

flinching from a compliance with a reasonable expectation of the country—we knew full well that great contrariety of opinion exists on the subject in the House and throughout the Province, yet we felt it was necessary to legislate upon it, and at once. If it were postponed till next year it would then be attributed to external pressure and the apprehension of the approaching election. We felt the subject could be considered with more coolness and freedom now than in the last session of the House. I confidently trust the discussion of it now that it is before you, will be approached with the disposition to complete a satisfactory and efficient electoral system which the country so much desires. The whole subject is peculiarly within the province of this House, and much as I am opposed to the ballot, I would even on this point submit my own opinions to those of the committee to procure a system which should give general satisfaction.

Mr. Johnston—The Attorney General is well aware of the grounds and motives of my opposition to his measures; he knows that this opposition is based entirely on public and political considerations, and that it is wholly free from any personal feeling. It is no more than fair that I should do the learned and honorable Attorney General the justice to acknowledge my conviction that the frequent differences between us in this Assembly are on his part as on my own, unmixed with any feeling of unkindness.

The necessity for a new election law has been long admitted, the country has been looking for it with anxiety, and when it was announced that the Government had one in preparation it was naturally expected that it would prove satisfactory to the wants and wishes of the country.

This bill is now before us, but to our surprise and disappointment there is scarcely anything that is new in it. It is merely a codification of the old law which might have been just as well and more appropriately accomplished by the Law Commission. I confess I do not favor these codifications; if no change in principle is needed, there is little, if any, advantage in change of form, and it is dangerous where the law has become settled and understood. These simplifications frequently raise embarrassing questions, and are more apt to benefit the lawyers than the people. I have little doubt such will be the case here, for the difficulties under the old system, whether as regards scrutines or other matters, did not proceed from any difficulty in understanding it, but because it was not the thing understood.

Although this Bill contains none of the reforms which have been called for, the Attorney General seems to be willing, if the House so wish it, to adopt any of them except the ballot to that he is determined in his hostility, and even prefers universal suffrage to it. Now, sir, I am persuaded that wherever you find a permanent population every rate payer should exercise the franchise. I would not go for universal suffrage now, because in our towns at any rate, there is a large and unsettled population, here today and away tomorrow, possessing little interest in the welfare of the Country and subject to influences which might be unfavorable to that welfare. Then the railway enterprises in which we are embarking will introduce suddenly and in vast numbers, an influx of laborers completely in the power of their employers, to whom it might be dangerous to entrust at once the delicate and important privilege of the elective franchise—Yet I would not be understood as opposing a liberal extension of the present franchise, and of this I shall say more directly.

I consider it quite impossible to engraft a satisfactory measure on the one before us. If no change is intended, this Bill is worse than useless, if any changes are intended, this Bill must be unsatisfactory. The only changes it proposes are in the franchise, and the trials of contested elections, and to me neither of these changes seem beneficial. The franchise is extended to certain leaseholders, under restrictions and qualifications of time and value, embarrassed with conflicting questions of covenants which would make rare work for the lawyers but sad work for the country: I

am opposed to the provision, that a twelve months' residence in a foreign country should disqualify a man to be a candidate or voter; by this rule the hon. members for Queen's and Carleton would have lost the right to sit here or to vote for those who should.

But sir, there is one change in this Bill, and and as it is the chief one, it is novel and startling in its character. I am utterly at loss to know where it was discovered. It certainly is not Canadian, or Nova Scotian, or British, it must be a pure creation of the inventive power of the learned Attorney General. But it is easier to discover what this change is, than to discover whence it comes. It is to denude this House of its cardinal, constitutional, fundamental right to determine who shall sit here. This is indeed but a step backwards, and unprecedented in the history of representative legislature.

Curiously enough, sir, with all the Attorney General's abhorrence of the ballot, we have yet the ballot in his Bill, ay, and the very worst description of ballot—the ballot of accident.—The selection of the particular commissioner to try a scrutiny is to be regulated by this sort of ballot notwithstanding it is stealthy and cowardly, and unBritish. Now, if the Sheriff's Court for scrutines in the Counties proved so ineffectual, what reason is there for the belief that the Commissioners' Court will be satisfactory? Is not the Sheriff of the County likely to be as impartial, and as competent as this accidental commissioner? At any rate in the Sheriff's decision, the party had the right and privilege of appeal to us, but the finding of this new strange court is to be irreversible. I take it, sir, the court proposed in this seventh chapter would be a gross departure from the usages of our constitution, and all just principle. I regard these the only two changes proposed in the Bill as utterly inadmissible—the franchise as being unsatisfactory—the scrutiny court unconstitutional.

