

The Carleton Sentinel.

Devoted to Agriculture, Literature, and General Intelligence.

Published and Edited

"Our Queen and Constitution."

[By James S. Segee.]

Number 36.

WOODSTOCK, N. B., TUESDAY, FEBRUARY 24, 1852.

Volume 4.

PROVINCIAL PARLIAMENT.

HOUSE OF ASSEMBLY.

Thursday, February 5.

The House went into Committee of the whole on a Bill to establish the Islands of Grand Manan and West Isles as a Free Port.—Mr. Lewis in the chair.

The bill having been read, Capt. Robinson moved that it be read section by section.

Mr. J. Earle said, that before the bill was read section by section, he would like to hear from the hon. mover what his objects were in bringing in the bill.

Capt. Robinson rose and said, that the bill now before the House was not a new measure in the British Colonies, as a similar provision had been adopted in the Island of Singapore, in the East Indies, which had been found to work admirably well. The bill now before the House contemplated the erection of the Islands of Grand Manan and West Isles, all lying in the County of Charlotte, into a Free Port; and he would inform the House why, in his opinion, some such bill had become necessary. At the present time, there was only one Custom House Officer on the Island of Grand Manan; he had no boat, no assistant; and the consequence was, that some few of the inhabitants, whose houses were in the immediate vicinity of the Custom House Officer's residence, were compelled to enter the articles which they imported from the American side, but by far the largest amount of articles brought to the Island were smuggled.

The distance across to Eastport was only something like a quarter of a mile, consequently the facilities for smuggling were so great, that it was found impossible for one man to do much towards its suppression. To such an extent did the practice prevail, that it had been found impracticable for any one to keep a store on the Island, as the store keeper would be looked after and compelled to make his entries, and pay the duties, while the smuggler who did neither, could supply himself and sell to his neighbours at a rate which entirely precluded the fair dealer from keeping up his establishment. It was to put an end to this state of things that the present bill had been introduced, and he knew of no better way of accomplishing this object, than that adopted by Sir Thomas Raffles, with reference to Singapore, an Island in the Indian Archipelago. Sir Thos. Raffles, seeing that the Dutch were masters of the neighbouring country, determined on having a stronghold in the Archipelago, where British ships could lie and British commerce be prosecuted, without being subjected to the heavy import duties imposed by the Dutch on articles of British manufacture. In order to accomplish this object, the Island of Singapore, a small island not much more than 20 miles in length, was selected for the experiment, and it succeeded beyond his most sanguine expectations.—When this experiment was first determined upon, the Island contained very few inhabitants, and its trade was nothing or next to nothing. Immediately on the Island being declared a free port, a commerce sprung up, and in ten years the inhabitants had increased from a mere handful to the number of 23,970, and the imports to nearly £3,000,000 sterling per annum. [Here the hon. member quoted statistical and historical facts from Montgomery Martin's Book, to shew the vast progress made in ten years by erecting Singapore into a free port.] Hon. members would thus see that the situation of Singapore, with reference to the Dutch Possessions in the East Indies, was similar to that of Grand Manan and West Isles, with respect to the United States; and he could see no good reason why similar results, although perhaps in a much less degree, should not follow the erection of these Islands into a free port. Singapore had long ago become the centre of commerce in the Archipelago; its enormous trade gave it an importance, which until a free port was established there, no one dreamt it could acquire; and he thought it but right that a bill should pass, to endeavour to render the Islands to be affected by the present bill of some importance to the Province. He was not wedded to any section of the bill. Hon. members might propose amendments to any or all of them, and if he thought they were improvements he would cheerfully adopt them.

Mr. Hanington said, he believed there was no particular objection to the bill; he thought therefore it was better to go on and read it

section by section, as there was no need of losing time in talking about a measure to which no objection was likely to be offered.

The bill was then read section by section, and the blanks in the several sections filled up as follows:

Salary of the Deputy Treasurer,	£200
Harbour Master,	100
Clerk,	75

Mr. Hanington said, that as the Committee had now got through with the bill, and as it was a bill which was of some importance, he thought it would be better not to report the bill as agreed to then, but let it lie over for some time, until hon. members had an opportunity of examining its provisions more closely. He would therefore move that the chairman report progress, and ask leave to sit again.

The hon. mover said, he had no objection to the proposition, and progress was reported accordingly.

LEGISLATIVE COUNCIL.

Wednesday, February 4.

