

[From Mr. Taylor's Reports.]

Provincial Parliament.**LEGISLATIVE COUNCIL.**

MONDAY, March 21.

A Bill was committed to continue the suspension of the Militia Law.

Col. Hatch in the Chair.

Hon. Mr. Brown—I think the Militia Law is in just as efficient state now, as it was before the Law to suspend its operation passed, for in case of emergency the Lieut. Governor has power to call out the Militia for the defence of the Country.

Hon. Col. Minchin thought the Militia of the Province ought to be in an efficient and proper state, and could not agree with the last Speaker that the Militia was in as efficient state now as it was before the law to suspend its operation passed. When he commanded his Battalion, he would not be afraid to lead them on to action in defence of the Country, but would not be as willing now, but properly train them again, he would not be afraid to head them to meet a French Foe or any other. He did not believe that calling men together one or two days in a year was so serious an evil as many thought.

Hon. Col. Hatch—I regard the Militia of this Province as in a very strange position—we are told by being prepared for war is to insure peace. I think the Militia system should be kept up, it is so in Nova Scotia, Canada, and all other Countries, and why should we be an exception; is it because we are wiser than the inhabitants of other Countries, the Militia system should be kept in an efficient state or do away with the law altogether—to keep up the system did not cost much, (£600 from Hon. Mr. Connell,) even if it did cost that sum, it signified but little for the purpose which it was appropriated.

Hon. Mr. Brown—the system of calling out the Militia once a year for training purposes without arms was worse than useless, for the little information they received was forgotten before the next year—the men of the Country qualified themselves by using their guns in shooting bears, wolves, and partridges, much more than by meeting together once a year without arms for training. He thought there would be better sense displayed by meeting in a field with the Bag Pipes and having a good dance—he had been connected with the Militia for the last thirty years, and held a Majors' Commission for some time; and had not seen any good results arise from the present system; if the Militia were called out one month in a year when really necessary as had been the case in his Country when he was a boy, and properly drilled for Military purposes it would be of some service. He was not for suspending the system altogether, neither did the law contemplate anything of the kind as it gave the Governor the power to call out the Militia when really necessary, and hoped the suspension would be continued.

Hon. Mr. Gilbert appreciated the arguments of their Honors in favor of the Bill to continue the suspension of the Militia system—we are at peace both at home and abroad, therefore the keeping up the system was not required; there were instances where regiments of well disciplined men were destroyed by those who were taught to fight by nature. He would turn their honors attention to Bradocks Defeat, and also to the Battle of New Orleans—such instances went to show that there was no necessity of Militia Trainings—the expense of keeping up the system was enormous, besides the great loss of time, when men for farming purposes were so scarce and wages so very high. He hoped the Country would not be troubled with such a system again, particularly when there was not the slightest necessity for it.

Hon. Mr. Kinnear—with regard to passing the present bill I think there can be no reasonable objection to it, as it is merely a continuation of the former law, which was framed with great care by the Hon. Mr. Chandler with the sanction of the Legislature and with his usual care and foresight. As to there being as much necessity of having an organized militia here as in England, I cannot agree with those who favor such opinions. In England the militia

is frequently necessary to aid the Civil Authorities, in cases of emergency—here his Excellency has the power to call them out, which is all that is necessary at present. I was somewhat amused at the mode adopted by the people of Charlotte, as given by an hon. gentleman from that County, that the people practice shooting Wolves and Bears, and by such means get as much information to fit them for soldiers as by militia training. Perhaps that this accounts why the Government have been called upon to pay annually such large sums for Bear Noses, and the destruction of Wolves. Some of those noses resembled Gutta Percha as much as anything else.

Hon. Mr. Steves would like to know by what authority the Government paid the Adjutant General his salary. He thought that if the Government could pay certain salaries out of the public funds, when they thought proper, it had better be known so that the Legislature might be governed accordingly. For his own part he had always thought that the suspension of the militia law was a great boon to the Country, and should give his support to the present bill.

