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FOR THE SENTINEL.

MR. EDITOR:—An article in the "Chronicle" of 24th ult. signed "Heber," in reference to a debate on a Bill relating to the observance of the "Lord's Day," sets forth one of the members of the House of Assembly as an "infidel," and endeavours to connect his "infidelity" with the principles of the "wicked and unchristian" production, which is a "trifle of the most unmeaning slander, is nothing more than a continuation of that warfare which has been carried on in the County of Charlotte against Mr. Brown ever since he appeared in public life, and in defiance of which he has been repeatedly elected by the freeholders of that County.

What possible connexion can Mr. Brown's speech have with the character or doings of Byron, Bulwer, Aram, Voltaire, Pagan, Wyer, Porter, Kneeland, or Carlisle, or how can infidelity be imputed to a man for his declaration of a firm belief in all that is written in the new Testament?

A Bill was brought into the House for the better observance of "the Lord's Day commonly called Sunday." Members as in duty bound examined the Bill, and its provisions became the subject of public discussion. The nature of the obligation to observe the day, and the extent to which it was necessary to enforce that observance by legislative enactment was the subject under examination, and it became the duty of every conscientious legislator to consider the matter fully, and to determine the principle upon which the Bill was predicated.

At this stage of the enquiry the question arises, whether the Sunday be a Religious institution enforced and regulated by Divine Commandment, or a civil institution to be enforced and regulated by the Municipal Law? In pursuing this necessary enquiry, it is certain that the Law of Moses enforces the strict observance of the seventh day of the week, and punishes with death such persons as transgress it. The seventh day, is specially pointed out, and the reason specially given, that in six days the work of creation was completed, and that the Creator rested on the seventh day.

We trace the observance of this day through the Old Testament, and down to the death of our Saviour, who was lying in his grave on the Sabbath, and on Sunday, the first day of the week, arose from the dead. We find also that the Jews continued to observe the Sabbath, and that the Gentile converts to Christianity met for public worship, &c. on the first day of the week, and paid no regard to the Sabbath.

That there is no express commandment in the New Testament for the observance of any day, is fully admitted by the most orthodox Divines. The fourth commandment of the decalogue, and other passages of the Old Testament, are therefore the only Scriptural authorities for the sanctification of the Sabbath, and all these enjoin the observance, not of Sunday on account of the Resurrection of our Saviour, but of the Sabbath because on that day God rested from the work of creation. It is plain then that we observe another day, for another reason and in another manner, and practically disregard the fourth commandment of the decalogue, as a part of that Mosaic code which has been superseded by the introduction of the Gospel.

In the Creed of several denominations of Christians, it is stated "that God appointed the first day of the week" to be the weekly Sabbath, but of that appointment there is no account in the Scriptures, and it is certain that "neither our Saviour nor any of his apostles, left on record any thing at all about the matter." I come then to the unavoidable conclusion, that Sunday is a civil institution, regulated by the Municipal Law, as the state of Society may require. Sunday is therefore set apart by the Law of the land as a day of rest for man and beast, for the important purpose of renovating the physical system, which under the pressure of incessant toil would soon break down; and for the more important purpose of giving full scope to that religious liberty which man, as a divine right, is fully entitled to exercise.

"The toil worn cotter," the "Lording's slave," and "the poor oppressed honest man," are thus, not only permitted to rest from their labour, but also to enjoy the glorious privilege of publicly uniting with their fellow men, in the worship of their Maker in such form and manner as their consciences may dictate. The Law affords protection to them all, enforces the decent and orderly observance of the day, and hinders those who have no religion of their own, from disturbing the religion of others. Mr. Brown no doubt had this view of the matter when he referred to the proceedings of the House of Commons, but how this could possibly subject him to the charge of Infidelity I have yet to learn.

Mr. Bulwer, from his writings and character, is said by "Heber" and others, to be an Infidel. He says "there is no express commandment in the New Testament for the observance of the Sabbath." Mr. Brown says that he is not able to contradict this; therefore, says "Heber," he is also an Infidel. The Rev. Mr. Birkmyre of this town, is well known as a zealous Presbyterian. He declared repeatedly in his last sermon, "that there is no express commandment in the New Testament for the observance of the Sabbath." By Heber's logic, he therefore is an Infidel also.

What possible effect could Bulwers religion, or his want of religion, have upon the truth or falsehood of the statement in question? The declaration is either true or false in fact; and this depends entirely upon what is written in the New Testament, and is in no way affected by the character of him who utters it.

In conclusion, I shall merely observe, that "Heber's" sole object appears to be to vilify the character of an honest and independent legislator, and although he comes shrouded in "hood and cassock," the robe is too short to hide "his cloven foot."