Hon. Mr. Odell wished, as he saw an hon. member of the Executive in his place, to call attention to a subject having reference to the constitution of that branch of the Legislature of which their Honors were members. His question had relation to the number required by the Royal Instructions to compose this hon. House, and he would read an extract from these instructions, as they had hitherto been supposed to give this branch of the Legislature a constitution. [Here the hon. member read the extract which limits the amount of members to twenty one.] The extract runs as follows:—"Provided nevertheless, and we do hereby declare our pleasure to be, that the total number of members for the time being, of our said Executive Council, resident within our said Province, shall not at any time, by any such provisional appointments, be raised to a greater number in the whole than twenty one."—He read this in order to ascertain what might be the views of the Executive in making the last provisional appointment, as it was obvious that from the number of members previously in the Council, there was no room—if the Royal Instructions be adhered to—for another member. It is true, that if the additional appointment was made, Her Majesty might, of course, confirm it; but if the Lord Bishop of the Diocese, who is not excluded from taking his seat, chooses to avail himself of his appointment, and become virtually as he is nominally a member of the Council, then the number of members must amount to twenty two, in apparent contradiction of the Royal Instructions. There was it is true, a clause which said, that a person appointed and not occupying his seat for a certain time, became excluded; but the individual referred to is not a member of this body as John Medley, but as Bishop of the Diocese, and the question arose whether he could in the latter capacity be supposed to forfeit his seat in the Council, by his absence to any point of time which he might think proper. The question, therefore, arose, is his Lordship still considered a member of the Legislative Council, and if he be, whether the act of the Executive in adding another member, when the House is full, can be constitutional? It was true, that so far as related to the appointment of a single member, the local constitution of the Council would be little affected; but if the Executive can appoint one individual beyond the number laid down in the Royal Instructions, they may also appoint another—or in fact they may appoint as many as will suit any special purpose which they may have in view, as has been already done in the neighbouring Colonies, when the Executive wished to overpower the Legislative Council.

Hon. Mr. Hazen would not wish to answer the question of the hon. member, at the present moment. He would, however, be prepared tomorrow to satisfy the House, that the Executive had acted constitutionally in making those appointments. He did not, however, approve of the prompt manner of asking the information; as the proper mode, in his opinion, would have been to give notice of the question, not by directly asking it.

Hon. Mr. Odell thought there was no room for taking offence, for the manner in which he proceeded. The hon. member might, if he chose, suppose what he (Hon. Mr. Odell) had already said, to be only a notice; and as regarded the time of getting an answer, he was willing to wait to suit the convenience of the

hon. member of the Executive. He would go still further, he would take it for granted that the Executive was right in the action they had taken; but surely it could not be amiss to require information.

We understood His Honor the President to say, that the Executive might make appointments provisionally, as they had in the latter elections for the Council; but he was not aware that any directions had been received to disannul the Royal Instructions.

Hon. Mr. Connell was gratified to hear the present discussion, as it would bring up the mode and manner in which appointments were made to that honorable House. This was a subject with which the country should be made acquainted, and it would most likely shew them the necessity for passing the bill which had been discussed last winter, for the reconstruction of the Legislative Council. If it were found that the evil was so great as to leave that honorable body at the disposal of the Executive, the only remedy would be, to take up the bill of last year, for making the Council elective, and pass it into a law.

Friday, February 6.

Several bills already agreed to had their third and last reading this morning; after which the House went in committee on the bill to incorporate the Kingston (Kent) Agricultural Society, which was agreed to; as was also immediately after, the bill to incorporate the Upham Wool Manufacturing Company.

The Council next took up in committee the bill in further amendment of the law on the Registry of Deeds and other Instruments.—Hon. Mr. Saunders in the chair.

The Hon. Mr. Hazen, after the bill was read, said, he could not understand it as making the law any more definite than it is already. By the present Act [from which the hon. member read] it was ordained that any deed or instrument left at the Registrar's office is deemed to be recorded from the time of its being presented, and the officer in charge is bound to keep a book for the due entry of such deeds in the order in which they are received. [Upon these observations a discussion ensued precisely similar to that already reported, in which it was urged by several hon. members, that although the deeds might be deemed recorded in the office, yet such transactions could not be deemed valid in a Court of law, if the deed were there required previous to its being formally recorded on the books; for such purpose the law distinctly states that it must be not only received at the office, but also that the Registrar must certify that it is duly recorded; and in the hurry of transcribing a number of deeds in their regular turn, the Registrar might not be able to certify that he had recorded the very deed which might be required in evidence.—The bill was finally agreed to without a division, but containing two amendments in reference to former Acts, suggested by the Hon. Mr. Odell.]

