seats in the House by that study, and by paying proper deference to the opinions of the people (hear, hear.) As to their organizing, he denied the right of the Government to question them about it; it was a privilege recognized wherever representative government prevailed, and was practised wherever it was considered necessary. He was not aware that supporting or opposing the Government was made a question of in any County, at the last general election. It was not made a question in Restigouche, and if it was, his hon. colleague (Hon. Mr. Montgomery) could be returned as often as he offered, such was his personal popularity. He, therefore, considered the fact that all the members of the Government were returned, as one not bearing on the present question. He (Mr. Botsford) had made no pledges, either verbal or written, but there was an implied pledge which he considered equally strong and binding; it was that he should do his duty whenever a constitutional question came up, and preserve the people's rights; and that pledge he was determined to keep (hear, hear.) With regard to railways, living as he did at the extreme north, he did not understand the southern policy, but he could not avoid thinking it selfish. Had they accepted the loan for the Halifax and Quebec Trunk Line, when it was offered, the road might have been nearly completed by this time, but instead of that what had they got? Three or four miles laid down, betwixt the waters of the Gulf and the Bay of Fundy. As to the appointment of the present Chief Justice and Judge Wilmot, he considered the act unconstitutional. The Government might plead a previous trial and acquittal, but the plea would not hold good, as a portion of the evidence had been then kept back. The Government were clearly guilty of sacrifi-

cing the people's rights when they did not resign. And as to the measures they had introduced, he gave them no credit, for they were forced on them by public opinion. The Election Bill was one of their measures, and then they split among themselves—the ballot was introduced by the vote of the Hon. Secretary, and the Bill was then abandoned by the Hon. Attorney General. He considered the Government chiefly guilty of sins of omission, and believing a change necessary, he would vote for the amendment.

Mr. End said, were he to consult his own feelings he would not speak on the question then before the House, but he was placed in a position where it would be expected he would say something.—He sympathized with the Government, some of them were old members of the House, with whom he had been on terms of intimacy many years ago, and if they had forgotten him he had not forgotten them, and if he ever spoke of them complainingly, and in anger, it was still more in sorrow.—He had not forgotten that he sat in the corner to his right for twenty years, enjoying the confiding of the people, before he was driven to seek his living in another country. He and the Hon. Attorney General had long fought side by side, and were on terms of intimacy and friendship.—He was also on intimate terms with the hon. member for Restigouche (Mr. Montgomery), and with a gentleman now in the Upper House, and it was very painful for him to oppose them; but he thought it very hard, when he was driven to another land to seek his living, for them to frame an Election Bill, containing a clause that would fit no other skull in the world but William End's (loud laughter). There was a section in that Bill that would, if carried, prevent him coming back to his old seat if a chance was offered him; it would exclude him from the House, because he resided in another Country. It would have been supposed that they would be glad to see him return and take up his residence in the Province again, but they inserted a clause in the Election Bill that would affect no person living but him. It had been urged against him that he had made application for naturalization in the United States.—What then? Who would not become naturalized in the country that afforded him protection?—What did a gentleman who was now in an official situation up-stairs tell them some years ago? He told them that if they did not give him the office to which he thought he was entitled, he would go and plant corn on the Potomac. What difference did it make as to where a man lived, when it was a British principle that "born a subject, always a subject." No man born a Briton could ever shake off his allegiance to his Sovereign; but in this Province the Government attempted to reverse the rule. "In Heaven there was joy over one sinner that repented," but here they would exclude a man for one sin. He had no idea of offering as a candidate for Gloucester at the last election, until he received a telegraph despatch, informing him that a numerous signed requisition was got up to him. Even then he declined at first, but he was requested to go to the telegraph

office and converse with a gentleman then in Miramichi; he did so, and after considerable talk over the wires he consented to be put in nomination, and to come on. His reception was an ovation, and he was returned by a large majority—by over a two-thirds vote (laughter). He did not know that he received any opposition from the Government, directly, but he was opposed most strenuously by the late member (Dr. Gordon) whom the Government had just appointed to the Legislative Council, and by every official in the County. The Government were in the same position as the man who kept a cross dog that bit people. The man might say, “I’m sorry for it; I do’nt want him to bite any one;” but the question arose, what right a man had to keep a dog to bite his neighbours’ shins (laughter). One powerful firm in that County had exerted all their influence to keep him out, and had even gone so far as to threaten the poor French women, from whom they purchased socks, mittens, &c., that they would deal with them no longer if their husbands voted for these fellows—meaning himself and his hon. colleague. The chiefest thing complained of in Gloucester was the tyranny of the firm of Ferguson, Rankin and Co. If any poor settler dared to act independently, he was crushed: that firm exacted exclusive dealing with every one in their power, and fixed the prices. Their whole cry, and their whole policy was to compel the people to bring grists to the mill—to the mill—to the mill. The Hon. Attorney General had alluded to something it was reported he (Mr. End) should have said on the hustings, at the last election for Gloucester. He was not aware that he had said anything very bad about the hon. gentleman; if it was political, he had a right to make remarks upon the political conduct of any public man; and if the remarks were personal this House was not the proper place to settle the affair. He (Mr. End) was not always in favour of responsible government, but having seen it working in the United States, he was now a thorough convert.—He came to Fredericton with his mind fully made up as to the course he would take, and shortly after he met in caucus with other members of the Opposition, and he contended that they had a right to do so. He did not know how the secrets leaked out, as they sat with closed doors, but perhaps it was in a manner similar to the secrets of Cabinet Dinners leaking out—the waiter or the butler listened, and told what they heard. The Government of course, had their secrets, but they complained that the Opposition were united, and had determined upon the course they would adopt.—They wished to drill the House to suit themselves. They reminded him of a Colonel who used to ride along the front of his men and harangue them, and then say—“now form a solid square, you rascals!” (laughter). He would only make one or two remarks in reference to Sir Edmund Head. He was gone where they would soon teach him better manners, or they would put Canadian canthridides upon him, which would soon raise a small blister (laughter). Sir Edmund was like fighting Addy, in Paul Clifford. When he met a gentleman on the highway he stopped him and said

“ deliver, or go to hell.” Sir Edmund had spoken in similar terms to his Councillors, and they ought to have gone—not to hell—but to the people. But they shrunk from doing so—they delivered; and now the House would make them deliver up the confidence of the people, formerly placed in their hands. It was time those arbitrary acts on the part of a Governor should be put a stop to. How was it here a few years ago? The country was governed by an Oligarchy: men used to enter the Council Chamber on their knees; he had seen it; but he did not know whether they kissed the Governor’s toe or not (laughter). He would quote from a work he held in his hand, an excellent description of the system of Government that prevailed in North America a few years ago.—[The hon. member then quoted from *Fraser’s Magazine*.]—With regard to the Treaty, he believed it would prove highly advantageous to the Province. It did not give New Brunswick all she ought to have, but let them take it as it was, and trust to the spirit of the times, and the good sense of the Americans for more. He was sorry, however, to hear an hon. member refer to Grinnell’s Bill, as he was a man who was far from being respected by Congress. A few years ago, when a vessel called the Creole was conveying slaves down the coast, they murdered the Captain and crew, and ran the vessel to one of the West India Islands; Mr. Grinnell then introduced certain resolutions in Congress which, had they been carried, would have caused a general rising of the slaves throughout the South, to murder their masters. Since that time Grinnell was generally looked upon as a man of blood, and had no influence in Congress. To return to the Treaty, let them accept of it. What did the Colonies give up that was of any value? Inland navigation was one thing, which did not affect this Province, and as for Canada it would have been better for her if she had thrown it open years ago, as it would have given her the carrying trade of the West. Then how was it with our fisheries? On the shores of the County of Gloucester the people had been fishing for the last fifty years; they were frugal and industrious—he was sure the French settled at Caraquet, who chiefly lived by fishing, were as hard working people as could be found anywhere—and they were no better off now than when they commenced. They were compelled to sell their fish to vessels sent out there by certain firms, and all the profits went to the Channel Islands. How was it in the United States? Some time ago he was called down to Cape Cod on business, and as he neared Plymouth he was astonished at the barrenness of the country. It was nothing but a sand bank that would grow neither tree, shrub, grain, or grass, even their water they have to bring from a distance, and yet the place was thriving, and the people contented and happy. They lived by fishing, but they had a good market for all they had to sell, and took them to market themselves, thereby securing the whole profit. Would it not be a great benefit if the Americans established fishing stations on our coasts? A few years ago an enterprising American started a grindstone quarry on the Gulf Shore, and now

he employs a great many men on it, thus giving employment to some, and making a market where the others could dispose of their goods. Thus would it be when this treaty would go into operation, Americans would come in here with their capital, and their energy, and immense quantities of fish, and every description of sawed lumber, would be sent to the United States, giving employment to, and enriching our people. He did not know what the Government of this Province had done towards effecting this treaty, but if they had done any thing they deserved the thanks of the country for that act. But they had acted unconstitutionally in submitting to be dictated to by the Governor, and he would vote against them if it was only for what the Hon. Attorney General had said respecting the Judges' fees. He was astonished when he heard the leader of the Government say he was glad the Home Ministry had advised Her Majesty to disallow a Bill that passed this House by a large majority. It had been hinted that if the amendment be carried there would be a dissolution of the House; but let no hon. member be deterred from doing his duty by a threat of that kind. His Excellency's father had been a politician, and His Excellency himself had been a member of the House of Commons for years, and he knew better than to identify himself with a prostrate party (hear, hear). They asked for nothing new; they merely insisted that the Government should be carried on in accordance with the charter granted several years ago. He believed that this country was as good as any other, and that peace, plenty, religion, and liberty would shine refulgent here as elsewhere, if the people were true to themselves. His heart was the same as ever towards his old friends, but he found himself constrained to support the amendment; and if it was not strong enough to upset the Government—as those who *would not* understand it had stated elsewhere—let them add an *ergo* to it, in this way—“and *ergo* (therefore) the House has got no confidence in them.”

Mr. English appealed to hon. members who were in the last House as to the consistency of his conduct ever since he had been a member. He opposed the Government honestly and fearlessly when he thought they were wrong, and supported them cheerfully whenever he thought they were right. One of the principal charges he had to make against them was their neglecting to bring forward and endeavour to pass a new Election Bill, they being fully aware of the evils arising under the present law. They might frame what excuses they chose, but the scrutinies demanded in connection with the last election arose from their neglect, and nothing else. He had cautioned them, and told them that he would oppose them if they did not do better, and now the time had come. In reference to the Treaty, he thought that by proper management the Provinces might have obtained greater advantages; still he was ready to support the Treaty as it stood, as it would open up an immense trade to the Colonies. He believed that in a few years the quantity of sawed lumber, agricultural produce, and other things sent

by New Brunswick to the United States, would be so great that the exchange would be in our favour, and that instead of drawing from us we will be drawing from them. He would not, like other hon. members, enumerate the faults of the Government; there were charges enough against them in all conscience. (Hear, hear.) He would support the amendment without any reluctance, for the Government, judging from his past conduct, could not have expected his support.

Mr. Tibbits would not go through a history of the Government's misdoings, as that had been already done by abler men; but he had one charge in particular to bring against them, and he was one of the sufferers by their misconduct. The Government had collected £10,000 from those who lumbered on the Disputed Territory, which they called "The Disputed Territory Fund," and when this money was collected, it was distinctly understood that all collected for timber cut on that part of the territory which might ultimately be awarded to Canada, should be refunded. The Bonds were all given to that effect. After the settlement of the Boundary line, finding that he had paid into the fund a large amount for timber cut in Canada, he applied to a Member of the Government for repayment, when he was told that he would never get a shilling, and that it was never the intention of the Government to refund any part of it. Now, what had they done with this money extracted from the pockets of poor men under false pretences? He was informed that the £10,000 were all gone. £7,000 of it was spent on the Boundary Survey in the Summer of 1853—or rather squandered, for it never could have been spent on the survey—and even the Governor's expenses to Canada were paid from this fund, (Hear, hear.) Here was a distinct charge against the Government, which he defied them to meet. It had been rumoured lately that in consequence of the free exportation of American lumber under the Treaty, the Government contemplated reimposing the stumpage duty. He hoped that was not the case, for besides being exceedingly oppressive on the lumberer, the amount collected would be nearly all spent on Government hirelings. If the Treaty could not be effected without abolishing the duty on American lumber, he was willing to submit to it, but let them not re-enact the stumpage duty regulations.

Mr. Taylor said as it was only American lumber that would be free of duty, and that was free now, when exported to the United States, the loss to the Revenue would not be serious. With respect to the working of responsible government, the doctrine he held was the doctrine laid down by Lord Durham—that the members of a Government should be tried by their respective constituencies. The members of the Government here had been so tried, and what was the result? In Saint John the Hon. Provincial Secretary had been returned far ahead of all the rest—the Hon. Surveyor General and his hon. colleague (Mr. Gray), stood second

and third on the poll, while the hon. member of the Opposition (Mr. Ritchie) barely got in. In Sunbury an hon. member of the Government was returned at the head of the poll; the same thing occurred in Restigouche, and the Hon. Attorney General stood second on the poll in Northumberland. That was the proper way to try whether the Government possessed the confidence of the people or not—it was not for the House to try them (laughter). He had heard many frivolous charges against the Government, about their exercise of patronage, &c., but it was not possible for them to comply with every application. Sometimes, perhaps, the applicant would rather be rejected than not (hear, hear). The only charges proved against the Government were those in reference to the appointment of the Judges, and that happened before the last House ever met, and had been brought up and fully discussed several times, and before several members of the present Government had joined it. He believed the present Government were as good, and as much inclined to do the country justice, as those who would succeed them, were they turned out. What sort of an Opposition could they be, when they canvassed hon. members this way—“vote with us to overturn the Government, and *your* friend shall be taken care of?” and to another, “go with us and something shall be done for *your* friend!”—(Cries of “name! name!” and “I made no such canvass” from Messrs. Fisher and Ritchie). He (Mr. Taylor) did not like to name, but he had heard it from a source entitled to credit. He saw it was of no use to debate the subject longer, but he would oppose the amendment.

Mr. Cutler said—I rise, Mr. Speaker, under circumstances the most disadvantageous to my purpose, as in this late stage of a protracted discussion, I need hardly expect to command the attention of the House at any great length; at the same time I hope for the indulgence of hon. members while I put before them my views on the important question now under consideration. This indulgence is also necessary so far as myself and constituents are concerned. When I went to the hustings in June last, and met the electors of Kent, no question respecting the Government came up that I remember. At all events, no pledges were asked of me, and none were given by me. The result of the election shewed they were satisfied with my course for the past four years, as they again gave me a large majority without a pledge. It is, therefore, due to them, and also to myself, that I place before them the reasons which *influence* and *rule* me in the vote I give this day. Sir, it will excite no surprise when I state to the House my determination to vote for the amendment. For the last four years my opposition to the Government has been uniform, steady and consistent. Not that opposition which is sometimes designated factious, but *what* influenced me is, I believed, and am prepared to show, most unanswerably, the general policy of the present administration, is, and has been, adverse to the general interests of this Province.—Sir, the first point which I intend to take up, and investigate, and

which has already been reviewed by other hon. members, is the Judicial appointments made in 1850. The Hon. Attorney General sought to escape the infamy of that transaction, by pleading "they were not then in the Government"—but could they shew that the Government of 1850 had expiated their crime before the Hon. Attorney General and his *confreres* joined them? No. But I can shew that the Government at the present time is essentially the Government of 1850. The administration, which in the year 1850 made that *unkholy*, that *satanic* invasion of our constitutional rights and liberties, is the same Government in all its essential qualities that we are about to pass sentence upon at this time. True, Mr. Speaker, new men have been introduced into the Ex-Government, but the *ruling elements* which have directed the public affairs of this Province since 1848, and long previous, giving life, configuration and character to the Government, are before us to-day. The Hon. Attorney General may imagine his taking a seat at the Council Board altered the character of the Government. Some might suppose the introductions of his hon. friend the Surveyor General and the hon. and learned member from the County of Saint John (Mr. Gray), and the gallant Colonel Hayward, gave a new character to the Government. Such, however, is not my opinion. In no important point has the Executive administration changed since 1848. Since that time the destinies of the Province have been in the hands of Messrs. Chandler, Partelow, and Hazen; and the advent of Messrs. Wilmot, Gray, and Co. went rather to fortify their position, by bringing a new element of strength, than to change in any respect the character of the administration. The Government of 1850 was, therefore, essentially and practically the Government of 1854. The men who rule now, ruled and gave tone and character to public measures in 1850, when our constitutional rights were invaded by a Lieutenant Governor. The men who influence the Councils of the country this day, are those who in 1850 allowed Sir Edmund Head to place his *foot* on the neck of their prostrate, recreant bodies, while with his *hand* he wrote that recommendation, or despatch, which must for ever stamp them as the mean and servile creatures of a man, who since the days of the infamous Stafford, has no parallel in British history. Upon the ground alone then, of their abandonment of the great constitutional principle, in tamely, and basely submitting to the insolent dictation of a Lieutenant Governor; the unabashed enemy of popular rights, the Government, in his mind, stood condemned, and if no other reason could be shewn, this was more than sufficient.—Sir, the next subject to which I desire to call the attention of the House, as being an emanation of the Government, is the "Municipal Corporation Bill." The moment I saw that ponderous measure on the files of the House, my mind was made up. "An enemy hath done this." At the first glance I saw that the Government, acting under the pressure of public opinion, must do something, and that *something* proved to be what must disgust the people with Municipal Institutions or local self-government. The character of that