JUSTIN.

Fredericton, March 4, 1840.

LORD DURHAM AND THE MECHANIC.

To the Editor of the Quebec Mercury.

STR.—I have seen for the first time the second volume of "Trifles from my Portfolio, by a Staff Surgeon." In a note at the foot of page 215, I find the following story:

"A key of one of his cabinets had been lost, unknown to him, and fearing his temper, some of the family sent for a smith to pick the lock and make a new one. Unluckily his lordship chanced to come into the room when the man was busy, and without giving him a moment's time for explanation, he pounced on him like a tiger, dragged him through the door and gave him a good kicking; but a doucer to the astonished mechanic hushed the matter up."

I believe I am the "Mechanic" alluded to in this story, because I was employed to pick the lock of a cabinet of Lord Durham's and to make a new key for it, soon after his Lordship's arrival; and because I heard at the time a story similar to that repeated in the "Trifles," and took every opportunity of contradicting it.—I think I performed the work well; and as I was employed from time to time by his lordship, down to the very day of his departure, I think it unlikely that any other mechanic was sent for to pick the lock of a cabinet for him in Quebec.—I had unpacked his Lordship's furniture, and a few days afterwards I received a message from his steward, that the key of a cabinet was lost, and that I was desired to come and pick the lock.

I went the next day. I was taken to the room by Mr. Blaiklock. It was his Lordship's dressing-room, and his private papers, watch, and some jewels were lying loose on his writing desk which was open. While I was at work he came in—he seemed surprised—but said nothing to me. He spoke to Mr. Blaiklock and rang for his valet, who came. After a few words of explanation from Mr. Blaiklock and the valet, Lord Durham told me to go on with my work again.—I did so and was left alone in the room for some time. Lord Durham then came in again and seeing me still at work, told me to come and finish the next day, which I did. He never spoke an angry word to me.—I need scarcely add that there was no "pouncing"—no "dragging"—no "kicking," and no "doucer," I am, Sir,

Your obedient servant,
JAMES MCKENZIE.

Editors who wish to correct the misstatement contained in the story above alluded to, will oblige by copying my contradiction to it.

The standing in life and the character of the author of these amusing "Trifles" render his story the more necessary to be contradicted, as he would hardly be suspected of lightly relating an anecdote affecting the private character of an absent Nobleman, without having first fully satisfied himself that there was sufficient foundation for the matter he thought proper to relate.

Important from Canton. The ship Talbot, Capt. Story, has arrived at New York from Canton and brings advices to the 6th of November.—The report that the English and Portuguese had been driven from Macao by the Chinese, after a skirmish in which about 20 lives were lost, is not confirmed. Capt. Story, however, brings the following information:

"The difficulty between the British and Chinese was thought to have been settled, and that two British merchant ships had gone to Whampoa, and were informed by the Chinese Governor that he wished all the British vessels to come and trade as they had done before, but a man must be given up for a Chinese killed in a village, some time since, by an English sailor, Capt. Elliott declared he would not give the man up, and immediately sailed for the Bogue, in the sloop of war Volage, accompanied by another sloop of war, to stop all the other British vessels from sailing for Whampoa.

Capt. E. sent a letter on shore to the Cumshih, which he returned unopened. Shortly after the Chinese gun and fire boats, to the number of three hundred, came round the ship, and it was thought with the intention of an attack. They were ordered to leave the ship in thirty minutes, and if they did not leave in that time would be fired into. No attention, however, was given to the order from the Volage, and a heavy fire

commenced from both sides of the ship, which resulted in the destruction of a number of their boats, and killing about five hundred of the Chinese. They made no resistance, and those that remained made off as fast as possible. It was the intention of Capt. Elliott to blockade the port of Canton immediately.

The above particulars Capt. Story learned from an American and an English captain, at Macao, who were eye-witnesses to the affair." If this statement is true, the conduct of Capt. Elliott has been unjustifiable, and will probably bring on a disastrous war between England and China.—The selection of that man as Superintendent appears to have been most unfortunate, he being but ill calculated by temper or discretion, to conduct matters so delicately with such a people as the Chinese. Further news from that quarter will be anxiously expected.

Capt. Strong, says the Americans appear still to be on good terms with the Chinese, and are a doing a prosperous business.

Provincial Legislature.

HOUSE OF ASSEMBLY.

MONDAY, MARCH 9.