Mr. Rice, from the lower House, brought up two bills—the one to erect a part of the Parish of Andover into a separate Parish, and the other to establish a Great Road in the County of Victoria.

The Hon. Mr. Hazen presented a Message from His Excellency the Lieut. Governor, relating to the constitution of the Legislative Council. This Message contains three distinct documents:—First, a Despatch from His Excellency the Lieut. Governor to Earl Grey, urging for divers reasons, the addition of two new members to the Council, thus increasing the number from twenty one to twenty three; Secondly, the Minute of Council attached, recommending the two new appointments; and thirdly, a Despatch from Earl Grey, approving of these suggestions, and offering to confirm them so soon as the provisional appointments shall be sent home for approval.

Hon. Mr. Odell, on the Despatch being read, observed that as it was he who had moved for the information which it contained, he would now make a few remarks on the subject.—The Despatch itself was perfectly satisfactory, and had the information which it contained been given in that courteous manner which this honorable House had a right to expect, there could be no complaint. He must, however, repeat, that while he was satisfied with the tenor of the Despatch, he was not so with the manner in which it was communicated. Every Legislative body had an undoubted right to know its own constitution; and in this case, when it became necessary to make such a material change

as to exceed the limits prescribed by the Royal Instructions, such alteration should have been communicated to the Council at as early a period as possible.—If not in the Speech of His Excellency, it ought at least to be immediately communicated by Message. He hoped the notice which had been given, would make the Government more cautious in future; and he would be glad to hear other hon. members express their opinions, although, from the high ground which he occupied, he would be content, if necessary, to stand alone. In the course which he had taken, he must not be understood as averse in any way to the new appointment; on the contrary, he was glad to make the acquaintance of the gentleman so appointed; but he had been solely actuated by constitutional motives, and he required no further apology.

Hon. Mr. Connell said, he thought the observations just made were highly appropriate, as well as the motion which had produced the information just received. The Executive had likewise acted right in the enlargement of the number constituting the Legislative Council, as it was by that means those parts of the country would obtain an equal representation, which had not yet been given them, and which the Government were sensible of in writing the Despatch on the subject to Earl Grey. Those arrangements were not, however, yet perfect, as the County of Victoria, which has lately received a large extension of territory, and also Gloucester, had neither of them yet got a representative in the Council. At the least, then, another member was required, the number being only 22; while the concession on the part of Earl Grey, extends to 23, and Victoria was fairly entitled to the benefit of the additional member. He would now ask the hon. member of the Executive, (Mr. Hazen), whether the Lord Bishop had a right to take his seat in the Legislative Council, and whether the Executive still considered him a member? This was information which both the Council and the country required, and surely they should have it.—With regard to the clause in the Despatch, which makes the appointments liable to any change which may be involved by the introduction of the Elective system, it was highly proper, as it was most likely that that system would at no very distant day be adopted in the constitution of the Legislative Council.

Hon. Mr. Odell wished to ask the member of the Executive (hon. Mr. Hazen) another question. The other day, when he (hon. Mr. Odell) had read over the names of the gentlemen composing the Legislative Council, from a list furnished from the Secretary's Office, the hon. member had intimated that the list was not a correct one; would he now have the goodness to inform the House who were really the members of the Legislative Council?

Hon. Mr. Hazen did not think he had any right to answer such a question. The Secretary's Office was the proper place for such an application.

Hon. Mr. Odell said he had applied at the Secretary's Office, and it appeared the list he got there was an incorrect one; in that case the hon. member should furnish it himself.

Hon. Mr. Connell said, the hon. member of the Executive had a right to remain silent, if he had reasons for being so, which would satisfy himself and the country. In that case he (hon. Mr. Connell) would lend all the assistance in his power, to his hon. friend opposite (Mr. Odell) to obtain the required information through the proper constitutional channel; he would join in an address to His Excellency the Lieut. Governor; for the information was such as he thought ought not to be withheld either from the House or the country.

Hon. Mr. Odell would now give notice of an address to His Excellency the Lieut. Governor, although he must say, that the information required might in his opinion, as well be furnished here. He would not submit to be treated with contempt, and if compelled to present a formal address, it must be adopted.

Hon. Mr. Botsford believed the Government had not treated this branch of the Legislature with that degree of consideration to which it is entitled. The Royal Instructions named the Lord Bishop as a member of the Legislative Council, and his Lordship had a right to take the oaths and demand admittance whenever he chose. In asking for information on this or any other subject, connected with the constitution of this hon. body, there could be no wrong; but on the contrary, the hon. member who had put the question had acted with propriety. The