Bill, with its innumerable portents of taxation, oppression, local tyranny, &c. &c., was calculated to create alarm and terror throughout the country. Let me be understood—I don't mean to accuse the Hon. Attorney General of deception, or tergiversation in the framing of that Bill. I believe him incapable of any conduct but what is honorable in the highest degree—but, Sir, there was some *Tallyrand* behind the scenes—some person, not a member of this House—perhaps—infusing into that measure, a moral, a political *Hebanon*, which would so operate on the public mind, as to protract the introduction of local self-government indefinitely. Such is my opinion, and this is not the first time I have stated it on the floor of this House. When that Bill was under consideration, the Liberal party, with whom I had the honor of being connected, decided to take the mis-shapen monster up, and mould it into shape, and comeliness.—Such, Sir, was not my view of *our* duty at that time. I then stated to the hon. and learned member from St. John (Mr. Ritchie) that in my opinion, we should destroy it *then*, and *there*. The way I proposed doing so, was, by the aid of our enemies. There were several antiquated gentlemen in the House, who could not conceive it possible that *men could govern themselves*, that men or society could exist without the aid of General Sessions of the Peace. To every thing like reason, or argument, they were perfectly impenetrable. The Government, whose creatures they were, found them on this point, intellectually, of *Rhinoceros* make. As well might you attempt to “poultice the hump off a Camel's back,” as to reach their understanding by reason or argument. What I proposed to the then Leader was, to move the further consideration of the Bill for six months, and carrying these old gentlemen with us (as we certainly must) we would hurl it out of the House, and thus be clear of it for ever. This was not acceded to, and the measure is before the Country, and notwithstanding all the labour bestowed upon it by the Opposition, it is, perhaps, as *perfect* and *harmonious* a piece of ignorance and stupidity combined, as can be found on our Statute Book—but viewing it as an emanation of the Government, it affords an additional reason why they have not my confidence. Sir, my next ground for hostility to the present administration is the Election Bill introduced by the Hon. Attorney General in 1853, which reached a certain stage, and there abandoned, by friends and enemies. For years past there had been a cry throughout the land for a change in our Electoral system. So loud and imperative was that cry that Government felt themselves compelled to move in the matter. Accordingly a Bill was brought down here by the Government. When it was introduced and I saw the leading provisions, I begged of the Hon. Attorney General and my hon. and learned friend from St. John (Hon. Mr. Gray) to adopt, and embody, certain principles in that Bill, which could not fail to strengthen their position, and make them popular throughout the Province; at the same time forewarning them that if the Bill was passed as it then stood, it could not

fail ultimately to damn them and their administration. My advice, which surely indicated no factious hostility to the Government, was disregarded; and the result has been exactly as I foretold. Sir, without pausing to scrutinize the general and minor points of odiousness in that measure, its most hideous feature was that all election scrutinies should be passed upon, and determined by the nominees of the Government. Who but the members of the present Government could have dreamed of the fatuous attempt of transferring the privileges of this House to the Ministers of the Crown? Such an insatiable thirst for power, such an unmasked attempt to centralize in the Executive Government the powers hitherto exercised by the Representatives of the People, is without parallel or palliation. I will now direct the attention of the House to the "Bill for reduction of Salaries of certain Officers." Near the close of the Session of 1851 a Bill was brought down by the Government under this title. It was apparent to the most superficial observer that this was a mere conciliatory move, a kind of salvo, a something to meet the public demand. After some discussion it was moved to postpone the further consideration of the Bill, and with this I entirely agreed, as the House was then on the point of *rising*, and time was required to deal with the great questions, growing out of such a measure. We were, however, assured in the most solemn manner, that the question was to be taken up at the opening of the next Session of the Legislature. Sir, since that time I have never heard of the Bill or of the reduction of official salaries further than suggested by some members of the Government "that official salaries *ought* to be graduated on a sort of 'sliding scale' commensurate with the high prices of provisions and wages, which these POOR PAID officials are subject to provide for." Here then, Sir, is a fourth ground on which I base a "No Confidence vote against the Government." The next subject in order is the "Judges' Fee Bill," for the loss of which I hold the Government responsible. This Bill was brought in early in the Session of 1851 by the hon. and learned member from Saint John (Mr. Ritchie,) and passed this House by an overwhelming majority; and also went through the Legislative Council, but was subsequently refused the Royal assent. The fate of that Bill, Sir, affords a most melancholy negation of the practical existence of Responsible Government in this Province. What a cutting satire on the boasted attachment of certain members of the Government to constitutional principles, does the defeat of that Bill present! The cause of the Royal assent being withheld is enveloped in no mystery. It stands on the Journals of this House—a *blot* in our History--The *Judges' Letters addressed to Her Majesty*. The refusal of the Royal assent was in direct violation of our constitution, as laid down by Lord John Russell, and also by Earl Grey, in his Despatch of March 1847, and adopted by this Province in 1848. I wish to be understood as imputing no blame to the Colonial Secretary. I, Sir, never have, I never will consent to make that office the scape-goat for Provincial knavery, and

Colonial mal-administration. Whenever our constitutional rights have been interfered with by the Imperial Government it is justly attributable to representations and Despatches sent from this side of the water, bearing an official character, or otherwise. The defeat of the Bill in question (*by the Judges' Letters*) may be taken in confirmation of this. Sir, great pains is taken to examine and define the constitutional rights of the people of this Province, and lengthy Reports, and wordy Despatches are read in elucidation of the subject. But if a Despatch had never been written, it is our undoubted right to manage our own local affairs. The charter of our liberties is not to be found on musty scrolls, and parchments, mouldering in Downing Street, nor in "Colonial Office Despatches," filed away in the "pigeon boxes" in the Clerk's Office at Fredericton. These rights and liberties are ours by inheritance; and appertain to us in right of our existence, and the guarantee for their continuance and safety is, they are laid deep in the hearts of the people of this country. In speaking of our rights I can never use the term *concession*. I dislike the word, Sir, as in any way applicable to, or connected with our rights. And here let me say, the right of self-government, or responsible Government, is no new or remarkable discovery—the right was always ours. We, perhaps, forgot it (having ceased so long) to use it: or perhaps grown up under a system of idolatrous veneration for authority, it never occurred that we had rights, only as they were *conceded* or given to us by those in power. Sir, an Englishman is an Englishman all the world over. By an Englishman I mean men of the British Isles. The Anglo Saxon race, and it is a remarkable characteristic of that people, that, wherever they have been sent, or, wherever they have chosen to settle, they have carried with them the freedom and institutions of the mother country; and more than that, they *would* exercise those rights and those liberties (hear, hear). This does not apply to the 19th century only—and to show this I will take the liberty of reading an extract from a Patent given to the Earl of Carlisle when he went out as Governor to the Island of Barbadoes in the year 1627, in the reign of Charles the First—the Monarch who afterwards lost his life on the scaffold by a wicked attempt to trample on the rights of the people, and extend the Royal Prerogative. It runs thus:—

"Further know ye, that we, for us, our heirs and successors, have authorized and appointed the said James, Earl of Carlisle, and his heirs (of whose fidelity, prudence, justice, and wisdom we have great confidence) for the good and happy Government of the said Province, whether for the public security of the said Province or of the private utility of every man, to make, erect, and set forth, and under his or their signet, to publish such laws as he, the said Earl of Carlisle, or his heirs, with the *consent, assent, and approbation* of the inhabitants of the said Province, *or the greater part of them*, thereunto to be called, and in such form as he or they, in his or their discretion, shall think fit and best."

Let me ask is there anything of *concession* in this? Further—

“ We also, of our Princely grace, for us, our heirs, and successors, straightly charge, make and ordain, that the said Province be of our allegiance, and that all and every subject of leige people of us, our heirs, and successors, brought or to be brought, and their children, whether then born, or afterwards to be born, become natives and subjects of us, our heirs and successors, and be as free as they that were born in England; and so their inheritance within our Kingdom of England, or other our dominions, to seek, receive, take, hold, buy, and possess, and use, and enjoy them as his own, and to give, sell, alter, and bequeath them at their pleasure: and also freely, quietly, and peaceably, to have and possess all the liberties, franchises, and privileges of this Kingdom, and them to use and enjoy as leige people of England, whether born, or to be born, without impediment, molestation, vexation, injury, or trouble of us, our heirs, and successors.”

This Charter shews Sir, that the people hold not their rights at the will of the Sovereign.—This Charter shews that the majority govern, and that the particular form or idiom is conventional at the will of the majority, that an Englishman in Barbadoes is as much an Englishman in all respects as free as though he resided in any part of the mother country, and above all, and beyond all, there is no talk in this Charter about *concession*. Sir, if we in this Colony fail to assert, and exercise our rights as Englishmen, the fault is our own—the fault is among ourselves. By our ignorance and apathy we may become the victims of interested men. Sir, I envy not the feelings of those men who could tamely submit to see the joint action of the different branches of the Legislature set at nought by the Judges of the land. Of what avail for the members of the Government to say they were not aware of the representations made by the Judges against the Bill. You, Sir, will remember in the Session of 1852 a similar Bill was brought in by Mr. Botsford, and a most tedious and lengthy discussion followed. I then said it was useless to legislate on the question of “Judges’ Fees,” so long as the Executive Government did not coincide. Mr. Speaker, had the Government desired to carry the measure it would have received the Royal assent; but I charge them *one* and *all* of *fraud* and hypocrisy (I mean political). Suppose, Sir, they were taken by surprise in 1851 by the “Judges’ Letters,” and they thought the Bill abolishing Judges’ Fees should become law, would they not have brought it down as a Government measure at the ensuing Session? Certainly they would. I said in 1851 it was useless to legislate in the matter of Judges’ Fees until the Executive Government took the initiation in the matter, that the Government was adverse to abolishing those Fees, and the more constitutional mode of dealing with the question would be a vote of want of confidence in the administration. The difficulty is in bringing people to their *senses*. We knew, or should have known, the Bill of 1851 was defeated by the negative or affirmative act of the Government, and in either case they were culpable, and the majority that would reiterate in 1852 what they declared in 1851, if they

were consistent men, should have supported a vote of "want of confidence in the Government." The period has arrived when I can say to them again, "you never had my confidence, and you never deserved it." Mr. Speaker, having proceeded so far, and having secured the *minds* of the House, I desire to call the attention of hon. members to the subject of the Audit Office and Office of Receiver General; and here I must beg their attention, as without care they cannot follow me through the explanations I wish to make. It will be in the remembrance of hon. members who were here in 1853, the difficulty which grew out of the mutilation of Public Accounts. In the Journals of that year on pages 274 and 275 will be found an elaborate Report of the Committee of Public Accounts, which is worthy the consideration of the country, shewing as it does the lax manner in which the people's interests have been attended to, and the shameless manner in which abuses have been *sturred over*.—The concluding paragraph in that Report is as follows, viz:—

"The Committee have arrived at the conclusion that the Offices of Auditor and Receiver General should be abolished; and the Committee deem it the duty of the Government, without delay, to adopt such measures as they may think most suitable for the future management and control of the Provincial Finances in prospect of a rapid increase of Revenue and of the heavy liabilities into which the Country has entered."

This Report was submitted to the House on the 25th April, and *accepted*. Now, let hon. members who are *young*, and don't understand a *dodge*, give me their attention, and the lesson may be useful. On the 29th April I moved the House in Committee of the whole in consideration of this Report. After a long debate it was moved "*that the Chairman leave the chair, report progress, and ask leave to sit again*." Now, here was the *dodge*—*no day to sit again* was named—and I found it after that quite impossible to get the House in Committee on the Report. Mr. Speaker, a knowledge of Parliamentary practice is not intuitive, at least not with me. With me, Sir, it is acquired by serious and painful labour—but the *ruse* has made an impression on my mind not soon to be forgotten. Notwithstanding the number of *old members* then present, not one had the candour to tell me the omission I was making—though I think all knew the sincerity of my purpose. The first year I had a seat in this House it was my good fortune to sit beside the Hon. and gallant Colonel Hayward, and *with him* I was always *safe*, but circumstances—say fate—placed him beyond my sphere. Now, if hon. members will extend their indulgence to me I will show them what followed. The following Session on 24th February, Mr. Cutler called the attention of the Government to a Resolution passed the last Session relative to the Offices of Auditor and Receiver General, and wished to know if the Government was prepared to submit to this House the present Session a scheme for the more efficient management and controul of the Public Finances as recommended by the Committee on Public

Accounts on the 25th April last? On the following day the Hon. Attorney General gave this answer to my enquiry:—

“The Government feel they have no power to move in the affair, however much inclined, until the initiation of money grants is placed in their hands.”

Now, Sir, here is an answer worthy of a Statesman—indeed! I should like to know what the initiation of money votes has to do with the recommendation of the Committee on Public Accounts, “that the Offices of Auditor and Receiver General be abolished?” Why, Sir, there is no more connexion between the two subjects than there is between the “Goodwin Sands Steeple and the Tenterden Steeple.” When the Hon. Attorney General gave his answer to my enquiry I saw (and not until then) the omission I had made, and resolved to repair it as soon as possible. I wish hon. gentlemen to bear *this* in mind—in 1853 *we* the Committee of Accounts recommended, for reasons set forth in the Report, which, I trust, honorable members will take the trouble to read, “that the Offices of Auditor and Receiver General be abolished.” The way the Government evaded the matter I have just shewn. On the opening of the Session in 1854, the Committee on Public Accounts in the course of their enquiry, discovered that a more enormous wrong had been perpetrated than that brought under the notice of the public the previous Session—the former was merely a *mutilation* of an authenticated public document, but the latter was the substitution of 23 new leaves in the “Auditors’ Report” on the Treasurer’s Accounts after it had been laid before this House by command of His Excellency. Mr. Speaker, I forbear to go into the *minutiæ* of the transaction, but I earnestly entreat hon. members who were not in the House at that time to read the Report of the Committee, submitted to this House on the 29th March last. The Report is full and gives data on which their conclusion is founded. The concluding paragraph says—

“With these facts before the Committee, and in the face of the Report of the Committee of last year (on the impropriety of any alteration being made in important Public documents after being laid before this House, without their sanction) and the body of evidence now before the Committee, as to the utter inefficiency of the present system of audit, they submit that the time has arrived when the Government should no longer permit such an important public department to continue in its present state, and they recommend that measures be immediately adopted to ensure a more efficient supervision of the Public Finances.”

Sir, after this Report was accepted it was determined they should not slip off so easily again; accordingly on the 25th April I moved the House in Committee of the whole in consideration of the Report, and after various resolutions bearing on the subject, the following was moved and adopted:—

“Whereas it appears to this House that the Office of Auditor General does not answer the public demands as an efficient check on the management of the Public Finances; therefore, resolved,

as the opinion of this House, that the Executive Government should so deal with the subject as to secure the public interest."

Sir, we did not stop here, for on the 28th April the House, on motion, addressed His Excellency, praying him to carry the resolution relative to the Audit Office into effect. And now, Sir, let me say, what has been done? Nothing, I say!—Nothing! The next subject to which I shall call the attention of the House is, perhaps, still more amusing and instructive than the last, as exemplifying the difficulty of contending with Parliamentary tacticians. I refer to the case of Deputy Treasurer Peters, Miramichi. For some years past it was quite clear that the Deputy Treasurer at Miramichi held in his hands something like £500 of the Public money. My attention was first called to the fact by John A. Beckwith, Esq., referring me to the Auditor's Report. In 1853, I, with others, determined to allow it to remain no longer. The Committee of Accounts in their Report in 1852, called the attention of the Government to the matter, but no notice was taken of it. By referring to the Journals of that year (1853) on page 266, you will find the Report of the Committee on Public Accounts. On the Journals of the same year, page 268, you will find the House in Committee on the Report, and the Report adopted by a large majority, declaring the balance due the Province, and in the hands of Mr. Peters, to be £519 7s. 1d. When this was accomplished, I, *simple* and *innocent* politician, thought my work was ended; and was pluming myself on the result, having brought an old sinecurist to book for £500 to £600. Some time after the opening of the following Session (1854), my curiosity prompted me to make some enquiry about that money—for I really fancied I could see his contortions at being compelled to disgorge. Accordingly I put the following question to the Government:—"Has any action been taken by the Government during the recess, relative to the balance in the hands of Deputy Treasurer Peters, in accordance with the Report of the Committee on Public Accounts, dated 22d April last?" Now, Sir, here is the Attorney General's answer to my enquiry:—

"First—The Government have not commenced any proceedings against the Deputy Treasurer at Miramichi, for the sum it was alleged by the Committee he owed the Province; for, although the Committee reported he did owe the sum, *they did not call upon the Government to institute* proceedings against him for the recovery thereof; nor did any *member of the Committee* move a resolution to that effect; the *Committee* merely reported what, in their opinion, was the fact, without *giving the Government any instructions* how they should proceed. If they had the Government would have been bound to execute their orders."

Mr. Speaker, this reply requires no comment from me, 'tis too transparent not to be seen through. Here I was again at "*fault*." Strange no *old* member had the candour to give me a *hint* and set me right; but, Sir, with a determination to repair the omission as

early as possible, and to leave the Government without excuse, on the 20th April I moved the following resolution :—

“Whereas by a resolution of this House, in Committee of the whole, at the last Session of the Legislature, ‘affirming the Report of the Committee of Public Accounts,’ it was declared that the Hon. Thomas H. Peters, Deputy Treasurer at the Port of Miramichi, held in his hands, in excess of his salary, as allowed by law, the sum of Five Hundred and Nineteen Pounds Seven Shillings and One Penny; Therefore, Resolved, that an humble address be presented to His Excellency the Lieutenant Governor, praying that His Excellency will be pleased to take measures to enforce payment of the same.”

Thus, Sir, after three years effort, all was *fixed* to the *satisfaction* of the Government, and I now put this question—*Where is the money due by Deputy Treasurer Peters?* I say where? The next charge I have to bring against the Government is the “Crown Land Monopoly” in this Province. In the autumn of last year the *people* of Kent were astounded by the intelligence that all the public domains between the Richibucto River and the Shediac River, were in the hands of two or three persons, and THEY had not only the right for one year, but the privilege of renewing for two and three years. The *people*, I say, were astounded by this new move, but the deed was done. Now, Mr. Speaker, I trust hon. members will follow me carefully through what I am about to detail, and if so I think they will agree with me that the Government does not deserve the confidence of the country. Sir, since I had a seat in this House one of the most prominent abuses brought before us was the monopolies of Timber Berths, &c. The task of bringing this subject up and of dilating on the enormities of the system by common consent devolved on an hon. member not now here (Mr. Barberie). The evil was admitted, and almost every member had an idea of his own as to the remedy to be applied. I, like others, had mine; and let it suffice to say I agreed with none. One thing I was clear upon, and that was, before we made a change we should be certain of securing an improvement. I did not think, (I don’t think now) the auction system can be dispensed with *entirely*. At present I shall not weary the House with my *schemes* for improvement. But what I want to explain is this, that the smaller class of Mill Owners and Lumbermen felt the monopolies growing out of the system where lands were locked up for *one* year to be grievous; but when they found (without regular notice) these monopolies for a *term* of years, they felt that “*they had no inheritance in Judah.*” Sir, early in the last Session a Petition was forwarded to me from the Mill Owners and Lumbermen of the County of Kent, praying relief against these monopolies. Sir, I desire the particular attention of hon. members because this is a *curious* affair, and I apprehend great public good may arise out of completely explaining some *curious* affairs connected with public matters. When I read the petition my first impulse was to have referred it to a Select Committee to *report*

upon, but on second thought, I found this would not do. If I moved for a Select Committee (this was the way I reasoned, and you will see I was beginning to learn) the Government would fill that Committee up in such a way as to defeat the object of the Petitioners. I will give you the reason. "If the allegations in that Petition were sustained on enquiry, it involved a direct attack on the Government," and which must certainly follow. I, therefore, decided on *sliding* the Petition quietly into the House and referring it to the Committee on "Lumbering Interests." I shall say nothing about the composition of that Committee further than the Hon. John Montgomery, a member of the Government, was one, and shortly after my Petition, the Hon. Surveyor General was moved on that Committee as another. I was also on that Committee. Sir, time passed on, I often called on the Chairman (Mr. Williston) to make enquiry, and stated my anxiety respecting the Petition. By some "cantrip slight" I could never meet the Committee, except once by accident I came on them, and then an hon. member, now in "my eye," was propounding a *scheme for relieving the Province of the expense of keeping up a Crown Land Office*, by having all the Public domains of the Province surveyed in Townships at the public expense, and sold at auction to the highest bidder, on the American system. My enquiry after my Petition, or my presence, operated against his disinterested theory, for the Committee rose. Sir, the Session was drawing to a close—I became urgent—I asked the Chairman to make a Report—all I wished was to get the Petition before the House, which hon. members will understand I could not do, unless the Committee Reports all were discharged. I asked the Chairman to report as Chairman, as the other members of the Committee declined making any Report whatever. He declined doing so, and then, as a last resort, on the 18th of April I moved a Resolution to the effect that the Lumber Committee be discharged. Now, Sir, notwithstanding this Committee had determined they would not report, notwithstanding they had determined they would do no business, when I moved that they be discharged, to enable me to bring the claims of the Petitioners before the House against this odious monopoly, the Government rallied and threw my Resolution out. The Hon. Surveyor General has pointed to the increased Revenues of the Crown Land Department since he came into office, as evidence of his superior mode of management. Sir, I unhesitatingly admit the Hon. Surveyor General to be a good and efficient officer, and believe the Department under him has been conducted on principles of economy, and with strict impartiality and integrity; but I must also state that the great increase in the Revenues of that office, to my mind, is no indication that the public interest has been subserved by the policy of the hon. gentleman. In my opinion, Sir, the increase of Revenue is not the only thing to look to. I conceive the true principle is not to ascertain what exactions and extortions individuals engaged in any branch of industry will submit to before abandoning their business, but rather to learn what is

the *least possible* amount to be levied consistent with the public exigencies and the general good. Sir, I will state that my object in pressing that Petition on the House was to *test* the legality of the course adopted by the Governor and Council in granting renewals of licences for a term of years. I am no lawyer, but I hold that "Order in Council" to be in direct contravention of the fifth Section of the Civil List Act, passed in 1837. I am of opinion that "Order in Council" was in direct violation of the *spirit*, and also the letter, of that Act. - Without any pretensions to legal knowledge, a man may understand the principles on which all law is based. The "Civil List Act" gave the Governor in Council no power to grant licences or liberties, only by public auction; and let me enquire what does that term mean? Was it ever construed to mean the power to licence or lease in perpetuity? Was such a thing ever thought of? Or if the question was propounded in this form would it be tolerated for one minute? No, certainly not. And yet such is the power which the Government has assumed to exercise over the public domains of the Province. Some may say, they only renew for three years, but I say, if they have the power to renew for three years, they have it for thirty or fifty, or in perpetuity. Sir, the thing is too monstrous to be tolerated. It may suit *some* in this House and without this House to seize on all the most valuable portions of the public lands, but it won't suit the people. And, Sir, I arraign the Executive Government of this Province for having assumed an excessive and arbitrary power in this matter; for having trampled on the rights of the people and by their *act*, superseded a known and established law of the land.

