

one of his own, and test his opinions. It was all very well to say that hon. members should remain in their places to the end of the session; but, experience proved that they would not do so; and as the members of the present House could not initiate Grants, they should at once place themselves in a position to exercise the negative power to which they were entitled, ere it was all flattered away by the other branch of the Legislature.

Hon. Mr. Wark, although he had suggested a delay of a few days in order to secure a fuller House, was nevertheless friendly to the Resolution, the necessity for which was the more apparent from the fact that money had been expended by the Government on the mere Address of the House of Assembly. He did not however think it necessary to tie down the rule of the House to any thing more stringent than a quorum, which was frequently called upon to transact the most important appropriations of the Session. On the very last day of the Session, a bridge might be swept away, a fire might take place, or a wharf might be destroyed by a storm, and he would not wish to see the House deprive itself of the power to provide for such a contingency.

Hon. Mr. Hill stated in reply, that the case supposed was not in point. One was an ordinary case, and the other was the sending up Addresses, after hon. members supposed the whole business of the country had been finished. In the latter case, when the absent members return, they are in the next Session surprised at the expenditure; but it has been made, and they cannot recall it. With regard to the sudden emergencies alluded to, the Government could on its own responsibility issue a warrant of appropriation, and it would afterwards from the urgency of the demand be justified. The truth was, this House had nearly lost its power; and it had scarcely resolution enough left to resume it.

Hon. Mr. Steves approved heartily of the Resolution, except that part of it which requires three-fourths of the members to sanction an appropriation. If such a number of the Council were not able to be present on a particular occasion, the country should not on that account suffer. The rights of this Branch of the Legislature had already been tampered with, and that not at the end of the Sessions only, but in their very middle, and at the present time. Such a state of things should exist no longer. With regard to the Government, he thought that they would be pleased rather than embarrassed, by passing this resolution, as it would relieve them of the task of doing that which was directly contrary to the Constitution of the country.

Hon. Mr. Brown did not of late years recollect any instances in which money had been appropriated by addresses, except where the grants had already been passed in general, and that there probably might be particular parts of the appropriations thus already passed, assigned in an address for some particular purpose within its own district. It was only in extreme cases that those Addresses were passed, such for instance as that in favor of refunding the duty to a man who had got out a large number of Hackmatack knees, previous to the passing of the law which imposed the duty. It was after the closing of the Legislature that such Grants were passed from necessity, and he was sure that where such urgent necessity existed, no hon. gentleman would seek to restrain them.

Hon. Mr. Connell would support the Bill; for if this Branch of the Legislature had any rights or privileges, it became necessary to guard them. With respect to the number to discuss these appropriations, he could only say that towards the close of every Session, the House was generally left too thin for the proper discharge of business, and that at that stage, Grants were hurried through which would not be passed at the beginning. If during the recess, the Government were called upon to issue warrants for particular emergencies, they should always exercise proper discretion, and when they did so they would be justified by the Legislature. An hon. member opposite, (Mr. Brown) thought that these unconstitutional grants were seldom or never passed, but he would read him from the journals of the present year a case just in point, which would show him he was mistaken. [Here the hon. member read a recent appropriation from the

Journals of the House of Assembly.] In addition to this case, he had been told that there were certain government appropriations also; if so, they would of course come up, and be discussed hereafter on their merits. He would under any circumstances pass the Resolution, and after passing it, it should be placed in the hands of his Excellency the Lieut. Governor. It would also serve to show the House of Assembly that the second Branch of the Legislature yet has an existence. In all extraordinary cases the public interest should of course be taken care of; but there was a vast difference between doing that and the easy manner in which exceptionable grants were always slipped through at the end of each session.

Hon. Mr. Harrison said the question was now in a singular position between the two Houses. Last year a law had been passed in the Lower House to repeal the duties on Hackmatack knees, and it came up here, but their honors did not see fit to sanction it. What followed? Why the House of Assembly did the same thing in another way—they refunded the duty by an address, and the law was thus rendered ineffectual. He did not like the clause binding the action of the Council to a two-third vote; the better plan would be for every hon. gentleman to stay and do his duty.

