Mr. TAYLOR trusted the resolution would be withdrawn; he was satisfied the Government would do what was right, without addressing them upon the subject.

Mr. WILMOT said there was one remarkable feature in the resolution, which had struck him very forcibly—it prayed the Govnrnment to legalize that which the Crown Officers had declared (and which the preamble quoted) was illegal. The resolution also refered, and was in fact based upon an Act, which as yet was not an Act. The Colonial Minister had disallowed a similar act in 1842, and perhaps he might do so again; therefore, until the Bill, referred to in the resolution, had received the sanction of the Home Government it could not be called an act. The resolution certainly presented an extraordinary appearance, and he should therefore oppose it.

Mr. PARTELOW moved an amendment to the amendment which went to strike out all the original resolution except the word "Resolved," and substitute therefor, the following. That this House has every confidence, that the Government will deal with this subject, as the nature of the case might require. After a few further observations from Messrs. Brown and J. A. Street the question was taken on Mr. Partelow's amendment, which was carried; the division being 13—9.

FRIDAY, April 3.

The House went in Committee of the whole on a Bill to authorise the settlement of certain pecuniary difficulties between the Government, and the Hon. Thomas Baillie.

Mr. FISHER stated the object of the Bill. From the time of Mr. Baillie's arrival in the Province down to the year '37 at the time of passing the Civil List Bill he had performed the complicated duties of Surveyor General and Commissioner of Crown Lands; and it was during that term, that certain differences arose which led on the part of the Government to an action against Mr. Baillie, which action it was afterwards found, could not be carried out in consequence of a defect in the Law Courts. To be more explicit; at the time of passing the Civil List Bill, a question had originated between Mr. Baillie and the Government in which it was alleged by the latter that he owed a large balance to the Province, which allegation Mr. Baillie denied; and the consequence was, that certain commissioners were appointed, who on investigating the state of the accounts, declared that Mr. Baillie owed the Government the sum of £3,600, and this being disputed by Mr. Baillie and being as already stated left undecided by the Court of Exchequer, remained yet undecided. In this state of the transaction Mr. Baillie comes forward, and requests that as the affair cannot be settled by law, it may be referred to arbitration, expressing himself willing to submit his cause to any tribunal whether a legal one or otherwise, believing that individuals not strictly bound down by law, will nevertheless be capable of taking up the whole affair and doing it full justice. In support of this mode of proceeding Mr. Baillie had cited two cases already arbitrated in the Province. The first of these—that of Mr. Partelow—he (Mr. Fisher) thought did not apply, but the other, that of the Hon. Mr. Cunard did really apply, and was a proper precedent to go by. Mr. Baillie absolutely declared that he did not owe the Government a single farthing; and in support of this position had requested a trial; but failing in this the Government should at least adopt the second method, that of submitting the case to an arbitration, justice demanded this course; for all must allow that it was unfair to keep a claim of this sort ever hanging over a man's head, without granting him the common resource of a trial. One thing he (Mr. F.) would say without fear of successful contradiction—Mr. Baillie should either have the trial which he had demanded, or the whole debt should be at once and forever wiped away.

His Honor the SPEAKER replied.—He said it was a horrid thing to see a member of that House introduce a Bill in order to settle an affair between the Government and one of its own officers. He thought it would be highly improper for the House to move on the subject without a message from the Government; nor did he think that such a step had ever been adopted in any Colonial Legislature. The hon. and learned member who now brought the Bill, had but recently served on a Committee to investigate a charge brought by Mr. Rait in which he declared he had made payments in the Crown Land Office, which had not been accounted for; and it was impossible to tell how many more cases of the same nature might occur;—each of which must be referred by a Select Committee, to the House for payments. He would not interfere between the Crown and its own officer, not only for the reasons last stated, but because he thought it would be a spring of dangerous Legislation, one which the House should ever guard against.

Col. ALLEN agreed with his honor the Speaker in the views which he had taken; and thought that no similarity existed between the cases cited by the learned member for York, as Mr. Cunard did not happen to be an officer of the Government. He distinctly understood that Mr. Baillie had admitted the receipt of the money already alluded to; but had named some offsetts as his reason for retaining it. It would be almost impossible for any arbitrators to grasp such a subject as that contemplated in the Bill, as they would have to go back nearly 20 years, and take up not only the most extensive, but also the most complicated transactions which had ever occured in the Province. He would be willing either by Bill or Resolution, to wipe away the whole debt, and give Mr. Baillie a full discharge; but he saw no use in passing this Bill, as he was sure that even if it got through the Legislature, its provisions could not be carried out afterwards by any of the Law Courts in the event of the arbitration being objected to.

