

SUPPLEMENT TO THE SENTINEL.

VOL. III.

FREDERICTON, WEDNESDAY, MARCH 18, 1840.

No. 11.

FOR THE SENTINEL.

Mr. WARD, SIR:—As various reports respecting an attempt to hold a meeting, in the basement of the New Baptist Chapel, are in circulation; notice of which appeared in your paper of Wednesday the 4th instant; in justice to Mr. Morgan, the Contractor for the erection of the said chapel, as well as to myself, I will thank you to present through its columns, the following plain statement of facts with reference to the matter. I am not in the habit of troubling the public with my private affairs, nor would I on this occasion, were it not for the circumstance of having, most unexpectedly, found myself in collision with a numerous and highly respectable denomination of Christians in this place.

On Thursday the 27th ult. the Rev. Mr. Hitchings, a Universalist preacher, both a native and resident of St. Andrews, Charlotte Co. N. B. arrived in this place for the purpose of petitioning the Executive, for a Licence to solemnize Matrimony, under the provision of the "Dissenters' Marriage Act."

Considerable anxiety having been evinced to hear "this strange doctrine," I applied in the name of a few of its friends, for the use of the County Court House, the Methodist and Baptist Churches; all of which were closed against us. In justice to the several parties I ought, however to state their reasons:—"At the last General Sessions, it was ordered that the Court House should be used for no purpose except that of the Courts." "The condition of the Methodist Chapel Deed, prevented the Rev. Mr. Shepard from complying with our request."—"The Committee of the Baptist society could not decide the question, without calling a meeting of said society; and did no other objection exist, that Chapel would be occupied every day that week."—"The member of the Committee who communicated this reply, assured me "that not only myself, but others, regretted exceedingly being obliged to reject our request."—"With these reasons, I scarcely need say, we were perfectly satisfied.

In the mean time we were kindly offered the School House in the neighborhood of the Nashwaak Mills, in which we held on the next Sabbath, 1st inst. two meetings which were very respectable, and for a country place, very numerous attended. At the close of the last, an appointment for a meeting in town about the middle of the week was made, provided a place could be procured.

On Monday evening, 2d inst. I heard that Mr. Morgan the said Contractor, had stated (I understood at the time that he had sent me a message on the subject, but others who were present say he did not) that the basement story of that house would have been at our service on Sunday last, had he known that we were in want of a place for such purpose. Accompanied by my informant, I immediately called upon him, when the statement in question was corroborated. Still wishing for a place to hold a meeting in during the week, provided he tho't there would be no objection, we should, I said, still feel very much obliged to him for its use on that occasion. He did not think there would be any, as the place was merely a workshop; but at all events it was in his possession, and under his controul; and no one had any right to interfere with him in the matter. He set out for Woodstock by stage the next morning.

I mentioned this arrangement on Tuesday, to such of the Baptists as I chanced to meet—I now recollect two—and on Wednesday morning to a member of the "Building Committee," to whom I also stated that a notice of such meeting would appear in that day's Sentinel; no objection being made by any of those parties, I did hope we were at length to have our meeting without further difficulty. But it was not so, for about one hour afterwards this same gentleman calling upon me, stated that objections against our using the House had been raised; that he had been requested to speak with me on the subject—that he feared it would be productive of difficulty between the Building Committee, the Society and the Contractor—and that he sincerely regretted the existence of this new obstacle. I told him that I should be exceedingly sorry to be the means of any difficulty between the several parties, but that I really was not prepared for this objection—that our appointment was made last evening in the country, and had now gone forth in the Sentinel;—that to have no meeting would disappoint a great many people—that I knew of no other place that would answer which we could procure—that it was a very unpleasant business—that I was not prepared to decide the matter at the moment—that I would not act precipitately, but would give it my most serious and candid consideration. I was on the same day, subsequently called upon by another member of the Building Committee, between whom and myself passed something to about the same effect. To this latter gentleman I said, if using your House on this occasion, will subject you to a serious, or even a trifling difficulty, I will immediately yield the point.—Thus we separated.