His honor the Solicitor General thought he could convince them all, that both Branches of the Legislature were equally in error. One of them had been wrong in suspending a law, and the other equally so in making an appropriation to be passed at the next session. Why should the Governor be requested to do by a side wind, that which might as easily be done constitutionally. It was the exercise of such arbitrary power which cost one of the greatest tyrants that ever sat on the throne of England (James II) his crown; and yet the same principle had, in the case of the wheat duty, been carried out in New Brunswick. To be sure it might be asserted that the Lieut. Governor need not hesitate, when the thing, though directly contrary to law, had been sanctioned by both houses of the Legislature; but it was putting his Excellency in a wrong position, and the attempt was in itself dangerous. Well might his Excellency, could he enter into familiar conversation with those who initiate such measures, say, "why gentlemen do you not yourselves make a law, instead of wishing me to suspend one?" He (hon. Solicitor General) often wondered when these unconstitutional Grants were proposed in the other Branch, that the members of the Government who held seats there did not watch more closely and use their influence to prevent them, since it was as easy to pass those Grants by Bill or in Supply, as it was by an Address to the Government. By taking the present course, the Council would however concede that however wrong the thing was in principle, they were ready to comply, if solicited to join in it themselves.

Hon. Mr. Brown regretted to own that at the time when he had made his former observations, the passage just quoted from the Journals by an hon. gentleman opposite (Mr. Connell) had escaped his observation; but now that his attention had been called to the unconstitutional mode adopted by the House of Assembly, he would support the Resolution. His opinion had been that the principle of the Addresses alluded to only referred to the application of past Grants. With respect to the duty on wheat, it was well known that the Bill was rejected; and all that had been done was to refund the sum of money collected under the law. The mode adopted by the Assembly in applying to the Executive for a grant in behalf of a Bridge at Dorchester was wrong; and as it had not been by the usual method of Supply, should have been refused by the head of the Government. It would have saved him (hon. Mr. B.) from the mistake into which he had fallen, if the hon. mover of the Resolution had, as he should have done, alluded particularly to this singular case, in bringing his Resolution.

Hon. Col. Hatch said he was astonished at the whole transaction. When the grant alluded to was passed, he was not in his place; and had he been here, it should never have his approval, with the law of the land in direct opposition. If such doings were permitted any longer the members of the second branch would

degenerate into a set of mere machines without any spirit or action to prove their existence. The rights and property of this hon. House, as well as those of the people, are involved in the observance of the Constitution, and rather than submit to such violations as the suspension of the Law, their honors had better go home, and acknowledge that between the Government and the House of Assembly, there was no further need for their services. In this manoeuvre for a wharf at Dorchester, he could see nothing more nor less than a side-wind measure in favor of the European Railroad; but his greater wonder was that the movers in that Grant could ever have imagined that such a monstrous mode of appropriation could ever be sanctioned by the Legislative Council. The hon. member closed by calling upon the hon. gentlemen around him to assist unanimously in repelling the unjust encroachments of the other Branch, if they would avoid the just imputation of being known only as a set of automatons.

Hon. Solicitor General hoped that his hon. colleagues would keep cool and indulge in a little reflection. Even in their own hon. House extraordinary things were sometimes transacted. [Here his honor read from last year's Journals of the Legislative Council, an Address in reference to a Grant for a break-water at Herring Cove, praying His Excellency the Lieut. Governor to suspend what had already become the law of the land.] In answer to that singular address His Excellency replied that he could not promise to suspend, on the application of the Council, an Act which themselves had passed but a short time before. Under such singular and pointed circumstances, he (hon. Solicitor General) thought the best thing their honors could do was to be silent, and as the Grants came up to exercise their judgements either in their approval or rejection.

Hon. Mr. Botsford said he had not concurred in the address just alluded to, and yet he saw a great difference between the two cases. Hon. gentlemen should know that the Legislative Council has a two-fold character; first as a Branch of the Legislature, and secondly as a Council of advice to assist the Government in particular cases. With reference to the immediate question it was no new thing for the House of Assembly to take the sole control of matters, which could only be disposed of constitutionally by the action of the whole Legislature. In 1835 a Bill was sent up with an item included which the Council had already refused, and instead of consenting to that invasion of their rights, the Council passed a resolution stating the course pursued in the other Branch to be unconstitutional. There were several other cases of a similar nature, which the hon. member on his left (Mr. Brown) might have remembered, for they occurred within the time when himself was a member of the Assembly. There might nevertheless be some extraordinary cases authorising the passing of a Grant on an address, when such cases arise subsequent to the law which they are meant to suspend. ("Why not amend the law itself?" from the hon. Solicitor General.) It was only in cases where a compromise was necessary that he (Hon. Mr. Botsford) would advocate the mode of address. In ordinary cases he thought it wrong, and yet even more wrong for the Government to comply with it. The hon. mover of the resolution had asked why he (hon. Mr. Botsford) did not, instead of finding fault with a clause in it bring in a Resolution of his own. He would now do so, and move as an amendment one which would include the whole principle of the original Resolution, without that part which he believed was generally considered objectionable. Here the hon. gentleman moved the following:—