Mr. END was in favour of the Bill; and he thought the reasons urged against it by his honor the Speaker and the Gallant Colonel were not in point. There was no doubt of its being an *interference on* the part of the House to pass the Bill, but still it should not be lost sight of, that the amount which it was supposed to dispose of was a part of surplus Civil List fund; and consequently belonged to the people not the Government. By a fine spun technicality it might be said to belong to the Crown; but by all the rules of common sense it belonged to the people. He did not think his hon. friend the Colonel, capable of acting wrong intentionally—but when he said Mr. Baillie was an officer of the Government, and that Mr. Cunard was not, he erred, for Mr. Cunard was at the time a member of Her Majesty's Executive Council. He would not complain of the arbitration in the case of Mr. Cunard, for he believed that justice had been done; nor did he think the arbitration in his case illegal, although an individual high in his profession—(Mr. J. A. Street) had once pronounced it so; but he had always thought it a delicate subject for the Executive to handle, as one of themselves was concerned. However, justice had doubtless been done, and that was the great object of all law throughout the world: good men were chosen, and they had performed their duty—and what was once done, could surely be done again. He would not take into account what Mr. Baillie was—(Mr. Fisher. "He's a British subject.") Yes he was a British subject, and should be treated as such.—After the commissioners who investigated the accounts, had reported Mr. Baillie as owing a balance to the Province, one of them—(Mr. Botsford) had himself declared that he did not consider their investigation in the light of a trial, but rather tantamont to the finding of a Grand Jury. Mr. Baillie had always been anxious to have his case decided in any court which might be appointed, and had already met his accusers in that way—but a technical objection had been raised by the law officers, not by Mr. Baillie, and it was found that even in the court of equaty, the case could not be disposed of, and thus the case was thrown out of court, and Mr. Baillie still left to *assert* his innocence without the means being left in his power to prove it. It was called a case of the Crown, but it was in fact the people who were interested; and surely the people would never permit Mr. Baillie to occupy his present uncertain position; without the resource even of the statute of limitations—for no statute of the kind existed in the case of debtors to the Crown, and such a legacy was not an enviable one for a public man, or any other, to leave to his children. At all events this Bill was not imperative: it only left the case in the hands of the Executive simply leaving them the power to dispose of it if they saw fit. Humanity—Justice—British Justice, all demanded that the Bill should be passed, for as the ordinary Tribunals of the County had found this case beyond or below their calibre, the popular method—that of arbitration—still remained open, and should at once be resorted to. No one should appreciate this plan more than the hon. member from St. John (Mr. Partelow) who after a series of violent persecutions had at last been relieved under its operation.—Was not the course pursued towards that hon. member still fresh in every ones memory—when a person could scarcely pass through a lane or alley in St. John without being met by some troublesome News-Boy crying out "buy a penny Paper sir, it has a great deal of news in it—and all about Mr. Partelow"—surely that hon. member would not deny to another the justice which had been through an arbitration awarded to himself. He concluded by observing that he hoped the Bill would pass in the House—would be assented to in the Council—and afterwards agreed to by the Executive.

Mr. BROWN said, that he did not know much about the constitutionality of the Bill—but looking at it as a point of justice, he thought it ought to be passed. The House had once authorised a commission in the case of Mr. Baillie, and on the Report of that commission, he had been suspended. He (Mr. B.) had afterwards introduced some resolutions to reinstate him—but he could get no expression of the House the subject; and it was said that he was Mr. Baillie's personal enemy; although he had not said any thing further than that the affairs of the Office had been managed with great confusion. What was the reason the House could not get hold of this money which they believed Mr. Baillie owed? Why he had placed himself as a public defaulter—and thus nothing could be recovered. Now however, he came and asked an investigation; and if it were refused to him, in his (Mr. Brown's) opinion, it would be an act of injustice. If the Arbitration were suffered to go on, and the result were found favourable to the claims of the House, Mr. Baillie would have to pay them—if on the contrary it should be found that Mr. Baillie owed them nothing, it would be only just to give him a clear acquittal.