Mr. Gilbert said he had sometimes opposed and sometimes supported the Government since he had been in the House, according as he liked or disliked their measures, and he should so act in the same manner, no matter who the men were that composed the Government. He opposed the Government when they introduced their Election Bill, and opposed them when they brought down the Railway Loan Bill. That Bill was passed in spite of his opposition, and the hon. Mr. Chandler went to England to obtain the loan, but providentially he failed in his mission, or the Province would have been ruined. He saw that the Government was doomed. It might be compared to "a shattered wreck, the waves high-beating o'er it," and although it had been said some of them should be saved, he did not see how any honorable man could consent to leave the wreck, and come under the banner of the destroyer. For his own part, notwithstanding the faults of the Government, he had more confidence in them than in the opposition, and therefore he would vote against the amendment.

Friday, 27th October.

Mr. McLeod said, that after so many able speeches as they had listened to during the last four days, it would not be expected that he should say much; still as he would be called upon to vote, it was necessary he should say something. He would be brief, however, for the subject was worn so thread bare that the debate was becoming insipid. Many hon. members had spoken merely to explain why they intended to vote in a particular manner, and he would avail himself of the same privilege. He did not come to the House pledged either to support or oppose the Government, but he came there to watch over the interests of his constituents, and to defend their rights. He had listened to many debates, since he had been a member, that were of a tiresome character, but he did not regret the time consumed in this debate, as it would go forth to the people and enlighten them on political matters, and be a guide to future Governments, as responsible government would hereafter be fairly established (hear, hear.) A government supporter did not stand so well with the people generally as a member of the opposition, and this he attributed to the hostile feelings engendered by the old oligarchical form of government, it was antagonistic to the popular voice, and in consequence thereof the people were prejudiced against the Executive. He considered the doctrine of self-government as laid down by the hon. mover of the amendment, to be perfectly correct, (hear, hear.) In 1851 he admired the speech made by the hon. and learned member from Saint John (Mr. Ritchie) on the non-confidence vote. The doctrines then laid down, and repeated yesterday by the hon. and learned member from Northumberland (Mr. Johnson) were sound. He agreed with what they said about the appointment of the Chief Justice and Judge Wilmot, and in 1851 he thought a vote of want of confidence should have been carried. He still thought so, but the majority of the House upon that occasion thought otherwise. The same charge was now brought against the Government, mixed up with other things; but he did not think they were to blame for anything that had happened since that period. He was not going to plead in their defence, however, but would leave it to abler hands. With respect to Municipal Corporations he was opposed to their being made coercive; they might do very well for certain localities, but were not applicable to every section of the country. The present Municipal law had been ridiculed and found fault with, and yet the hon. member from Carleton (Mr. Connell) averred that it worked well in his County, the only County that had adopted it (hear, hear). As to the Election Bill introduced in 1853, it was not considered a Government measure, as hon. members of the Government differed in opinion in respect to some of its provisions. He was then opposed to the ballot system, and voted for its introduction in order to destroy the Bill (laughter). He was not so much averse to the ballot now as he was then. In reference to the Reciprocity Treaty, he considered it extremely odd that it could not go into effect after the consent of all the Colonies

were obtained, without being sent back for Imperial legislation. He did not like bartering away the Fisheries as though they were of no value, for if they were not of much value to our people now, the time was coming when they would be valuable. The hon. mover of the amendment had quoted from a speech of Lord Elgin's, showing the ease with which a Governor might discharge his duties, by placing confidence in those who possessed the confidence of the people. He might carry the principle further, for he thought the Representatives should always place a proper degree of confidence in the Executive, and that they (the Representatives) should always be held responsible for the manner in which the local patronage was distributed. They were always complaining of the Government for the time being. Some years ago the Government was said to be corrupt; the next was a do-nothing Government; and the present was called a non-progressive Government. Well he supposed the next would be a progressive Government,—and here he would remark that the public man who was not progressive must occupy an unenviable position. He only hoped the next Government might accomplish one half of what was expected of them. He would say no more, only that he should oppose the amendment because he did not consider the Government guilty of the sins laid to their charge.

Mr. Lunt said he stood in a peculiar position, as he had seconded the Address. He was told at the time that it was merely a matter of form,—that there was nothing political in it,—and so he thought, for he supposed the Legislature would do nothing this Session but pass the Reciprocity Bill and go home. When the hon. member for York gave notice that he would move the amendment, he (Mr. Lunt) found he was in a dilemma, but as the hon. member from Charlotte (Mr. Brown) had moved the Address, he was in the same dilemma, and as that hon. member was an old sailor and knew the ropes, he (Mr. Lunt) thought he would keep quiet and see how he (Mr. Brown) got out of the scrape (laughter). When the amendment was moved he saw the hon. member looking round, and so he watched him close to see what course he would pursue, and now he thought he could not do better than to follow in his wake (laughter).

Mr. Stevens said he was not prepared to vote on this question when it first came under the notice of the House, as no question about the popularity or stability of the Government had arisen in Albert at the last General Election. He had recently communicated with his constituents, however, and had received instructions to support the amendment; but he had made up his mind to do so before these instructions arrived; for when he saw so many members opposing the Ministry, he came to the conclusion that there was something wrong. With respect to the Reciprocity Treaty there was something in it he did not like, and he was not yet prepared to say how he would vote when the Bill came before the House.

Mr. Landry's imperfect knowledge of the English language would prevent him from making a speech, but he rose to say his mind was made up how to vote on this question. He was elected and sent to the House to lend his aid in turning out the present Government, and he would vote in accordance with these instructions.

Mr. Ryan did not like the Address, nor did he much like the Amendment. He would not vote for any thing that went to approve of the Reciprocity Treaty. As to the expressions showing their loyal feelings, he would yield to no man in that, but if he understood the treaty and its results, there was nothing in it tending to strengthen and spread the loyal feelings of the Colonists. He found himself constrained to vote for the amendment. He was sorry to differ with his honorable colleague (Mr. M'Leod), with whom he had generally voted, and he was also sorry to vote against the Government. He detested some of the speeches delivered by the Opposition; they displayed a degree of malignity against the Government such as he had seldom witnessed. He was always in favour of Responsible Government; he had voted for it, and as its principles were embodied in the amendment, he could not go against it. He was obliged to support it in order to be consistent. In reference to the charges against the Government, he did not think they amounted to much. When the Municipal Bill was introduced, it was a measure calculated to produce a great change, and therefore should be received with caution; and he thought the principle of a two-thirds vote was but exercising proper precaution. Now, however, since they had seen the working of the law, he thought they might safely leave it to the choice of the majority, and he believed the Hon. Attorney General was willing to make the alteration. He did not think the charges against the Government for the manner in which they exercised their patronage in local matters amounted to anything. The people pulled in different ways, and the Government could not please all; but he was satisfied they had done their best. He had himself recommended a list of Magistrates, and they had appointed some and rejected others; but he blamed them not—he did not think a member should dictate to them. What he chiefly blamed the hon. mover of the amendment for was he mixed up old matters with new. He did not think it fair to fetch up matters that occurred before several members of the present Government had joined—matters that had been previously discussed and decided. As to the paper said to have been handed round, he had not seen it nor signed it, but he contended that hon. members had a perfect right to adopt that course if they chose. He would vote for the amendment in order to be consistent, and if it had the effect of overturning the Government, he could not help it.

Hon. Colonel Hayward said he had not heard all the debate, as he had been unwell and could not remain in the House constantly. When the question first came before the House in 1851, in refer-

ence to the appointment of the Chief Justice and Judge Wilmot, he (Col H.) had declared against the manner in which the appointments were made; and he would now say that if anything of the kind had been done while he was in the Government he would at once resign; and that was all an Executive Councillor could do. But when Sir Edmund Head, in October 1850, told the hon. member who now moved the amendment, that he (Sir Edmund) would reserve to himself the right to recommend whom he liked, whether the Council approved of the same or not, and that if he (Mr. Fisher) did not like it he might take his own course, did he resign? No: but he held on until the 10th of January following. And now the hon. member blamed the present Government for what he was guilty of himself! He blamed him and his colleagues for *endorsing* an act of the former Government, when he himself (Mr. Fisher) was the *principal*! The object was to turn out those who were in, because they did not go out when they were not in, and to place a man who was in and would not go out, at the head of the Government! *O tempora! O mores!* (laughter.) Now, he disapproved of the manner in which the Judges were appointed, but it was so long ago that he considered it outlawed.

Mr. Johnson—There is no statute of limitation!

Hon. Col. Hayward—Ha! if the hon. and learned member was pleading on the other side, he would probably display as much zeal as he did now, and far more justice. Well, the hon. mover of the amendment had kept the matter bottled up for years, and now he had poured out the contents, having many willing listeners. He presumed the result would be that the Government would be entrusted to their hands, and some of them would get offices of emolument—not all who were looking for them, because there were not enough for them all. Something had been said about the exercise of Government patronage, but since he had been an Executive Councillor he had found it one of the most difficult and irksome duties they had to perform. Lists of thirty to forty persons were sometimes handed in, recommended for Magistrates; it was impossible Government could appoint all, as too many Magistrates in a County was worse than an early frost, (laughter.) He could only say, that since he had been in, he had done his best for the country upon all occasions, and he hoped those who followed would do better. There would be a new Government, but it would not last for ever. There were many young, aspiring, and deserving men in the country, and bye and bye some of them would say to those in power, “you have had the loaves and fishes long enough: now it is our turn.” The Hon. Surveyor General and his hon. colleague (Hon. Mr. Gray,) and himself, had been Members of the Government three or four years, and perhaps that was longer than the new Government would stand. He saw that the present Government would be defeated, and he was ready to resign; not cheerfully—he would not go so far as that—but without a pain or a pang,) hear, hear); and he would assist the new Government all he could when-

ever they brought forward such measures as he approved of, (hear, hear.) He had but one thing more to add—he only hoped that whenever the Government about to be formed gave up their offices, they might leave the Province in the same state of prosperity and contentment it was in at the present moment.

Mr. Fisher said, he was surprised at the remark of an hon. member, that the Government had been attacked with malignity; for his part he set down naught in malice. The debate, as a whole, had been conducted in a gentlemanly manner, befitting the important interests that were involved, and the issues that hung upon the decision. At the solicitation of his friends behind him he had offered last evening to take the vote without further debate, though he had been unfairly assailed, and the Members of the Government, particularly the Attorney General and his learned friend who sat beside him (Hon. Mr. Gray,) had made his alleged personal delinquencies the great ground of their arguments and defence. In deference to his friends he had offered to waive his right of reply, and let his character vindicate itself before the country, upon the representations contained in his opening address, but the Attorney General would not consent, and he intended to hurl back the insinuations of his learned friends upon themselves. It was urged that the Government had no notice; it was their duty to be ready for battle at all times when the music sounded. He (Mr. F.) had yet to learn that a Government required a certain number of days' notice to quit. He (Mr. F.) gave notice on Saturday last that on Monday he should move the amendment. He was not bound to do that, but courtesy required it; they knew his opinions, he had never disguised them, and he had stated them at large before the freeholders of York at the close of the election in June last. [Here Mr. F. read from his speech thus—"The resources of the Province must be developed, its institutions improved. The people must be taught political knowledge—to know their duty—their power—and how to exercise it. The principle of self government must be strengthened and more effectually worked out. *A more liberal and progressive spirit must be imparted to the Government, which should truly reflect the mind of the Legislature and the people in their progressive state.*"] These words had a plain meaning, and the speech was published in several of the Newspapers. The Attorney General read it, for he attacked him in the Newspapers for a sentiment it contained, and though he had left him (Mr. F.) master of the field, he (Mr. F.) was prepared to meet him in this political arena before the whole people, and before their representatives. The House would now decide whether the minority should rule. He had stated his reasons fully on Monday last for bringing forward this motion at this time. It was the dignified course to discuss a question of this kind on the Address in answer to the Speech. Suppose they had deferred it until the Treaty passed, who could say the Government would not prorogue the House and put an end to controversy? As to its being deferred

to another Session, that was childish. He noticed a remark in a Government paper not long since, to the effect that if the Government passed over the first Session well, it was safe for four years; doubtless it was the conviction of the correctness of this principle that induced them to exert themselves to secure the postponement of any enquiry into their political conduct until next Session. Imagine such an enquiry then, and the plea would be, that the holding of the intervening Session without any action was an admission their past acts were correct. It had been urged that this measure would fall unless it was based on right and justice; he assented to that proposition, it was in defence of right and in furtherance of justice that he had brought it forward, and he believed it would prevail; his friends on the other side appeared to believe every idle rumour that was raised. Twenty four members might be pledged for all he knew, the first intimation he had of it was during this debate; and for their proceedings they must account to the country it was said, be it so, they were prepared to answer for it and their conduct; this was a sort of threat of dissolution to intimidate the new members.—[Mr. Gray said he did not mean a dissolution, there were other ways of answering to the Country.]—Then he (Mr. F.) had to learn them, he knew of no other constitutional method of taking the opinion of the people, or accounting to the country except at the polls. Sir Robert Peel, he believed, it was who said “the battle of the constitution must be fought in the Registration Courts.” He (Mr. F.) was prepared to go down to the Country with his friends on the other side, and take the opinion of the constituency upon the issue he had raised. Without that reference, this House was the only exponent of public opinion, and it was fresh from the people. Amongst his first parliamentary reminiscences was a remark of Lord Brougham’s, that the Ministry had been defeated in the most remarkable manner on record, on the day of the return of the Writ. Nothing in the history of this Province had ever occurred before which would bear so strong an analogy to that observation as the present event. The Government had nothing to complain of, they had every thing their own way, they selected their own time to dissolve, and to hold the elections. The Treaty had been ratified for some time, and they had called the House together at the time most convenient to themselves. He believed the shortness of notice itself good ground of complaint, though it had not been urged. He (Mr. F.) had about nine days notice, and the distant members must have started from home immediately after they saw the Proclamation. He believed the time they occupied in the discussion well spent, it would do much good to the country, they would understand the principles in controversy, and the arguments of the disputants, and be prepared to give judgment. It was the proper time to enquire into the conduct and condition of the Executive Government just at the commencement of a new House. It was their duty to ascertain whether the Government were entitled to their confidence. They were there a most important part of the Government embodying the mind of the people, and they should

would the Government accordingly; this should be, as it was made, a preliminary enquiry, and when the framework of the Government was settled, they could then proceed to the general business of the country with spirit and vigour. It was urged that there were sixteen new members that required to undergo a certain amount of political training before they were in a condition to call in question the doings of such Sages as the members of the Government. He (Mr. F.) was one of the sixteen political greenhorns to whom he had referred, and he supposed he was to learn politics at the feet of this political Gamaliel (Hon. Mr. Gray). This motion was not introduced by mere adventurers who were struggling for political existence, to which reference had been made by the Attorney General. He coming from a great constituency at the head of the poll, moved it, and it was seconded by his friend from Charlotte, who lead the poll for that great County, and was the son of one of the wealthiest men in that County, so that it came before the House well introduced, and he believed in a few hours more its propriety would be certified by a most decisive majority. One of his colleagues who sat beside him, and who lived by the sweat of his brow, voted with him, and another, an enterprising merchant, the marks of whose enterprise were in all parts of the county, who paid scot and lot in almost every Parish, also voted with him.