Considering all the attending circumstances, this certainly appeared to me rather a hard case; but our subscription for providing ourselves with a place of worship, being before the public, will afford gentlemen of this, as also of other denominations, an opportunity of reciprocating that liberal treatment, which a reference to facts will suggest to every religious society in this place: and to a number of them on several occasions; thus placing this matter on a fair footing. And I beg to add that it is now, no farther from the house of my friends to mine, than it was on the occasion to which I allude, from mine to theirs.

Returning on the same evening (Wednesday) from a consultation with the Monthly Committee of the Central Fire Insurance Company, (for, in the event of using the said "Chapel," I had resolved to insure it for the night) I called at the Contractor's, who was still absent, when I learned from his wife, through their son, that he had left a special message, requesting me to relinquish my intention of using the House, should any objection to the arrangement be made by the Building Committee; clearly establishing the fact, that although he was inclined to accommodate us, still he would not do so, in opposition to the wishes of the Committee. Upon the receipt of this information, I at once complied with his request, assuring her, through the above medium, that nothing more should be done in the matter.

Having returned home, I received from the Secretary of the Baptist Society the following minutes, viz.

At a meeting of the Baptist Society in Fredericton, holden at their Chapel on the 4th inst. the following Resolution was adopted:—

Whereas this Society has learned with asto-

nishment, that the Contractor for the erection of the New Baptist Chapel in this place, has given liberty for Mr. Hitchings, a Universalist, to preach a sermon in the Basement Story of said Chapel, on Thursday evening, without the knowledge or consent of this Society, or the Building Committee; and whereas notice has appeared in the Sentinel (newspaper) of this date, of Mr. Hitchings' intention to preach in the said Chapel, therefore

Resolved unanimously, That the Building Committee are hereby ordered, to take immediate and effectual measures, to prevent the new Chapel, belonging to this Society, from being occupied for that purpose.

WILLIAM S. ESTEY,
Secretary of the Meeting.
Fredericton, March 4, 1840.

On Thursday morning these minutes, in a Handbill, were posted up throughout the whole town. A Handbill of the following was immediately posted by its side, wherever it could be found.

UNIVERSALISM.
The Rev. Mr. Hitchings, of St. Andrews, Charlotte County, N. B.—Preacher of the Gospel of God's Universal Grace,—will deliver a Sermon in Mr. Staples' Long Room, instead of the New Baptist Meeting House, in this Town, this evening, Thursday. Service to commence at seven o'clock.

Fredericton, March 5, 1840.
Although this article is certainly very tedious, and to most readers will appear quite unimportant, still the peculiarity of the position in which I was placed, seemed to myself at least, to call for all I have said.

I must not however close, without returning our grateful acknowledgments to Mr. Staples, for the gratuitous use of his Long Room on this occasion; nor without expressing our high gratification for the numerous, respectable and attentive congregation that attended our meeting—the number being estimated at from Four to Five Hundred persons—and many, I am told came, who for the want of room, were unable to obtain admittance, went away.

I am, Sir, yours sincerely,
OLIVER SMITH.
Fredericton, March 6, 1840.

TO THE EDITOR OF THE SENTINEL.

SIR,—I have read in your paper of this day's date, a letter signed "Justin." It contains a paragraph, which, viewed in connexion with what precedes, might lead one to suppose that I consider the sabbath to be merely a civil institution. I beg, therefore, distinctly to declare that such is not my opinion, and farther, that I have never on any occasion expressed myself to this effect; on the contrary, I regard the first day of the week, or the christian sabbath, as a divinely appointed ordinance; and it will be shortly seen through the Press, what my sentiments really are on the subject in question.

I have to add, that I do not think your correspondent "Justin," by the paragraph referred to; had the slightest intention to ascribe to me any sentiment which I do not entertain. It is only, therefore, to prevent misapprehension on the part of the Public, that I have been led to send to you these few hurried lines for publication.