Mr. Chairman, it was a natural and reasonable expectation, that in legislating on this interesting subject, the Government would indicate some concession to popular feeling, but nothing of the sort is to be discovered in this Bill. Ballot voting which has been for some time growing in public favor, is not to be found in it, and refused on the authority of British statesmen, whose opinions have been cited. Sir, I could easily cap opinions from British statesmen with the Attorney General, and find as many and as notable to sanction the ballot, as he can find against it. But on this as on all important matters, I had rather guide myself by principle than opinion, and so I shall not now trouble the committee with quotations. The ballot is intended to protect the independence of the poor voter, and any great enlargement of the franchise, without this system of voting, would be attended with injury and not with benefit. Open voting with poor voters would only increase the influence of wealth, and give to masters and employers an undue power over our elections. While, then, I regard an extended franchise as a *sine qua non* in the present condition of things, and as imperatively called for by public opinion, I would only desire it in connection with the ballot, and am satisfied it could effect no real good without it.

(To be continued.)

The Carleton Sentinel

SATURDAY, APRIL 23, 1853.

We are not prone to exult over defeated opponents, but there are reasons why something more than a passing notice should be given to the late election in this County. There is more in the opposition to Mr. Connell than meets the eye. Such desperate efforts with, seemingly, such small chances of success, would not have been made to keep him out, had there not been more than the stated reasons for the success of his opponent, or more than county influence at work to effect it—nothing was left undone that could possibly aid the opposition—parties whose political views were as wide apart as the Poles were brought together on this occasion, and money was as plenty as dirt. With the

motives that actuated many who voted for Mr. Beardsley we have nothing to do, they have a perfect right to vote for whom they please, but with the interference of parties at a distance we have a right to complain, and we tell Mr. Barbrie that the people of this County would thank him to look after his own affairs for the future,—they are perfectly competent to manage theirs without him. We moreover tell him that his letter to Mr. Barron Parish Priest here was of no avail, the Catholics as well as Protestants of Carleton are independent and will vote as they please. Where the money came from we neither know nor care, we know however what is said about it, and we know that it was equal to a special grant for this County, but although large it was too small to corrupt the constituency of Carleton. Every influence that could be brought to bear was set in operation at this election, but all was insufficient, Mr. Connell obtained nearly a two-thirds vote, and obtained it too, honestly and independently.—The agony of some young gentlemen, "birds of passage," was pitiable to behold. Those men with nothing to recommend them but their boots, were to be seen doing their utmost to canvass old, respectable, and influential inhabitants, men who knew more of the County than their whole generation will ever learn—they of course received a smile but it was one of contempt, and we hope it will be of service to them at a future election, if they should happen by circumstances to be again driven to this County. We pity the *phelinks* of the *Phreeman* and recommend him to start an agency in this place, his influence and usefulness would be much increased. We must not forget to state that the boys got up a splendid "bonfire" on the evening of the election, in the midst of which were the effigies of two gentlemen, one of which had a keg under his arm, and the other a pocket-full of cut carrots.

We have not been favored with a copy of Mr. English's speech in the Assembly in reference to the *Carleton Sentinel*, but supposing it to be about the same as that delivered here and published in the *Reformer* Office, we republish that part which immediately concerns ourselves, in order that we may put both the charge and the reply before the public, feeling satisfied that whatever Mr. English may say or do, the country must pronounce his attack uncalled for, and acquit us of "wilful misrepresentation." After alluding to some remarks from correspondents, and with which we have nothing to do, Mr. English states:—

"Now he would speak of another misstatement made in the *Sentinel* respecting him. In that paper it is stated that when he presented the petition for making the Sheriff's office elective he had said that he would reserve to himself the right to oppose it. What he did say and what he was reported in other papers to have said, was that when introducing the Bill he reserved to himself the right to vote as he should see proper upon it. He had said nothing about opposing it.