MR. PARTELOW stated that there were various Returns of the Deputy Surveyors of Crown Lands, which were not before the House; and he was satisfied there were large quantities of timber cut annually, which were not accounted for. He did not think proper to mention names; but he had made enquiry, and understood that one party in particular, had cut during the last year, at least a million and a half of timber, for which he did not pay anything. He therefore moved the following Resolution:

Resolved, That a humble address be presented to His Excellency the Lieut. Governor, praying that His Excellency will be pleased to direct the following returns to be laid before the House:—

Particulars of the five years Licences granted with the amount paid on each;—the quantity of Timber and Logs cut under such Licences, by the respective Deputy Surveyors;

Particulars of Timber and Logs cut upon land for which agreements for purchase of the said land have been made, and not completed, as returned by the respective Deputy Surveyors;

Such returns to embrace the years 1838 and 1839 respectively;

Also a return from Her Majesty's Surveyor General, particularizing what amounts (if any,) of such excess and of such Timber and Logs cut on land purchased, but not paid for or secured, remain unpaid.

And it was ordered, That Mr. Partelow, Mr. Huntington and Mr. Allen, be a Committee to wait upon His Excellency with the Address.

Surplus Civil List Fund.

MR. FISHER called the attention of the House to the salary of the Master of the Rolls, which at present is provided for annually by the House. It should be remembered that Lord Glenelg, at the time the Civil List was settled, expressed it as his intention, that whenever any surplus occurred, in consequence of a reduction of the salaries, that such surplus should be directed to purposes of public interest. There is at present a surplus of £1000, and there could be no object of more importance for which to provide, than that to which he had alluded; and which had received the approbation of the Legislature and the Government. He trusted there would be no difference of opinion upon the subject; and therefore should move the following Resolution:

Whereas there is already a large surplus of the funds granted for the support of the Civil government of this Province, after paying the Salaries chargeable upon the Civil List, which surplus will be materially increased by such further reductions as may be made on the occurrence of vacancies in any of the offices; and whereas the Right Honorable Lord Glenelg did, upon the surrender of the casual and territorial Revenues to the Legislature of the Province, upon the condition of the said Civil List being granted, signify it as the most gracious intention of Her Majesty's Government, that the Surplus arising from time to time from the reduction of the Salaries chargeable upon the said Civil List, should be appropriated exclusively to objects connected with the Province, and with a view solely to public interests: And whereas this House, being deeply impressed with the paramount importance of rendering the Judicial Institutions of this Province as efficient as possible, did freely grant the sum of eight hundred pounds per annum, in perpetuity, as a Salary for a master of the Rolls to the Court of Chancery: And whereas, in the opinion of the House, the appropriation of a part of the said Surplus to the payment of the Salary of the Master of the Rolls would be most beneficial, and secure greater uniformity in the fiscal concerns of the Province, by providing for the payment of the Judges of the Courts of Law and Equity from the same fund: therefore

Resolved, That a humble address be presented to His Excellency the Lieut. Governor, praying that His Excellency will be pleased to bring under the notice of Her Majesty's Government, the propriety and expediency of paying the Salary of the Master of the Rolls from the surplus arising after the payment of the Salaries and other charges now chargeable on the Civil List.

Hon. Mr. JOHNSTON said he was not favourable to the Resolution; and believed that when the Civil List Bill was passed, it was expressly understood, that His Excellency could appropriate it without even asking the consent of his Council; and that it was placed exclusively in the hands of the Governor himself. At present he said there did appear to be a surplus; but part of it was owing to a reduction in the salary of the Commissioner of Crown Lands, which had not been determined upon by the Home Government. They could not therefore consider the surplus as fixed. Besides there might be other services which His Excellency would prefer; and he did not perceive any difference as to the fund from which they were to be paid. He thought the present an unnecessary interference.

MR. FISHER said the hon. member for Queen's had misunderstood his meaning. His object was to bring the subject under the notice of Her Majesty's Government; as he considered it was there the application must be made.

MR. PARTELOW thought the subject had better be left alone during the present year, until the surplus should have become ascertained. There might be some road or other useful purpose to which His Excellency would wish to apply it.

Mr. BROWN thought all public officers should be permanently provided for; and if the surplus would meet the salary of the Master of the Rolls, it was necessary it should be provided for in that way. He believed Lord Glenelg proposed to pay an Auditor; and perhaps it would be better to apply the amount saved from that office, to providing for the Master of the Rolls. He hoped there would be a majority of the House to have that officer placed on the same footing as the Judges.

MR. HILL was of the same opinion, and the present is the time to agitate the subject. He did not know of a more legitimate appropriation than that which was proposed. He thought there should be no delay, but that the House should move immediately.

