

administration with having done any thing amiss subsequent to the time when four Members resigned. But the Hon. Member had brought a very grave charge against the Ex-Councilors—a charge which, if substantiated, must prove to have been guilty of little less than perjury; for if Members of the Executive Council advise the Governor to that which is wrong, out of malicious motives, they must do so in violation of their oaths. He contended that it was highly improper to suffer such remarks to be made on the floor of that House, and it was the duty of the Chairman to have called the Hon. Member to order,—indeed he wondered the Committee tolerated such language, and that he had not heard the cry of "order! order!" all around. He was certain that the Hon. Member, nor any other person, would be allowed to make such assertions elsewhere; people would not hear him, and he would find in every place where gentlemen met together, some person who would stop him,—he could have gone on making such assertions nowhere but there, where he was hedged around by his privileges. He was certain no person would allow such language out of doors; at all events, he for one would not; he would allow no person living to make such charges out of that House. In that House he could not prevent the Hon. Member saying whatever he chose; he would only contradict his statements, and this he now did, and would pronounce them false and scandalous.

In reference to the Despatches then before him, he was enabled to corroborate the statement made by the Hon. Member for the city (Mr. Hazen). Many allusions had been made in that House and elsewhere about Mr. Reade having been sent to Washington; during the concoction of the Ashburton Treaty. He wished to offer a word or two in explanation: Mr. Reade had been trusted by His Excellency with very important papers, of a private nature, which could not have been trusted to any other person. As to Mr. Reade's qualifications for Provincial Secretary, he thought at the time that he would have made a very good one, and he thought so still. He believed he discharged the duties of the office in a very satisfactory manner during the brief period he held it—probably quite as satisfactory as any other person who could be appointed—and he (Mr. Simonds) was very sorry the appointment was cancelled. (Laughter, and cries of "No doubt!") He should say nothing about himself, or the services he had rendered his country, but he would take the present occasion of saying that the loss of the services of some members of the late Government was a public loss. (Here the Hon. Member enquired the Hon. Mr. Cunard, and expatiated upon his business talents, upright character, disinterestedness, &c. he also eulogised Mr. Montgomery.) With reference to himself he would only say that he was no longer fit to be an Executive Councilor, if certain principles which had long been contended for were to prevail. If the principles he alluded to were established, that House would be the Supreme power (cries of "No, no!") Yes; it would; the Governor would be chained down, the Monarchy prostrated, Democracy would be introduced, and the Executive Council would be of no use. This was not the time to go into these things, but if the question of Responsible Government should come up during the session, he should oppose it, and was prepared to show why he did so.

Mr. FISHER intended nothing personal in the remarks he had made; it was an absurdity to lay hold of any remarks made upon the public conduct of public men, and say they are personal; or to say a Member of that House made personal insinuations if he said the Governor was a scoundrel, or that he was a specimen of the Hon. gentleman's ultra-toryism, for if they could not make any observation about an Executive Councilor's conduct without it being construed into a personality, why then it was obvious they could no longer question their conduct at all. But the statement he had made in that House, he had previously made, both in public and private. He had letters there in his possession, written by an Hon. Member of the late Government, and they proved that they were dictated by malice and ignorance. The statement he had made he would make again and again; and he wished the Hon. Member to understand that whatever he said in that House he would say everywhere. The Hon. Member might change as he liked upon Responsible Government, after having been its advocate in that House for so many years,—the Hon. Member might contradict his statements, but not deter him from making them.

[In connection with these remarks we beg to direct attention to the proceedings that have lately taken place in Quebec, a report of which will be found in another column.—We have given the resolutions passed at the meeting, but had only room for a portion of the excellent speech delivered by Mr. George R. Young; we have presented enough, however, to give the reader a just conception of the proceedings. The speeches of Mr. Aylewin, Mr. Neilson and others, were pregnant with meaning, and imbued with true patriotism.]