Mr. BOYD said, he had fought many hard battles for Mr. Baillie; but subsequent events had made him change his mind. His Honor the Speaker said that such an Act would be unprecedented—and he (Mr. B.) felt inclined to be of the same opinion, for he found that they would be kept *investigating* all the time, and the expense of such a mode would be very great. It was only yesterday that a charge of £250 in reference to Mr. Baillie, came before a Select Committee, and he feared that much more of the same sort would yet have to be disposed of, from the manner in which business was transacted in the Crown Land Office.

Mr. PARTELOW could assure the learned Member (Mr. End) that the Commissioners in the case of Mr. Baillie had not investigated his case in the same manner as a Grand Jury; for when even during the whole course of the investigation, Mr. Baillie could even give an ambiguous answer to the charges, they were dropped in his favour, and those only charged to him which he allowed without contradiction. Why had not Mr. Baillie answered the Report of the Commissioners? (Mr. Fisher.—"He answered the Bill.") Here Mr. Partelow read a letter of Mr. Baillie's, we think to Col. Shore, and remarked upon it that its object was to throw the blame on the subordinate officer of the establishment—but the Crown could never recognise any such principle—he alone must be held responsible. He would give him a quietus; but as a great deal of the evidence upon which the Crown rested its case had been actually destroyed, he would by no means pass the Bill.

Mr. HILL said the Bill would place the country in a singular position, for even if the award were made, there was no Court in the Province capable of enjoying the fulfilment of the award. Mr. Baillie must expect to gain his case, or he never would have made such an application: but provided the decision were against him, he had nothing to pay—therefore the House could have no inducement to pass it. He presumed that the Government was as much disposed to justice as the House—but the Government must have some cause for the manner in which it had acted—and he (Mr. H.) could not think of interfering.

Mr. J. A. STREET remarked that the present Bill was certainly a novel one; and shewed that when one wrong Act is passed in the Legislature, it will pretty soon be followed by another of the same kind. (Here the Speaker remarked that the Act complained of, had gained the Province £3000.) The Attorney General had not proceeded to establish the Debt of Record, and on that ground he had not been injured; but still he was placed in such a position that the circumstance of his being a public defaulter might be cast up to his family, and although the accusation would not be evident, still it would be a great annoyance. He thought that the appointment of the Commission in the first place, as well as the present Bill, were equally without precedent. (Hon. Mr. Speaker.—"I can shew one, and another, and another.") (Here his Honor handed Mr. Street some pointed authorities, and a few words passed which we lost at the moment.) The Report of the Commissioners could not, as supposed by the honorable Speaker, was not however *prima facia* evidence. (The Speaker.—"I never said so.") After a full consideration of the case, he (Mr. S.) had come to the same conclusion with the hon. member from Charlotte, (Mr. Brown,) namely, that the present Bill must be passed; or that upon every principle of justice, Mr. Baillie must have an acquittal.

(Here Mr. END spoke at considerable length in answer to the arguments against the Bill, and several Members spoke on both sides; but as little was brought forward, we forbear to publish it. Mr. Fisher made a general reply, and the question being taken, the Bill was lost.)

CROWN LANDS.

The House went into Committee on a Bill introduced by Mr. Brown for affording relief to certain persons for money forfeited in the purchase of Crown Lands.

Mr. BROWN observed that this Bill had been under consideration a few days since, and objections having been urged against it, on account of its being too general in its operations, progress was reported and the names of those persons intended to be benefitted by the Bill had been inserted. He hoped the ground would not be gone over again, as the subject had been fully discussed on a former occasion. The fact was the Province had received about £14000 of money from those persons and he thought it very hard if they were to be refused relief as they did not ask money but land. The Central Bank had received lands to the extent of the Tobique Mill Company's payment, and he thought equal justice should be done to all. If the Committee should think it right to pass this money without having given an equivalant for it they would oppose the Bill; if not they must support it.

Mr. PARTELOW said the operations of this Bill would be nothing more nor less than taking £14,000 out of the Provincial chest; that was the plain English of it. He would not go over the ground again, but would say now, as he had said before, that where a strong case was made out, he would grant relief, but he would never consent to a Bill so general in its operations; it was only paying money to a parcel of speculators.

