

wait until proper information be laid before them, and then let the relief be given in some other way, which shall be general in its operation.

Hon. Col. ALEXANDER did not rise to oppose the Resolution, but thought it better to let the matter rest for the present. He was afraid the failure of the potato crop, and the distress in consequence, would be found to be much more general than they anticipated. The matter should be thoroughly investigated. He therefore hoped the Hon. mover of the Resolution would consent to its withdrawal, and let the whole question be taken up as soon as possible.

Mr. JORDAN said that if other Hon. Members would shrink from their duty he would not, and so long as he held a seat in that House he would fight the battles of his constituents. He knew that they were suffering now, and should tenses. He knew that they were suffering now, and should tenses. He knew that they were suffering now, and should tenses.

(The Resolution was then put, and carried by vote of 12 to 9.)

The House went into Committee on a short Bill to enable the Magistrates of Northumberland to assess the inhabitants of that County to pay off the County debt, which was passed without opposition.

Mr. BROWN rose and moved for leave to bring in a Bill for the Registry of votes for the Election of Members to serve in the General Assembly. He said that the Bill introduced last Session by the hon. Member from Northumberland, had failed in the House in consequence of its being a copy of the English Registry, and which was thought too complicated for this new country. Something more simple might, he thought, be introduced to serve the purpose, and he feared if this were neglected, a great deal of confusion must ensue at the next Election.

Mr. PARTELOW opposed it on the ground that there must be a General Election this year—perhaps early in Summer, and it would be impossible to have the Royal Assent to this projected Bill, in time for it to get in operation so soon. Besides he thought it better to let the new Election Law get a fair trial for one year; and then after the General Election, those hon. members who might be returned could bring the wisdom of experience to bear on the subject. (He Mr. P.) had never been very sanguine in reference to the Election Law as it now stood; but the learned member (Mr. Fisher) felt desirous to give it a trial. It would require all the wisdom of the House to deal with an intricate subject; and the experience of the Session would be a good criterion to go by.

Mr. END thought the motion should be sustained;—for the whole country was affected and injured by the present Election Law; and its consequence would, he believed, be most unfortunate. On this subject he had never changed his mind. He thought now, as he had thought last year, and feeling thus, he was glad to see the prospect of something being done to counteract the evil tendency of the present law. Let the subject be introduced and discussed; let the arguments on both sides be heard; let a Registry Bill be passed; or else, when the Candidates, aye and the public too, shall suffer from the unrestrained operation of the present cursed law, then the Table of that House would groan with petitions to repeal it. It was true, the country under the old system laboured under some difficulties; but the late act was only a movement out of the frying pan into the fire—a hotter fire than that from which we had escaped.

Mr. HARRISON said the subject was before the Committee on Elections, and let them report on it. This subject was argued last year in the debate on Mr. Street's Bill, and nothing new could now be said on the subject. It was not fair to condemn this year a Bill which passed only last year, and without a trial. He would oppose the motion.

Mr. W. H. STANLEY thought the motion a good one; for he thought that the simultaneous voting would never suit the Country without a Registry to keep it in check. The expense of such a Bill as was mentioned by the hon. member from Charlotte would be extremely trifling, and on that account more suited to the wishes of some persons, than the lengthy Bill introduced last year. He had observed that the learned member from Gloucester, who abused the present Law, had also opposed the Registry Bill of last year, but (Mr. S.) had no doubt of the necessity existing for something in this way.—At all events any time spent in the discussion of this important subject would not be wasted.

Mr. BOYD wished to see such a Bill as that now alluded to brought in; for he thought it would assist the new Election Law, which instead of being a *cursed* law, was the most *blessed* one ever passed in the House.

Mr. FISHER said he did not know what course he might adopt on examining the new Bill; but he thought it might likely he would oppose it. If hon. members wished to create the evil which they were anticipating, they were taking the right method to do so; for their opinions going abroad to the world, would enable persons so disposed to lay hold of any defect, real or imaginary, to serve an improper end. He was willing to argue the point with the learned member from Gloucester; and to prove from the working of the Law both at home and in Canada, that the balance was hitherto against us, and consequently that there could be no danger to introduce a law here which was known to have worked well elsewhere. A simple act might perhaps not be amiss; but he would rather in the first place, see the present law have a fair trial.