I am, Sir,
Respectfully yours,
J. BIRKMYRE.
Fredericton, March 14, 1840.

Provincial Legislature.

HOUSE OF ASSEMBLY,

THURSDAY, MARCH 12.

Payment of the Executive Council.

The House resolved itself into a Committee of the whole House, for the consideration of a Bill for granting payment to the members of the Legislative Council, while in session.

Mr. PARTELOW opened the debate by calling the attention of the Committee to the provisions of the Bill; and the situation of the Province at the time of the separation of the Executive and Legislative functions of the Council. He said, the object which the measure had in view, was, that the latter of these bodies should be composed of members taken from various parts of the Province, and in that way representing the different interests of the country; but that object could not be attained unless those gentlemen were paid their expenses, as was the case with those of the House of Assembly; and persons had absolutely refused acting as Legislative Councillors, because such provision was not made.—The time had at length arrived when something must be done; and His Excellency must confine his selections in future, to a few wealthy men, or make them from among the public officers residing in Fredericton, unless the Bill before the Committee should pass the Legislature. That such would be the case no one could deny, as at present half of the members of that body, hold high official stations. The Bill however did not contemplate paying such individuals, as it would be perceived, that all public officers enjoying a salary of £200, would not be paid by the Province: thus limiting remuneration to members who came from a distance, and who might be supposed to represent the general interests of the country. The question had not been mooted, so far as he could recollect, as to the members of the Legislative Council being elected. He was averse to any such proposition, and was satisfied there was a general opinion throughout the country in opposition to it; and he believed that a Legislative Council formed in accordance with the despatch formerly received from the Colonial Minister, and embracing individuals from different parts of the country, would be highly advantageous to the general interests of the Province; and if so appointed its members were entitled to payment of their expenses. The hon. member reviewed the former proceedings of the House on the subject in 1833 and 1834, when a recommendation came from His Majesty's Government, to make provision for the salary of the Legislative Council; and contended that the main reason which influenced the House in negating the propositions on those occasions, arose from the large amount which was then at the disposal of the Crown, from the Casual and Territorial revenue fund; out of which, if necessary, His late Majesty might have made the requisite provision.

Mr. END said as to an Elective Council

there could not be a dissenting voice; for his part he abhorred the very idea of the elective principle being applied to that body. That question however did not come under discussion; but with reference to the subject then before them, his opinions remained the same as formerly; and in 1837 he brought in a similar Bill, in accordance with the sentiments which he had always entertained. The present he said was not a new question; and if hon. members would apply the same rule to the other branch which they apply to themselves, they would not refuse to pay its members; for every reason which could apply to the members of the House applied to them, as would be evident to every person who would look dispassionately at the question. The other branch he said, had never set themselves in opposition to the wishes of the majority of the House, and when they thought certain measures necessary, they had not opposed them; but had gone hand in hand with the representatives of the people. They had not manifested any obsequious deference, but there had never been an occasion in which they set up a factious opposition. Probably that was the highest compliment he could pay the House of Assembly; and in that sense he wished to be understood. If the representatives of the people were not paid, the constituency could not have a free choice; and to give the Crown an opportunity to make a fair selection, the expenses of members of the Legislative Council should also be paid. He said he agreed with the provision of the Bill, which denied pay to salaried officers; and under the despatch of Lord John Russell, he thought they ought not to be in the Council at all; because the members of that body should be alike independent of the Crown and people. If the Committee were disposed to do an act of justice, they would pass the Bill. He recollected at the period when it formerly was introduced, there was an equal division; and the decision was by the casting vote of the chairman. The House was again called upon; and with an overflowing revenue they were able to perform this act of justice, and he hoped would be found willing. In this way the Committee would be securing the independence of the other branch, and that beautiful resemblance to the British constitution, which His Honor the Speaker was so desirous of preserving.

The learned gentleman said he was satisfied His Honor would lend his aid, and that he would support the Bill. He had nothing farther to say, except that he would give the measure his earnest support. He was happy to find that the Chancellor of the Exchequer had taken it up, and felt assured that the Bill would pass, supported as it was by so influential a man.