"Whereas the appropriation of the Public Money on an address of the Assembly, without the concurrence of this House is unconstitutional and at variance with the rights and privileges of this Branch of the Legislature; therefore

Resolved, That this House will not in future give its sanction to any Grant of money so originating, unless it had previously joined in such Address.

[A second, but rather discursive debate followed, in which the hon. Mr. Hill and others contended for the clause omitted in the above, but on the question being finally taken by his honor the President, the amendment was sustained.]

The House afterwards went into Committee on a Bill to dispose of the Alms House property in the County of York, which they passed with certain amendments introduced by the hon. Messrs. Minchin and Saunders.

ALL SORTS OF PARAGRAPHS.

A staunch democrat in this neighborhood during the Mexican war, was called upon to pray at a regular church meeting; upon which occasion he perpetrated the usual form upon such occasions with this addition:—

"O Lord! be with our army in Mexico,—whether it be right or whether it be wrong bless it. We of the democratic party are charged with making a war of conquest, but we believe it to be a war of defence. But O Lord! we would not enter into an argument before you but for further particulars would refer you to the president's message.

John Smith bell hanger, once went to a printer and desired his card inserted in the newspaper, what was his surprise and indignation on finding it conspicuously displayed in the next number, thus—"John Smith, bell hanger."

A Western editor in answer to a complaint of a patron, that he did not give news enough—advised him when news was scarce to read his Bible, which he had no doubt would be new to him.

A resident of a western town, complaining that he could not sleep at night summed up the causes:—

"A wailing babe of seventeen days—dog howling under the window—cat fight in the alley, a coloured serenade at the shanty over the way, a tooth ache—and a pig trying the back door."

STOPPING PAPERS.—An exchange says, when a man gets mad and stops his paper he always borrows the next number of his neighbor to see if the withdrawal of his patronage hasnt killed the editor, and drest the paper in mourning. This grows out of the fact that none try to show their spite but the kind of people who imagine that the world rests on their shoulders.

A man writing an anonymous note is like a puppy inside an enclosure, barking at you with his nose under the gate.

An old toper who lately attended an exhibition where a learned professor caused several explosions to take place among gasses produced from water, said—"You don't catch me putting much water in my liquor after this; I had no idea before that water was so dangerous, though I never liked to take much of it."

There is an interesting couple in Cincinnati who have been engaged to be married for the last five years, but no time has occurred within that period when they were both out of prison at the same time.

The New York Star emits the following beam: A correspondent entered an office, and accused the compositor of not having punctuated his communications, when the typo earnestly replied—"I'm not a pointer—I'm a setter."

A REBUFF.—A worthy man in this great Metropolis, recently visited a "medium" to witness the wonders of spiritual rappings. He had lived twelve years with a notorious shrew, who at last died, soon after which he married a young woman of comely person and pleasant disposition. On inquiring if any spirits were present he was answered by raps in the affirmative.

"Who?"
"The spirit of Melinda, your deceased wife."
"Ah!" exclaimed he, with a gesture of alarm; but recovering himself kindly inquired "are you satisfied with your condition? Are you happy?"

"Perfectly so," answered the spirit.
So am I!" gruffly exclaimed the ungallant inquirer as he turned upon his heel and walked off.

THE HANDSOMER a girl is the more likely she is to die an old maid. Show us a 'gimblet-eyed' feminine, and we will show you a young lady who will be Mrs. Somebody before she is out of her teens.

FAST HORSES soon tire and fast men are a good deal like them. The 'youth that goes it strong' at twenty, will find himself at forty five with a tomb-stone growing out of his head.

Let others laugh at your wit—not you.