MR. WILMOT did not think the surplus fund could be appropriated by the Executive here; but that the appropriation must come from home; and if the Governor could not expend it with the advice of his Council, it must be done pursuant to directions from the government at home.

But he thought they had better wait and see how that fund would hold out during another year. He thought it unwise to agitate a question which had only been settled two years.—If at the expiration of another year, they should find that any excess had been improperly expended, or that it was not otherwise required, they could then address Her Majesty's government on the subject. They had better therefore allow the subject to remain.

Hon. Mr. JOHNSTON did not know what were the views of His Excellency; but if he were in his situation, he should deem such a motion as indicating mistrust. He was still of opinion that they had better let the subject rest; and if in another year it should appear there was a mal-appropriation of the surplus revenue, the learned gentleman could come forward with his motion.

MR. L. A. WILMOT said the only question with him was as to time; there was no doubt in his mind that the salary of the Master of the Rolls should be paid out of the surplus fund; at present there is about £1000 on hand; but if the House were hasty in moving for its appropriation, there might next year be that balance.

With reference to the arrangement that took place, at the time of the surrender of the casual and territorial revenue; he recollected perfectly it was stipulated that government was to have the absolute control and power of appropriating it; even the advice of the Council which had been suggested was struck out, and the account of its expenditure only was to be submitted to the Legislature.

Among the contingencies, which that now before the House contains, there is a charge for postage; and he should like to know if in addition to the large sums allowed for the Secretary's office, postage is to be added. He thought himself the subject had better be allowed to lay over for another year; and when it was found that there was a fixed balance, application should be made to have it transferred to the civil list. But for fear in another year it might not be equally large, the House had better let the question rest.

MR. END was willing to fall back on a contingent vote, for which a resolution was formerly passed. While he was up, he would state, that he thought the proposition which had been made to pay the salary of the Master of the Rolls from the surplus fund, was rather premature; altho' he did not see how the balance could be much less; as all the salaries payable from that fund were provided for. The other day when the House were debating with closed doors, allusion was made to the reduction in the salary of a public officer; it was an act of injustice to suffer him to lose by his situation; and he for one would like to see the salary of retirement; that officer placed upon the old establishment; that it would be doing no more than what was right. He thought the general feeling of the House was in favour of restoring that salary; and that the character of the House was involved; and hoped some member would rise and make a motion upon the subject.

MR. BEARDSLEY said all the members of the House agreed that at some future period, it would be proper to pay the Master of the Rolls from the Surplus fund; and he did not see why there should be any postponement. If it was sufficient, why not apply it at once. It had been properly remarked, that procrastination was the thief of time; he did not see why any delay should take place in making the application.

MR. WOODWARD agreed with the learned member for Carleton. If gentlemen would look at the account before the House, they would find that the surplus next year would probably be £1500. With regard to the officer alluded to by the learned member for Gloucester; let the question of his salary come fairly before the country; and let it be taken from the funds of the Province in an open way. He would agree to the motion, as he considered the funds were abundant this year.

MR. J. M. WILMOT was favourable to the Resolution. If there were not sufficient funds, the deficiency must be provided for by the Province.

Col. ALLEN was averse to agitating the subject at present; altho' this year the amount of the surplus fund was very satisfactory. He thought they should not increase the salary of the officer alluded to, as it was not long since the House reduced it.—It would look like inconsistency in doing so at present.

MR. HANINGTON did not see any evil arising from making application on the subject at the present time. It was not his wish to embarrass the government, or that any Resolution that might be passed, should be construed as manifesting any mistrust or want of confidence. He could not see any objection to passing such a Resolution; which merely went to express the opinion of the representatives of the people.

MR. CONNELL said he took the same view of the subject.

MR. FISHER said it must be in the recollection of hon. members, that Lord Glenelg in giving an opinion as to the appropriation of the surplus revenue, had declared that it should be appropriated to objects connected with the Province, and of public interest. Suppose the Master of the Rolls were to be paid his salary from that fund, and it should be found insufficient, he could easily fall back upon the provincial revenue. There would probably before long, be a reduction in the salary of the Secretary of the Province; and as to appropriating any balance for a great road, His Excellency would not do that. He did not look upon the governor as Sir John Harvey, and meant nothing personal; but he looked with a strictly constitutional eye; and he saw no harm in providing against what might happen hereafter.

The Resolution was then put and carried—11—9.

MR. HILL pursuant to notice moved the following Resolution

Resolved, That the late Message from the Right Hon. C. Poulett Thomson, Governor General, to the House of Assembly of Upper Canada in answer to an Address from that House, which Message contains the following language

—"that he had received Her Majesty's commands, to administer the government of these Provinces in accordance with the well understood wishes and interests of the people; and to pay to their feelings as expressed through their Representatives, the deference that was justly due to them;" fully meets the approval of this House.