Mr. WARR said he thought that when the Law for simultaneous polling was passed, it would be immediately followed by a Registry Act; and he thought such an act absolutely required in order to sustain and regulate the other. He would like to see something short and simple, to be carried out on the information from the Parish Assessors. At the very least some accompanying measure to the Election Law would be needed, and it would be required as speedily as possible.

Mr. THOMPSON said if the Bill were brought in during the course of the present Session, he had little doubt that it would be rejected, and the time lost which would be spent in discussing it.—How much better would it be to mark its progress, and if in its course it gave birth to any evils, they would be seen and consequently the easier corrected. At present any Legislation on the subject must necessarily be in the dark; but then the action of law would be developed; and the popular voice would point out the course to be taken. Even if a law were passed here now, the probability was that it could not be returned from England until its operation might be required here in the case of a new Election. It is true, there are apparent difficulties; but it would be much wiser to mark them, and learn their extent, in order to provide, if necessary, an efficient remedy.

Mr. STREET said the Registration Act was much needed in the Country, in order to prevent the confusion which must follow the present law. It was impossible that such a complicated law could suit the people of New Brunswick who required only the most simple enactments. The Registry was the best part of the Bill, and without it the whole Country would be in confusion.

Hon. Mr. SIMMONS thought the present, the stage of the business for discussion. He had heard of no evils resulting from a Registry Act; and in England, where the machinery of Elections is much more complicated than here, the Registration was found necessary and useful. There were only a few cases in which Registration might be necessary and this would leave it exceedingly simple in its application. It was impossible to carry out the simultaneous polling, without a Registry.

Hon. Mr. WILMOT observed that all these difficulties were founded upon evils which were not yet tried or known. It would be much better to give it a trial, and wait its progress; and the case would soon be decided. The Country is on the eve of a General Election, and it is an improper time to add any thing calculated to increase such a large sum as £1,000 per annum to the burthens of the people. He would

rather try the law as it stood, rendered exceedingly simple, and in three months after the passing of the Bill it might be returned assented to from England and go into operation. Information might be obtained in the respective Parishes.—(Mr. Partelow "what if there is no Assessors in a Parish?") We might go on forever supposing difficulties, but the best method was to overcome them.

Mr. PAXTON expressed himself favourable to the motion, which, after Mr. Brown had closed the debate, was put and carried 15 12, Mr. Fisher not being in the House.

SATURDAY, February 7.

The House went into a Committee of the Whole on a Bill brought in by Mr. Fisher, to vacate the seats of members in certain cases.

Mr. BROWN begged leave to call the attention of Hon. Members to the important character of the Bill about to be introduced; and hoped the Sergeant-at-arms would be directed to call the members to their places; after which Mr. FISHER opened the debate by observing that he did not consider a long speech required on the present occasion; as the Bill had been so often discussed, that every one on the floor of the House had doubtless made up his mind for the question. Previous to the last general election, he had brought in a Bill more comprehensive in its bearing than the present; as it included the Members of Her Majesty's Executive Council in its provisions; and that Bill passed the Legislature, and became the law of the land. In conformity with this Law, two members of that House, on being elevated to places in the Executive, vacated their seats, and were re-elected. Afterwards, upon the Bill being referred to Her Majesty's Government for consideration, Lord Stanley rejected it on the ground (as was supposed) of its applying to the members of the Local Executive; and consequently its operation ceased.

On this subject, his (Mr. F.'s) opinion remained unaltered; but it was useless now to attempt what had already failed; and he had framed the present Bill, leaving out the part objected to by Lord Stanley. This therefore applied to the great Officers of the Government; such as the Attorney and Solicitor General, the Surveyor General, the Receiver General; and in short all persons receiving and expending salaries from any part of the Provincial Revenue. Some might feel inclined to ask, "what! would you make an Indian, or a receiving fifty or sixty pounds to expend on the roads, go back to the people for his election?" Yes, most certainly; for it must ever be regarded inconsistent with the spirit of good government, that the person who votes a grant of money, should himself have the power of expending it. He would not use the term *corruption* as applicable to the present state of things; but he might safely say that there was some danger of undue influence being exercised over such, and he was anxious to relieve the House even from the imputation of doing wrong. This could always be done best, by sending such persons as received Government patronage back to the people; and let the people judge whether they were worthy of re-election. It was frequently said that this country was not fit to receive the system of Government so long practised in England; but the system of the Imperial Government was much more stringent than it was contemplated to make it here; nor should it be forgotten that in such a small place as Prince Edward's Island, it had been in use for several years, and was found to work admirably. He would ask if there was not an impression abroad that the members of the House of Assembly were in the habit of playing into each other's hands; and taking this for granted, he would assume that Hon. Members owed it both to themselves and their constituents to pass this law. He would not, in this instance, include the officers of the Executive; for he believed that the clause to that effect had been the means of losing the former Bill; but he hoped it would be passed in its present shape, and if the House could not get the whole loaf, they must only take the half.