Hon. Mr. JOHNSTON regretted that it was proposed to make any distinction as to the payment of the members of the Legislative Council, as it might be carried a little too far. He had always been of opinion that those gentlemen should be paid; and never had heard any substantial argument adduced against the measure. It had been very properly asserted that unless full compensation were afforded to the members of that House, the choice of freeholders would be circumscribed; as if there were no provision made, none but the more wealthy could afford time to come forward and represent the Province. Then let the Committee apply the same reasoning to the head of the government; and it would be found, that if the members of the Legislative Council were not paid, the choice would be limited in a similar way; and only those persons would be appointed, who could afford money and time. Allusion had been made to a gentleman who refused to take his seat altho' a mandamus came out; and who waited before doing so, until the House had come to a decision upon the subject. If such were the case, and the difficulty still continued, he did not see why persons so situated should not be remunerated; particularly as it was the desire of government to look around, and select persons from various parts of the country. The hon. gentleman repeated his regret that certain individuals should be exempted from the operation of the law, and that so many public officers were holding seats in the Legislative Council; and he hoped when the present incumbents should be removed, that others would be selected from various parts of the Province. He concluded by saying he thought the measure was a very proper one, and trusted the Bill would pass the House.

Hon. SPEAKER thought the Bill had been very much hurried; it had been brought in after the period had elapsed for introducing Bills: and was now committed before several Bills which had had a second reading before it. He thought also the measure was ill-timed, and that its advocates should have waited until the Legislative Council had assumed a more independent character, there being at present in that body seven persons who are enjoying salaries under government; for if the members of the Legislative Council were independent of the government, the arguments of his hon. colleague who brought in the Bill, would have greater force, and might be deemed sufficient. But while that body retained its present character, he must consider it as a hasty measure. He said the Bill went to provide that persons enjoying salaries over £200 should not be entitled to pay; but there were other things which ought to be introduced, before a Bill such as that before the House should be made perpetual; for if the Bill were to pass at all, there should be no limitation to its duration. He thought there should be some limit however to the number of members in the Council, as if the Bill passed, there would be no security that it might not be increased to 20 or 30; as the situation would be much sought after, if to honor were to be added emolument; and there was no necessity for such an increase. By the Bill as it at present stood, His Honor said the Chief Justice would be excluded from its operation, as he is enjoying a large salary. Another objection he had to paying the members of the Legislative Council was, that if the Bill should pass, the members of that body would not be in an inde-

pendent position as was necessary; as men in moderate circumstances, will accept the situation, because they would receive a sufficient sum to pay their ordinary expenses, and at the same time would promote their interests in other ways. That circumstance he said would have a tendency to increase the number of the Legislative Council, if it were not limited; and which he thought should not be extended beyond twelve; and which if they were independent, would be quite sufficient to attend to all the interests of the country. To say those interests were represented in that body was not using a proper term, as their business was to deliberate upon those interests, and to operate as a check upon the other branches. It had been said by the learned member for Gloucester that unless the Bill were passed, His Excellency would not have a free choice, because persons would not attend, who did not receive pay. He had also said farther that his object in supporting the Bill was, that the resemblance might be preserved between the different branches of the Legislature in this and the mother country. The hon. Speaker said he was quite surprised to hear such an assertion, for if the Bill were to pass it would take away all resemblance; and would make it more like the Congress of the United States. His argument therefore would have little weight with the Committee, who must wish to do away with all resemblance between the institutions of this country and the neighbouring republic. His Honor said he should not make a long speech, but would merely state his opinion; and was not sure that he should vote upon the question; but he repeated it was necessary the number of members in the Legislative Council should be limited, before a perpetual Law should be passed; and at all events they ought not to exceed twenty. The learned member for Gloucester says they have an overflowing revenue, and therefore they ought to pass the Bill. There was a larger revenue than he wished to see, because he thought they did not make a proper use of what they could command. In conclusion, he thought it better that the Bill should be deferred till next session: and hoped before that time the Legislative Council would assume a different and more independent character; as it would not be denied that at present it contained several persons who ought not to be in a body whose members should be independent of the government of the Province and unconnected with public offices; and not as that body is at present constituted, have a number of public officers sufficient in many instances to command a majority, and in this way decide upon most important measures, involving the best interests of the Province. If gentlemen so situated were excluded, and the Legislative Council were made independent, the argument in favour of its members receiving pay, might be favourably entertained by the House; but at present the proposal should not be entertained. He said there was another objection to the measure.—It had not been recommended, nor did they know it was desired by the other branch; and had been brought in upon the mere motion of an hon. member. He thought therefore it would be more advisable to wait till next session, time would be thus allowed for consideration, the structure of the Legislative Council might by that time be altered; and many of the objections that are now urged might then cease. He trusted the Committee would be cautious, as the expense that would be incurred if the Bill should pass would be great; and there would be no telling where it would end; and which should not be incurred till its necessity was made apparent.