The Government pleaded a former acquittal, he believed the people demanded a new trial before an impartial jury, and he claimed the discovery of new evidence and felt confident judgment would be rendered against them. The Attorney General had urged in extenuation that he (Mr. F.) had remained in the Council until he knew that he was appointed to the office of Attorney General, and did not resign till then, and this had been repeated by his learned friend (Mr. Gray). In fact a large portion of the speeches and arguments had been the enforcing this position, in every variety of way, as though if it were true it could affect this question. He (Mr. F.) simply denied it. Now, he (Mr. F.) had detailed the mode of his resignation, and the reasons: if the learned Attorney General could not understand it, he (Mr. F.) could not help it. He was quite willing to leave this question to the judgment of the country. His own County had exonerated him without any evidence, upon their general estimate of his character; and now that the proof was before the country, he had no fears of their verdict. He never knew that the Attorney General had stipulated for his resignation till last Tuesday, and he thought the Attorney General had made some slight error; for on a former occasion he stated he had hesitated to accept office only on account of the question of the salaries. He had determined to resign because he had no other alternative consistent with principle. He had the Governor's letter approving of the act of resignation, and of his course. If the learned member was Attorney General then, as he alleges he was, he was responsible for

that letter ; so that he had his own certificate for the correctness of his conduct, which he now professes to condemn. He knew nothing about the intention to appoint the learned member Attorney General. It never entered his (Mr. F.'s.) head that a man of the antiquated ideas of the learned member would be appointed to lead a Government in these modern times. He had not a modern idea, and could not think a modern thought. His political notions were better adapted to the age of James the First than the second half of the nineteenth century. As a lawyer he (Mr. F.) appreciated him, and as a gentleman respected him, and if the Government wanted a lawyer to discuss dry questions of law he knew of no one more likely to make the Judges earn their salaries ; but as a politician he was out of his element, and this was the opinion of the whole country. It was impossible for him altogether to leave his first love. He engaged in working out a system the introduction of which he had opposed, and which was antagonistic to his whole political education and life. How could he hate with intense hatred one day and then fondly love the next ? Every measure he introduced shewed but too plainly that his heart was not in the work. He could not progress—he would not progress. He had urged that if he (Mr. F.) had his heart set upon the matter of the appointment, why did he not disclose the papers. He (Mr. F.) was the only sufferer by the delay. He believed, as he wrote the Governor, the fitting time would come, and it had come when he rose to address the House on Monday last ; but they well knew that it would be impossible for any person not acquainted with the whole minutiae of this transaction to use them to any advantage : no other than a party to it could unfold their history. His learned friends had urged that he should have resigned when he lost his election in 1850—that his remaining in the Government was a violation of the principle of Responsible Government. He (Mr. F.) felt ashamed for his learned friends that they should talk such political nonsense. It was a capital corollary to the doctrine that because two or three constituencies had returned Government members, therefore the Government have the confidence of the country. He was not much surprised to hear such sentiments from the Attorney General, for he supposed he knew no better ; but such ignorance of constitutional principle was unpardonable from a gentleman of the education, acquirements, and modern ideas of his learned friend (Mr. Gray). Had he (Mr. F.) remained in the Government and his services been required in the Legislature, he believed he could have found a seat. The accountability of the Executive Council or Ministry was as a whole to the whole democracy of the country. It was a common occurrence for individual members to be defeated at the elections, and it did not affect their position or the position of the Ministry ; were it otherwise, a single constituency would rule the country. Shortly after the introduction of Responsible Government into Canada, Mr. Baldwin, the great apostle of the new principle there, when Attorney General, lost his election for Hastings, and before he could contest it, as his services were

required in the House, a Mr. Barnes resigned his seat for Rimouski, and he was returned for that County. A few years since, Mr. Gladstone lost his election for Newark; he thought he was the man, and retained the office of Colonial Secretary for some months, without a seat in Parliament. Mr. Hawes was beaten at Lambeth, for his vote on the voluntary question, he was an Under Colonial Secretary, if he remembered correctly, and went into Parliament after a few months for some Borough in Ireland. He remembered Lord John Russell being defeated for Devonshire by a Mr. Parker, and Colonel Fox retired from Stroud to give him a seat in the Commons, and he (Mr. F.) believed that distinguished Statesman continued to sit for that small Borough until called by the Merchant Princes, the Bankers, and the Guilds of London, to represent the Metropolis of the Empire. The loss of his election in 1850 did not arise from any thing political. He took no interest in it and paid no attention to it. The party who returned the three leading members was not political. They met and nominated four candidates including himself, in fact he was informed that he had the second highest ballot, they were opposed to his then colleague Judge Wilmot, who was in Washington during the election, and was returned by the extraordinary exertions of his friends. He (Mr. F.) did not feel it honorable to run and canvass against him in his absence, and sickness prevented him attending the meetings held through the County at a time of great excitement. All sorts of lies were told of him, and as he was not present to contradict them they were believed, the people generally not knowing the real cause of his absence. He never knew till within the last eighteen months the full extent of the slanders that were circulated. A small section of the party who had nominated him were anxious to return another candidate in his place, and held a meeting a few days before the poll opened, too late for him to meet so unexpected a movement, and struck his name off the ticket, the consequence was that three of the candidates named on the ticket were elected with Mr. Wilmot to whom they were opposed, so that the result did not realize the expectations of the men who assisted to produce it. Upon the learned Attorney General's own theory he was wrong, he appeared to think his going into the Government had saved it, now if his aid could have saved it much more would the retention of Mr. Wilmot; and then if the Government as a whole was sustained, he (Mr. F.) was in a safe constitutional position. He would be sorry to compare the Attorney General with Judge Wilmot; he did not believe he could bring one vote besides his own. It was not he that influenced the North, but a greater man than he, and who could even influence him; he alluded to the late Mr. Rankin, for whom he entertained the highest respect, and who had always treated him as a friend, whose kindly acts and charities were unbounded, a man whom the poor would long remember. Had the learned Attorney General the vanity to suppose that he could lead a Government where Judge Wilmot could? He (Mr. F.) would not be so deficient in

candour as to argue any such thing. Mr. Wilmot was an ornament to the Legislature, and who was there that did not regret the absence of one whose manly and thrilling eloquence had so often been heard in this Hall? As his learned friends had both referred to his treatment in York as a justification of the charges against him, let them see how the matter really stood. York in a state of excitement had rejected him, though even then with proper exertion he could have succeeded, but be that as it may, he had been urged to stand for several other Counties, and had he not become tired of politics and anxious for rest and domestic comfort, he should have come in for some other County. Some of his staunch friends in York urged him not to leave it, that the County had been deceived and would return him again; he did not intend to ask the constituency to elect him, and stated to his friends that he could not. During the last four years he never went through the County, except when his business at the Court at Woodstock required him to pass through it. He had been urged from every part of the County to come forward, and by requisitions numerous signed; so satisfied was he of the feeling, that he desired his friends to put down any more requisitions. He did not attend a meeting or leave his office until the day of the polling, and was returned about two hundred votes ahead of the poll. When the canvass began it was discovered that the feeling for him in the County was universal, each of the twelve candidates was desirous of being elected with him, and he came with the approbation of his three colleagues, who, though elected upon a different ticket, were anxious that he (Mr. F.) should be elected; this he claimed as the real opinion of York, this was the sober judgment of his constituents; they had calmly reflected, and he (Mr. F.) never turned aside to court them or to influence them, but by the reasoning of their minds they had concluded that he had been ill used and made the reparation; he trusted he could reciprocate it, and that they would have no cause to regret their choice. It was due to them—it was due to himself—to bring to light all the facts and circumstances connected with these transactions. He had never detailed at any public meeting the facts he stated on Monday last, he did not think it a fitting place, he knew he suffered thereby, but he always felt confident that justice would come at last, though it might be tardy. He admitted he felt humiliated; he never dared say what he thought, but when he left the House on Monday last his mind was easy and his heart light; he felt like a man breathing in a new atmosphere. His learned friends of the Government had much Constitutional knowledge to learn. One often laughed at the crude dogmas ignorant men put forward as pertaining to that much abused term Responsible Government, but he regretted to hear such doctrines from the Attorney General of New Brunswick, or from a gentlemen of the education of his learned friend (Hon. Mr. G.) They should be prepared to teach the political novices they spoke so lightly of, something better. They had arrived at a most sage conclusion. The Members of the Govern-

ment are all returned, therefore it is proof positive that the Government has the confidence of the country. The fallacy of this argument was in estimating two or three constituencies as the whole democracy. If that were true, a vote of no-confidence never could pass. Only secure the return of half a dozen Members of Government, and all are safe. Apply this theory to Canada or England, and see what an admirable discovery it would be. A dozen or so Ministers are returned for as many Boroughs, if they please, and thus the mouths of six hundred and fifty members were stopped—their return was decisive evidence of the confidence of the whole country. He met the father-in-law of the Member for Queen's in the Steamboat last Summer, and he in few words shewed him (Mr. F.) that he knew more about constitutional law than his learned friends. He said that the country are determined to have a new Attorney General, and some now say that they can't, because Northumberland has returned the present, tho' he did not believe it, for the County of Northumberland had no right to rule the Province. Now, there was a plain, honest, intelligent farmer from the Grand Lake, who in a few common sense words had stated the whole principle, of which his learned friends appeared to be ignorant.

The Attorney General had stated that he had never seen the Judges' letters until they were laid before the House. Now this was an unfortunate admission and pretty strong corroborative proof of the position he (Mr. F.) had assumed in opening this debate, and which was the complaint in the resolution. He was in a dilemma, If he had not seen the letters, it shewed how much he was consulted in such matters. If he had seen them, and made no remonstrance, he had failed in his duty. His learned friend had urged that as the election law was his child he should have improved it; if hon. members would refer to the passing of that law, they would discover that he could then only carry the simultaneous principle, in other respects the law and suffrage was the same as it always had been. There was but one general election under that law while he remained in the House—in 1846—when it was admitted it worked well, and there were no scrutinies. The difficulties occurred in the election of 1850, which produced the scrutinies. They also urged that he should have introduced a Municipal Bill. He had exerted himself in various ways to improve the local government; a Municipal Bill had passed the House and failed in the Council, and the power of the people in the localities had been enlarged in a variety of ways, they had always to contend with the opposition of persons who sympathised with his learned friend, and it was not until 1850 that the feelings of the Country appeared to favour such institutions. He (Mr. F.) had suggested several important changes in the present Municipal Act in the Law Commission, which had not been adopted by the House. It was the only political matter the Law Commission had interfered with, and they proposed to remedy several of the main defects in that Act, some of which were adopted.

An hon. member had stated that he (Mr. F.) had no reason to complain against the Government as they had given him two good offices. He (Mr. F.) had never applied for either of them. In 1846 Sir William Colebrooke sent for him, and offered him the office of Registrar of the College; there had been a controversy with regard to the College, and he asked Sir William if it would affect any opinion he might entertain on the College question, to which he replied that no doubt the Act that had passed the Legislature would be ratified, which would settle the question. He accepted the office, and the salary was £100 per year, besides fees, which might average seven or eight pounds more. The other office was that of Law Commissioner. In the Spring of 1852 Sir Edmund Head sent for him, and stated to him that an Act had passed authorizing the appointment of the Law Commission, and though he could not of himself confer the office, still he was desirous of mentioning his name to the Council if it met his approbation; that though he did not agree with him (Mr. F.) in all his political views, he thought it would be for the advantage of the public to have his services in that work; he (Mr. F.) asked his Excellency if the Commissioners were to be paid, to which His Excellency replied, that they were, but the Legislature was to settle the amount. He (Mr. F.) replied that he was quite willing to submit to the liberality of the Legislature. He (Mr. F.) stated to His Excellency that he felt flattered by this mark of his consideration, and he would endeavour to justify the confidence reposed in him.

Several Members of the Council were his personal friends who had been associated with him in the Legislature a long time, and he should regret if any thing growing out of these discussions should affect the relationship. With regard to Sir Edmund Head, he desired to state, that he had always received great kindness from him, an evidence of which he had just referred to, and he should also regret that if in any thing he might state in any part of this discussion, he should forget that respect which was due to him as the Queen's Representative, or as a private gentleman; his difference of opinion was entirely political.

It appeared from what had fallen from some of the members of the last House, that the Attorney General had not sued Mr. Peters for some demand. He (Mr. F.) knew nothing of the case, nor of its merits; perhaps he was not the sort of man to experiment upon, or it might have been a judicious course to adopt. It contrasted singularly with some of his experiments; he did not hesitate to sue Mr. John Glasier, and put him to an enormous expense to get witnesses from Canada, to prove the Governor General's hand writing and authority to cut timber on the territory then in dispute between Canada and New Brunswick, and subsequently awarded to Canada. So near to the Saint Lawrence was the work that the lumbermen in the Summer evening could distinctly hear the signal guns from the citadel of Quebec on Cape Diamond. Bonds had been given to the Government of this Province to secure the stumpage on that timber, provided it fell to the Province.

It did not fall, and the bonds ought to have been cancelled ; instead of that the parties were sued, and the Judge refused to admit the evidence under the plea. The jury heard enough, and would not find for the Crown. John Glasier was a man able and willing to pay to the last farthing ; look at his improvements in Lincoln, his cleared fields, his fine buildings, the School house, where he had made provision for the education of the children of his poor neighbours ; his constantly employing hundreds of men, mechanics and labourers, whose work was paid for cheerfully ; this was the man selected for Executive vengeance, but fortunately no jury could be empanelled to give the Government a verdict, and the Province will be compelled to pay the costs.

The hon. member for King's had alluded to the distribution of patronage ; he should only refer to it to shew that the view of the hon. member, though plain common sense, had the sanction of one of the greatest statesmen of England ; he referred to it because the hon. member might not be supposed to be well versed in such matters, but he had taken a common sense view of the question that was perfectly correct. [Here Mr. F. read from Lord John Russell's *Essay on the Constitution* a passage relative to the distribution of patronage, to the effect, that if an office in the Excise or Treasury became vacant in any Borough, the Minister wrote to the member voting with the Government to recommend a person to fill the vacancy.]

The hon. member for Charlotte (Mr. Boyd) had in extenuation urged, that as soon as a man united with the Government he became unpopular, that it always had been so. He (Mr. F.) was of opinion that when the new system was fully understood and worked out, that would not be the case. It had been so in England, and he would read a passage for them and shew that the same cause produced the same effect in both countries. [Here Mr. F. read from the 6th Volume of Hume, page 330, towards the bottom, in proof of his assertion.]

The prerogative of the Crown had been formerly looked upon as something awful, it could not be approached by the uninitiated, it was enshrouded in a kind of mystery ; the idea of its being a sort of political trust would have been regarded as heresy ; no one imagined the extent of parliamentary power.

If his arrows had been dipped in gall, he had drawn them from the quivers of his learned friends. What he had said was in self defence, they had both charged him with political delinquency with a desire for office at the sacrifice of principle, and he had determined to hurl back the insinuation ; if any of his remarks had been severe the provocation came from the other side, and he was anxious that day to settle the political account. He could not forget that when he last had sat in that House, Judge Wilmot sat beside him. For thirteen years they occupied adjoining desks, and were engaged in that great political controversy which this debate would put an end to finally and forever. He wished he (Judge Wilmot) could have been there then to take part in this discussion,

that he could have an opportunity of being heard once more in that Hall, of speaking there once more in his own defence. How often had the House been enchanted with his eloquence, and spell-bound by the powerful appeals which he was wont to make. Though the powers of his mind were often taxed to the uttermost in the defence of those great principles of government, and in periods of excitement his inmost soul was stirred to its very depth, he turned aside from those thrilling scenes and directed the energies of his vigorous and richly cultivated mind to the improvement of our agricultural interest, our educational system, and the criminal law, and he had left the impress of his mind upon the institutions of the Province. It had been urged that railway and commercial matters were of more consequence than half the political questions of the day. This was a doctrine he had often before heard advocated, though he did not assent to it. They could always find time for such questions; and attend to matters affecting the interests of the people. This was good Tory doctrine; the slaves were said to be comfortable. A few years ago a friend of his went with a New York gentleman to Mount Vernon on the Potomac, to visit the Tomb of Washington; on finding a slave there he remarked to his New York friend on the anomaly. "Oh," said the New Yorker, "they are perfectly comfortable, and happy, and as contented as if free." Whereupon his friend asked the question, and the slave replied, "Massa, suppose you try it awhile and see how would you like it!" He (Mr. F.) in travelling through Maryland and Virginia could not avoid contrasting it with New England, where in a cold, hard country, every thing indicated thrift, and comfort, and progress. In the former, everything appeared to grow spontaneously; yet there was a backwardness in everything. There appeared a sort of moral murkiness and blight over the whole land. The buildings and the fields gave evidence of a lazy and sluggish people.

He had urged on Monday last, what was corn, or cattle, or timber?—it was as dust in the balance if contrasted with the rights of the people. The result of this debate would secure their rights. The country would be free: that was what their fathers intended to make it. One of the most glorious eras in the history of the Anglo-American people was the coming to this country of the old Loyalists. It would stand forth to every succeeding age as a beacon in the great moral wilderness of the world.

Free Trade with the United States will open up new sources of wealth. He believed a bright day was opening upon New Brunswick. The most glorious future was before them. The treaty gave them thirty millions of new customers. Every State that was annexed in Mexico increased the number, and the new Worlds that were forming in the far West would be additional consumers of our productions. Boundless fields of commerce were opening up. They had a noble country, with ample resources, and a healthy, energetic people; and all they required was that their resources should be developed. He believed a bright era was about to dawn upon

the Province. The hæmmorage his learned friend from Gloucester formerly spoke of was about to be stopped. How many families through the country deplore the loss of some beloved member whose bones whiten the mountains and valleys of California or Oregon? Many a fond mother weeps for a beloved son who has died a lingering death amidst the parched sands of Australia, where no beloved sister could minister to him in the hour of his suffering, and he left alone with nothing to console him in the period of his approaching dissolution; nothing to sustain him at the time of his last great conflict, but the precepts and principles which he had imbibed in his infancy; buried alone in a far off land of strangers, no brother could plant the aspen tree to mark his grave, where in the cool of the evening his surviving friends could repair to hold sweet converse with the spirit of the beloved dead. The sable garments worn by many a family attest the truth of these remarks.

The whole country is now before them, let them, uniting with their brethren from the father-land, go up and inherit it. Let them wrap themselves in prophetic vision, and casting their eyes through the vista of future years contemplate the future growth and progress of the country. It is a land covered with rivers of water. Where the fox and the bear now roams, would be the habitation of civilized man. Its abundant streams and water power would be made available for the purposes of commerce; and in the language of the poet, they would build them towns and cities there. Let them not tarry, for the whole country was before them. The wilderness and the solitary place would literally be glad, and the desert blossom as the rose. He anticipated incalculable advantages to result to all their interests, in all coming time, from the intercommunity with the great people who were settling this continent. And in the anticipation of such a glorious future, in the full faith of realising such vast material interests, let them lay the foundation of constitutional government so broad and deep that this Country should be the land, the very chosen sanctuary, of freedom and of freemen for ever.

Hon. Attorney General said he knew it was useless to prolong the debate with any expectation of changing the opinion of hon. members as it was obvious to him the Opposition had made up their minds before the debate commenced. He felt it however, to be due to the Government, to the Country, and to himself, that he should reply to the various charges that had been brought forward. The hon. mover of the amendment had, at the opening of the debate, expressed a wish that it might be conducted in a calm, moderate manner, without any thing being said to create angry feelings; and he was glad to find that with few exceptions such had been the case. But the hon. member (Mr. Fisher) did not practice what he preached; on the contrary, he had thought proper to attack him (Hon. Attorney General) personally. [Mr. Fisher—"No, No!"] Yes, Yes! His language had not only been uncourteous, but his closing reply was little else than a tissue

of unjustifiable personalities. The hon. member no doubt felt conscious of being supported by a majority, and should therefore at least have been moderate in his tone; whereas he (Hon. Attorney General) being convinced from the speeches of hon. members that he was in a minority, and addressing a body who had already prejudged him, and the Government to which he belonged, felt that it required no small degree of moral courage to address a body thus constituted. He considered it a duty, however, and claimed the indulgence of the House if he occupied more than ordinary time.