Mr. TAYLOR said the hon. member for St. John (Mr. Partelow) was mistaken; it was not money these parties wanted but land. The hon. member concluded his observations by strongly urging the case of Mr. C. Bradbury who had paid into the funds of the Province £1,250 for which he had received nothing.

Here a succession of short speeches followed, after which a motion was made to postpone the Bill for three months, which was lost by a majority of one. The Bill was then taken up section by section; in the mean time the opposition having gained strength by several hon. members returning to their places, a motion was made by Mr. Partelow to postpone the further consideration of the Bill until the next sitting of the Legislature which after some further discussion was carried, the House dividing—Yeas 12, Nays 10.

SATURDAY, April 8.

SUPPLY.

Return Duties on Wine consumed on Board H. M. Steamer "Columbia," Captain Hon. W. F. W. Owen.

After a few observations from Messrs. Boyd Scouller and Barbarie;

Mr. WILMOT rose and observed, that he thought the hon. and gallant Captain, for whose benefit this grant was intended, would have been so delighted with his Rum principles, as promulgated in another quarter, that he (Hon. Capt. Owen) would not have come here to ask for a return of duty. His religion seemed to consist in not only drinking Rum himself, but in teaching others to drink it, and he (Hon. Capt. O.) really seemed so highly delighted with this rum drinking, that he (Mr. W.) was utterly surprised that he (Hon. Capt. O.) came here to ask for a drawback; the only drawback which he (Mr. W.) could imagine the Hon. and Gallant Captain cared any thing about, (if he should judge from his alcoholic propensities,) would be the drawback of the grog. (Laughter and cries of oh! oh!) He (Mr. W.) thought those benevolent individuals who were endeavouring to do all the good in the Country possible, by reclaiming men from that vice which had ruined thousands, (and would ruin many more if not stopped) deserved something better, than to be told that they were "sinning against light and truth.

Mr. END rose and said that he was surprised at the language made use of by his hon. and learned friend from York (Mr. Wilmot). Mr. End then went on to vindicate the private character and habits, of the Hon. and gallant captain; the particulars of which we do not think it necessary to give.

Mr. WILMOT explained. He did not allude to the private habits of that Individual at all; he only spoke of his speech as reported in a newspaper. (From Mr. End, yes! *as reported.*) He (Mr. W.) took it as he found it in print, and he did not care whether it had really been spoken, or whether the Reporter had manufactured it; He of course presumed it to be correctly reported; it was not creditable either to the head or the heart of any man. When that hon. Member had denounced every person connected with Temperance, as being worse than Mahomedans, he (Mr. W.) thought he would take this opportunity of having a shot at him. He (Mr. W.) only regretted that he had not had the distinguished honor of a seat in that hon. House (Legislative Council) for about half an hour, just at that particular time; he would not have asked for any longer time than that. As regarded the private habits of that gentleman he (Mr. W.) believed him to be strictly temperate, and he had always found him to be courteous and kind upon all occasions; but when he saw that speech about temperance, he then determined, within himself, to have a shot; he had now fired it off, and he had nothing more to say.

Col. MCLEOD animadverted pretty severely upon the speech of the hon. and learned member for York. He said he considered his remarks totally uncalled for; it was also unparliamentary for Hon. Members to allude to the speeches delivered in another quarter, it was against the practice of the British House of Commons to do so. (Mr. Wilmot, No! it is not.)

Mr. BOYD said he did not rise to oppose the Grant; but he thought the speech of the Hon. and Gallant Captain calculated to do much harm throughout the Province.

Mr. BROWN could not look upon it in that light; he thought the speech alluded to (if it had any effect, beyond a joke,) calculated to do good, rather than evil; but he was disposed to look upon the whole matter as a mere joke of the Gallant Captains. There could be no doubt, in fact he himself knew it, that many of those Teetotalers drank wine, and he thought the speech of his Hon. and Gallant friend would show such individuals up in such a light, that they would be ashamed of themselves, and do better for the future. As for the Mahomedans, it was a well known fact, that they were far more temperate in their habits, than were most of the Teetotalers of New Brunswick. (Roars of Laughter.)

Mr. WILMOT replied with some warmth; but owing to the noise at the time, we could not catch his first observations.