Mr. W. H. STREET said that he understood the Government Despatches, and not gross or improper personalities, were the order of the day; but this had all come from the last year's differences when feelings were allowed which were utterly unworthy of any grave or deliberative Assembly. It was not generous to trample upon a fallen enemy; and on this account he (Mr. S.) would feel disposed to pass over whatever had been wrong hitherto in the conduct of the Executive—to give over all personalities—and to apply at once to the despatch of business which stood identified with the Government of the Province. He thought the explanation given by the hon. member of the Executive (Mr. Hazen) was perfectly satisfactory; and as the Government at present was constituted only as a provisional one for the Session, no good could arise from discussions on abstract principles. He (Mr. Street) had thought that there had been something held back which had formed a part of the Despatch, but assuming that there was, he should now feel unwilling to ask for any thing which might tend to compromise His Excellency in the eyes of the County. The Learned member of the Executive had pledged himself to the truth of the statement which he had conveyed; to the effect that there was nothing in the despatch which concerned the House to know; and on this view of the subject he (Mr. S.) thought the House had no right to make further enquiry. It was therefore to be hoped that the hon. member (Mr. Wilmot) would desist from further enquiry; and now especially as he was informed that nothing of a public nature remained to be told. With respect to the allusions made by the hon. member from St. John (Mr. Simonds) to another member of the late Executive (Mr. Cunard), it would be much better to let those matters rest as they are—for if ever there was an individual who did not deserve public confidence, it was Mr. Cunard.

Hon. Mr. Hazen had not replied to the observations made by the Learned Member from Gloucester on the Government because—Mr. End. "I did not apply any observations to you." Mr. Hazen continued,—he had never seen any disposition to harass the Learned Member, on the part of the Executive; and the Executive nor could he ever have seen it; for such a thing did not exist. There was no other part of the despatch which he could now recollect except that part of it in which the harmony of the Government was alluded to, and recognized in the responsibility of the Executive to the House of Assembly; but if hon. members chose to go into abstract questions on this subject, and carry it out as far as introducing the departmental system, he was prepared to meet them at once by declaring that the present Government would agree to no such propositions. Let the House of Assembly take up the Question whenever they liked—and let them embody their Resolutions in an address, but the present Government has only been organized for the transaction of business, and would have nothing to do with Departmental Government.

Mr. WILMOT said he told the hon. member that when the subject is introduced, he'll find me on hand to defend Responsible Government; and to prove that it is neither to be defined by what Lord Stanley or the Governor of this

Province says, but by the clear undoubted constitutional rights of the people, and the people of this Loyal Province will not be satisfied with less.

Hon. Mr. HAZEN—Then let the House of Assembly assume and define something to be understood at home, where alone such a question must be decided—or let them break through all bounds and renounce British rule altogether!

Mr. WILMOT again retorted. Would it be told to him that because 3,000 miles of water intervened between him and Great Britain, that he as the native of a British Colony was not entitled to the full privilege that he should have enjoyed if born in any part of England? He (Mr. Wilmot) would ever contend for the rights of his Country—which rights he considered to have been grossly violated by the late appointment to office in this Province.

Hon. Mr. SIMONDS said that as the two learned members for York (Messrs. Fisher and Wilmot) contended that the present system of Government was not suitable for the Province, let them discuss Responsible Government, but first let the business of the Country be done; and if the Executive act wrong let the House address the Throne. How else could the advisers of the Governor in a Colony be punished? for it was no punishment to turn them out of office; on the contrary, it was a great relief to them to make them resign office. There was no individual, the Governor excepted, responsible in a Colony, and Lord Metcalfe had said so. Five Councilors were in his opinion enough to carry on the Government, and he hoped that in the present instance they might be permitted to do the business of the Country without being interrupted by the discussion or operation of Abstract or ill defined principles.

Mr. FISHER (who had just come in from the Law Court) said he did not rise to make a Speech, but to ask, what was the power or principle which had driven out the late Executive? Mr. Simonds. "It was done by Responsible Government." "That said Mr. Fisher is all I want."

Hon. Mr. SPEAKER here remarked, that it would be much better to get through with business now, and let Responsible Government come up for discussion hereafter.

Mr. BARBERIE said, there was little propriety in one member of the late Executive, publishing the good qualities of another.—The fact was, that in so doing the hon. member made himself subject to an offset, which he Mr. Barberie would now read as a part of his Speech.—Here the Hon. Member read a verse of a song from the Loyalist, which alludes it is supposed to the Hon. Mr. Cunard.