When he joined the Government in January 1851, he stipulated that no measure should be brought forward by Government for reducing the salaries of judicial incumbents. The House could deal with salaries in perspective, but when a person took a *non-political* office with a fixed salary, he considered it unfair, and an act of gross injustice, to the salary of such officer during his incumbency. That had always been, and was still his opinion. When he took office he was fully aware that Responsible Government was established, and that when a majority of the Executive decided upon a measure, the minority must either resign or bear a share of the responsibility. Now he, from the office he held, was called the leader of the Government in this House, and as such it became his duty to prepare and introduce the Government bills and measures, and to take charge of them; but he possessed no more power, nor was he any more responsible than other members of the Government. He made this statement because the members of the Opposition had attacked him in particular, singling him out as if he was the only responsible member of the Government, — he made these remarks to set the matter right before the Country, not from any desire to shrink from any constitutional responsibility. He had no thought of joining the Government until an hon. member of the other branch (Hon. Mr. Hazen) called upon him in the early part of January 1851, and requested his attendance at Government House. He went, and the office of Attorney General was then offered to him. He knew that the Chief Justice and Judge Wilmot had been just before gazetted, but he was not then aware that it had caused any difficulty between His Excellency and his Council. Before accepting office, however, he stipulated that the hon. member (Mr. Fisher) should first leave the Government, he having been rejected by his constituents. [Mr. Fisher—“The Government was dishonest then!”] The hon. member had said so, and he would not dispute the point with him; and the hon. gentleman, being then a member of the Government, might have been *one great cause of its dishonesty*. Well; upon these terms he consented to take office, but it was not until the evening of the 10th of January, when he (Hon. Mr. Street) was waiting at Government House to be sworn in, that the hon. member (Mr. Fisher) sent in his resignation. The hon. member had seen the Governor's Despatch to Earl Grey—[Mr. Fisher—“No.”] He concluded so from the hon. member's own words, for how else did he know that Sir Edmund determined to make Judge Carter Chief Justice of the

Province? At all events the hon. member admitted that he saw the Governor's Message to the Council of October 23rd, 1850, in which he told them what he intended to do, and that they might *take their own course*; and in his last speech he admitted that he saw the Governor, on being remonstrated with, tear up this Message, and fling it under the table. Now why did he not mention the latter circumstance in his first speech, on Monday? He did not mention it then, and had thus deceived the House. [Mr. Fisher—"I did mention it".] Then he (Hon. Attorney General) was surprised that he never heard it, although he paid particular attention, and he must repeat his firm conviction that the hon. member never said a word in his opening speech on Monday about the Governor tearing the paper. He would ask if that concealment was fair? Was it doing justice to the House? To-day the hon. member was obliged to mention it, because he could conceal it no longer. The course the hon. member had pursued had produced its effect; it had caused an improper influence to bear on the House, as shown by hon. members speaking of "new evidence." Now what did His Excellency do? How did his Council quail before him and lie prostrate at his feet? The Governor had sent a Message to the Council, which they disapproved of, and upon their remonstrance it was withdrawn. The hon. member's conduct upon this point had been exceedingly disingenuous, and he (Hon. Attorney General) would say that although not then a member of the Government, or in any way connected with it, and therefore not called upon to justify their measures at that period, yet from the hon. member's own statement, and from the despatches and documents appearing in the Journals of the House, he could not find that His Excellency Sir Edmund Head had, under the peculiar circumstances in which he was then placed, acted wrong, or unconstitutionally, according to the principles of Responsible Government; nor did he believe the course Sir Edmund then took was the cause of the hon. member's boasted resignation, which, if the hon. member had been sincere, should have been sent in immediately that he was rejected by the people at the general election of 1850, or failed to secure his return, instead of waiting till nearly six months after that period. On the 25th October 1850, the Council, after two or three days deliberation, handed the Governor the following Minute:—

"The Committee of Council having had under consideration the
 "resignation of his Honor the Chief Justice, and His Excellency's
 "Memorandum accompanying the same, and having duly deliberated thereon, are of opinion that it is not advisable to appoint any
 "person to the vacant office, and that such a revision of the
 "Judiciary should be made by the Legislature as will secure the
 "efficient discharge of the judicial duties by three Judges of the
 "Supreme Court, together with the Master of the Rolls, and that
 "the necessary measures should be made to carry out the above
 "arrangement at the next Session of the Legislature."

Did the hon. mover of the amendment sign that Minute? No; neither was it signed by the Hon. Mr. Rankin, or the Hon. Solicitor General; and Mr. Wilmot the then Attorney General withdrew his signature the next morning. Here, then, was a Minute of Council, advising His Excellency to adopt a certain course, signed by five Councillors out of nine—a bare majority. What did His Excellency say about the affair? In his Despatch to Earl Grey, after recapitulating the circumstances, he says:—

“I have now stated to your Lordship what has taken place in this matter, and I confess myself to be in great difficulty and perplexity.

“I look, as I am bound to do, to my constitutional advisers for counsel, in order that I may furnish your Lordship with the best information for the guidance of Her Most Gracious Majesty. A majority of my Council, six out of nine, give me a written opinion which is certainly not entirely in accordance with my own views, but is still entitled to the highest respect. Among the signatures to this opinion is one which in such a matter carries great weight, that namely of the Attorney General, the first law officer of the Crown. Having given this opinion, the Council separate, leaving ‘no quorum’ at Fredericton. On the morning after they are gone, the Attorney General comes to me and informs me that he in fact withdraws his signature from the recommendation made by a majority of his colleagues, thus leaving such recommendation in effect, with a majority of only one voice in a Council of nine, and without the sanction of either of the law officers. Your Lordship will observe moreover, that the Council have tendered me no advice whatever as to the person to be appointed, although I solicited such advice, and although it is obvious that Her Majesty might, notwithstanding the recommendation of the majority, decide to act on the law as it is at present.

“The course for me to pursue, would be to summon immediately a fresh meeting of the Council, but the greater part of the members reside at a long distance from this place.

“The Attorney General was on the 28th October called away to the Court sitting at Saint Andrews, and there would be great difficulty in getting together within a short time, a full meeting of the Council, nor in fact, if they met again, could I, under the circumstances, expect to obtain any thing like an unanimous decision. Thus situated, I think my best course is to lay before your Lordship the advice of my Council such as it is, with a full exposition of my own views on the matter at issue, leaving you to advise Her Most Gracious Majesty as on the whole may appear best.”

From this it was evident that His Excellency was perplexed, and knew not exactly how to act. He appealed to the Provincial Secretary for the reasons which induced the majority of the Council to make the recommendation contained in the Minute, but could get no satisfactory reply; he then appealed to the Judges for their opinion. After having weighed everything over in his mind he wrote the Despatch from which he (Hon. Attorney General) had

just quoted, and concluded by pointing out three courses, either of which Earl Grey might advise her Majesty to pursue: the first to follow the recommendation of the majority of the Council; the second to appoint one of the Puisne Judges to the office of Chief Justice, and to leave a vacancy on the Bench until the Legislature met; and the third "to complete the full number of Judges on the Bench, acting on the law" as it then stood, without reference to the Legislature. His Lordship had chosen the latter course. But where was the hon. member (Mr. Fisher) all this time. He remained in the Government, and took his seat on several occasions at the Council Board after Sir Edmund's Despatch had been forwarded to England.

Mr. Fisher—I did not know it was sent.

Hon. Attorney General—Then the hon. member ought to have known. ("Hear, hear" ironically from the opposition.) The hon. member remained in the Government, and made no complaint except what was contained in his Letter to the Governor,—he remained in the Government more than a week after the appointments were made, but when he saw there was to be an election in York to supply the vacancy occasioned by Mr. Wilmot's elevation to the Bench, and that he (Hon. Mr. Street) was to be Attorney General, he made a virtue of necessity and resigned, knowing right well he could not longer remain in the Government. When he (Hon. Attorney General) joined the Government he was not aware of these facts, nor had he any thing to do with it. The hon. member had, in his opening speech, brought forward what was called "new evidence," but he had at that time omitted to state that the offensive message to the Council was subsequently destroyed by the Governor in presence of his Council, and he had thus deceived the House, [Mr. Fisher—"I deny it."] He would admit that there was an implied threat in that message, and that if the Governor had not destroyed it there would have been ground for complaint.

One of the charges the hon. mover of the amendment had brought forward against him (Hon. Attorney General) was the alleged imperfections of the present Municipal Law. But in all laws effecting great changes in the constitutional government of the people, there was always difficulties in perfecting such measures in the first instance. When Municipal Corporations were established in Canada they had to amend the law several times before it would work. When the Bill was introduced by him in the House he had much trouble in carrying it through. Hon. members of the opposition, whom he had been accused of calling *factionous*—(he did not recollect doing so, but if he did it was what he thought and believed,) moved amendment after amendment for the purpose of destroying the Bill, and at last, when it was carried, it was much altered. *He* was not responsible for these alterations, but the *House*. He wished to see the different Counties incorporated, but he was opposed to coercion, and the two-thirds vote was embodied in the Bill so that when a Charter was asked for there

could be no doubt of its being the wish of a majority of the people. Perhaps the hon. member (Mr. Fisher) might call this an antiquated idea.

But the hon. member (Mr. Fisher) was in the Government between two and three years, and what were the measures this man of wonderful progress and modern ideas introduced? It was true he had brought in a Bill to consolidate the Laws for defining the Boundaries of the Counties, Towns, and Parishes in the Province, and another had been brought in by the Government at the time he was a member to consolidate and amend the Criminal Code. *Wonderful efforts of Legislative talent!* if these were *specimens* of the hon. gentleman's *modern and progressive ideas* he should be the last man to attack others. The hon. member had *talked* about introducing a School Bill, but he never ventured to do it. Municipal Corporations were *talked* about, and had many advocates at that period as well as now, and the hon. member was one of those that talked about them, but there he stopped. Why did he not bring in those measures when he was in the Government? The reason was obvious. He was afraid to assume the responsibility; nor had he during the period he was in the Government, notwithstanding his enlightened views and boasted go-ahead principles, ever ventured to bring forward a single measure involving the slightest degree of political responsibility. The hon. member had eulogized Judge Wilmot. He was free to admit the eloquence of that gentleman. He had listened to him frequently with great pleasure when he was a member of this House, although in many respects he differed with him in politics; but never had he listened to him with greater pleasure than in 1849, when he spoke to the Bill he, as the then leader of the Government, introduced for regulating the Judges' Salaries. His (Mr. Wilmot's) speech upon that occasion was sound and constitutional. He laid it down as a principle never to be departed from, that the House had power to regulate salaries in perspective, but had no right to reduce the salaries of incumbents. "And now the question is," said Mr. Wilmot, "whether future Puisne Judges shall have £600 a-year and their fees, or £700 a-year without fees." It was then decided that they should have £600 a-year and their usual fees, and the Bill passed into law; and it was on all sides considered a final settlement of the question. The very next year, however, (the hon. mover of the amendment being then in the Government), a Bill was introduced by the Government to abolish the Judges' fees, and the then Attorney General (Mr. Wilmot) forgetting his speech of the previous year, supported it, as did the hon. member (Mr. Fisher) with all his eloquence, and his vote. The Bill passed the House, was sent to the Council, and never more heard of. It had been said that the Government could have carried the Bill through the Council had they wished, but of that he knew nothing; it was more likely to be true, however, as had been stated, that members of the Lower House voted for it because they knew it would be rejected by the Council, and that the measure was merely brought

forward as a piece of electioneering clap-trap to blind the constituency at the approaching General Election.

The Government had been censured because they had not brought in and carried an Election Bill. The hon. mover of the amendment had disclosed his ideas of the reform required in that direction, which combined Registration, Extension of Franchise to leasehold property of a certain value and incomes of a certain amount, and Vote by Ballot. With the exception of the last the hon. member had borrowed his ideas from him (Hon. Attorney General), for he had several years ago introduced a Registration Bill, and his Election Bill introduced in 1853 contained a section for the extension of the franchise. Since he (Hon. Atty. Gen.) had been in the Government there had been many measures introduced for which the Government were responsible, and he had never shrunk from taking his share of the responsibility. It was very easy to find fault, but the true test of talent was to find a remedy; and where were the hon. member's measures to benefit the country? Probably the hon. member would be the leader of the Government ere long, and then let them see what *he* would do. He had never done any thing yet. The hon. member talked of introducing measures, and eulogized his friend Judge Wilmot, but even Judge Wilmot, when he was in the House, much as he talked about education, put off his promised School Bill from time to time, and at length acknowledged that the subject was too difficult to grapple with during the last Session of the House. The School Bill introduced by the present Government, and now the law of the land, had been censured by hon. members of the Opposition, but the House must recollect that a measure effecting a radical change in a system could be scarcely expected to be perfect; experience was required to repair the defects incidental to new measures. He contended, however, that the experiment had proved successful, and that the law, in most instances, was working well. Let them look at the vast amount of useful information connected with education, obtained, and published annually in the Superintendent's Report. Before the Bill was committed he had shown it to the hon. member from Charlotte (Mr. Brown), *who had changed sides, and was now in the Opposition*, and he gave it his unqualified approval, and pronounced it a move in the right direction, and actually delivered a public lecture in its praise.

Mr. Fisher—"I said nothing about the School law."

Hon. Attorney General was glad to hear it, and therefore inferred that the hon. member approved of the law; but other hon. members of the opposition had censured it, and he (Mr. Fisher) had made sweeping charges against the Government, and against him (Hon. Attorney General) in particular, stating that he had not a modern idea in his head, and knew nothing but law. He would reply, that if to possess modern ideas it was necessary to square with the sentiments and opinions of the hon. member, he would pray, from such modern ideas and opinions "Good Lord deliver" him; and as to the hon. member's opinion of his legal attainments,

he would only remark, that the success which he had met with in his professional career, was the most satisfactory proof of the opinion of the public on that score, and that he should feel much humbled indeed if he had nothing better to support his legal reputation than the opinion of the hon. member, notwithstanding his cleverness at combination, and in drawing contrasts to secure votes against the Government. He (Hon. Attorney General) had never witnessed more malignity, notwithstanding proposed moderation, than he had exhibited in his closing speech. The Government had been charged with want of progress, and of doing nothing. He (Hon. Attorney General) felt that he had never upon any occasion, either in or out of the Government, finched from political responsibility, or from the conscientious discharge of his duty, or ever succumbed to outdoor pressure or popular clamour, when convinced of the correctness of his own views, and the rectitude of the measure. He had only to call to the recollection of hon. members the Railway question which came before the House in the Session of 1852. He alluded to the misunderstanding that took place during that period in respect to Earl Grey's offer, and Mr. Howe's interpretation thereof. Previous to the reception of the despatch from Earl Grey, correcting Mr. Howe's alleged erroneous construction, the Government of this Province had prepared a Railway Bill strictly in accordance with the Toronto Convention, so called, providing for the Northern Line, and a Branch to Saint John, in full expectation that this would be responded to by Canada and Nova Scotia; but shortly prior to the meeting of the Session of 1852, Earl Grey's despatch arrived, refusing to recommend the advance of money for any but the Great Trunk Line from Halifax to Quebec. This created much perplexity in all the Provincial Governments, and led to a delegation, consisting of three members from the Canadian Government, to this Province. The Government of this Province met the delegation, and after talking the matter over, he (Hon. Attorney General) found it to be the prevailing opinion that the route should be from Halifax to Saint John, and then up the valley of the Saint John to Canada. He at once saw that if this course was adopted, the Northern Line must be abandoned, and therefore suggested that, as nothing could be done without the concurrence of Nova Scotia, a delegation from this Government should join the one from Canada, and proceed to Halifax, well knowing that Nova Scotia, being as much interested in the Northern Line as the inhabitants of the northern part of this Province, their interests would be safer in the hands of the Nova Scotia Government than it could possibly be in his hands, standing alone as he did in the Government; agreeing at the same time, as he felt bound to do, to support in the House of Assembly any line that the three Governments should thus agree upon, although not thinking at the time, he must admit, that Nova Scotia would agree to any but the Northern Line. In this, however, he was mistaken, and on the return of Mr. Chandler, finding the Nova Scotia Government had agreed to the valley of the Saint John line, he felt that he must support it—although

opposed to the views of his constituents and most intimate friends—from a conviction at the time that it was better to have a line via Saint John, than none at all. He therefore supported the Bill, and assisted in carrying it through the House, which for a time led to a most unpleasant and painful misunderstanding between his constituents and himself. He however had the satisfaction of feeling that, under the circumstances as they then existed, he had done his duty. The Bill to which he referred failed in consequence of the British Government refusing to advance money for any but the Northern Line, which led to the contract with Messrs. Peto, Jackson, and Co., under circumstances which must be familiar to the House, and led to the calling of the short Session of 1852, when the Bills for sanctioning the contract with the said Company were introduced and carried through the Legislature as a Government measure. The work was progressing, and they would have the satisfaction ere long of seeing not only the northeastern and southern sides of the Province united by a Railway, but also the Cities of Halifax and Saint John.

These were all measures of the present Government, and yet they were told by the hon. mover of the amendment that the present is not a Government of progress. What, he would ask, could any Government have done more for the furtherance of Railways, and the internal government of the country at large? This was at all events more progressive than anything the hon. member (Mr. Fisher) had been guilty of (laughter), and yet that hon. member had the audacity—(cries of “order,”)—Well, if the word was unparliamentary he would use a softer one, and say the hon. member had the *presumption* to say the Government was not progressive, and that he (Hon. Attorney General) had not a modern idea in his head! (Renewed laughter.) The hon. member (Mr. Fisher) no doubt *had* some modern ideas in his head, and one of his most brilliant conceptions was that of trying, by cunning and manœvering, to step into his (Hon. Attorney General’s) shoes, (laughter); this was the hon. member’s great desideratum, and one of his progressive movements. The hon. member from Charlotte opposite (Mr. M’Adam) had stated that he (Hon. Attorney General) was blamed throughout the Province for defeating all progressive measures. This he denied. It was an idea existing nowhere but in the hon. gentleman’s own cranium, and had only been recently placed there,—probably at the time he was induced to sign the pledge to oppose the Government. Bold assertions were easily made, but not so easily sustained.

The Government had been censured for the manner in which they had distributed their patronage. He (Hon. Attorney General) could only say, that they had always acted with a view to the public good; and patronage, as it was called, he felt to be the most disagreeable and difficult of all the Executive duties, as their successors might find to their cost. He had also been charged with having neglected to serve in the Law Commission, to which he

was appointed. He consented to have his name placed on the list of Commissioners, stating in the House at the time, that he would give gratuitously all the assistance in his power. That he had done ; but he had found so little time to devote to the subject, that he was under the necessity of declining to take any part therein ; and whoever came after him would find the duties of Attorney General and leader of the Government quite sufficient to occupy his time, without applying himself to the duties of a Law Commission. Finding such to be the case, and that the Hon. Solicitor General was devoting his whole time to the subject, he left it wholly to the *paid Commissioners*, of whom the hon. mover of the amendment was one, reserving to himself the right to exercise his own judgment on their labours when their Reports came before the House.