Hon. Mr. Connell thought that when the militia law was first suspended, that all future expenses would be done away with, and believed that such was the intention when the law was first made and was not aware until now that the Adjutant General received such a large amount annually, and considered that if the Government could put their hands into the Public Chest without the sanction of the Legislature and pay such large sums, they had better do away with the Legislature altogether. He believed that no bill passed the Legislature for a long time that gave such general satisfaction; the people of Carleton were much pleased with it. He believed there could be no reasonable objections to the continuation of its suspension.

Hon. Mr. Botsford said the law did not affect the pay of the Adjutant General, as the Government had the power to call out the militia when necessary. The appointment of officers were made from time to time and the duties of the Adjutant General continued. He had formerly been of opinion that the people of this Province were behind the age, having no railroads or other great public works, but as respects the militia he thought that we were before the age. He never approved of the old militia system, but did not believe that the last time in training was so grave a matter after all, for the people would have recreation, if they could not have it in one way they would have it in another, if they did not attend trainings they would go to horse races or attend Justices Courts for amusement. He believed that if the government gave to one out of every twenty of the able bodied men of the Province guns and clothing and power to form themselves into companies, we would soon have an efficient organization of Militia suited for any emergency. As to the six hundred pounds annually paid he considered it a mere bagatelle and scarcely worth mentioning, as there were certain duties that must be continued to be performed by certain officers even under the suspension act. He would vote for the continuation of the present law until a better mode was adopted.

Hon. Col. Hatch—I am a Magistrate for Charlotte County. I am surprised that a member of the Government would say that some of the Bear Noses produced from my County resembled Gutta Percha as much as anything else, it was insinuating that the Magistrates passed Gutta Percha for Bear Noses. For my part I do not believe anything of the kind—if such was the case it was not very creditable to the Government for the Magistrate were appointed by them, and it is expected that such men will be appointed as will do their duties faithfully and be above suspicion. Another Hon. gentleman says his militia (I mean Maj. Brown) is in a very bad condition, and thinks that more real good would be accomplished by meeting in a field every year and having a good dance, and playing the Bag Pipes. I would advise Maj. Brown to put his militia in a better state, for it may be possible that they may be required in Charlotte and in other places where railroad works are being carried on to quell riots when there are hundreds and thousands of men introduced into the Country from

other parts of the world. I consider that the militia should be in such a state so that the men would know their officers and the officers their men. The militia ought at all times to be the constitutional force of the Country.

Hon. Mr. Brown said it was customary to have music in the field and it might as well be from Bag Pipes as any other kind, as to having a dance it was nothing better than a dance after all, as the men ran backwards and forwards without much system, and done but little else. He was not for doing away with the militia system altogether, and never was, neither did the bill contemplate anything of the kind. He was always of opinion that there ought to be an available force in the Province, and believed the militia was just as available now as ever, as the Government had the power to call them out in cases of emergency.

Hon. Mr. Kinnear said if the bill passed it might be with a suspending clause and would move a section to that effect.

Hon. Mr. Connell would oppose the motion just made by his honor the Solicitor General, and did not think that there was the slightest necessity for a suspending clause, and thought the sooner they done away with passing bills of a local nature in such a way the better.

Hon. Mr. Steves concurred with the remarks made by the last speaker, and could not conceive the necessity of attaching a suspending clause to any bill of a local nature.

Hon. Mr. Hill took a similar view, but would not make any very great objection to the section if it was thought necessary.

Hon. Mr. Kinnear was sorry to hear that any honorable gentleman would wish to do away with part of the Constitution of the Country. If there was any necessity for having a suspending clause in the first place, there was a still greater necessity now, as the suspension was for a longer time; it could not injure the bill, and he believed unless it passed with such clause the bill would be lost. He would be sorry that such should be the case, as one of the advisers of the Government he could not advise his Excellency to give his assent to the bill without the section he had moved, and had no doubt but that the Attorney General would, if called upon, advise in a similar way. On the question being taken the Bill passed with the suspending clause.

A Bill to authorize the Justices of the Peace for the County of Charlotte to assess the inhabitants of the Parish of St. Stephens in the sum of £150 to build a Lock-up-House in that Parish passed. Hon. Messrs. Hill and Hatch, explained that the former lock-up house, or house of Correction had been burnt down and the present bill went to authorize the assessment of the people of St. Stephens in the sum of £150 to erect another one. The reasons were that the Shire Town was at so great a distance from St. Stephens that at times it was found very inconvenient to convey prisoners there at once. That no person under civil arrest should be confined longer than 48 hours in such lock-up-house—agreed to.