Mr. HILL in order to stop discussion which he thought did not bear on the subject before the House, brought up an Abstract Resolution on the Principle of Responsible Government; and stated that if hon. members wished to drop the subject which they commenced with, this would give them something else to talk about. (A Laugh.)

Mr. CONNELL would not listen to such charges as those made against an Hon. Member of the upper House (Mr. Cunard) without contradicting them. That gentleman was highly, and as he (Mr. C.) believed deservedly esteemed in the County of Carleton, and there they deeply regretted his retirement from office, and believed him as honourable a man as could be selected to fill his place.

Mr. FISHER said he did not intend to give any opinion on the constitution of either the old or new Council; for he believed the present one, as it had been represented a temporary body, organized for the despatch of business; and at that ground he would feel it his duty to support them.

Hon. Mr. HAZEN observed that he had heard of certain observations made by the Learned Member for York, at a Public Meeting, which had surprised him. He had heard that that gentleman had said, speaking of the Council which had retired last year, that three of the number had retired upon no principle at all.—This was not correct; for those three Councilors, he (Mr. H.) being one of them, had retired because they recognized their responsibility to the House of Assembly, and knew that they could not otherwise justify their position. This their reason for retiring, which the Executive was well known at the time, and in fact was published in their letter; and it was to say the least of it, strange now to hear such language as that imputed to the Learned Member.

Mr. FISHER said that what he had said at the public meeting alluded to, he was willing now to do in his place. He had made no personal allusions, but had spoken of public men and public measures, as he conceived to be his duty. He felt that he had been deeply wronged by the false construction which had last year been put upon his conduct in the House; and he was glad on his return from the United States last Summer, to have an opportunity of meeting a respectable portion of his own Constituents, in order to do away with any false impression which might have been subject to. What he had said on the occasion was, that those gentlemen, who had really gone out on Responsible Government Principles, had afterwards endeavoured to give those same principles the go by. It would to him (Mr. F.) be a subject of serious reflection and pain, and one for which he would readily tender an apology, if he had on any occasion even in a moment of excitement, said a single word, to wound the feelings of any one.

He had been made to place him in a false position before the people, and he had availed himself of the opportunity given at that public meeting, to circulate the truth throughout the County. Hon. Mr. HAZEN said the explanation given, was perfectly satisfactory. When men entered into public life, they became public property, and their acts were of course subjected to discussion; but the manner in which the words were represented was calculated to make a strong impression on the mind. Mr. Fisher "Read the Report." He (Mr. Hazen) had certainly found fault with the conduct of the Learned member last Session, because he thought it was really calculated to place the House in a wrong position through his zeal to establish his peculiar principles. Well, on this ground at least, neither of them had much reason to complain of the other; for on the same occasion, he (Mr. H.) had succeeded by a manoeuvre, in placing the Learned member, in a similar position. (A Laugh.)

(Here this discussion was dropped, and the Despatch on the subject of King's College came up for discussion.) Hon. Mr. WILMOT said that he might congratulate the House, that the great object was gained—the right of Legislation on the Charter of King's College was conceded. He would like very much to see the Despatch which accompanied the Bill on its way home; and he was sorry to see that the College Council had been petitioned in private; for in the House, all that had been done was done openly, and with the view to be known by all. He (Mr. Wilmot) had not seen the Petition which had been sent about for signatures; but a friend of his who had seen it, informed him that one of its allegations was, that those who were in favour of Legislation on the College Charter, were actuated by hostile views to the Church of England, than which a greater violation of truth could be conceived. How indeed, could that possibly be the case, coupled with the circumstance, that 20 out of the House of Assembly, with a large majority of the Council, all members of the Church of England, had voted in favour of the Bill. But Lord Stanley had said that the Bill was contrary to the interests of the Church of England, and in saying so had evidently been misled by the representations which accompanied the bill. There was therefore daily reason in which his Lordship could be set right again; the subject must be referred to a select Committee for consideration. Nothing must be done hastily. The Bill must not be touched during the present Session but let the House act upon the Report of the Select Committee and then place all the suggestions and information thus brought to bear, in the hands of the Colonial Secretary. Before he sat down he would just say that any member of the Church of England, who sat on the floor of the House, thought there was a single clause in the Bill calculated to impair the interests of that Church or to injure the College, he was most willing to submit it for improvement

or correction. But while he had a hand to raise or a tongue to speak, he would never remain quiet, till the College was placed in such a state of efficiency as to render it what it was designed to be, a blessing to the people, an ornament to the Country.