He said he was a Teetotaler himself, and would not for the world break his pledge; he was perfectly aware that there were those who had broken it, and he knew some of them; he could point out one at least, without going out of the House (laughter). He regretted to see the brandy drinkers exulting at this reproach attempted to be cast upon the temperance cause—as well might they exult in witnessing a reproach cast upon our Holy Religion.

Dr. EARLE strongly advocated the cause of temperance, but from his low tone at the time we could not connectedly hear him.

The resolution was sustained by a large majority.

SELECTIONS

[From the New-Brunswick Reporter.]

FREDERICTON, 28th March, 1846.

To the Editor of the Colonial Advocate.

SIR,—I intend to devote a spare hour to the consideration of an article in your paper of the 23d instant, on a Bill for the improvement of the Common Schools. You say you cannot learn from the Speech of the mover what the intended provisions of the Bill are. The speech is well Reported in the Loyalist and Reporter Newspapers, but although you have withheld every part of it from your readers, you have based upon that very speech the most severe reflections upon my character as a liege subject to Her Majesty the Queen, and as a Legislator of this Province. You profess to be a Gentleman and a Christian, but how you reconcile your conduct with such professions I do not exactly comprehend. I am sure I never offended you, and cannot see how I deserve your censure.

The most prominent defects of our School system were pointed out, it was distinctly stated, that the Bill was not intended to break down the system, but to improve it. But you have affirmed that this Bill "was meant to lay on the public a forced tax." The Bill containing nothing of the kind. So you see Sir, that your position in this respect is just as ludicrous as you can desire—you labour hugely, and lay about you lustily, but your antagonists are imaginary beings of your own creating, "and your vain blows malicious mockery." However, as I happen to be an advocate for free trade, and you an advocate for monopoly, this taxation principle, although it had no place in *my Bill*, found plenty of room in *your head*; and so you instantly hold me up as a rank Democrat—a man unfit to remain in a British Colony—whose allegiance to the Queen is mere pretence; and whose oath as a British Legislator is base profanity!

Sir, I was born and bred among the heather of the Grampian Hills—have been in the Province thirty-six years—carried arms against the Democrats in the last American war—am well known in all parts of the country, and I tell you plainly that this wicked piece of malicious slander will 'pass by me as the idle wind,' for nobody who knows me will believe you. No thanks to you however—you 'throw fire brands, arrows, and death,' and if they do not hurt me, the escape comes not from any good will of yours.

You say, that in my speech these disloyal sentiments are plainly avowed. Why did you not publish the speech? Why not publish the disloyal portion of it? You copied Mr. Wilmot's speech at length, and mine was in the same paper. Why not publish an extract by way of text to the Editorial discourse? Sir, I will tell you why.—The speech itself contains not one word or sentiment, either disloyal or unconstitutional; and had you published it, your readers would have seen that your calumnies were as groundless as your ravings about taxation, which was not in the Bill.

The only paragraph in the speech where Democracy is mentioned runs word for word as follows:—

"Our's was a mixed form of the three primitive principles of Government—Monarchy, Aristocracy, and Democracy. It was evident however, that in its operation, one of these principles was ever found to preponderate. This was clear from the evidence of past history, and from what was at present going on; and let others think of him as they might, he would affirm, that in the Government of the Mother Country, and in the Colonial Governments, and in the Government of this very Province, the Democracy is the dominant principle. The Queen and the Lords may give direction to the course, but the impelling power is in the people."

No man having the least pretension to political information will deny this; but as you do not profess to teach the science of Government, but to advocate an antiquated and exploded system of political economy, perhaps you will require some proof. Well there are DeLalme and Goizot, and Junius, and many others, all excellent writers on the British constitution: we might quote from every one of them—and there is Lord Brougham, a living author of our own, and also a member of the Lords; suppose we take *his* late work on Political Philosophy.

He says—"The supreme power may be vested in a "single person; or it may be vested in a particular class "different from the bulk of the community; or it may "be vested in the community at large. In the first case "the Government is called a Monarchy, in the second "an Aristocracy, in the third a Democracy."

"A mixed Government possesses over all others three "great advantages—namely—first, that it protects the "public interest from rash ill concerted counsels—secondly, that it secures the freedom and the rights of all "classes in the community; and lastly, that it maintains "the stability of the political system."