A bill passed to authorize the Magistrates of the County of Northumberland to assess the inhabitants of Chatham in the said County in the sum of £250, to buy land and build a lock up house in that town.

Hon. Mr. Davidson explained the nature of the Bill—Chatham being some distance from the Shire Town on the opposite side of the river, it was considered that such building was very necessary—the hon. gentleman had ascertained that the bill had been read in sessions and hoped it would pass.

[From the Fredericton Reporter.]

TUESDAY, March 22.

Hon. Mr. Hill this morning moved his resolution of yesterday, in reference to the manner of making certain grants in the Legislature.

Hon. Mr. Botsford would suggest two alterations which he deemed necessary on this occasion, and to which he supposed no objection would be made, as they did not affect the principle of the resolution moved by the hon. mover. In the first place he would designate the lower Branch only, and in the second, he would expunge that part which requires the attendance of three fourths of the Council, in

order to agree to addresses of appropriations emanating from the House of Assembly.

Hon. Mr. Wark suggested that in the discussion of this question, there should at least be present one hon. member of the government. There were particular emergencies in which the relief could not be afforded by the usual mode of supply—such as the sudden destruction of bridges, and other similar contingencies. With respect to the number required by the resolution to be present to sanction those addresses, he would not place it at two thirds or three fourths of the members—he would leave it at the ordinary quorum, which is still competent to transact the most important business of the country.

Hon. Mr. Gilbert said that "England expects every man to do his duty," and so would he expect every hon. member to perform his own, on this occasion. He wished to see a certain rule established, and that whenever hon. members left their places, and important measures came up for discussion, the remnant could not by a side wind carry those measures which were hostile to the interests of the country.

Hon. Mr. Hill had introduced his resolution as a general proposition, because had he expressly alluded to the House of Assembly, his motion would be liable to criticism, and as no money grant can originate in the Council, he thought the distinction unnecessary. Last Session a most important measure of this kind emanating at the very close of the Session from the lower Branch, had been passed in the Council by a mere quorum; and he for one should never approve of the House of Assembly, taking the liberty of pressing such measures as should here be disposed of with proper and voluntary deliberation.

At present the Legislative Council is so little known in the country that several persons confound it with the Executive, and no wonder for they have never asserted those rights to which they are entitled by the constitution. This Branch of the Legislature—placed as it is beyond the reach of popular influence, is essentially necessary to the well-being of the country, and it will remain more and more so until there is a more enlightened constituency to elect the Branch below. It is high time that this state of things should be obviated, and in assuming its constitutional powers this Branch, should do so unanimously—in fact by acclamation. It was a step which they were required to take, for the benefit of the people, whose rights had been consigned to them by the constitution of the country. Either the present course must be taken, or the Council must at once confess that they have no power. Indeed the Government should have saved this House from its present false position, by refusing such grants as are made in direct violation of the laws of the country. At the very conclusion of the successive Sessions, such grants are passed, and passed in such a manner that it is impossible for the Council to approve of them, and they are driven when but a few of them are present, to agree to measures which are in direct violation of the law.—This would have a good tendency in another point of view—it would give the other Branch a notice that in future when they send up unconstitutional measures such measures will not be concurred in.

Hon. Mr. Botsford though favorable to the principle, could not coincide in the details of the Resolution; and for this reason he considered them inconclusive and illogical. If the Resolution affirmed that the appropriation of money by the House of Assembly was unconstitutional he would readily join in passing it; but he would not even by implication grant that both Houses together should vote money by address in violation of the law. With the Resolution properly worded, he would cordially agree, for he believed it would have this effect, that it would compel the House of Assembly to send up their appropriations in proper time.

Hon. Mr. Hill repeated that the action of the other Branch was calculated to place the Council in a wrong position. It nullified the power of the latter, as it compelled them either to pass certain grants which they did not approve of, or throw out general appropriations, which would injure the public. If the honorable member at the head of the table (hon. Mr. Botsford) did not approve of the Resolution he had better bring