Mr. SIMONDS would support an address, and the Bill too; but while thus consenting to the action of the House, he would protest against any knowledge or belief of the back door influence which had been spoken of. What the College Council had done, in self-defence, was not to be wondered at.—Mr. Wilmot. "Why did they not send us a copy of their Petition?" He (Mr. S.) could account for that also; the Bill was passed late in the Session; and there was no time for negotiation.

Hon. Mr. SPEAKER thought it the best plan to address the Queen. All the documents relative to the subject should be procured, and no deviation should be made from the course pursued last Session. It was now ascertained that the Legislature of the Colony had power to alter or amend the College Charter, and this in itself was an important circumstance. As for the opinion of Judge Story mentioned in the despatch, it must be understood that it amounted to nothing.—It was inapplicable to the Province, and could only be applied to a Country having a written constitution such as that of the United States, where the Supreme Courts can set aside an act of Parliament. The Legislature of New Brunswick had nothing to do with the opinions of Judge Story. It was not he thought necessary to call for the petition which had been alluded to; for it obtained, it would amount to little, and would have no effect in the settlement of the Question at issue.

Mr. PARLOW briefly remarked that the petition should be in the hands of the Select Committee, so that when forming their Report they might be able to meet the arguments which had been forwarded to Lord Stanley in opposition to the Bill.

Mr. SIMONDS said it would be impossible to carry out the plan proposed by Lord Stanley, for no men could be found in the Country fit to settle various differences between the House of Assembly and the College.

Mr. HANINGTON said that one important case had been decided; since the Colonial Secretary had conceded that the whole affair could be settled in the Province by an act of the Legislature, thus making the Institution useful, and conciliating the people. Taking this view, he would wish to see the Local Government grapple with the subject, and bring down such a Bill as the House would concur in. He would like to see the Government of the Province, and also placed in such a position that when turned out by the voice of the people it would not, as the hon. member (Mr. Simonds) had said, be a relief to them. Few in number as the late Government was, they might have exerted themselves at least so far as to frame a Bill on Education; and whether the House might or might not afterwards approve of it, it would at least show that they were prompted by a desire to be useful. Had there been a working Government seven years ago, the country would not now have so much to complain of in reference to the College. He concluded by observing that he hoped even now, the Executive would go to work in good earnest and do something to recommend them to the Country. The truth was, if the Executive got a reasonable remuneration for their services, they would not fear the result which was alluded to in going out of office.

Mr. BROWN hoped the Bill would yet triumph; for he was certain that Lord Stanley was in error, and it became the duty of the House to disabuse him. His Lordship had stated that some part of the Bill was highly offensive to the Church of England. Surely his Lordship was wrong; for the Bill itself had been carried through the Legislature, by members of that same Church which it was said had been injured. It was, he was convinced, the intention of all to make a Bill which would be subject to as little objection as possible.

Hon. Mr. SIMONDS. The Hon. Member from Westmorland (Mr. Hannington) says he'd respect a Government which he could call a working one. The inference therefore is, that as the present Government is not a working one, he does not respect them. The Executive were placed in a thankless position; they were blamed for not respecting the opinions of the House, and also blamed for respecting them. It was the anxiety to treat the House with all deference, which had prevented the Executive from bringing in the very Bill which had been alluded to.

Hon. Mr. McLEOD said that the two last Hon. Members who had spoken, seemed to think that any change made in the Charter, must be made with the concurrence of the College Council; whereas Lord Stanley did not come back to that point. With respect to what the Hon. Member had said on the subject of degrees, he (Col. McLeod) would like to get information; but this he could say that the opinion expressed by Lord Stanley, that the Bill was offensive to the Church of England, was founded in error. As a Member of that Church, he (Col. McLeod) had given his consent to the Bill, and he saw nothing hostile to the Church in its construction.

Mr. SIMONDS could inform the House, that all Degrees of all kinds, granted in the Province, went for nothing at home; the students had after all, to study 4 years at home, in order to graduate.