Mr. BOYD said that on the former occasion he had supported the whole Bill; and now although it was impossible, as it appeared, to get such a law as he wished, he was willing to take all that he could get. It was notorious that the House was suspected of selfish motives, all over the country; and the only way to put a stop to these surmises was to place themselves beyond the reach of them; and in the event of any Hon. Member being selected to expend public money, to go back to the people and receive their approbation. Thus the Members of the House would become their own masters, and maintain the freedom and purity so essential to their existence. And after all, what could those who received Government patronage be viewed as but as persons receiving gifts from the Executive; and the natural inference must be that in the event of their not sustaining the Government, their patronage would be stopped.

Mr. END was willing to support the Bill, with an amendment, to the effect that the Clerks of the Peace, and others acting in an *ex officio* capacity, should be exempted. This clause might read "unless appointed by some law of this Province." He was once in favour of leaving the Executive Members free from the action of the law in this case; but from what had occurred last year, when they were told by an Executive Member that the Vote of the House would have no more effect on the Government than the margin of an old newspaper, he was induced to wish to see them placed in a state of *Constitutional Vulnerability*, and preserved in the whole House from the imputation of being supposed to be made up of wooden men. From the transactions of last year the constitution of New-Brunswick had been decided; and this should lead the House in future to be extremely cautious; as it was now fully understood that on the passing of a vote of want of confidence one of two things must occur—either the Government must be broken up, or the House must be dissolved. The Government must in future understand that the vote of the House must not be trifled with. At that time, and long after, the conduct of the Executive was exceedingly wrong; they went about stirring up strife in the country and probing the minds of the people, all the time taking care to keep the honest Governor in the dark on a subject which they should be the very first to tell him. Through their means people opposing them were even burned in effigy in some parts of the country; or granting that they had not actually excited them to this outrage, they did not punish them for their evil deeds; and this left them equally reprehensible on the ground that "the receiver's as bad as the thief." One of them passing through his part of the country remarked to a friend of his (Mr. End's) that they had very good roads and bridges there, "yes," was the reply, "Mr. End has assisted us in getting them in good order."

"Oh!" was the response, "Tom, Dick and Harry worked it out for you in the House of Assembly." He concluded by observing that as the influence of the House of Assembly was now constitutionally established over the Executive, he thought it useless to insist on the clause to include them in the Bill.

Mr. BROWN remarked that the Bill had been so often discussed, that it was needless to prolong the present debate. It appeared that all men agreed on its principle; and so the point in dispute was, whether the Executive officers should be left beyond the operation of the Bill, or whether the law should be framed as it was when it was sent home, and rejected by Her Majesty's Ministers. This it appeared would be useless, and therefore the best thing that could be done was to pass such an Act as was now before the Committee, such an Act as the Hon. Government would approve of.

He still thought that the man who had the greater power of bestowing patronage should not be placed on more favourable ground than the individual upon whom he conferred it; but it appeared that this could not be helped; and therefore all that could be done was, to pass the Bill now before the Committee. He contended that the exemption of *ex-officio* officers was not necessary, for such were already in the House; but there were no commissioners there, and this was one of the great benefits resulting from a wise regulation.

There should, however, be no exemption from the general law for Deputy Treasurers, because such individuals might be in the receipt of two or three hundred a year, while others receiving not over fifty pounds per annum must be called upon to pass through the ordeal. If, however, during the time when any person held a Commission, he were returned to serve in the General Assembly, such a circumstance could not operate against him, since his election would in that case be accomplished with the knowledge of his circumstances on the part of the people.