He had made up his mind to keep his temper during the debate, but so numerous, unfounded, and unfair were the charges brought against the Government, and against him personally, that it was almost more than flesh and blood could bear. With regard to the charge that Government abandoned the Election Bill of 1853, and had not introduced another Bill at the last Session, he would explain how the matter stood. In 1853, he introduced the Election Bill, and during its progress in Committee several amendments were moved. One of these amendments was moved and seconded by the hon. members for King's, to increase the representation of that County. It was lost ; whereupon the members for that County, in revenge, determined to destroy the Bill if possible, and when it was moved to introduce the Ballot system two of them voted for it, although diametrically opposed to it, and it was carried by a majority of *one* only ! Knowing this, how could he proceed with the Bill ? He then moved that the Committee should rise and report progress, which was carried, and there the matter ended. The hon. member from *Boston* (Mr. End) had censured him for having inserted a clause in the Election Bill that would fit no cranium in the world but his. He could assure the hon. member that nothing personal was intended, —the Section was general ; and he considered the principle right. At the same time, if the cap fitted him it was his own fault, —not the fault of the framer of the Bill—he was ready to admit that he did not think a person residing in a foreign country, and having made application there to be received as a citizen, should be eligible to sit in the House of Assembly of this Province. He knew the hon. member had applied for naturalization in the United States, and if the Section happened to fit him he could not help it. The hon. member had spoken of the feelings he entertained towards those with whom he sate in this House many years ago. He (Hon. Attorney General) reciprocated those feelings : he had not forgotten the days when he and the hon. member struggled together side by side—sometimes against all the rest of the House—for principles they believed to be right.

One thing he must say : since he had been in the Government he had never asked a member of the House for his support ; and if the Government could not stand without personal canvass, let it

fall. There was another thing he would assert, without fear of contradiction: never had he during his political career done any thing against an opponent at an election, or to obtain a seat in the Legislature, that he was ashamed or afraid to avow on the floor of this House. He valued his character far above office or money. He had made what little property he owned by his own industry, and he would go into the woods and work for a living rather than retain his office by doing any thing that could tarnish his character or his honor, which were dearer to him than life.

The hon. mover of the amendment had gone out of his way and dragged a law-suit into the debate, charging him in the most unfair and most unmanly manner with going beyond his duty as Attorney General, to injure a private individual, whom he justly eulogized as being one of the most enterprising business men in the country, than which charge nothing was more unfounded. The individual concerned (Mr. John Glasier) and himself were on friendly terms: they had been so before the commencement of the suit alluded to, and were so still, and he thought it an act of malice for the man who had been Mr. Glasier's Counsel in the suit to attempt in this House to sow the seeds of enmity betwixt him and Mr. Glasier, by representing that he (hon. Attorney General) had attempted to injure that gentleman.

The hon. member (Mr. Fisher) had endeavoured to palm off on the House what he knew to be wrong, as he had been in the Government himself, and knew that the Attorney General never entered a Crown prosecution until there was an Order in Council commanding him to do so,—an order he dared not disobey—and yet the hon. member had represented him as entering the suit of his own accord, and as being alone responsible for the act. He had never prosecuted in the name of the Crown but when he was ordered to do so by the Government, and every member of the Government were alike responsible. But the hon. member had accused the present Government of being guilty of that of which their predecessors had set them an example, the hon. member himself being a member of the Government at the time. The Government to which he (Mr. Fisher) belonged some years ago had taken bonds from parties lumbering on the Disputed Territory, they had collected the money on some of these bonds, and had put others in suit! The fact was, this Province was liable to Canada for the amount of all the bonds taken for lumber cut on that part of the Disputed Territory that has since been awarded to Canada, and as some of those bonds had been collected, it was but right the remainder should be also. Canada and New Brunswick were mutually liable to each other for these bonds, and they ought to be collected; and he had given it as his opinion that they could be collected, and he still thought so. He, as Attorney General, was ordered to prosecute, and his duty to the Queen compelled him to serve her as faithfully as he would any other client.

Mr. Ritchie—But why did you object to certain evidence being brought out?

Hon. Attorney General—In conducting a Crown suit, he conceived it to be his duty to take every legal advantage, just the same as though he was conducting a case for a private individual. Had he merely consulted his own feelings he would have acted in a different manner. The hon. member (Mr. Fisher) had put this matter forward for the express purpose of villifying him, and lowering his character before the community. The hon. member knew well what his duties were,—that he could not avoid prosecuting when he was ordered by the Government to do so. Mr. Glasier himself acknowledged this, and said he believed that he (Hon. Attorney General) had done no more than what he conceived to be his duty. The hon. member (Mr. Fisher) had supported his client to the best of his ability, and he (Hon. Attorney General) had done the same, and he considered himself bound to take advantage of any points of law that might be in his client's favour.

Mr. Ritchie—You were over-zealous.

Hon. Attorney General,—and the hon. member is also over-zealous sometimes; his (Mr. R's) principle was to get a verdict, as the old woman advised her son to get money, *honestly* if he can, but a verdict *at any rate* (laughter). The charge in reference to this suit was put forward by the hon. mover of the amendment to injure the Government, and to injure him (Hon. Attorney General) in particular; and yet the accuser, who now expressed such holy horror at Mr. Glasier being sued, was in the late Government, and, at the Council Board, advised that suits of precisely the same nature be entered against Mr. Kirk, Mr. Tibbits, and others! Such was the conduct of the hon. member who congratulated the House on the debate having been conducted in such a *gentlemanly* manner! In the suit against Mr. Glasier, he (Hon. Attorney General) failed to obtain a verdict, inasmuch as the jury did not agree, and since that period, in accordance with an Address passed by the late House, no further proceedings had been taken in reference to the Disputed Territory bonds. When that Address was about to be put to the House, conceiving it improper for him to have any voice in the matter, he stepped aside and did not vote. So much for that subject, which he considered had been brought forward in this debate in a most unfair and improper manner, and if he (Hon. Attorney General) deemed it right or fair to go into such matters, the hon. mover might have felt most sensibly the consequences. He had no complaint to make on account of the time taken up by this debate, nor would he say that the Opposition had acted in an unconstitutional manner in bringing up the question at the short Session. If the Government were to be turned out, as well let it be done at once as at any other time. He knew they were doomed, and only wished the Allied Army at Sebastopol was as certain of success as the Opposition was of ousting the Government,—he could not wish them a more advantageous situation (Hear, and laughter). But how was that Opposition made up? By a combination of his personal and political enemies. The hon. member from Charlotte (Mr. Gillmor) had stated that combinations were

natural, and the only way to effect any particular object, and that he came to the House on purpose to enter into combinations ; and so it happened that the first combination he entered into was one to overturn the Government. The Government were charged with a dereliction of duty in not prosecuting the Hon. Thomas H. Peters, for a balance said to be due from him to the Province. Now although in 1853 a Select Committee reported a balance to be due from Mr. Peters, yet that report was not followed up by an Address from the House to the Government to take action thereon, and therefore there was no fault on the part of the Government for not doing so. At the regular Session of 1854 a resolution was passed, calling upon the Government to act, and he immediately took steps to bring the case to trial. Mr. Peters had acknowledged notice having been served, and had verbally agreed to the cause being considered at issue as of next Hilary Term. He (Hon. Attorney General) had up to the present time refrained from expressing his opinion on the merits of the case, publicly ; it would have been improper for him to do so while there was a probability that he would have to conduct the prosecution ; but now he felt no such restraint, and therefore had no hesitation in saying it was his opinion that it was very doubtful if the Crown would be able to obtain a verdict.

The Government appointments had been condemned by hon. members of the Opposition, and in his opinion most unjustly so. The office of Attorney General had not benefited him in a pecuniary view. When he joined the Government he gave up an office worth £100 a year, which had since been conferred upon a Member of the late House.

Something had been said about the Audit Office, and Government had been censured in an extraordinary manner for their alleged inertness in reference thereto. Government was not responsible for the manner in which the Audit Department had been conducted, and no definite course of action had been pointed out by the House until the last Session of the Legislature. Acting upon the Resolutions of last Session the Government were maturing a scheme which they intended to have introduced at the next regular Session ; and they had no reason to anticipate that the subject would be brought up at the present Session. The Government had been censured for the appointment of College Commissioners. The gentlemen appointed had been sneered at, and it had been insinuated that the country had been put to unnecessary expense. The Government had been anxious to avail themselves of the experience of other countries, and for that reason had appointed Dr. Ryerson, who had long devoted his attention to education in Canada, another gentleman intimately connected with the educational establishments of Nova Scotia, two gentlemen of this Province who are highly educated, and the hon. member for Charlotte (Mr. Brown), who, besides having devoted much attention to the subject of education, was a plain, practical man. He thought the Government deserved credit, rather than censure, for having appointed such an

excellent Commission. With regard to the expense, the Commission would be conducted with as much economy as was consistent with the important duties the Government had to perform. The next charge against the Government was for appointing Mr. Drury to the Registrarship of the County of Saint John. Not a word was said against this gentleman; the whole complaint was that his brother held the office before him. Now he did not know why he should be excluded because the office had been previously held by his brother: the Government knew that he was highly competent to discharge the duties of the office, and that his character was unexceptionable, and that was all they had to look to. The hon. members for Gloucester had charged the Government with having dismissed Mr. Baldwin, late High Sheriff of that County, in a very improper manner, to gratify the spleen of one of the members from Gloucester in the last House. They had represented that Mr. Baldwin had been tried before a Government Commissioner, fully acquitted, and afterwards punished, having been dismissed in a summary manner. That was not the case. Mr. Baldwin had been acquitted of the principal charges against him, but according to the Report of the Commissioner he was not held entirely blameless. To have dismissed him at once, however, would have been received by the public as evidence that the Government considered him guilty of all he was charged with; they therefore reinstated him in office, and at the next annual appointment of Sheriffs appointed another in his stead. Mr. Baldwin had nothing to complain of, as Sheriffs were appointed annually, and the Government might change the list every year if they chose, without being liable to be called to account why they did so. He was struck by a remark made by one of the hon. members for Gloucester (Mr. M'Naughton.) That hon. gentleman had stated that he had no objection to see two or three members of the present Government retain their position when the new Government was formed. Now how could that be done, when the opposition charged him, and his hon. colleagues who had joined the Government since the appointment of the Judges, with all the sins committed by the Government before they joined? According to that theory, were any of the members of the present Government to retain their places, the new Government would be held accountable for all the sins of the present Government. Such an amalgamation he (the Attorney General) considered would be alike discreditable to both parties, and such as he trusted none of the present Government would accede to. He would now reply to the fierce attack made upon the Government by the hon. member for Kent (Mr. M'Phelim.) That hon. member had stated that the patronage in Kent was disposed of in obedience to the wishes of a secret corps, and that his recommendations of Magistrates and Commissioners of Bye Roads—for which he held himself responsible to his constituents—were slighted and overlooked, and he was therefore glad of an opportunity of *wreaking his vengeance against the Government*. He (Hon. Attorney General) would show up the other side of the

matter, and then let the House judge between the hon member and the Government. The Government had two lists of persons recommended as Magistrates and Commissioners of Bye Roads for Kent, one from the hon. member and the other from his colleague. These lists were antagonistic, only a few of the names being on both lists. Now when the members for a County disagreed in that matter, how was Government to act? They could not take both lists, nor could they accept the recommendations of one member without apparent injustice to the other. But in regard to Kent, Government received information that many of those recommended by the hon. member (Mr. M'Phelim) were quite incompetent, several of them being unable to read or write. The Hon. Mr. Chandler was therefore appointed a Commissioner to go to Kent and examine into the truth of the allegation. He went and put himself in communication with the hon. member, and requested information on the subject. The hon. member refused in the most obstinate manner to give any information, and said if the Government did not consider his recommendation a sufficient guarantee for the character and ability of the parties, they might take their own course. He also said he would have all his list appointed, or he would have none! Under these circumstances the Government was obliged to fill up the appointments according to the best information they could get, and this was the sole cause of the hon. member's opposition,—because they would not quash his hon. colleague's (Mr. Cutler's) recommendations, and take his *in toto*, he came to the House exulting, as he said, that the hour was come for him to take his revenge, in assisting to overturn the Government! Now he would ask why the hon. member's whole list should be appointed—whether qualified or not—and his hon. colleague's list rejected; and how the Government could act under the circumstances otherwise than they had done. It was folly to say they must make every local appointment recommended by the members. In one County the Government had been recommended by the members to appoint no less than forty eight new magistrates, when there were already from thirty to forty magistrates in the County! From what he had stated hon. members would perceive the difficulties Government had to contend with in the distribution of patronage, and how impossible it was to please all parties, as well as the impropriety of any Government yielding to the dictation of such persons as the hon. member for Kent.

[It being now dark, and the members having been sitting many hours, the House adjourned until the next morning.]

Saturday, October 28th.

Hon. Attorney General resumed.—Last evening, just before the adjournment, he had been replying to the complaints made respecting the local appointments. It was the usual practice for the members representing a particular County to agree among themselves, and when they did not agree, but presented different lists,

it was very embarrassing to the Government. But the hon. member for Kent (Mr. M'Phelim) was wrong when he laid down as a rule that the Government was *bound* to appoint the persons recommended, even when the County members agreed, for if improper persons were appointed it was the Government, and not the members, who were responsible for the act. In what position would the Government be if they came down to the House and made the defence that this or that improper appointment was made upon the recommendation of a certain member, and therefore the Government was not responsible? In Kent the members were antagonistic towards each other, and recommended to the Government different lists of persons as Justices and Bye Road Commissioners.—(Mr. M'Phelim rose to explain).—He (Hon. Attorney General) would not allow the hon. member to interrupt him unless he should happen to misrepresent any thing he had said in the House. He had not interrupted any hon. member throughout the whole course of the debate, although nearly every member of the Opposition had attacked the Government—and himself in particular—fiercely, and some of them malignantly.—(Mr. M'Phelim merely wished to say that what took place betwixt him and the hon. Mr. Chandler was private, and should not have been mentioned on the floor of this House).—He (Hon. Attorney General) contended that as the hon. Mr. Chandler had been sent as a Government Commissioner, and as the hon. member (Mr. M'Phelim) had attacked the Government fiercely respecting the appointments, he had a right, while defending the Government, to expose the whole affair.

He would now return to the effects produced on the House by the hon. mover of the amendment, in his first speech, keeping back what he was obliged to acknowledge yesterday. The hon. member for York (Mr. Macpherson) had stated that he had changed his mind, and would oppose the Government, in consequence of the new evidence brought forward by the hon. mover of the amendment. No doubt other hon. members had been influenced in the same manner. Now if the hon. member had stated in his first speech that the Governor's Message to the Council, in which he told them that if they did not like his proceedings they might adopt their own course,—if he had told them that upon the remonstrance of the Council the Governor tore up the offensive document, hon. members would not have changed their minds.

Mr. Fisher—It was not *that* document the Government tore up.

Hon. Attorney General—Yes; the hon. member stated distinctly that the Governor tore up, and threw under the table, the offensive message he had sent to his Council.

Mr. Fisher—No; I said nothing of the kind. I stated that the Governor, on the remonstrance of the Council, tore up another paper, which he had written subsequently to the Message of the 23rd October.

(Hon. Attorney General reiterated his assertion several times, which was as often denied by Mr. Fisher).

Hon. Attorney General—The hon. member stated yesterday most distinctly that the Governor tore up *the* offensive document..

Mr. Fisher—I did not. I stated that the Governor, when the Council remonstrated with him, tore up a document he had written, and flung it under the table. I did not say what it was, nor do I know, as I do not remember hearing it read. I am willing that the whole affair shall be explained by His Honor the Speaker, who was then present.

His Honor the Speaker did not consider himself at liberty to enter into explanations.

Mr. Johnston—I understood the hon. member (Mr. Fisher) to say that the tearing up of the second document was considered by the Council at the time as a concession.

Hon. Attorney General—And why, if he did not, as he now alleges, know what paper was torn up, refer to its being torn up at all? He (Hon. Attorney General) considered this a mere evasion. The hon. member (Mr. Fisher) was willing to leave the explanation to His Honor the Speaker, to which he (Hon. Attorney General) had no objection; but the hon. member knew well when he made the proposition that the Speaker's mouth was sealed. He considered the hon. member's conduct evasive in the extreme. As to his hon. colleague (Mr. Johnson) he had attacked the Government on the basis of three propositions, —that they had done those things they ought not to have done, left undone those things they ought to have done, and that there was no *political* health in them. The hon. member was fond of punning and quoting, and he had entertained the House a long time reading extracts from an article that appeared in the Colonial Magazine ten years ago. It had nothing whatever to do with the question whether the description there given of these Colonies was correct or not at that period, as great changes had taken place since. One of the sins of commission with which the hon. member charged the Government, was the passing of the Municipal Corporation Law as it now stands; and yet the hon. member took an active part in the passing of that Bill, and went back to his constituents and gave himself great credit for the amendments he had introduced and carried!

[Mr. Johnson here stated that he was in favour of Municipal Corporations, but he was not in favour of coercing the people. If the Government, however, considered Municipal Corporations beneficial in every County of the Province, they ought to bring in a Bill to make them general.]

Hon. Attorney General must conclude, from what the hon. member had just stated, that he was in favour of coercing the people into Municipal Corporations, and wished to place the Government in the predicament of bringing down a measure to that effect, although they knew it would not be carried in the House! As to the provision for a two-thirds vote, it was the system first adopted in Canada, [“No,” from Mr. Fisher]. He would not take the hon. member's assertion as authority either in that or any other

matter. His hon. colleague (Mr. Johnson) had opposed the motion to postpone the Municipal Corporation Bill, and had therefore made himself a party to the measure, and must take his share of the responsibility. The hon. member had first altered the Bill by his amendments, then voted in favour of it as it now stands, and now brings it forward as one of the sins of the Government! He considered the two-thirds vote a proper precaution in the introduction of a new measure, effecting a great organic change. It was a precaution practised in the United States Congress, where a two-thirds vote is required to alter the constitution, and the principle was embodied in the Imperial Act of 1840, uniting the two Canadas. The Municipal Corporation Bill was carried by a large majority, and because there was a clause in it requiring a two-thirds vote of the freeholders and leaseholders to obtain a charter; it had been spread abroad that he (Hon. Attorney General) wished the minority to rule. Last Session the hon. member from Carleton (Mr. Connell) had attempted to amend the Bill by introducing a majority instead of a two thirds vote, but there was a large majority of the House opposed to it. He (Hon. Attorney General) did not rule the Country; it was the people that ruled through their representatives,—it was the majority of this House that ruled the country; and if the hon. mover of the amendment opposed the wishes of the majority of the House, it was not he (Hon. Attorney General) that wished the minority to rule, but the hon. mover of the amendment. His hon. colleague (Mr. Johnson) had found fault with the course he had taken in reference the Judges' Fees. He considered the Act that was passed in 1849, in connection with the speeches delivered on that occasion, a final settlement of the question; he had always said so, and would say so still.

The gravest charge brought against the Government was the manner in which the Judges were appointed, the members of the present Government being held responsible for the sins of their predecessors. He protested against the doctrine; but if the House decided contrary to his opinion, by the passing of the amendment, let them watch and see how the principle would be carried out by the new Government. How could they take in any member of the present Government—if that doctrine prevailed—without making themselves responsible for the very sins they now charged the present Government as being guilty of? He admitted that the Government as a whole were responsible for whatever the leader of the Government might say in his place, but he did not hold himself accountable for what the Government had done before he joined them. When Sir Edmund Head consulted his Council upon filling up the vacancy on the Bench, the hon. member (Mr. Fisher) differed with the majority of his colleagues as to the number of Judges requisite in the Province, and wrote a letter on the subject to Earl Grey. He knew of the Governor's Message of the 23rd of October, and if he did not like it he ought to have resigned at once, especially as he was not a member of the House at the time;

but now he endeavoured to throw the blame off his own shoulders upon others.