He knew from what he had ascertained by conversation with members of the House that there was not the slightest chance of its being favorably received. However, he felt it to be his duty to present it, and did so. It was sent before the Committee but not received, because it had not been read before the Session. Hon. Mr. Connell had handed him the Petition. He had endeavored to induce Mr. Connell to move in this matter in the Upper House, but could not get him to do so. With regard to this point he must have been deliberately misrepresented by the *Sentinel*. He had applied to the Reporter of that paper and asked him how he could have sent such an incorrect report of his remarks. Mr. Taylor told him that he had sent a correct report to the editor of that paper—not that which he had published, but one which quite agreed with his (Mr. English's) recollection of what he said. This clearly shewed that he had been wilfully misrepresented!"

For the statements published by us we refer our readers to the *Sentinel* of the 12th and 19th of March, and request them to compare the Reports there published with those we received, and which are now before us. The first is a Telegraph Report and is as follows:—"Mr. English moved to bring in a Bill to elect the Sheriff—said he would reserve the right to oppose it"—for the correctness of this statement we refer to the Telegraph Operators here and and at Fredericton. The second is a report in Mr. Taylor's own hand writing, and is as follows:—"Mr. English presented a petition,

praying that an Act may pass in order to have the Sheriff for the County of Carleton elected. Mr. English observed that he would reserve to himself the right to oppose the Bill if he thought proper." These two reports will be found on comparison to agree word for word with those we published, we neither added nor diminished; and although we thought the remark a most singular one, we made no comment whatever. So much for the charge of "wilful misrepresentation." Mr. English states that the Reporter told him he had sent us a correct report; "not the one we had published." In reply to this we make an extract from Mr. Taylor's letter to us, a copy of which has been handed to Mr. English. Mr. Taylor states that I came into the House in a hurry, and might have misunderstood his exact words, and probably did so. I would be very sorry to misrepresent Mr. English or any other gentleman in the Legislature, and never had any intention of doing so. I can only say that the error was not intentional on my part." Now we ask the readers of the *Sentinel* if Mr. English's charge of "wilful misrepresentation" is correct? and if he did not take rather too much trouble to come a distance of sixty miles to make a charge against us, which he cannot substantiate. The course pursued by other gentlemen in the House when their remarks are incorrectly reported or published, is to point out the error to the Reporter. We believe when this is done, the correction is invariably made. We also believe Mr. Taylor to be a correct reporter, and from our knowledge of his character we have no hesitation in saying that he would not intentionally misrepresent any one. We now hope that Mr. English will mete out that justice to others he is so anxious to obtain for himself, and retract the charge he has made against us.

DECLARATION DAY—On Thursday the Pole Books were opened in the Court House before a large number of Freeholders. After the votes were summoned up the Sheriff declared Chas. Connell, Esq., duly elected. The Pole at its close at the different polling places stood as follows—

	Connell.	Beardsley.
Woodstock,	111	83
Richmond,	113	88
Wakefield,	203	40
Simonds,	93	43
Wicklow,	58	70
	578	324

Majority for Connell 254.

After the declaration Mr. Connell in a very appropriate speech tendered his thanks to his constituents for their generous support. W. T. Baird, Esq. also thanked the Judge's friends for their support during the election, and hoped all animosities consequent on the turmoil and strife of an election would be forgotten.

E. J. Jacob, Esq., said he had opposed Mr. Connell, and hoped he would live to oppose him again—Here he was interrupted by hisses and groans, which continued some time.—When allowed to speak, he said it was very unfair—Mr. Connell had not been interrupted, and he thought he should be allowed like privileges—he denied the truth of the report that money had been sent from Fredericton and St. John to oppose Mr. Connell—he also denied that the articles in the *Freeman*, referred to by Mr. Connell, had been written by any of the Judges friends—said it could not be proved.

Mr. George Stickney made a short speech containing some hard hits, and a few singular disclosures—if we can possibly spare the room we will give the whole of the speeches next week.

The "Portland Transcript" comes to us this week considerably enlarged and clothed in a complete new dress. We have often said the "Transcript" was one of the very best papers that comes to our office—we can now say it is also the cheapest; only 7s 6d per year in advance. Try it all who are fond of good reading.

CORRECTION.—In the Hon. Mr. Robertson's speech in last *Sentinel*, page 322, 3d column, instead of Reading Mr. McAvity performs duties and he don't perform them well, read Mr. McAvity performs duties, and no doubt, but he performs them well.