Hon. Mr. WELDON agreed perfectly with the language of the Resolution; it was that which had always been stated, and he did not see how there could be a dissenting voice; and he expected Her Majesty's ministers would do nothing otherwise than had been expressed by the Governor General.

Hon. Mr. JOHNSTON said he was not aware that such a Resolution had been laid upon the table. He recollected reading a statement of the language which had been used by the Governor in Chief, to which he could see no possible objections; and was decidedly in favour of the Resolution.

MR. BROWN trusted the Resolution would pass unanimously; it was highly satisfactory and could have no connexion with Lord John Russell's despatch.

MR. BEARDSLEY had not spoken when the subject of that despatch was under consideration, having been precluded by the sudden manner in which the debate was closed. With reference to the present Resolution however, notwithstanding what had been said by the hon. member for Charlotte, he considered it was very intimately connected with it; and every member who voted for the Resolution which was carried on a former day, to be consistent must vote against the present one. The Resolution he said contained a truism, as the Governor General had only stated what were the acknowledged principles of the British constitution; and he was at a loss to know how any gentleman could vote against the Resolution introduced by his honor the Speaker on Friday, and be in favour of the present one. During the debate on the despatch many questions arose; among which was the expediency of Executive Councils having seats in that House; and he believed an opinion had been expressed as to the propriety of their continuing; but he would say for one that if they must have Executive Councils in the House, he hoped His Honor the Speaker would always be one, as he was made of the right stuff; he was in favour of responsible government, and he was glad to see him there. With respect to the channel of communication which these Councils were to form, it was a singular proposition. He never knew that the channel had ever been closed; and even if it had collapsed,—to use a medical expression, it was decidedly better not to open it in this way; and to introduce adverse principles, and the mixing of Executive and Legislative power, which ought never to be united.

Another objection had been made, that as the Governor possessed the power of creating as many Executive Councils as he pleased, he might in that way force the House into his measures. With reference to His Excellency he had no fear of him; and believed it was his wish that every branch of the government, should enjoy its fair share of power. But the Province might have an arbitrary Governor; and then a course might be pursued, in which there would be danger. At the same time he considered there would be a check so long as there was an independent House; yet it might not be independent, and in that case there would be a difficulty. The learned gentleman said he thought the Resolution was a very important one, and he was sorry that that which was proposed by the learned member for Charlotte the other day had not passed; he was in favour of this however, as it would show the government of England it passed, that a majority of that House approved of the responsible principle which was contained in Lord John Russell's despatch. The principle itself was strictly constitutional, but had been suffered to lie dormant. It was however renewed by that document, but should always have been in operation.

MR. STREET said it appeared from the Resolution, that the object was to give an expression of the House, with reference to a message which was not before it; it having been communicated to the Assembly of Upper Canada by the Governor General, while administering the government of that Province; and all they knew of what had taken place had been obtained through the public prints. Had a statement been laid officially before the House, it could then have been taken up; but it would be unparliamentary and improper to do so otherwise. When he recollected that the Resolution had been submitted by the learned member for the county of Charlotte, he could not refrain from calling to mind the language and spirit of that which he introduced the other day. He apprehended it arose out of that, and that he wished to get a recognition of the principles which that Resolution contained. He did not feel disposed however to place the same construction on the Message as the learned member for himself; but he could not help thinking, that the object of the Resolution was to get an opinion of the House, which might be construed to be in favour of the broad principle laid down, as to what he terms responsible government, and expressed by Lord Durham in his Report; in short to entrap the House. He thought it would be more ingenious to state that the despatch recognised Lord Durham's views; and in that case the House could not misunderstand the object. Viewing the message as not being before the House, he should therefore move the previous question; because he viewed it as an extraordinary mode of expressing an opinion, upon that which had not been properly introduced. If he were called upon to express an opinion however, he should arrive at a different conclusion as he before said, from that of the learned member for Charlotte. He did not think the Governor General meant to express the same sentiments as Lord Durham did in his report, or that the House would recognise the broad principle of responsible government which it contained. He hoped therefore that members would consider well before they voted, as otherwise they would be entrapped into what is the object of the Resolution.

The Resolution was carried unanimously.

MR. HILL moved the following Resolution, to which he said the learned member for Northumberland had been speaking, instead of that which the House had passed. The question which it involved he said had been discussed two days; and the substance of the present

Resolution was then put and carried—11—9.

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