In reference to the Reciprocity Treaty with the United States, he admitted that the Colonies had not got all they wanted; but the Government of this Province had done their best. They had been accused by the hon. member for Kent (Mr. Cutler) of dereliction of duty, in not having sent a Delegate to Washington while the Treaty was pending. The charge was groundless, as the Government had sent Mr. Chandler there—as good a man as they could have selected—who had done his best for the Province, and if the Treaty did not go as far as they wished, no blame could attach to the local Government. He asserted this without fear of contradiction; (hear, hear.)

In reference to the complaints about the Election Law, he had already explained how the Bill was lost in 1853. At the last Session he had an Election Bill prepared, but did not bring it in because it was the prevailing opinion in the House they would not have time to go through with it, the Law Bills took up so much of their time. It was also said it could not receive the Royal assent in time for the election, Government having determined the election should take place early, in order to exclude alleged manufactured votes. The only objections urged against the Election Law was the want of Registration and Vote by Ballot. He would show the consistency of some hon. members who now brought forward these objections, by referring to the Journals of 1847:—

“ On motion of Mr. Brown, that the House proceed to the Order of the Day of the seventeenth day of February instant, to go into Committee of the whole on a Bill to establish and regulate the Registry of the Electors of Members to serve in the General Assembly of this Province—the Order of the Day being read, the House according thereto resolved itself into Committee of the whole in consideration of the said Bill.

“ Mr. Hayward in the Chair of the Committee.

“ Mr. Speaker resumed the Chair.

“ The Chairman reported, that the Committee having the Bill referred to them under consideration, the following Resolution was moved :—

“ *Resolved*, That the further consideration of this Bill be postponed for three months. And upon the question, the Committee divided as follows :—

“ *Yeas*.—The Hon. Mr. Baillie, and Messrs. Fisher, Earle, Cranney, Connell, Miles, Thomson, Tibbitts, Ritchie, Partelow, Jordon, Vail, End, Botsford, Hanington, Wilson, Read, Smith, and Steves.

“ *Nays*.—The Hon. Messrs. Speaker and Rankin, and Messrs. Carman, Boyd, Porter, Brown, Wark, M'Leod, Gilbert, and R. D. Wilmot.

“ Whereupon it was carried in the affirmative.”

This division would show who was then in favour of registration and who opposed it. He had supported the scheme for registration then defeated, being willing to give it a fair trial. "Why have not the Government done this," cried the opposition, and "why have not they done that?" His answer was, that the Government could not do every thing, they could not mature and bring in all the public measures that might be required. [Mr. Ritchie, —They ought to do.] He admitted that it was the duty of Government to introduce measures of the first importance, such as those effecting the constitution, but any other member had the same right to bring in bills on other subjects; they were sent there to legislate, and should not leave everything to the Government. In Nova Scotia a Registration Bill had been introduced by the Hon. Mr. Johnston, leader of the opposition. But what had the leaders of the opposition done in New Brunswick? What had his hon. colleague (Mr. Johnson) done in the way of legislating since he had been in the House? If the hon. member could not *talk* well it was not because his speeches were not long,—it was not because he was not expert in moving amendments to defeat the bills brought in by others. He ought to be expert in those things, because he practised enough, but what had he done? what measures had he introduced during the four or five years he had been in the House? He did not think the hon. member lacked industry; in his practice as a Barrister he was as ready to catch a brief as others; but in the House he did nothing but carp and cavil at Government measures, seeking an opportunity to overturn them. He could assure the hon. member that the Government did not shrink from the investigation, and were willing to be judged by the people, whatever the result might be in the House where a *combination* existed which he believed had been entered into before hon. members were sworn in. If hon. members of the opposition were sincere they could have had a Registry Law in operation years ago, and perhaps the Ballot also by this time. He had been severely censured for abandoning his Election Bill when the ballot was added, but how could he act otherwise, when the Section was carried by a bare majority of one, and he knew that some of those who voted for it did so in order to destroy the Bill? What would it avail to proceed further with the bill, when every one knew that in consequence of the lateness of the Session there was not a disposition on the part of hon. members, even among the friends of the bill, to go on with it. He found the hon. member from Carleton (Mr. Connell) in the opposition ranks. That hon. member was sometimes in one House, and sometimes in another, always professing to be guided by the wishes of his constituents. That hon. member, he presumed, knew all about political sins, and in all probability he had been advised by his brother-in-law (Mr. F.) what course he should now take.

Mr. Connell—I am governed in this matter also by the wishes of my constituents.

Mr. Fisher—I am willing to tell what advice I gave the hon. member from Carleton, if the Hon. Attorney General will hear me.

Hon. Attorney General would decline the offer made by the hon. member, out of motives of delicacy toward him (laughter); he did not wish to expose the hon. member by allowing him to state what advice he gave parties upon the present question. He next came to the objections urged against the existing Parish School Law. Before submitting the bill to the House he had shown it to Judge Wilmot, and the hon. member for Charlotte, then a member of the Legislative Council (Mr. Brown), by both of whom it had been approved. He considered the law had worked well, and had been productive of a large amount of good. He would not say it could not be improved, but improvements in all such measures were the results of experience. It was not to be expected that a new law upon a very intricate matter would be so perfect that experience could not point out where alterations would be beneficial. But it was remarkable that not one of those who had found fault with it had pointed out a remedy. The next thing complained of by the hon. member from Carleton was the Municipal Corporation Bill. Now he saw sometime ago in the *Carleton Sentinel*—the hon. member's mouthpiece; a paper said to be under his control—an address got up in Carleton, complimenting the hon. member as having been the originator of the Municipal Corporation Law in this Province.

Mr. Connell—I had nothing to do with getting up the Address; it does not compromise me.

Hon. Attorney General—Well, at all events the Address did not seem to offend the hon. member; and he had asserted repeatedly in the House that the Municipal Corporation worked well in Carleton. The hon. member's next complaint was the withholding a Charter from the County of Victoria. In that County a requisition was presented to the High Sheriff, who called a public meeting according to law; the meeting was held, and over two-thirds of the votes thrown were in favour of being incorporated. The Government received a certificate from the Sheriff to that effect, and at the same time he informed them that there was considerable rioting towards the closing of the poll, and several individuals complained that they had been prevented from voting. About the same time they received petitions from several gentlemen of respectability, describing the conduct of the rioters, and asserting that they were beaten and prevented from voting. What would have been the result if Government had turned a deaf ear to these petitions, and issued the Charter? Why, the very men who now complained of their conduct without cause, would then have been the first to condemn them, and they would have had justice on their side (hear, hear). The Government had sent the Hon. Solicitor General—a cool, dispassionate man, whom no one would accuse of being biassed—to investigate the facts, and upon his Report they had acted, and withheld the Charter.

Mr. Connell—I never alluded to the subject.

Hon. Attorney General—Then it was the hon. mover of the amendment, and other hon. members,—he thought the hon. member for Carleton was one of them. When it was shown that a County meeting to decide whether a Charter should be applied for or not was inconvenient, as persons living at a distance would not attend, a Bill was reported, to provide for simultaneous meetings in the several Parishes, and afterwards amended by the Law Commission, of which the hon. gentleman (Mr. Fisher) was a member.

Mr. Fisher—I rise to order. The hon. member is misrepresenting me.

Hon. Attorney General—“That’s not true.” He had stated a fact, without accusing the hon. member in particular. He merely wished to show that the Municipal Corporation Bill was popular with the very men who now condemned it. It had been introduced in Carleton County, where, according to the representatives of that County, it had worked well; his hon. colleague (Mr. Johnson) and others had tried hard to introduce the system in Northumberland, and attempts had been made to introduce it in Charlotte, Victoria, and Sunbury, Now, if it was a mass of absurdities, as it had been styled, so many attempts to introduce it in different Counties would not have been made.

The hon. member for the City of Saint John (Mr. Harding) had given the hon. mover of the amendment credit for the Reports of the Law Commission. If these Reports were satisfactory to the House it followed that the Government deserved credit for having made a judicious selection when they appointed the Commission. At all events the hon. member (Mr. Fisher) had taken office under a Government that he now maintains ought not to have been in existence, and had received his pay from them. The hon. member had attempted to ridicule him for bringing in a Bill, as Attorney General, in reference to what was formerly the Disputed Territory. The Bill was necessary, in order to secure to Restigouche a slice of country always considered a part of that County, but which, in the absence of an Act of the General Assembly, would have been included in Victoria County; and if the hon. member would look closely into the award, describing the boundary between this Province and Canada, instead of ridiculing the Bill he (Hon. Attorney General) had introduced, he would find that such a Bill was absolutely necessary. But the hon. member had gone out of his way to seek for every opportunity to attack him personally.

[Mr. Fisher—The hon. member, and other hon. members, have intimated that I was aggrieved because I was not made Attorney General, thereby imputing that I would sacrifice my principles for office; bringing forward the amendment was to secure for myself the office of Attorney General. That accounts for my language in reply, and if I have said any thing to hurt the Hon. Attorney General’s feelings he deserves it].

Hon. Attorney General had only one answer to make. The hon. member’s assertions were not true. As to the charge brought against the Government that a large sum of money had been

squandered on the boundary survey in the summer of 1853, it must be recollected that it was done under the auspices of the Canadian and British Commissioners, and that the Government of this Province knew nothing about it until the Report came in; the Government, therefore, was not responsible. But what would have been the result had the Government of this Province withdrawn their Commissioner when they found out the lavish expenditure? The other two Commissioners would have gone on and finished the survey—this Province would still have had half the cost to pay—and the valuable territory of the Mistouche, now awarded to New Brunswick, might by possibility have been awarded to Canada. The survey had been conducted with the strictest economy during the past summer, and was now virtually finished.

The hon. member from Kent (Mr. Cutler) had charged him with being merely a nominal leader,—introducing Bills and advocating them, while other parties were the originators. Now this was not true. It was his duty, as Attorney General, to prepare and take charge of Government Bills in the House, he never shrunk from it; at the same time those measures were discussed by the members of the Government in secret conclave, where the majority ruled. The hon. member had also ascribed what he termed “mal-administration” to back-stairs influence; this he denied; but if Government acted upon the advice of other parties, the moment they adopted a measure they became responsible for it, and therefore if they acted upon the advice of others that could form no ground for complaint, as they must be judged by their measures and not by the influence which lead to them. The next charge the hon. member had preferred against them was their conduct in reference to the Audit Office. The attack was most unfair, as the hon. member knew how anxious the Government were to reorganize that Department. The Auditor was one of the public officers who had claims under the Civil List Act. The Provincial Government could deal with other public officers, but those who were appointed under the Civil List Act, or held office prior to the passing of that Act, could not be dismissed—if they conducted themselves properly—without a retiring allowance, and that was a matter of negotiation with the Imperial Government. In 1853 the Committee on Public Accounts brought in a Report, setting forth that the Audit Office was in a very inefficient state. On the 28th of April the House went into Committee of the whole on the Report, when the hon. member (Mr. Cutler) moved that the House do “affirm and adopt the Report, and for the Executive Government to carry into effect the recommendations therein contained.” Knowing the difficulties the Government would have to contend with on account of the Auditor being on the Civil List establishment, he (Hon. Attorney General) moved that “the Chairman do leave the Chair, report progress, and ask for leave to sit again.” This amendment was carried by a division of twenty to sixteen. The hon. member accused him of moving the amendment to give the subject the go-by. Such was not his intention.

It was competent for the hon. member to move the House into Committee again on the subject, and he (Hon. Attorney General) supposed he would do so, and intended to make such enquiries in the meantime as would enable him to go more fully into the subject; but no further action was taken in the matter that Session, and the Government had no authority to act. Last Session the subject was taken up again, and resolutions passed instructing the Government how to act. The Government intended to carry into effect the wishes of the House thus expressed, but there never was a season when they were more pressed with public business, and their plans with respect to the Audit Department were not quite matured; they would have been matured, however, had the Government remained in peaceable possession of their seats until the annual Session of the Legislature.

A great deal had been said by hon. members of the Opposition upon the reduction of salaries. Upon that point he joined issue with them,—he did not think the salaries of public officers too high, [Mr. Fisher—Neither do I]. Of course not, for the hon. member expects to go into office in a day or two; (laughter). The hon. member from Kent (Mr. Cutler) had stated that the Government had promised to introduce a Bill for the reduction of salaries, and had not fulfilled their pledge. The facts were these:—The Government had promised to bring in a Bill to *regulate* not *reduce* salaries, and had done so, he (Hon. Attorney General) having brought in a Bill on the 22nd April, 1851. That Bill was for regulating and fixing the salaries of the political officers, which he (Hon. Attorney General) always admitted the House had a right to deal with, though it might affect present incumbents. That Bill was committed, and progress reported; it was committed the third time on the 28th of April, and postponed on the motion of the then Speaker (Hon. Mr. Simonds) the hon. member for Kent voting *for the postponement!* The hon. member had charged the Hon. Surveyor General with having violated the law in granting timber berths to be renewed for the second and third years. The law compelled the Surveyor General and his Deputies to conduct all sales of public lands openly, and by auction, and this applied to the sale of leaseholds as well as to all other interests in Crown lands, and this had always been done, and therefore the hon. member was wrong in his facts. Besides, the very practice of which the hon. member complained had been recommended by a Resolution of the House some years ago, nor had he (Hon. Attorney General) heard a single complaint about it among his constituents, many of whom were engaged in lumbering. The hon. member's complaint about the County of Kent being governed by a clique, and his charges against Mr. Pagan, were frivolous and unfounded; and so were his charges in reference to the late Colonel Shore. The £900 a year salary drawn by that gentleman for some years, was in commutation for fees, and originated and was carried in the House, that hon. gentleman not interfering; and as to the salary paid Mr. White by the late

Colonel Shore, that was a private arrangement between him the then head of the department and his Clerk, with which neither the House nor the Government had any thing to do. It was in this manner all sorts of charges had been trumped up to injure the Government.

Before he concluded he would take a glance at the component parts of the opposition. There was the hon. member for Sunbury (Mr. Lunt); he had nothing against the Government, but would oppose them because he was a *liberal*, and wished to follow in the footsteps of the hon. member for Charlotte (Mr. Brown) who, he said, *knew the ropes!* (Laughter.) The hon. member from Albert (Mr. Stevens) confessed that he was puzzled at first, and sent to his constituents for instructions; but he made up his mind how to act before his instructions arrived, for he saw so many members opposing the Government that he concluded there was *something wrong!* The hon. member did not know *what* was wrong, but he had made up his mind to go with the majority! The hon. member from Westmorland (Mr. Landry) stated that he had been sent there by the people for the express purpose of opposing the Government. It might be so, but it sounded very much like the voice of that hon. member's colleague, (Mr. Smith); one could talk to the people in French, and the other in English, so that between the two they could make them believe anything (laughter).

Mr. Ritchie—You know the feelings of the people very well.

Hon. Attorney General was willing to go back and ask them—nay, more, he would be delighted to have the opportunity of doing so, and even in the County of York he would be willing to test the question with the hon. mover of the amendment immediately. The hon. member had stated that he dared not stand for York at the last election, but the case stood thus: he did not wish to abandon a County he had represented so many years, but in consequence of what took place two or three years ago, when some of his constituents were displeased with him for voting as he did upon a railway bill, he told his friends that he would not offer for Northumberland again unless a requisition was got up to him, numerously and respectable signed. This was done, and he responded to it, and was returned second on the poll. If the people of Northumberland had not got up a requisition to him he would have offered for York, and should not have feared the result; and if he had done so the hon. mover of the amendment he believed would not have gone in at the head of the poll. He did not believe the amendment expressed the sentiments of the people of the Province, and he would like nothing better than to have a constitutional opportunity of testing the question. He must apologize to the House for having taken up so much of their time; he did not under the existing combination expect to turn the tide setting in against them, but if he had not replied to the charges brought against the Government, and himself in particular, it would have been said that the charges were true, and that the Government had no reply to make. The speeches delivered by the hon. member for York

(Mr. Fisher) previous to, and immediately after the last election, were widely different. It was evident when he made the latter speech that he had an object in view, and now it became still more apparent when he asserted that the only qualification he (Hon. Mr. Street) had for the office of Attorney General was his knowledge of the law. Why had the hon. member thus resorted to personalities ?

Mr. Fisher—I offered on Thursday evening to forego my closing speech if the Hon. Attorney General would do the same, and take the vote then.

Hon. Attorney General—Yes, but he gave the hon. member no credit for his offer, it was of a piece with the rest of his manœuvres, for all sorts of charges had been preferred against the Government and had not then been answered. When the hon. member made that offer, he saw through his motive, and was too wary to fall into the trap the hon. member had set for him. Hon. members talked of his being in favour of the minority ruling, but they (the opposition) were carrying out that principle in the House. The hon. member from St. John (Mr. Ritchie) was returned lowest on the poll, and under protest, and yet he was one of the leaders of the opposition, and would, no doubt, take his seat in the new Government.

Mr. Ritchie—Two hon. members of the present Government (Hon. Messrs. Wilmot and Gray) are in the position pointed out by the Hon. Attorney General.

Hon. Attorney General—Not so; they stand second and third on the poll.

Mr. Ritchie—Wait until the scrutiny is over, and then you will see.

Hon. Attorney General had heard that the hon. member's conduct on the present question was any thing but popular among his constituents, and that although he would be a member of the new Government he would take no office at present, as he was afraid to go back for re-election. Now if the hon. member believed the present movement was popular, let him take office, and thus test public opinion in his own County. One young member who had attacked the Government in an arrogant tone (Mr. M'Clelan) owed his election to the fortuitous circumstance that the Sheriff of the County was his brother-in-law; another candidate having polled an equal number of votes, the Sheriff made his selection which to return! (Laughter). Several members of the Opposition had got in by the skin of their teeth, and that skin disputed; (laughter). He had little more to say. He was always glad to see good feeling prevail in the House, but the hon. mover of the amendment, and other hon. members of the Opposition had eulogized some of his colleagues in the Government, and attacked him, laying all the charges at his door as though he alone was responsible. The hon. mover of the amendment had disclosed his acrimonious feelings. He (Hon. Attorney General) stood in his way. He wanted his silk gown, and had strung together a tissue of personal charges to injure him with the country, but he defied his efforts and his ma-

chinations. He (Hon. Attorney General) knew nothing about the difficulties between the Governor and his Council previous to his joining the Government; he had neither seen nor heard any thing like dictation since he joined. He did not pretend to be a great politician, *but if low cunning, manoeuvre, political tergiversation, and a readiness to accomplish his ends by any and every means constituted a politician*, he (Hon. Attorney General) was both glad and proud to say that he was not one—(hear, hear,)—*although his successor in that sense might be.*

The members having been called to their seats, the Hon. Speaker read the 5th paragraph of the Address; he then read the Amendment, and on the question whether it should be sustained having been put, the House divided as follows:—

Ayes—Messrs. Fisher, Ritchie, Smith, Harding, Johnson, M'Clelan, Steadman, M'Naughton, End, Macpherson, Hatheway, Connell, Tilley, Gillmor, M'Adam, Brown, M'Phelim, Cutler, Botsford, Farris, English, Tibbits, Landry, Ryan, Lunt, and Stevens—27.