"The great virtue of the constitution of England is "the purity in which it recognizes and establishes the "fundamental principle of all mixed Governments; that "the supreme power of the state being vested in several "bodies, the consent of each is required to the performance of any Legislative act."

Democracy is therefore an essential element of the Government under which we live, and although, during the reign of the Tudors, and the whole line of the Stuarts, Monarchy was the prevailing power, the Democracy has had the preponderance ever since the year 1688; and to such an extent has this power at times prevailed, that the other two ruling bodies have been unable to keep it in check. The Emancipation Act was carried against the deliberate will of George the Fourth—the Reform Bill was passed against the will of the House of Lords, and it will soon be seen, that free trade, including the repeal of the Corn Laws, will be adopted, and that the whole aristocracy of England cannot prevent it. In short, to use the language of the Edinburgh Review, "it would seem that those who deprived the crown of the power of increasing or packing the House of Commons, and those who continued to the Crown the power of increasing and packing the House of Lords, must have intended, that in the British Constitution, the Democratic element should be supreme."

Upon the whole Sir, it must appear to every unprejudiced reader, that your attack on me is as groundless as it is malicious, and that your Editorial, in which you make *Taxation* and *Democracy* to figure so conspicuously, is, when divested of its slander, only

"A tale told by an idiot,
" " Signifing nothing!"

Your's,
JAMES BROWN

[*From the Halifax Post.*]

EMIGRATION TO AMERICA.

We observe in several of the Journals received by the last Mail Steamer—that preparations are being made in several of the Ports of the Islands of Scotland for Emigration to this Continent on a grand scale, early in the present spring. How pressing must be the *necessity* which prompts man to traverse the Ocean, to thread the forest—to fling himself away from the home of his childhood and the altars where he has worshipped—the land which holds the hallowed dust of the generations of his fathers, for the wilderness and the trackless solitudes of the New World—and all for a *doubtful* good. And yet thousands, year by year, brave all this and more—bringing with them to the land of their adoption the skill, energies, and industry of civilization—and the hand of adventurous enterprise, and the elements of wealth and power, all the materials out of which the proudest edifice raised by the Grecian, or Roman, or British architects, have been erected.

Yet a few years and the stones which the Emigrant finds lying buried in the quarry are raised into solemn temples and stately mansions. The silent forest—the noble pines which now serve but to shelter the wild beast, converted into gallant crafts, are found bearing the produce of the soil to every region of the habitable globe. Nor is this process always *slow*; not fifty years have elapsed since Ohio was colonized, and yet the population of that State exceeds at this time 1,000,000 souls, inhabiting towns and villages, and enjoying all the requirements of a civilized and polished people; and this is but one application of a general rule.

We have one and a sad remark to add. On this continent the destruction of the red-man has advanced by nearly equal steps. "The Indians in the United States amount to little more than sixty thousands souls." Whole races have perished. Their language, and lineage have been blotted out from human memory, as irrevocably as the track of the arrows in the air. "Outcasts in the land of their fathers," the Iroquois are now begging their bread." The tribes that once wandered over New England—those who touched the hand of Penn on the banks of the Delaware—where are they, and their descendants? Well does a late writer remark:—

"Where a barbarous people has been civilized by the intercourse of a foreign nation, it has happened as in the case of the tribes who overran Europe after the fall of the Roman Empire, or of the Moguls who subjugated China, when the victory of the former over the latter has been acknowledged complete—(so it was that "Gracia capta ferum victorem capit")—the conqueror admits the conquered to his councils—the conqueror opens his school to the conquerer. But in a state of things, where one of the two parties unites the advantage of intellectual and physical superiority—the other sinks under the crushing weight of such an irresistable preponderance. If this did not happen in Mexico and Peru, it was because the original inhabitants had emerged from a nomadic state. But in North America where the knavery and strength of civilized man have encroached upon the lessening domain of the ruler of the desert, the result has been a blot on the glories of American enterprise and industry, that ages of benevolence and humanity will hardly be sufficient to wash away."

The London Morning Chronicle denies the position of the Times, that a war with America would be popular in England, and adds: the middle class regards the matter transatlantic republic not only with indignation, but with pride, as a magnificent demonstration of the progressive energy and self-governing power of their own victorious race.