Hon. Mr. McLACHLAN remarked that the office of an Executive Councillor was not one of profit or emolument, and could not constitutionally be made subject to the rule which some Hon. Members contended for. The Bill therefore stood right in preventing the same persons to *vote* and *expend* public money; but it very properly did not effect the Executive. Besides, as the addition of the clause affecting the Executive had already destroyed the Bill at home, it would of course have the same effect again. It was necessary that some Executive Members should be in the House; and being there, their responsibility was already well secured. This was a constitutional question, and the House on a general occasion had already expressed its opinion, being averse to the same time to the clause in question, for he anticipated that it would have the effect of destroying it. He did not know what disturbances or "running about" the learned member from Gloucester meant, but he was sure that nothing of the kind was encouraged by the Executive; but the occurrences alluded to had taken place in Northumberland, and that would account for it.—He had also heard of disturbances in York. (Mr. Fisher, "we had none here.") He had also learned of some differences in King's, but although in his own County he had not even known what they referred to.

Mr. THOMPSON was in favour of the Bill. It was extremely wrong that a man should vote money, and then enjoy the profits resulting from its expenditure.—such a system was advocated by the Government of Great Britain, where the law was so pointed out that subject that it subjected the individual to a fine of £40 for each offence. During the last 30 years in which this system had been pursued in New Brunswick, it was well understood that the person so expending the public money was not to be held responsible, and thus the purity of the law was violated. The learned member who had introduced this Bill, now a second time, deserved much credit for doing so, and he (Mr. Thompson) would support it.

Mr. HARRINGTON said that the reasons brought forward to exclude the Executive from the operation of the Bill were based upon wrong premises. At all events, the majority of those who had spoken, had not opposed it except as a matter of expediency,—why then not pass it? He believed the objections made by Lord Stanley had originated at that period in New Brunswick, and not with his Lordship; for that was a time when any thing like Responsibility in the Executive was most violently opposed; but the times had since changed. The application should in fact be stronger to those persons who dispense patronage, than to those who receive it, for the former conferred much more power. But he would ask, why had the learned framer of the Bill conceded to the point that Clerks of the Peace and others in similar situations should be exempted? and why was the learned member from Gloucester so sensitive on the subject that he wished a clause *especially* inserted in the Bill to protect them? He hoped the Bill in its present shape would not be passed; for he loved fair play, and in order to secure it every one receiving £5 or over, and also the members of the Executive, should be included. Why did Hon. Members differ now from what they were in '36? was it the clause to that effect had been the means of losing the former Bill; but he hoped it would be passed in its present shape, and if the House could not get the whole loaf, they must only take the half.

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of Responsible Government, now were anxious to support the Tories. He therefore thought the present Bill was incomplete until it were made to include both the Executive Members, the Clerks of the Peace, and all persons holding offices of emolument. The learned mover had left out a clause which might at some period affect himself, but the House had a right to watch him, as he watched others.

Mr. BOYD said that the truth of the old adage of drowning persons catching at straws was fully verified. It was true that he had been raised to the Bench of Magistrates, and had also, after passing through the regular gradations, been made a Lieut. Col. of Militia; but was it to be inferred from this that he must go back to his Constituents for a re-election?

Hon. Mr. WILMOT had supported the Bill once before; and would do so now. It was impossible, with the declaration of Lord Stanley to the contrary, that a Bill including the Executive Officers, would be sanctioned at home; in such a form it never would be passed. There was something very singular in the conduct of some Hon. Members on the present occasion; since those who wanted to have the additional clauses inserted, took exactly the same course pursued by the Papineau party in Canada, previous to the late rebellion. They had therefore placed themselves in a *good company*. The House had already been informed that the insertion of the clause was unconstitutional; and the constitution of the Mother Country, which recognized no such provision, should be closely followed. (Here the Hon. Member read extracts from Lord Stanley's despatch disallowing the clause in the old Bill which included the Provincial Executive on the ground that no such applications was known in England.) Several Hon. Members had spoken of gentlemen making Office in the Executive as being cramped and chained, and other such terms; but he would ask, how had his connexion with the Government cramped and chained him! He at least had proved to the Country that a man may go in, yes, and come out of the Executive too, without changing one single principle. He never was the man to change his principles; and if he did so he would neither be fit to be trusted with the confidence of the People, or the Government. He was thankful that he still had a redeeming spirit which had carried him through his difficulties, and he hoped ever to retain it. It was, however, surprising, that the very men who had hitherto supported such high and ultra principles, were the very individuals who now were willing to place themselves at issue with the constitution of the Mother Country. It was not the *Radicals* then, who were in this singular opposition, but the old *conservatives* of the constitution. This was strange enough, and could only be accounted for by supposing that those honorable Members might perhaps wish to destroy the Bill, by inserting a clause in which they could not be sustained in England.