Nays—Hon. Messrs. Street, Partelow, Montgomery, Wilmot, Gray, Hayward, and Messrs. Boyd, Rice, Taylor, M'Leod, Purdy, and Gilbert—12.

The following is the Letter to Earl Grey referred to in Mr. Fisher's speech, which is copied from a badly written draft, and may have some verbal errors.

To the Right Honorable Earl Grey, Her Majesty's Principal Secretary of State for the Colonies.

MY LORD,—

I feel impelled by a sense of duty to myself and my country, to address your Lordship and explain the cause of the resignation of my seat in the Executive Council of this Province. To me personally the question at issue is of little consequence. To my country—to the honor of Her Majesty's Government—considerations of the gravest kind are I think involved in it. As a man who has taken some little part in public business, and as a native of the Province, I feel humbled by the proceedings connected with the recent appointments of the Judges. Descended from the Loyalists, and ardently attached to British Institutions, I have ever contended for the establishment in this Province of Parliamentary Government; as the Constitution was what is called a Royal Government I desired to make it in fact what it was in name, a miniature of that of the Parent State. It always appeared to me that the known loyalty and patriotism of the people of New Brunswick, well entitled them to the full enjoyment of the rights of British subjects. I have taken some part in politics ever since the first discussion of the principles of Responsible Government in Nova Scotia and Canada, and have watched with intense anxiety the progress of this principle in British America. It was when Lord John Russell was Colonial Secretary that the Resolutions of 1841 were passed in the Legislative Assembly of Canada. These were introduced by the late Lord Sydenham's Secretary, and it was said by his confidants, that they were written by His Lordship; and they have ever been considered as the ratification of a solemn compact between the Crown and the people of Canada, as to the principles of its future Government. The conflicts of parties, and the varied controversies which have subsequently agitated that great Province, appear to have led to the settlement of fixed principles of government there. During part of this period, Nova Scotia was agitated to its centre by

similar discussions, and the rival parties having debated every inch of the ground, appealed to your Lordship to determine the point at issue, and prescribe the Constitutional Rule for their future guidance. Your Lordship must be aware of the intensity of the feeling which these discussions engendered in Nova Scotia, and how the protraction of this controversy affected the whole frame-work of society in that Province.

Freed from the conflict of races to which Canada was subject, and from the violent party strife of Nova Scotia, the establishment of the principles of Responsible Government in New Brunswick led to no violent party contests. The opponents of the new system professed a readiness to unite in good faith to give it effect.

On the 31st of March 1847, your Lordship addressed a despatch to Sir John Harvey, Lieutenant Governor of Nova Scotia, containing an authoritative exposition of the principles of Colonial Government, and the mode of its administration. There was really nothing new in this despatch, but it was an able disquisition upon the principles of Parliamentary Government as applied to a Colony, and upon the tenure of Public Offices. It was unquestionably to secure equal rights to all Her Majesty's North American subjects, and to provide a uniform system of government in all the Colonies, that this despatch was sent to Sir William Colebrooke, Lieutenant Governor of New Brunswick. On the 10th of February 1848, it was laid before the House of Assembly of New Brunswick by the Hon. Mr. Hazen, a Member of the Executive Council, who stated, "that the despatch had been transmitted to His Excellency the Lieutenant Governor, as containing your Lordship's views on the system of conducting public affairs in the administration of the Government of Nova Scotia, which did not merely relate to that Province, but were of general application to British North America." On the 24th of February 1848, the House of Assembly, by a majority of twenty eight to six, affirmed the principles of that despatch, and their application to this Province. It was then believed there was to be an end of controversy. During all the discussions upon the principles of Government, no had feelings had been engendered; the rival disputants always retired from the political arena to mix freely in the varied intercourse of private and social life. During the progress of the controversy, and in its most exciting periods, men of both parties united in good faith in devising measures to advance the interests of the inhabitants of the Province, and develop its manifold resources.

It was known that Sir William Colebrooke's period of administering the Government of the Province would expire in the Spring of 1848, and the practical adoption of the principles of the despatch was delayed until the arrival of his successor. All parties believed that from that period the system of Government was to be uniform in these three British Provinces—that the mode of administration was to be the same in all. I felt inspired and gratified that I had assisted in procuring for my native country the rights of freemen. I believed that the days of what is sometimes not inappropriately called "back stairs influence and Court favouritism," had passed away—that the humblest youth of my country could aspire to the highest honor or office open to a colonist; confident that integrity, talent, and character, rightly directed and perseveringly applied, would secure success. My heart was animated with feelings of deep respect to your Lordship, for being the instrument of effecting that great change in the mode of administering our Government. I took occasion to state in the Assembly, when I introduced the Resolution referred to, that it would ever redound to the honor of your noble house, that to your Lordship's revered father were the people of England indebted for securing to them the fruits of the Revolution of 1688; and to your Lordship were the people of New Brunswick indebted for their political emancipation.

His Excellency Sir Edmund Head assumed the Government of this Province in April 1848, and in May reconstructed the Executive Council. Several gentlemen retired, and four new members were added; Mr. Wilmot as Attorney General, Mr. Partelow, as Secretary, Mr. Kinnear, the Solicitor General; and myself without office. Some few months after Mr. Hanington was appointed. In accepting the office of Executive Councillor, I sought not honor or emolument—my private resources were sufficient for all my wants. But I hoped to be enabled thereby to give effect to principles I had long advocated; and, as the Council was to be composed of gentlemen from both parties, to assist in advancing the interests of our common country. I knew that to a public man, Govern-

ment by party was the most simple and free from difficulty; but I was disposed to unite with the ablest men of both parties, and assist in carrying on the Government.

His Excellency stated that he had come out to carry out Responsible Government, and I would not have accepted a seat in the Council upon any other principle. Whatever difference of opinion might have occurred in the Council up to the recent appointments, the Governor had always acted upon the advice of a majority.

On the 24th day of October last the Council met at Government House, and His Excellency handed them a sealed envelope containing the following Memorandum:—

“ His Excellency the Lieutenant Governor lays before the Committee of Council a letter from His Honor the Chief Justice, announcing his intention of resigning his seat on the Bench at the end of the current year. No formal appointment can of course be made until the vacancy actually occurs, and it is not the intention of His Excellency to make any provisional appointment. He is desirous, however, of advising Earl Grey, with as little delay as may be consistent with due consideration of the question, as to the appointment of a successor. His Excellency therefore requests the Council to give him their advice in the course of to-morrow, or the next day, with reference to this important subject.

“ His Excellency begs to call attention to the fact that, by what he always considered a defect in the Act of 1849, relating to the Judges' Salaries, any one of the present Judges in accepting the office of Chief Justice would lose a portion of his actual salary; so that as the law now stands, such an appointment would effect a saving in two salaries instead of one.

“ This saving would be trifling, but it would be secured without injuring the public service, or breach of the public faith to any individual, as the acceptance of the office of Chief Justice by a Puisne Judge would be a voluntary act.

“ His Excellency desires therefore to be advised on this point, as well as to receive the opinion of the Council with reference to the individuals to be selected. He reserves of course to himself the liberty of making such recommendations to the Secretary of State as may seem to him expedient for guiding the ultimate decision of Her Majesty's Government.”

The Council retired to the Secretary's Office, and being of opinion, after reading it, that there was something unusual in the communication, sent His Excellency the following Minute:—

“ The Council having perused the Memorandum submitted by His Excellency, relating to the resignation of His Honor the Chief Justice, and the recommendation of a person as his successor, observe the following paragraph in conclusion:—

“ He reserves of course to himself the liberty of making such recommendations to the Secretary of State as may seem to him expedient for guiding the ultimate decision of Her Majesty's Government.”

“ As the above paragraph is open to the construction that His Excellency reserves to himself the right of making recommendations adverse to the opinion and advice of the Executive Council, they have thought it advisable before proceeding to make any recommendation, to request His Excellency to inform them whether this construction is in accordance with His Excellency's intention.”

To which His Excellency replied thereto as follows:—

Government House, Fredericton, 24th October 1850.

“ In reply to the Memorandum of this day forwarded by the Committee of the Executive Council, His Excellency the Lieutenant Governor begs to say, that he conceives it to be his duty to ask the advice of his Council in such a matter as the appointment of a Chief Justice.

“ In this, however, as in many other matters, the recommendations which His Excellency may ultimately make to Her Majesty's Secretary of State are made on his own responsibility, and not necessarily on that of his Council. If those recommendations are at variance with the advice of the Executive Council, it is open to the Members of that Body to take their own course. All that His Excellency means by the words referred to is, that he does not pledge himself beforehand to concur in the opinion expressed by his Council, whatever it may be, nor does he believe that any such pledge was ever held to be implied by his relation to the Council and to Her Majesty's Government.”

To avoid any misunderstanding relative to this subject, the Council went to Government House, and had a conversation with His Excellency before they made any recommendation. His Excellency had written a further Memorandum; but, as there appeared to be an agreement as to the constitutional position and rights of both parties, it was destroyed. Afterwards, the Council gave His Excellency the following Memorandum as their advice and recommendation:—

“ The Committee of Council having had under consideration the resignation of His Honor the Chief Justice, and His Excellency's Memorandum accompanying the same,

“ and having duly deliberated thereupon, are of opinion, that it is not advisable to
 “ appoint any person to the vacant office, and that such a revision of the Judiciary should
 “ be made by the Legislature as will secure the efficient discharge of the Judicial duties by
 “ three Judges of the Supreme Court, together with the Master of the Rolls, and that
 “ the necessary preparations should be made to carry out the above arrangement at the
 “ next Session of the Legislature.”

(Signed)

E. B. Chandler,
 Geo. S. Hill,
 J. R. Partelow,

R. L. Hazen,
 L. A. Wilmot,
 D. Hanington.

Committee Room, 25th October 1850.

When His Excellency read the Memorandum, some short conversation ensued, and His Excellency was evidently dissatisfied with it, and observed that it was only signed by six Members of the Council, and that some of them had on a former occasion expressed their opinion in favour of five Judges. To this the gentlemen referred to replied, assigning their reasons for their entertaining a different opinion. Shortly after this the Council separated, and the gentlemen residing out of Fredericton returned home.

I did not agree to the recommendation of the Council, being of opinion that the Council should then or at a future meeting recommend a person to fill the office of Chief Justice; and to prevent misapprehension hereafter as to my sentiments, I wrote my opinion, read it to the Council, and subsequently sent it to His Excellency, and it was transmitted to your Lordship.

I supposed that as the Council was to meet in December or January following, the whole question would then be discussed, and some different mode of procedure adopted, preparatory to any legislative action. Though I entertained a strong opinion against the propriety of reducing the number of the Judges, still as it was entirely a question of local policy with which the Legislature were the best qualified to deal, I determined to defer to their judgment. The next day the Attorney General withdrew his name from the recommendation. This left the opinion of a majority of the Council in favour of the recommendation to reduce the number of the Judges. As the state of the Judiciary was a question of internal policy, and as the Executive Council are supposed to reflect during the recess the mind and opinion of the Legislature, I assumed that they were well qualified to make any temporary arrangement regarding it. In any state of things the public business could sustain no great injury, as the Court and the country had often been left for months with only three Judges. Besides, the vacancy could not occur until the first of January.

Early in December the Council met again at the Government House, and transacted a variety of business. At this meeting the four Members of Council resident in Fredericton, and Mr. Hill, were present. Nothing whatever was said in it relative to the prospective vacancy on the Bench, and I did not imagine that any Member of the Council had the least idea that His Excellency had made a recommendation to your Lordship adverse to the advice of his Council.

Late in the afternoon of the second of January, the Secretary informed me that Mr. Justice Carter had been appointed Chief Justice, and the Attorney General a Puisne Judge, and shewed me the official notice of the appointment in the hand writing of the Governor for the Gazette, and he stated to me that His Excellency had only been induced to delay its immediate publication at his particular solicitation. This was the first intimation I had of any such appointments, five hours after they had been made; and although I was an Executive Councilor, had not the Secretary induced the Governor to delay the publication of the notice, I might have first heard of the appointments in the public streets. I at once stated to the Secretary, what I now repeat to your Lordship, that this course of proceeding was a violation of all principle.

As the Executive Council was to meet at Fredericton on the 6th of January, I deferred any further action until that period. The whole Council did not meet until the 9th, and in the afternoon of that day I first saw the Despatch of His Excellency and your Lordship's Reply. On my return from Government House I wrote my resignation, and the next morning sent it to His Excellency, who accepted it provisionally. As I have no access to the Despatches, I am unable to state precisely the terms in which they were conceived; but I submit to your Lordship that in any point of view in which the question can be presented, the principles of Responsible Government have been violated, and the constitutional rights of the inhabitants of this Province disregarded and trampled upon.

The official notice in the Royal Gazette is as follows:—

“ Her Most Gracious Majesty has been pleased to issue a Warrant under the Sign Manual, directing the appointment of the Honourable Judge Carter to be Chief Justice of the Province of New Brunswick: And His Excellency the Lieutenant Governor has appointed him to that office accordingly.”

If your Lordship made or directed to be made, which is the same in effect, the local appointment, I most respectfully submit that it was an interference with the local Government, and an assumption of patronage in the Colony which the concession of self-government to the Province was intended to supersede and without which it would be a mere phantom. Lord Stanley expressly stated in Parliament, when the Canadian difficulties connected with the administration of the late Lord Metcalfe were under discussion, that the Imperial Government had not fifty pounds patronage in the North American Colonies; and yet in this case, according to the official notice, one of the most important offices in the Colony is disposed of by the Home Government. If the Governor recommended the appointment; then I submit that the principles of Responsible Government were violated. I admit to the fullest extent the right of the Governor to make any recommendation he pleases, whether consistent with or adverse to the advice of his Council; but it is his duty to inform his Council of the nature of his recommendation, that they may either remonstrate or resign. In the case of Mr. Reade, when Sir William Colebrooke appointed him Secretary, the Council resigned, and the provisional appointment was never confirmed. This was before the system of Responsible Government was so fully established in the Province, as until this state of proceeding it had been supposed to be. His Excellency must have referred to such a state of things in his minute when he employed the words;—“ It is open to the Members of that body to take their own course.” It appears to me that if the Governor is not disposed to act upon the advice of his Council he can have no confidence in them, and he should dismiss them and call others to his aid in whom he could confide.

There is another question of great importance, whether the service of three Judges or of four are necessary in the present state of the Province. As the law stands the number is not limited. If the regulation of the Judicial Institutions of the Province be not a question purely of internal policy, I know not what your Lordship meant when you alluded to that subject in your Despatch on the tenure of offices. That question is withdrawn either by your Lordship or by His Excellency from the Legislature of the Province.

In His Excellency's Despatch reference is made to the opinion of Judge Carter. What that opinion was I know not, and I only refer to it as another extraordinary feature in this case. If this be the system of our Government and the mode of its administration, the Executive Council is a mere name; such self-government a mockery and a delusion. It appears by the Despatches and memorandum thereon that the Chief Justice was appointed on the 31st of December, and the Attorney General was offered the Judgeship on the same day or the day after, and accepted it on the morning of the 2nd of January. Thus two of the highest offices in the Province were filled up long before a member of the Council knew of it. My Lord, what would your Lordship think if returning home from a ride in Hyde Park, your Lordship should be informed that Her Majesty had accepted the resignation of the Governor of Jamaica, and appointed him Governor General of India, and had conferred the vacant office upon some other Gentleman; or if the first intimation your Lordship received of this appointment was through the London Gazette? I think there can be but one opinion of the course your Lordship would pursue in such an event.

The whole course of procedure in regard to these appointments, shews the impropriety of departing from the plain principles of the Constitution. The Judges are in the receipt of fees in addition to their salaries. The legality of the fees is doubted by some, and the propriety of abolishing them generally admitted. Whether the two new Judges are entitled to receive them in addition to their salaries, is, to say the least, very questionable. Now I think when these Judges accepted office, it should have been with the full understanding that the fees must cease, and had the Council been consulted upon the subject, doubtless that course would have been adopted. I forbear to enter into the question of the right of the Attorney General for the time being to be appointed to fill a vacancy in the office of Chief Justice, as it is of no practical importance at present.

I am aware that it has been the general rule in England to give the vacant office to the Attorney General, and very grave objections can be urged against the promotion of Puisne Judges. If the principle is admitted, it would by no means follow that the senior Judge should necessarily receive the appointment, nor is it material to discuss the question put to your Lordship by the Governor, whether the Attorney General should necessarily be a member of the Assembly. It appears to me that that is a question which must be settled by the Government and Legislature for the time being. If the Attorney General is the acknowledged leader of the Government, his proper place is in the Assembly. Whether an Elective Legislative Council may affect that principle, or not, will be a question for future consideration. I believe that the Lieutenant Governor is of opinion that because the Executive Council of New Brunswick does not contain the various Departments as in Canada and Nova Scotia, its offices and functions are not as complete as in those Provinces. Doubtless the want of these Departments renders the Council less efficient for the performance of the public business, than it would be if it were composed of Heads of Departments; but the members are responsible for the various Departments of the Government, and I submit that this defect in its construction does not alter, or in the least degree affect, its relationship to the Lieutenant Governor, or impair its constitutional importance and influence as a responsible Ministry.

Your Lordship must excuse me for trespassing upon your valuable time, but I feel the importance of the principles involved. When events like those I have referred to occur, the advocates of self-government are subjected to be derided for the uncertainty and insecurity of the principles they have contended for. I hope my Lord that the fears of some are groundless, who assert that because New Brunswick is a little Province, the rights of its inhabitants are less sacred to Her Majesty's Government than those of the people of Canada. I entertain no such opinion. I am convinced that there has been some misapprehension with regard to this subject, and therefore I desire to understand distinctly your Lordship's opinion on the mode of administering the Government of this Province. Though the question at present only affects New Brunswick, from the feeling created here, the whole of the British North American people will feel interested in the result. If your Lordship is of opinion that you can apply one principle to New Brunswick and another to Canada, you have formed a false estimate of the character and feelings of Her Majesty's North American subjects.

It was well observed by the late Lord Durham in his admirable Report on the affairs on the North American Provinces, that the inhabitants of British America were a people to whom Her Majesty should not grudge privileges, and that the day had passed away when they could be cheated out of their rights by any system of electoral frauds. My Lord, these sentiments were made after a full estimate, and upon a just appreciation of the character of the British American people. The noble sentiments which the Earl of Durham embodied in that memorable Report have sunk deep in the hearts of Her Majesty's North American subjects. There is a unity of feeling upon this subject throughout the North American Provinces. The day has passed away when one mode of administration can be applied to the inhabitants of the banks of the Saint Lawrence, and another to the inhabitants of those of the Saint John.

Your Lordship's opinion upon the question that I have respectfully and briefly presented to you will be read and regarded with intense anxiety throughout British America. A firm conviction of the honor and good faith of Her Majesty's Government has induced me to trouble your Lordship. I await with anxiety an exposition of your Lordship's views upon the subject.

I have the honour to be,

Your Lordship's most obedient servant,

CHARLES FISHER.