Mr. McALMON said when he first had a seat in the House, a Bill similar to the present came under consideration; he then gave a silent vote against it. And there had appeared nothing since to induce him to alter his opinion, or to convince him that it was necessary to pay the members of the Legislative Council. He respected those gentlemen, and would go as far as any hon. member to serve them; but when a question like the present came up, which went to affect his constituents and the people of the Province generally, he was opposed to it. The Legislative Council was composed of the more wealthy classes, who were chosen by His Excellency, and who could take their seats at an expense of £25; they held those seats during pleasure and good behaviour, and their duties were not as laborious as those of members of the Assembly; they were not therefore entitled to pay. In many instances large grants of lands had been given to those gentlemen, while others enjoyed large salaries which enabled them to live. It had been said if members of the Legislative Council were not paid they would not attend; but he was not of that opinion; and as they were chosen from the more wealthy class of society, as he had before observed, he thought they would attend without being paid. It had been said that they possessed the same right as members of the Assembly; but he differed from hon. gentlemen in that respect. In the first place when the others obtained seats the people expected that they would obtain pay; the latter had no contested elections to go thro'; but members of the House did not know at what day they might be required to go over the ground again. He was satisfied there were gentlemen there, whose seats had cost them as much, as the pay of a Legislative Councillor would amount to in ten years.—The hon. gentleman said he observed the learned member for York, Mr. Wilmot, was prepared to reply; and he should expect a smooth, slick speech which would draw attention. It was also proposed to make a distinction, and that persons having salaries to the amount of £200 a year, were not to receive pay.—They might just as well make a distinction between wealthy persons in that House, and others. He thought it was the intention of the hon. member for St. John, who brought in the Bill, first to pay part, and then to pay all; and afterwards he would come in for arrears.—All this ought to be considered. He said he was a little surprised the other day to hear gentlemen say, they would allow the Bill to come in, and afterwards would oppose it. In his opinion that was the time to have rejected it, and to have nipped the measure in the bud. He concluded by saying it was needless to take up the time of the Committee; he was opposed to the Bill, and should give his vote against it.