Mr. FISHER remembered to have heard a good deal on this subject when he was in England, being himself a graduate from this Province; but he would wish to know what the value of such a piece of parchment was.—Let a good sound, and thorough education be given in the College and the rest of the subject would be thus attained.

(Being interrupted for a moment, we lost some observations here made by Mr. Botsford.)

Mr. WARK, in answer to Mr. Street's remarks to the effect that the Charter if ever meddled with, would thus be made subject to ultimate destruction, observed briefly that this reasoning was based upon false premises; as no change would ever be made by any part of the College. Constitution through any other means than by an act of the Assembly, the concurrence of the Legislative Council, and the assent of the Lieutenant Governor. It was wrong to say that any intention was entertained to injure the College—the great object with all, was to foster, and make it as useful as possible; the framers of the Bill were its best friends.

Mr. THOMSON, as we understood, spoke in favour of the joint commission recommended by Lord Stanley. He thought there might be an address got up stating the necessity of having the old Charter revised, or a new one given to suit the country. He never knew of any Legislature in a Colony to assume the alteration of a College Charter.

Mr. W. H. STREET observed that the matter could alone be settled by the Imperial Government, and that he, as one of the minority of last session had always entertained the same opinion. In the first place, a charter having its origin in the Colony, could grant no degrees beyond the bounds of that Colony; and next, he thought it unjust to destroy the College Charter granted by the Home Government, in spite of the parties concerned. The fact was, the College Council was as willing to make the Institution all that it could be desired, as the people themselves were, and under such circumstances, it was with the Council itself that the alterations should have originated. A good deal had been said about back door influence, but he (Mr. S.) knew nothing about it.—He had signed the petition which had been mentioned, and would do so again, because he thought no Colonial enactment had a right to interfere with a Royal Charter. If for instance, the Assembly assumed the right of making any change in the Charter this year, they might make a greater next year, and so on till the Charter would be frittered away to nothing.

(Here the subject was dropped, and the message on the failure of the Potato Crop came up, and was (we think) referred to the Committee on Agriculture.)

The Message on the fourth article of the Treaty of Washington next came up, and was, at the recommendation of Mr.

Partelow—who stated that it was a subject of great importance—referred to the Boundary Committee.

Hon. Mr. SIMONDS concurred in the opinion of his hon. Colleague from St. John (Mr. Partelow) it was a subject of vast importance, and required to be brought at once under the serious consideration of the Colonial Secretary, who would never act so unjustly as to extort the Civil List, and then take away those lands, from the produce of which it was designed to pay it.

Hon. Mr. WILMOT said that much more would have been said and done on the subject last year, but it was dropped for the time at the suggestion of a member of the Executive who thought that as the affair was then in Treaty, it would be more prudent not to meddle with it. The Address would be ready to go by the next mail, and with such information the claim of New Brunswick must be confirmed, unless every principle of right, honour and justice were violated.

Hon. Mr. SPEAKER said that after all which had been said, the question could not be settled on this side of the Atlantic. New Brunswick had erred in not holding the whole property by possession. He would like to learn what had been done with the timber which was to have been seized; for if it had the Province would have gained largely in point of Revenue.

Hon. Mr. SIMONDS explained the reason the Timber had not been seized was, a great deal of it had not been got out of the woods last spring, and it was a pity to destroy so much property by seizing it where it lay. Under these circumstances the Government thought it better to impose a fine of six shillings per thousand.

Mr. BROWN closed the discussion by observing that in the event of the right of New Brunswick being disallowed at home, not only would every principle enumerated by the learned Member from York (Mr. Wilmot) be violated, but the opened provisions of an Act of Parliament would be violated also.

FRIDAY, February 13.

CONTINGENCIES.