Mr. HARRINGTON said he would move for the insertion of a clause to render the seat of any individual holding an office of Emolument to the amount of £10, per annum, vacant. (Mr. Fisher, "I am willing.") It was his (Mr. Harrington's) opinion that the thing was rather left open, than otherwise, by Lord Stanley, in order to give the Colony a second opportunity of bringing the subject before the Imperial Government. He had always advocated the principle of the Bill, and was therefore placed beyond the suspicion of having any design to kill it, but he did not fear such an event.

Mr. BARBERIE said the Hon. Member for York (Mr. Wilmot) was the last man in that House who should tell others they were in a "bad company." That Hon. Member had often been found in the "bad company" he now taunted them with joining; he had stood upon the floor of that House advocating the cause, and defending the conduct, of the very men he now pronounced *bad*. That was the *bad company*! But he not only got into Member's consistency of principle, but he also had the fortune to find himself placed in *justa position*!—The constituency of the country were best able to judge of the conduct of the Executive, and the appeal should be made to them. In advocating that Members of the Executive be included in the Bill, he disclaimed all intention of injuring the Bill.

Hon. Mr. McLACHLAN said that experience might have taught the Hon. Member that the clause would destroy the Bill.—it had done so already. If the learned Member (Mr. Barberie) were taken into the Executive, how would the people in his County know whether he would make a good Councillor? must they not in order to test his integrity, first give him a trial?

Mr. PARTELOW said the language of Lord Stanley in communicating the Royal dissent to the Bill, was ambiguous enough to warrant the House in making another trial; and even if Lord Stanley had been totally averse to it, the policy of the Colonial Office was frequently altered. Mr. Gladstone was now in Office, and his opinion might be different from that of his predecessor.

Mr. S. EARLE said such a clause as that contemplated, would most certainly destroy the Bill. If he did not think so he would be willing to let it pass; but such a thought could not be indulged. As far as he was himself concerned, he was willing to allow the insertion of Inspectors, Teachers, or even Teachers, or any body else receiving money, if Hon. Members desired it.

Hon. Mr. WILMOT observed that the Hon. Member from Westmorland (Mr. Harrington) had stated that the language of Lord Stanley was *vague*, and another Hon. Member (Mr. Partelow) supposed he might change his opinion; the opinion of Lord Stanley was now in Office, and his opinion might be different from that of his predecessor.

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Mr. FISHER, would not have spoken again on this subject, but he felt himself aggrieved by the unfair imputations which had been cast upon him during the debate. And were he to come to a conclusion that he must be frequently made the subject of such improper remarks, no consideration could induce him to remain in the House of Assembly. It was well known that he had once brought in such a Bill exactly, as the Hon. Members now contended for; and that it had passed into a law; and if the Bill had been disallowed at home, it was not his fault. It was also well known that he had passed down the present Bill in the fear of its being once more lost in England, if made a transcript of the old one; and also in order to meet the views of Honorable Members in that Committee, and it was now hard to be told that his views were interested in the course which he had taken.

For himself he had never received Government patronage, either for himself or friends,—he had never received a farthing from Government; and if his receiving Executive patronage must depend on the asking, he would long remain excluded in the House. (Here audible symptoms of approbation were exhibited in the House.) He would have preferred embodying the clause having reference to the Members of the Executive; but his reasons for leaving it out must be obvious even to those who pretended not to understand them.

Mr. HALL said there were two classes of individuals to class with in the House—one was the *obstructions*—the other was the *destructions*, and there was as much danger to be apprehended from the one as the other. He feared the object was to defeat the Bill; for although hon. Members pretended to say, that the Constitution of the country might be changed to suit them, there was no pledge that such a consummation would be expected.

Mr. PAXTON briefly stated that the times were changed—that the people had more power than formerly.—that there was no necessity for the enactment of a law on the subject, as there was check enough already on the Executive, and that therefore he would vote for the Bill as it stood. (After this, the Bill was read section by section, when similar arguments were used with those on the general reading, by both parties, after which the Bill past, the division standing 18—11.)

(Afterwards, Mr. BROWN read the petition of John G. Lorimer, praying Legislative aid to assist him in the publication of a weekly paper called the *Young Aspirant*; a specimen sheet of which he produced; after which some general business was transacted, and the House adjourned.)