Mr. BEARDSLEY wished to say a few words

and to make a few observations. He was opposed to the Bill on sundry grounds. First, he was opposed to the principle of paying the members of the Legislative Council, and next he was opposed to the proposition, that certain members were not to be paid; which he considered to be unequal and unjust. Was it because they were more wealthy, that this exception was to be made? If they performed a certain service they should receive the benefit equally with others.—The principles of the Bill were not only a novelty, but they were a complete anomaly,—it carried absurdity on the face of it; and he had not been convinced to the contrary by any arguments which he had heard in favour of it. The learned member for Gloucester had said it would produce a resemblance to the British constitution; he should like to see in what respect. On the contrary he thought it would make the constitution of this Province very unlike it; and conceived it would be introducing an organic change. The principles of the British constitution was formed by a collection of precedents, founded on immemorial usage, except those principles which were secured by Magna Charta and the Bill of Rights. Where would the advocates of the measure find an example; would they find it in England, or in any colony? Had it been attempted in Jamaica; or was it adopted in Nova Scotia. He believed it had never been introduced anywhere. Neither of the Canadian Legislatures had passed such a Bill; and was this Province,—a mere nook, to take the lead? He would say certainly not. No argument had been adduced to satisfy his mind that the measure was either just or proper; and upon that ground he should oppose it. It had been stated in debate, that when the Legislative Council shall have been new modelled, and when by the retirement of those gentlemen who hold high official salaries, that body should become more analogous to that House, then the members would be entitled to payment. But he considered the tenure by which they held their seats as very different. These receive their appointments from the Crown and those who appoint should pay; and ought it to be said, their payment should come out of the pockets of the people, and over whom they had no check. An hon. member had spoken of the elective principle; he believed the thought had not entered the mind of any one. But suppose payment of the members were drawn from the pockets of the people, what would be the next step; but to say as they paid those officers they should elect them. And in this way agitation would be created upon the subject. He hoped not; but there was no knowing what might take place. The hon. member from St. John said he had changed his mind; and before the passage of the Civil List Bill, he would not pay the Council. But the situation and services of those gentlemen were the same; and they should have been paid as well then as at present. He was afraid from the support which the Bill was about to obtain that it would pass; but he felt it his duty to raise his voice against it; altho' he was afraid that all which might come out in debate would not change the opinion of a single hon. member. He despaired of anything like a successful opposition, because the more influential members were in favour of the Bill. It was therefore a forlorn hope; when the talent and influence of the House were enlisted in favour of the Bill. The Chancellor of the Exchequer had put his hand to the plough, and in most cases he ploughed deeply; and had no doubt seen his way clear, before he made the attempt. Upon every principle of justice however, he felt called upon to vote against the measure; and he agreed with his hon. colleague the Speaker that it was too late, and did not come recommended by government, nor was it applied for by the Council. The hon. member for St. John, Mr. Partelow, had said that persons could not be obtained as members, unless the Bill should pass. Was it possible he would ask that persons could not be obtained in the Province, who could afford to devote their time; or must they refer to the people to pay individuals to keep the popular branch under restraint; and who were placed in the second branch to keep in check the representatives of the people. The learned gentleman said he thought it derogatory to the members of the Legislative Council to receive compensation. What would be said by the House of Lords if the Commons were to vote them pay; they would spurn the offer; and the Provincial peerage would probably pursue the same course. There was a difference of power between the two bodies; but not of comparative dignity. He said he did not think many members of the second branch wished remuneration; nor did he believe there would be any difficulty in procuring persons to represent the interests of the Province there; and he was not a little surprised to find the measure brought forward, when it had been rejected before by the present House.

Mr. END rose in consequence of the allusion which had been made to him; and wished to explain what he meant by preserving a resemblance to the British constitution. That resemblance had been broken down by the payment of the members of the House, and he wished to restore it by extending that remuneration to both branches. But while he was up, he said he would call the attention of the Committee to the present construction of the Legislative Council; and see what the Lieut. Governor had been compelled to do. There are 12 counties, six of which have no members in that body; and the member from Northumberland owing to the requirements of business, is generally unable to attend. Of the counties which sent members, Westmorland sends 2, Queen's 1, St. John 3, Charlotte 3, and York 7; and if it were really true that they were desirous of doing something for the people, he would ask if this were a fair representation of their interests. The learned gentleman said he trusted it would not be saying any thing improper with reference to the people of Fredericton, when he stated that they did not best understand the interests of the Province; in his opinion they knew less of what was required for the more remote parts of it, with few exceptions, than elsewhere; and yet the Executive had to choose seven members from among them. The learned member for Carleton had spoken of Magna Charta and the Bill of Rights; and he was surprised that he had not shown himself better acquainted with history; as there never was a greater humbug than that same Magna Charta, dictated to King John by his haughty barons; there was never a greater delusion, than to suppose they meant that its benefits should