Mr. GILBERT offered two resolutions relating to the Contingent expenses of the House; the first setting forth that the Report of the Contingent Committee of last session was not sufficiently explicit; and the second to the effect that the Contingent Committee of this year do report—specifying all the sums paid, to whom, and for what article or service—previous to the closing of the Committee of Supply, and that the said Report be published in the Daily Journals. The Hon. Member went on to examine the report of last year, taking up the items in detail, and complaining that several of the sums were unaccountably high. He was particularly severe upon the Grant of £150 to the Reporters, and observed that it was decidedly unconstitutional for sums to be placed upon the Contingent Bill which had been previously lost in supply. He also maintained that the sum granted Reporters was too large: it was a question in his mind whether they should be paid at all or not, and if they were paid the sums should be small. If Hon. Members wished to hear themselves speak, and afterwards to see their fine speeches in print, they might find some other means to encourage Reporters: let them pay for a number of copies out of their own pockets, not ask the public money for that purpose; or they might hit on a better plan yet: let them follow the example set by the two Hon. and learned Members for York! These gentlemen, expecting an election, and having reason to believe that their constituents were not satisfied with their conduct, called public meetings and went forth among the electors to apologize for their past conduct! (Laughter.) But it was little the people knew about the doctrines of Responsible Government the two gentlemen preached up to them: they were like little birds: their mouths were open to receive something, and they would swallow whatever came, it be it an angel or a devil. (Here the Speaker asked the Hon. Member if he was not wandering from the resolutions.) He should say but little more, but hoped his resolutions would pass, for every item of their contingent expenses should be specified in the report, and published, as nothing could be gained by concealment. There had been much uneasiness about this Bill, and the people would still be suspicious unless all were made public.

Mr. PARLOW said the Contingent expenses of last year had been minutely examined, and reported on, by five Hon. Members of that House; and if any Hon. Member could not place confidence in their report he should have moved an addition to the Committee, or examined the accounts himself. But the Hon. Member, instead of following this course, and absents himself from the House before the session closed, and then comes back the ensuing year and finds fault with the Contingent Bill! Then again the Hon. Member complains of the Reporters' Grant being placed among the Contingent expenses, but it was because certain Hon. Members flinched from meeting this question manfully in Committee of Supply that the House had been driven to adopt this course. He (Mr. Partelow) recollected well that when the question came up in supply for paying Reporters, the Hon. Member now so loud in his complaints would not vote upon it, but had left his seat and shielded the question.

Mr. HANINGTON said the Contingencies had given great dissatisfaction to the country some years ago, but since the present mode had been adopted he had heard of no complaints, and believed the people were perfectly satisfied. It was true their Contingencies amounted to a considerable sum every year, but it should be remembered that the Bill included the contingencies of the other House also, and he did not think the gross amount was unnecessarily large. However, since the Hon. Member was dissatisfied, he would support the Resolutions, and hoped the Hon. Member would take charge of the contingencies himself, and give a more satisfactory report than had hitherto been laid before them. Should the Resolutions pass he thought the Hon. Member could not fail to feel himself responsible for the proper management of their contingencies for the future.

Mr. WILMOT said the Hon. Member for Queens had determined to bring in a Resolution upon this subject to display his literary qualifications—it was a specimen of the Hon. gentleman's literary productions—he had put it in his pocket for this purpose, but through some means or other he had got whatever ideas he might have had in his head strangely jumbled up together. For instance, the Hon. Member had, upon a former occasion, spoken about Clontarf College! Now who had ever heard of Clontarf College before? The Hon. Member had heard of Maynooth College and the Clontarf meeting, and the two things had become confused in his brain until he had brought forth a mongrel, which he called Clontarf College! (Much laughter.) But why the Hon. Member for St. John (Mr. Partelow) had censured the Hon. Member for running off before the close of the session he could not conceive. Did he not know that their Hon. friend from Queens knew no principle but that which draws interest, (laughter,) and that his heart is in his hay stacks! How could they expect the Hon. Member to stop there to look after contingencies, or any thing else, when there was an opportunity for him to take his hay to market and obtain the highest price for it! Besides, the Hon. Member every session took good care to deliver himself of one or two of those electioneering speeches, which he (Mr. Wilmot) understood were written out beforehand; and although the Hon. Member appeared to be such an enemy to Reporters and newspapers, he had been told that he was a thorough news-monger—that he took pains to gather up as many newspapers as possible during the session, which he took home with him to read during the recess. And who could blame the Hon. Member for this propensity? Surely it was praiseworthy to thirst for knowledge, and be for one was quite willing his Hon. friend should pursue this course to gratify his laudable taste—say, more, he would freely bestow upon him all his newspapers, after he had read them! The Hon. Member had spoken about the birds of York swallowing angle-worms and pebbles, but he (Mr. Wilmot) would not retaliate by alleging